

**MADRID AGREEMENT AND PROTOCOL  
PROVISIONAL REFUSAL OF PROTECTION**

I.	Office making the notification:	<b>INTELLECTUAL PROPERTY OFFICE OF MONGOLIA BAGA TOIRUU-49, ULAANBAATAR-46, MONGOLIA</b>																													
II.	Number of the international registration:	<b>1433787</b>																													
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed):	<b>Xiaomi Inc. Floor 13, Rainbow City Shopping Mall II of China Resources, NO. 68, Qinghe Middle Street, Haidian District Beijing</b>																													
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																														
V.	<input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services in class(es) 9, 35, 38, 42  <input type="checkbox"/> Provisional refusal for some of the goods and/or services:																														
VI.	Grounds for refusal [(where applicable, see item XI)]:  - The mark applied nearly resembles a filed mark belonging to a different proprietor or a mark which has an earlier filing or priority date, in respect of the closely related goods or services, and the resemblance is likely to deceive or cause confusion. Please refer to the attached list of cited marks;																														
VII.	Information relating to an earlier mark : <table style="width: 100%; border: none;"><tr><td style="width: 25%;">Application No.</td><td style="width: 25%;">40-M-1081721</td><td style="width: 25%;">Filing Date</td><td style="width: 25%;">05/06/2011</td></tr><tr><td>Registration No.</td><td>M-1081721</td><td>Registration Date</td><td>05/06/2011</td></tr><tr><td>Applicant / Registrant</td><td colspan="3"><b>Apple Inc.</b> One Apple Park Way Cupertino CA 95014</td></tr><tr><td>Representative / TM Agent</td><td colspan="3"><b>Thomas R. La Perle Apple Inc.</b> 1 Infinite Loop, MS: 169-IPL Cupertino CA 95014, United States of America</td></tr><tr><td>Priority Claim</td><td colspan="3">57024 07/12/2010 Jamaica</td></tr><tr><td>Reproduction of Mark</td><td colspan="3">ICLOUD</td></tr><tr><td>Class(es)</td><td colspan="3">Class 9: Computers; computer peripheral devices; computer hardware;</td></tr></table>			Application No.	40-M-1081721	Filing Date	05/06/2011	Registration No.	M-1081721	Registration Date	05/06/2011	Applicant / Registrant	<b>Apple Inc.</b> One Apple Park Way Cupertino CA 95014			Representative / TM Agent	<b>Thomas R. La Perle Apple Inc.</b> 1 Infinite Loop, MS: 169-IPL Cupertino CA 95014, United States of America			Priority Claim	57024 07/12/2010 Jamaica			Reproduction of Mark	ICLOUD			Class(es)	Class 9: Computers; computer peripheral devices; computer hardware;		
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Reproduction of Mark	ICLOUD																														
Class(es)	Class 9: Computers; computer peripheral devices; computer hardware;																														

computer software; mobile digital electronic devices.

Application No.	40-M-1087010	Filing Date	06/06/2011
Registration No.	M-1087010	Registration Date	06/06/2011

Applicant / Registrant **Apple Inc.**  
One Apple Park Way Cupertino CA 95014

Representative / TM Agent **Thomas R. La Perle Apple Inc.**  
1 Infinite Loop, MS: 169-IPL Cupertino CA 95014, United States of America

Priority Claim 57024 07/12/2010 Jamaica

Reproduction of Mark ICLOUD

Class(es)

Class 35: Advertising, marketing, and promotion services; advertising and marketing consultation; sales promotion services; promoting the goods and services of others; conducting market research; analysis of advertising response and market research; creation, preparation, production, and dissemination of advertisements and advertising material for others; computerized database and file management; data processing services; searching, browsing and retrieving information, sites, and other resources available on global computer networks and other electronic and communications networks for others; organizing content of information provided over a global computer network and other electronic and communications networks according to user preferences; providing business and commercial information over computer networks and global communication networks; business services, namely, dissemination of advertising for others via computer networks and global communication networks; compilations of directories for publishing on the Internet and other electronic, computer and communications networks; retail store and online retail store services; retail store services provided via the Internet and other computer, electronic and communications networks; subscription services, namely, providing subscriptions to text, data, image, audio, video, and multimedia content, provided via the Internet and other electronic and communications networks; downloadable pre-recorded text, data, image, audio, video, and multimedia content for a fee or pre-paid subscription, provided via the Internet and other electronic and communications networks; arranging and conducting of commercial, trade and business conferences, shows, and exhibitions; information, advisory and consultancy services relating to all the aforesaid.

Class 38: Telecommunications; telecommunication access services; communications by computer; communication between computers; delivery of digital music by telecommunications; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; delivery of messages by electronic transmission; delivery of digital music by telecommunications; electronic mail services; streaming of video content via a global computer network; electronic transmission of audio and video files via communications networks; information, advisory and consultancy services relating to all

the aforesaid.

Class 41: Educational and entertainment services.

Class 42: Application service provider (ASP) services, namely hosting computer software applications; computer hardware and software consulting services; information relating to computer hardware or software provided on-line from a global computer network or the Internet; creating and maintaining web-sites; hosting the web-sites of others; providing search engines for obtaining data via communications networks; providing search engines for obtaining data on a global computer network; electronic storage of data; information, advisory and consultancy services relating to all the aforesaid.

Application No.	40-2013-0013315	Filing Date	19/07/2013
Registration No.	40-0012045	Registration Date	25/03/2014

Applicant / Registrant **Empasoft ХХК**  
Эмпати төвийн байр, 3 давхар 3-а бага тойруу СБД

Representative / TM  
Agent

Priority Claim

M CLOUD

Reproduction of Mark



Class(es)

Ангилал 37: Мэдээллийн технологийн дэд бүтэц суурилуулах болон засвар үйлчилгээ  
Ангилал 38: Цахим шуудан  
Ангилал 42: Үүлэн тооцоолол

VIII. Information relating to subsequent procedure:

- (i) Time limit for requesting review or appeal:  
**Within 3 months from the date of the notification by WIPO to the holder**
- (ii) Authority to which such request for review or appeal should be made:

**INTELLECTUAL PROPERTY OFFICE OF MONGOLIA  
BAGA TOIRUU-49, ULAANBAATAR-46, MONGOLIA**

- (iii) Indications concerning the appointment of a representative:

IX. Date of the notification of provisional refusal: **2019.08.21**

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

Trademark Examiner



Б.Оюунцэцэн

XI. Corresponding essential provisions of the applicable law:

Law on Trademarks and Geographical Indications of Mongolia:

Article 5:

5.2. The following shall not be registered as trademark:

5.2.7. it is identical with, or similar to, a trademark registered or applied for registration in Mongolia in respect of similar goods or services where its use would result in a likelihood of confusion on the part of consumers;