



OIFIG NA bPAITINNÍ  
**PATENTS OFFICE**

Oifig an Rialtais  
Bóthar Hebron  
Cill Chainnigh  
Éire

Government Buildings  
Hebron Road  
Kilkenny  
Ireland

**WORLD INTELLECTUAL PROPERTY ORGANISATION**  
**34, CHEMIN DES COLOMBETTES**  
**PO BOX 18**  
**1211 GENEVA 20**  
**SWITZERLAND**

Date of Notification: **23 October 2018**  
(By registered Mail)

**International Registration No: 1408132**  
**Mark: foto**  
**Holder: Xiaomi Singapore Pte. Ltd. of Singapore**

**Notification of the Irish Patents Office of Partial Provisional Refusal**

Dear Sir/Madam,

This notification is issued pursuant to Article 5 of the Protocol relating to the Madrid Agreement concerning the International Registration of Marks and Rule 17(2) of the Common Regulations under the Agreement and Protocol, and is to inform you that protection for this mark is refused for the reasons set out below. Any references to Sections are to Sections of the Trade Marks Act, 1996 and to Rules are to Rules of the Trade Marks Rules, 1996.

1.

**Section 10(2)**

There exists a likelihood of confusion on the part of the public between the mark and the following earlier mark(s):

Registered European Union Trade Mark No:004007647

Mark:Foto Talk

Proprietor:Koninklijke Philips N.V.

High Tech Campus 5

5656 AE Eindhoven

The Netherlands

Date of Application:03/09/2004

Date of Registration:16/06/2006

Priority Date: 09/03/2004

Class 9 : Telephones and mobile telephones;batteries, accumulators and chargers therefor.

Registered European Union Trade Mark No:012268744

Mark:Foto Out

Proprietor:Doozy Service S.r.l.

Viale dell'Industria 21

35129 Padova

Italy

Date of Application:30/10/2013

Date of Registration:06/03/2014

Class 35 : Advertising; Business management; Business administration; Office functions; Bill-posting; Rental of vending machines; Rental of advertising time on communication media; Commercial information agencies; Publicity agencies; Import-export agencies; Updating of advertising material; Commercial administration of the licensing of the goods and services of others; Cost price analysis; Commercial or industrial management assistance; Professional business consultancy; Business management consultancy; Personnel management consultancy; Accounting; Shop window dressing; Dissemination of advertising matter; Distribution of samples; Demonstration of goods; Business management of performing artists; Direct mail advertising; Compilation of statistics; Invoicing; Business management of hotels; Business management of sports people; Computerized file management; Business information; Commercial information and advice for consumers [consumer advice shop]; Business investigations; Layout services for advertising purposes; Rental of advertising space; Marketing; Rental of photocopying machines; Office machines and equipment rental; Publicity material rental; Organization of exhibitions for commercial or advertising purposes; Organization of trade fairs for commercial or advertising purposes; Organization of fashion shows for promotional purposes; Business efficiency expert services; Payroll preparation; Presentation of goods on communication media, for retail purposes; Economic forecasting; Production of advertising films; Business management assistance; Sales promotion for others; Publication of publicity texts; Advertising; On-line advertising on a computer network; Advertising by mail order; Publicity columns preparation; Radio advertising; Television advertising; Compilation of information into computer databases; Business inquiries; Personnel recruitment; Writing of publicity texts; Public relations; Sponsorship search; Data search in computer files for others; Marketing research; Business research; Document reproduction; Psychological testing for the selection of personnel; Arranging newspaper subscriptions for others; Arranging subscriptions to telecommunication services for others; Procurement services for others [purchasing goods and services for other businesses]; Price comparison services; Business organization consultancy; Business management and organization consultancy; Advisory services for business management; Typing; Photocopying services; Modelling for advertising or sales promotion; News clipping services; Relocation services for businesses; Telephone answering for unavailable subscribers; Secretarial services; Shorthand; Outsourcing services [business assistance]; Telemarketing services; Retail or wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies; Systemization of information into computer databases; Opinion polling; Tax preparation; Drawing up of statements of accounts; Business appraisals; Marketing studies; Transcription; Administrative processing of purchase orders; Word processing; Employment agencies; Auctioneering; Business auditing.

Class 40 : Treatment of materials; Abrasion; Air freshening; Knitting machine rental; Food smoking; Applying finishes to textiles; Silver-plating; Custom assembling of materials for others; Permanent-press treatment of fabrics; Fabric bleaching; Window tinting treatment, being surface coating; Freezing of foods; Food and drink preservation; Chromium plating; Dressmaking;

Stripping finishes; Decontamination of hazardous materials; Air deodorising; Destruction of waste and trash; Gilding; Paper finishing; Custom fashioning of fur; Fulling of cloth; Photocomposing services; Photogravure; Millworking; Metal casting; Galvanization; Cloth fireproofing; Cloth waterproofing; Incineration of waste and trash; Engraving; Framing of works of art; Material treatment information; Laminating; Leather working; Fur conditioning; Blacksmithing; Skin dressing; Saddlery working; Firing pottery; Woodworking; Boiler-making; Optical glass grinding; Burnishing by abrasion; Fur glossing; Slaughtering of animals; Magnetization; Grinding; Flour milling; Nickel plating; Rental of air conditioning apparatus; Rental of space heating apparatus; Rental of boilers; Rental of generators; Warping [looms]; Cloth edging; Planing [saw mill]; Cadmium plating; Gold-plating; Production of energy; Air purification; Refining services; Cloth pre-shrinking; Embroidery; Recycling of waste and trash; Bookbinding; Clothing alteration; Metal plating; Electroplating; Soldering; Fur satining; Sawing [saw mill]; Silkscreen printing; Services of a dental technician; Tanning; Cryopreservation services; Key cutting; Sandblasting services; Tailoring; Dyeing services; Sorting of waste and recyclable material [transformation]; Glass-blowing; Quilting; Tin-plating; Printing; Pattern printing; Lithographic printing; Offset printing; Photographic printing; Photographic film development; Cloth cutting; Timber felling and processing; Taxidermy; Metal tempering; Leather staining; Fur dyeing; Shoe staining; Cloth dyeing; Textile dyeing; Fruit crushing; Laser scribing; Fur mothproofing; Textile mothproofing; Metal treating; Waste treatment [transformation]; Processing of oil; Water treating; Paper treating; Wool treating; Processing of cinematographic films; Colour separation services; Cloth treating; Crease-resistant treatment for clothing; Vulcanization [material treatment].

Class 42 : Scientific and technological services and research and design relating thereto; Industrial analysis and research services; Design and development of computer hardware and software; Computer rental; Updating of computer software; Land surveys; Construction drafting; Chemical analysis; Handwriting analysis [graphology]; Water analysis; Computer system analysis; Architecture; Authenticating works of art; Material testing; Architectural consultation; Consultancy in the field of energy-saving; Computer software consultancy; Consultancy in the design and development of computer hardware; Web site design consultancy; Oil-well testing; Quality control; Vehicle roadworthiness testing; Data conversion of computer programs and data [not physical conversion]; Conversion of data or documents from physical to electronic media; Creating and maintaining web sites for others; Design of interior decor; Digitization of documents [scanning]; Industrial design; Duplication of computer programs; Computer software design; Oil-field surveys; Geological surveys; Underwater exploration; Provision of scientific information, advice and consultancy in relation to carbon offsetting; Providing search engines for the internet; Engineering; Cloud seeding; Installation of computer software; Rental of computer software; Maintenance of computer software; Monitoring of computer systems by remote access; Rental of web servers; Hosting computer sites [web sites]; Surveying; Urban planning; Computer system design; Computer programming; Clinical trials; Textile testing; Recovery of computer data; Oil prospecting; Research and development of new products for others; Geological prospecting; Biological research; Geological research; Bacteriological research; Chemical research; Cosmetic research; Physics

[research]; Research in the field of environmental protection; Mechanical research; Scientific research; Technical research; Server hosting; Analysis for oil-field exploitation; Weather forecasting; Chemistry services; Information technology [IT] consulting services; Graphic arts design; Packaging design; Dress designing; Scientific laboratory services; Computer virus protection services; Software as a service [SaaS]; Styling [industrial design]; Technical project studies; Calibration [measuring]; Quality evaluation of wool; Quality valuation of standing timber; Energy auditing.

2. This refusal is in respect of the following goods/services for which protection is sought: in classes 9,35 & 42.
3. The holder may make representations in writing, or may request an extension of time for doing so, not later than **23/01/2019**. A request for an extension of time received after that date may be granted at the discretion of the Controller.
4. If representations or a request for an extension of time are not received by the specified date, protection of the mark will be refused in respect of the goods/services listed in paragraph 2.
5. Representations to the Controller or a request for a hearing in relation to this notification of refusal must be accompanied by an address for service within the European Economic Area as required by Rule 10(1)(a) as amended by Statutory Instrument 410 of 2010; failure to furnish such address will result in the holder being deemed to have abandoned his request for protection.
6. If, following the receipt of representations, it is considered that the requirements for protection are met, the mark will be published in the Official Journal and protection of it will be subject to opposition and observations by third parties. A refusal based on opposition or observations received may subsequently be issued.
7. In the absence of any representations, the mark will be published in the Official Journal in respect of the remaining goods/services, i.e. other than those listed in paragraph 2, and protection of it will be subject to opposition and observations by third parties. A refusal based on opposition or observations received may subsequently be issued.
8. Date of refusal: **23 October 2018**

Yours faithfully



---

**Frank Jordan**  
**Trade Mark and Design Examination Division**  
**Direct Line: (056) 7720145**  
**Ext: 4161**  
**tmexam@patentsoffice.ie**