

**MADRID AGREEMENT AND PROTOCOL
PROVISIONAL REFUSAL OF PROTECTION
Rule 17(1)**

I.	Office making the notification: National Center for Patents and Information of the Republic of Tajikistan Dushanbe 14a Ayni street.
II.	Number of the international registration: 1 408 132
III.	Name of the holder (or other indication 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 (SG)
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination <input type="checkbox"/> Provisional refusal based on an opposition <input type="checkbox"/> Provisional refusal based on both an <i>ex officio</i> examination and an opposition ¹
V.	<input type="checkbox"/> Provisional refusal for all the goods and/or services <input checked="" type="checkbox"/> Provisional refusal for some of the goods and/or services which are affected in classes 09,35 and 42 of NCL
09 Adapter plugs; cables, electric; cases for smartphones; covers for smartphones; carriers adapted for mobile phones; cases adapted for mobile phones; cases for mobile phones; cell phone cases; cell phone straps; cell phones; cellular phones; computer game software for use on mobile and cellular phones; conference phones; devices for hands-free use of mobile phones; digital phones; door phones; downloadable graphics for mobile phones; downloadable ring tones for mobile phones; dustproof plugs for jacks of mobile phones; earbuds; ear phones; flip covers for smart phones; hands free devices for mobile-phones; hands free kits for phones; holders adapted for mobile phones; keyboards for mobile phones; keyboards for smartphones; leather cases for mobile phones; mobile phone cases; mobile phone covers; mobile phone sets; mobile phone straps; mobile phones; mobile phones for use in vehicles; monopods used to take photographs by positioning a smartphone or camera beyond the normal range of the arm; phone appliances; phone covers; phone extension jacks; phone extension leads; phone plugs; protective cases for smartphones; protective covers for smartphones; protective films adapted for smartphones; smartphones; smartphones in the shape of a watch; smartwatches; stands adapted for mobile phones; straps for mobile phones; watches that communicate data to smartphones; wireless headsets for smartphones; wrist-mounted smartphones; video phones.	
35 Advertisement and publicity services by television, radio, mail; advertisement for others on the Internet; advertising; advertising and promotional services; advertising and publicity services; advertising by mail order; advertising flyer distribution for others; advertising in periodicals, brochures and newspapers; advertising in the popular and professional press; advertising services; advertising through all public communication means; commercial information and advice for consumers [consumer advice shop]; commercial information; compilation of advertisements for use as web pages on the Internet; advertisement via mobile phone networks; commercial information services provided by access to a computer database; compilation and systemization of information into computer databases; compiling of	

information into computer databases; computer assisted business information; on-line advertising on a computer network; online advertising via a computer communications network; online promotion on a computer network; advertising by transmission of on-line publicity for third parties through electronic communications networks.

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Design and development of software in the field of mobile applications; design of mobile telephones; smartphone software design; unlocking of mobile phones; updating of smartphone software; advice relating to the design of computer hardware; advisory services relating to computer programming; advisory services relating to computer software; advisory services relating to computer system analysis; advisory services relating to computer system design; advisory services relating to the design and development of computer hardware; analytical services relating to computers; back-up of computer data; computer aided design of molds; computer aided graphic design; computer analysis; computer database design consultancy services; computer design; computer design services; computer disaster recovery services; computer engineering; computer firewall services; computer graphics design services; computer hardware design; computer hire; computer network configuration services; computer network design for others; computer network services; computer program advisory services; computer program maintenance services; computer program updating services; computer programming; computer programming consultancy; computer programming in the medical field; computer programming of computer games; computer programming of video games; computer programming services for commercial analysis and reporting; computer rental; computer research services; computer security consultancy; computer security engineering; computer security services [design and development of secure computer hardware, software and systems]; computer security services [programming and software installation, repair and maintenance services]; computer security services [testing and risk assessment of computer networks]; computer security threat analysis for protecting data; computer services in the nature of hosting web sites for others; computer site design; computer software advisory services; computer software consultancy; computer software consulting; computer software design; computer software development; computer software programming services; computer software rental; computer software development; computer software programming services; computer software rental; computer system analysis; computer system design; computer system integration services; computer systems analysis; computer systems design; computer systems integration services; computer technology consultancy; computer time-sharing; computer virus protection services; computer website design; configuration of computer software; consultancy in the design and development of computer hardware; consultancy in the field of computer security; consultancy in the field of computer software; consultation services relating to computer software; conversion of computer programs and data, other than physical conversion; copying of computer software; creating of computer programs; creating of home pages for computer networks; data conversion of computer programs and data, not physical conversion; debugging computer software for others; design and development of computer game software; design and development of computer hardware; design and development of computer hardware and software; design and development of computer hardware for the manufacturing industries; design and development of computer software; design and development of wireless computer networks; design and maintenance of computer sites for third parties; design and writing of computer software; design of computer codes; design of computer databases; design of computer hardware; design of computer languages; design of computer programs; design of computer software; design of computers; design of computers for others; design of mobile telephones; design of telephones; design, maintenance, development and updating of computer software; design, maintenance, rental and updating of computer software; designing computer software for controlling self-service terminals; developing computer programs for electronic cash register systems; developing

computer software; development and creation of computer programmes for data processing; development of computer based networks; development of computer codes; development of computer hardware for computer games; development of computer programmes; development of computer software; development of computer software application solutions; development of computer system; diagnosis of faults in computer software; digital compression of computer data; document data transfer from one computer format to another; duplication of computer programs; engineering services relating to computer programming; engineering services relating to computers; hosting computer sites [web sites]; installation and maintenance of computer software; installation of computer software; installation, maintenance and repair of computer software; installation, maintenance and repair of software for computer systems; installation, repair and maintenance of computer software; installing computer programs; rental of computers in a café environment; leasing of computer apparatus; leasing of computer programs; leasing of computers; maintenance and updating of computer software; maintenance and upgrading of computer software; maintenance of computer programs; maintenance of computer programs; maintenance of computer software; maintenance of computer software relating to computer security and prevention of computer risks; maintenance of computer software used for operating filling apparatus and machines; modifying of computer programs; monitoring of computer systems by remote access; monitoring of computer systems for detecting unauthorized access or data breach; monitoring of computer systems to detect breakdowns; personal computer hire; preparation of reports relating to computer programs; preparation of reports relating to computers; professional consultancy relating to computer security; providing information on computer technology and programming via a web site; providing information, including online, about design and development of computer hardware and software; provision of information relating to computer programming; provision of information relating to computer programs; remote computer backup services; rental and maintenance of computer software; rental of computer apparatus; rental of computer equipment; rental of computer firmware; rental of computer hardware; rental of computer hardware and computer peripherals; rental of computer hardware and computer software; rental of computer hardware and software; rental of computer middleware; rental of computer programs; rental of computer software; rental of computer software and programs; rental of computers; renting computer software; repair of computer software; repair of damaged computer programs; research and development of computer software; research relating to computer programming; research relating to computers; research, development, design and upgrading of computer software; scientific computer programming services; security assessment services for computer networks; security risk assessment services relating to computer systems; services for maintenance of computer software; services for renting computers; services for reproducing computer programs; services for updating computer software; technical advice relating to operation of computers; testing of computer installations; testing of computer programs; testing of computer software; testing of computers; updating of computer software; updating of computer programs; updating of computer programs for third parties; updating of computer software; updating of computer software relating to computer security and prevention of computer risks; updating of home pages for computer networks; updating of computer programs for memory banks of computer systems; upgrading of computer software; writing and updating computer software; writing of computer programs; writing of computer software; recovery of computer data; development of computer programs recorded on data media (software) designed for use in construction and automated manufacturing (cad/cam); computer software design for others.

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

The sign shall not be registered because it's confusingly similar to trademarks of another person protected in the Republic of Tajikistan with an earlier priority.

VII. Information relating to an earlier mark :

- (i) Filing date and number, and, if any, priority date: **18.02.2008**
- (ii) Registration date and number (if available): **11.08.2008 IR 978 130**

Name and address of the owner: PHOTON Power AG Jülicher Straße 376 52070 Aachen (DE)

Reproduction of the mark: **Photon**

List of all or relevant goods and/or services:

09

Solar collectors for electric generation.

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Scientific and technological services and research and development relating thereto; industrial analysis and research services; construction drafting and development of computer hardware and software solutions.

VII(i). Information relating to an earlier mark :

- (i) Filing date and number, and, if any, priority date: **21/07/2010**
- (ii) Registration date and number (if available): **09/04/2012 TJ: 10196**

Name and address of the owner: BESI PHOTON MOTOR CO., LTD. Laonyuvan Villagen North, Shayan Road, Shahe Town, Changping District, Beijing 102206, China. (CN)

Reproduction of the mark: **FOTON**

List of all or relevant goods and/or services:

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advertising; import-export agencies; promotion of goods (for third parties); collection for third parties of various vehicles (not implying their transportation) and placement of these goods for the convenience of studying and purchasing by consumers in retail and wholesale stores, through mail sales catalogs or electronic means, for example, television stores or Internet sites; organization of exhibitions for commercial purposes; organization of technical exhibitions; demonstration of goods; systematization of information in computer databases; study of tender, auction prices; professional advice in the field of business; market research; business information; staff counseling; bookkeeping; assistance in the management of commercial or industrial enterprises.

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:

Article 9.1 of the Law of the Republic of Tajikistan on Trademarks and service marks.

IX. Information relating to subsequent procedure:

(i) Time limit for requesting review or appeal:

In the event of disagreement of the applicant with the examiner's decision, he shall have the right, within two month of the date of receipt of the decision from International Bureau, to file with the Patent Office a request for reexamination.

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

National Center for Patents and Information of the Republic of Tajikistan.

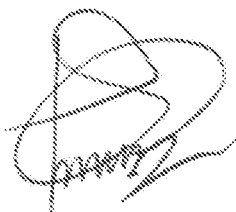
(iii) Indications concerning the appointment of a representative:

<http://www.ncpi.tj/index.php/ru/patentnyj-poverennyj>

X. Date of the notification of provisional refusal: **15.04.2019**

XI. Signature or official seal of the Office making the notification:

**Head of Division of
international registration
of trademarks
Mr. P. Miraliev**



XII. Corresponding essential provisions of the applicable law:

Article 9. Other grounds for denial of registration.

The following designations shall not be registered as trademarks if they are identical with or confusingly similar to:

- **trademarks of other persons, applied for registration (provided applications for them have not been withdrawn) or protected in the Republic of Tajikistan by virtue of an international treaty recognized by the Republic of Tajikistan, in respect of similar goods and with an earlier priority;**

[...]