



**Antigua & Barbuda Intellectual Property & Commerce Office**

**MADRID PROTOCOL**

**Model Form 3A: Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)**

I.	Office making the notification: <b>Antigua and Barbuda</b>
II.	Number of the international registration: <b>1 313 041</b>
III.	Name of the holder: <b>Xiaomi Singapore Pte. Ltd.</b>
IV.	<p>Information concerning the type of provisional refusal:</p> <p><i>Please indicate the type of refusal by checking only one of the following options:</i></p> <p><input checked="" type="checkbox"/> Total provisional refusal based on an <i>ex officio</i> examination</p> <p><input type="checkbox"/> Total provisional refusal based on an opposition</p> <p><input type="checkbox"/> Total provisional refusal based on both an <i>ex officio</i> examination and an opposition</p> <p><i>Where the refusal is based on an opposition, please indicate the name and address of the opponent:</i></p> <p>(i) Name of the opponent:</p> <p>(ii) Address of the opponent:</p>

V. Information concerning the scope of the provisional refusal:

Total provisional refusal affects all the goods and/or services. **Yes**

VI. Grounds for refusal [(where applicable, see item VII)]:

**Section 3(2)(v) of the Trademark Act states a mark cannot be validly registered if it is identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in Antigua and Barbuda for identical or similar goods or services of another enterprise, or if it is well-known and registered in Antigua and Barbuda for goods or services which are not identical or similar to those in respect of which registration is applied for, provided, in the latter case, that use of mark in relation to those goods or services would indicate a connection between those goods or services and owner of the well-known mark and that the interests of the owner of well-known mark are likely to be damaged by such use;**

**Section 3(2)(vi) of the Trademark Act states that if it is identical with a mark belonging to a different proprietor and already on the Register, or with an earlier filing or priority date, in respect of the same goods or services or closely related goods or services, or if it so nearly resembles such a mark as to be likely to deceive or cause confusion.**

**The Registry would like to know if both mark belongs to the same proprietor.**

VII. Information relating to an earlier mark: **XIAOMI**

(i) Filing date and number, and, if any, priority date: **28/11/2012**

(ii) Registration date and number (if available): **1177611**

(iii) Name and address of the owner:

(iv) Reproduction of the mark:

**XIAOMI**

(i) List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):

**09** Recorded computer software; monitors; mouse; printers, for use with computers; central processing units (CPU's); data processing equipment namely readers; scanners; downloadable mobile phone ringtones; downloadable music files; downloadable image files; universal serial bus (USB) flash disks; counters;

photographic, electrostatic and thermic photocopiers; scales; portable telephones; GPS equipment (Terms Too Vague in the opinion of the International Bureau - Rule 13(2)(b) of the Common Regulations); mobile phone sirup (Terms Too Vague in the opinion of the International Bureau - Rule 13(2)(b) of the Common Regulations); loudspeakers; compact disc; camcorders; headset; portable media player; cameras; stereoscopes; telescopes; semi-conductors; wafers; integrated circuits; integrated circuit chips; electric theft prevention installations; battery chargers; chargers for electric batteries; galvanic cells; portable computer; animated cartoons.

**35** Public relations; economic forecasting; business management of hotels; price comparison services; rental of vending machines; shorthand; compilation of statistics; telephone answering for unavailable subscribers; on-line advertising on a computer network; marketing sales (Terms Too Vague in the opinion of the International Bureau - Rule 13(2)(b) of the Common Regulations); business investigations; organization of exhibitions for commercial or advertising purposes; business information; organization of trade fairs for commercial or advertising purposes; commercial administration of the licensing of the goods and services of others; outsourcing services; commercial information and advice for consumers; advertising; dissemination of advertising matter; rental of advertising space.

**38** Radio broadcasting; digital files transmission; communications by fiber optic networks; digital greeting cards transmission; communications by telephone; electronic mail; rental telephone apparatus; rental of message sending apparatus; providing telecommunication channels for teleshopping services; computer aided transmission of messages and images; information about telecommunication; satellite transmission.

**42** Graphic arts designing; cloud, seeding; scanning (Terms Too Vague in the opinion of the International Bureau - Rule 13(2)(b) of the Common Regulations); computer remote monitoring system; consultancy in the field of energysaving; computer rental; computer programming; rental of computer software; technical research; industrial design; packaging design services; technical project studies; computer software design; updating of computer software; consultancy in the field of computer hardware; dress designing; industrial design, namely styling; recovery of computer data; research and development for others; maintenance of computer software; computer systems analysis; computer system design; duplication of computer programs; conversion of data or documents from physical to electronic media; creating and maintaining web sites for others; managed computer station (Terms Too Vague in the opinion of the International Bureau - Rule 13(2)(b) of the Common Regulations); installation of computer software; providing search engines for the Internet; data conversion of computer programs and data, not physical, conversion; computer software consultancy rental of web servers; computer virus protection services.

VIII. Corresponding essential provisions of the applicable law:

**Section 3(2)(v) and Section 3(2)(vi) of Antigua and Barbuda Trademark Act**

**IX. Information relating to the possibility to request a review or file an appeal:**

(i) Time limit for requesting review or appeal: **Two months from the date of notification sent to the IB.**

(ii) Authority to which such request for review or appeal should be made:

**Antigua Barbuda Intellectual Property & Commerce Office.**

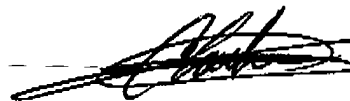
(iii) Whether the request for review or appeal has to be filed in a specific language and/or through the intermediary of a representative whose address is within the territory of the Contracting Party:

**The Trademark Act at section 18 states that where an applicant's ordinary residence or principle of business is outside of Antigua, shall be represented by a registered agent resident and practicing in Antigua & Barbuda before the Registrar of Intellectual Property Office. The procedure for registration of agent shall be prescribed in the regulations.**

**Section 31 of the Antigua & Barbuda regulations states that a local attorney at law or agent admitted to represented clients before the Intellectual Property Office may be appointed as an agent.**

(iv) Other requirements, if any:

**X. Signature or official seal of the Office making the notification:**



**XI. Date of the notification to the International Bureau:**

**25<sup>th</sup> September, 2017**