

MADRID PROTOCOL

NOTE FOR FILING

MODEL FORM 3A (MF3A): TOTAL PROVISIONAL REFUSAL OF PROTECTION

Rule 17(1) of the Regulations

Use this form to notify the International Bureau of a decision to refuse protection of the international registration for **all goods and services** (total refusal) in your territory, following *ex officio* examination (*ex officio* provisional refusal), opposition (provisional refusal based on opposition), or both.

Where the provisional refusal is based on an opposition, alone or together with *ex officio* refusal, the Office must provide the name and address of the opponent.

Where the *ex officio* provisional refusal is based on an earlier mark or where the opposition is based on an earlier mark, the information required under item VII may be given by annexing a printout from the register or database.

If the holder is required to accept a specific disclaimer to overcome the provisional refusal, the Office should indicate the disclaimer under item IX(v) "Other requirements, if any".

The Office must indicate the length of the time limit to request a review, file an appeal or respond to the provisional refusal and indicate the way in which this time limit is calculated, the authority to which such request should be made, whether it should be made through a local representative and provide other relevant information.

The Office must indicate the start and end dates of the time limit when it starts on a date other than the date on which the International Bureau sends a copy of the notification to the holder or the date on which the holder receives the said copy from the International Bureau.

Once all procedures before the Office have been completed, the Office must send a statement regarding the final decision on the status of protection of the mark to the International Bureau. At that time, the Office should submit to the International Bureau, depending on the scope of that decision, either a MF5 (Statement of total or partial grant of protection following a provisional refusal) or a MF6 (Confirmation of total provisional refusal).

[End]