


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

<p>I. Office making the notification:</p> <p style="text-align: center;"><b>National Center for Patents and Information of the Republic of Tajikistan Dushanbe 14a Ayni street.</b></p>
<p>II. Number of the international registration: <b>1 433 787</b></p>
<p>III. Name of the holder (or other indication enabling the identity of the international registration to be confirmed):</p> <p style="text-align: center;"><b>Xiaomi Inc. Floor 13, Rainbow City Shopping Mall II of China Resources, NO. 68, Qinghe Middle Street, Haidian District Beijing (CN)</b></p>
<p>IV. <input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination</p> <p><input type="checkbox"/> Provisional refusal based on an opposition</p> <p><input type="checkbox"/> Provisional refusal based on both an <i>ex officio</i> examination and an opposition<sup>1</sup></p>
<p>V. <input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services</p> <p><input type="checkbox"/> Provisional refusal for some of the goods and/or services: [followed by an indication of the goods and/or services which are affected or are not affected]</p>
<p>VI. Grounds for refusal [(where applicable, see item VII)]:</p> <p>The sign shall not be registered because it's confusingly similar to trademarks of others persons protected in the Republic of Tajikistan with an earlier priority.</p>
<p>VII. Information relating to an earlier mark :</p> <p>(i) Filing date and number, and, if any, priority date:</p> <p>(ii) Registration date and number (if available): <b>15.06.2012 IR 1139494</b></p> <p><b>Name and address of the owner: HUAWEI TECHNOLOGIES CO., LTD. Administration Building of Huawei Technologies Co., Ltd., Bantian, Longgang District, Shenzhen City Guangdong Province (CN)</b></p> <div style="text-align: center; margin: 10px 0;"></div> <p>Reproduction of the mark:</p> <p style="margin-left: 40px;">List of all or relevant goods and/or services:</p> <p><b>09</b></p> <p>Mobile telephones; tablet computers; data cards; wireless data cards; computers; personal digital assistants (PDA); gateways; routers; communication software; digital photo frames; terminal equipments of network communication used for accessing in network, making phone calls, watching videos, playing games; terminal equipments of ADSL broadband access;</p>

communication modules.

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Presentation of goods on communication media, for retail purposes; on-line retail store services featuring downloadable software for mobile phones; sales promotion (for others); business management assistance; advertising.

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

- (i) Filing date and number, and, if any, priority date: **29.04.2015**
- (ii) Registration date and number (if available): **28.10.2015 IR 1280720**

**Name and address of the owner: Apple Inc. One Apple Park Way Cupertino CA 95014(US)**

Reproduction of the mark: CloudKit

List of all or relevant goods and/or services:

**09**

Computer software used in developing other software applications; application development software; database management software.

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

- (i) Filing date and number, and, if any, priority date: **29.04.2015**
- (ii) Registration date and number (if available): **28.10.2015 IR 1280722**

**Name and address of the owner: Apple Inc. One Apple Park Way Cupertino CA 95014(US)**

Reproduction of the mark: CloudKit

List of all or relevant goods and/or services:

**42**

Electronic data storage services.

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:

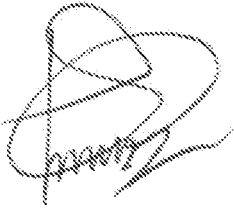
- (i) Time limit for requesting review or appeal:

**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:

<a href="http://www.ncpi.tj/index.php/ru/patentnyj-poverennyj">http://www.ncpi.tj/index.php/ru/patentnyj-poverennyj</a>	
X.	Date of the notification of provisional refusal: <b>07.10.2019</b>
XI.	<div>Signature or official seal of the Office making the notification:</div> <div></div> <div><b>Head of Division of international registration of trademarks Mr. P. Miraliev</b></div>
XII.	<div>Corresponding essential provisions of the applicable law:</div> <div><b>Article 9. Other grounds for denial of registration.</b></div> <div><b>The following designations shall not be registered as trademarks if they are identical with or confusingly similar to:</b></div> <div><ul style="list-style-type: none"><li>- 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;</li></ul></div> <div>[...]</div>