

MADRID PROTOCOL

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

I.	Office sending the statement: COMPANIES AND INTELLECTUAL PROPERTY AUTHORITY (CIPA), BOTSWANA
II.	Number of the international registration: 1408132
III.	Name of the holder (or other information enabling the identity of the international registration to be confirmed): Xiaomi Singapore Pte. Ltd. 60 Paya Lebar Road, #08-28 Paya Lebar Square Singapore 409051, SINGAPORE
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.	<p>Information concerning the scope of the provisional refusal:</p> <p>Total provisional refusal affects all the goods and/or services.</p>
VI.	<p>Grounds for refusal [(where applicable, see item VII)]:</p> <p>- incapable of distinguishing the goods or services of one enterprise or business from those of another enterprise or business;</p> <p>Your trademark is Foto which is the phonetic equivalent of Photo. Other traders should be able to</p>

use Foto, or similar term in connection with goods or services similar to yours.

VII. Information relating to an earlier mark:

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available):
- (iii) Name and address of the owner:
- (iv) Reproduction of the mark:
- (v) List relevant goods and/or services (this list may be in the language of the earlier application or registration):

VIII. Corresponding essential provisions of the applicable law:
Industrial Property Act, 2010 Section 74

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

- (i) Time limit for requesting review or appeal: **3 months from the date of this notification**
- (ii) Authority to which such request for review or appeal should be made:
CIPA
Registrar Industrial Property
P O Box 102, Gaborone,
BOTSWANA
- (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):
Local Legal Practitioner in accordance with Section 130(1) IP Act 2010
- (iv) Other requirements, if any:

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

XI. Date of the notification to the International Bureau: **29th day of April, 2019**



[End of Model Form 3A]