

Judiciary

**Registration Organization of Deeds
And properties of I.R. of Iran
Industrial Property Office**

Office ref: 139550940001065247Trademark Office

**MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS
AND THE PROTOCOL RELATING TO THAT AGREEMENT**

PROVISIONAL REFUSAL OF PROTECTION

*Notified to the International Bureau of the World Intellectual Property Organization (WIPO)
In accordance with Article 5 of the Madrid Agreement and Protocol*

<p><i>I- Office notifying the provisional refusal : I.R . of Iran</i> Tel: 009821-66755702 Fax: 009821-66755701 No. 5, State Registration Organization of Deeds and Properties, Fayaz Balhsh Str., Khayam Str., Emam Khomainsi Sqr., Tehran, I.R.of Iran</p>
<p><i>II- Number of the international registration which is the subject of the provisional refusal:</i> 1276160</p>
<p><i>III-Name of the holder of the international registration which is the subject of the provisional refusal :</i> Entertainment in Flight LLC, 1209 Orange Street c/o Corporation Trust Center Wilmington .DE 19801 United States</p>
<p><i>IV- Grounds for provisional refusal:</i> The subject Trademark is not registrable in Iran because it is similar to a previously registered mark. The mark " EARPODS" in latin has already been registered in Iran in class 9 under International Registration No: 1138048</p>
<p><i>V- Applicable provisions of the national law [(see text under X)]</i> Article121</p>
<p><i>VI- <input type="checkbox"/> Provisional refusal for the following goods / or services:</i></p> <p><input checked="" type="checkbox"/> <i>Provisional refusal for all goods and / or services :In class 9</i></p>

VII- In cases where the International Application is rejected by the Iranian Trademark Office, the applicant may, under Articles 121 and 158 of the Execution Regulations Iranian Patents, Industrial Designs and Trademarks Registration Act , file an appeal with the Commission stipulated in Article 170 of the said Regulations against the rejection within 60 days from the date of the notification of Provisional Refusal. Under Article 172 of the said Regulations, an appeal may be filed against the said Commission's decision with the Public Court of Tehran within 60 days from the date of the notification of the said decision .

VIII- Date on which the provisional refusal was pronounced: **21/09/2016**

LX- Signature or official seal of the Office notifying the provisional refusal :

Examiner: Fatemeh Tathiri Moghaddam (Mrs)

Head of Trademark Office

GholamReza Bayat (Mr)

Article 32:

-A Mark is not registerable in the following case(s):

b) If it is contrary to Rules of Sharia, public order or morality:

X- *Relevant provisions of national law:*

1)Article 121 of Regulations for Execution of Patents ,Industrial Designs and Trademarks Registration Law (2009)

In cases where the application for trademark registration is rejected based on Article 30 (a) and (b) and Article 32 of the law, the Registrar is required to notify the Applicant the grounds of refusal in writing .As for the indicated cases, the mark may be considered identical to or similar with another mark and thus rejected that the said mark has been registered or applied for in the name of a different person or the similarity thereof in terms of appearance , pronunciation or writing or other characteristics with a mark previously registered or applied for as to such an extent that would mislead ordinary consumers.

The requested information according the Rules 17(2)(v) , 18(1)(c) :**Name and Address of the owner:**

Apple Inc,1 Infinite Loop Cupertino, CA 95014 (United States of America)

International Registration No.: 1138048

Date of International registration:26/01/2013

Reproduction of the Mark: The mark “EARPODS” in latin characters

GOODS AND SERVICES : All goods in class 9