


MADRID PROTOCOL

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

I. Office making the notification:
<div style="text-align: center;"> HELLENIC REPUBLIC MINISTRY OF ECONOMY AND DEVELOPMENT GENERAL SECRETARIAT OF COMMERCE DIRECTION OF COMMERCIAL PROPERTY Address: KANINGOS SQUARE GR - 10181 ATHENS</div>
Examiner: Giagtzidis Dimitrios
II. Number of the international registration:
1433787 / 53084
III. Name of the holder:
Xiaomi Inc. Floor 13, Rainbow City Shopping Mall II of China Resources, NO. 68, Qinghe Middle Street, Haidian District Beijing (CN)
IV. Information concerning the type of provisional refusal:
<p><i>Please indicate the type of refusal by checking only one of the following options:</i></p> <p><input checked="" type="checkbox"/> Partial provisional refusal based on an <i>ex officio</i> examination</p> <p><input type="checkbox"/> Partial provisional refusal based on an opposition</p> <p><input type="checkbox"/> Partial 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. Information concerning the scope of the provisional refusal:
<p><i>Please indicate the scope of the refusal, by choosing one of the two listed options below and, where applicable, list the relevant goods and/or services:</i></p> <p><input checked="" type="checkbox"/> Partial provisional refusal affects only the following goods and/or services: Provisional refusal for all goods and/or services in class 9.</p> <p><input type="checkbox"/> Partial provisional refusal does NOT affect the following goods and/or services: List of goods and/or services:</p>

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

Earlier: European Trademark

VII. Information relating to an earlier mark:

Number : 010119113

Filing date and number, and, if any, priority date: 13/07/2011

Registration date and number (if available): 16/12/2011

Name and address of the owner:

MITAC INTERNATIONAL CORP.
R&D II Road, No. 1, Hsinchu Science-Based Industrial Park
Hsinchu Hsien
TAIWÁN

Reproduction of the mark:

MiCloud

List of the relevant goods and/or services (this list may be in the language of the earlier application or registration):

All products of the following class. 9

VIII. Corresponding essential provisions of the applicable law:

Law N. 4072/2012 -Article 124 (1b):

LAW 4072/2012 -Article 124 : Relative grounds for refusal

1. A sign shall not be registered:
 - a. If it is identical to an earlier trademark and the goods or services, for which the trademark has been registered, are identical with those for which the earlier mark is protected,
 - b. If because of the identity with the earlier trademark and the similarity of goods or services, or the similarity to the earlier trademark and the identity of goods or services, or the similarity to the earlier trademark and the similarity of goods or services, there is a risk of public confusion, which also includes the likelihood of its association with the earlier trademark.
 - c. If it is identical or similar to an earlier trademark that has a reputation and the use of the later trademark would take, without due cause, unfair advantage of the distinctive character or the repute of the earlier trademark or would damage its be detrimental to the distinctive character or its reputation, regardless if the later trademark is intended to distinguish goods or services that are similar to products or services of the earlier trademark.

<p>2. For the purpose of this Law “earlier trademarks” means:</p> <ul style="list-style-type: none"> a. the trademarks, including the international ones protected in Greece and in the EU, which have been registered before the date of the trademark application filing, taking into account the priority or seniority rights claimed in respect of those trademarks, b. the earlier trademarks applications, including the above international and Community ones, subject to their registration, c. the trademarks which on the date of the trademark application filing or, where appropriate, of the priority claimed in respect of the application for registration of the trade mark, are well known, in the sense of Article 6bis of the Paris Convention.
<p>IX. Information relating to the possibility to request a review or file an appeal:</p> <ul style="list-style-type: none"> (i) Time limit for requesting review: Time limit is 3 months from the date of receipt by WIPO of the present Notification (Art. 172 par 1 L.4072/2012). (ii) Authority to which such request for review should be made: Directorate of Trademarks, Address: Kaning Square – Athens Greece (iii) Whether the request for review 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: A Greek lawyer is needed to be appointed for attending in order to answer in Greek language (information: Athens Bar Association tel: +30210 3398251 ,e-mail info@dsa.gr & Piraeus Bar Association tel: 210-4176251, e-mail: secretary@dspeir.gr) (iv) Other requirements, if any: -
<p>X. Signature or official seal of the Office making the notification:</p> <p style="text-align: center;">Head of the Control and Admission of Trademarks Dpt.</p> <p style="text-align: center;">Mrs Athanasopoulou Georgia</p>
<p>XI. Date of the notification to the International Bureau:</p> <p>Athens, 28.11.2019</p>

[End of Model Form 3B]



HELLENIC REPUBLIC
MINISTRY OF
DEVELOPMENT AND INVESTMENTS
GENERAL SECRETARY OF COMMERCE
AND CONSUMER'S PROTECTION
DIRECTORATE OF
TRADEMARKS

Athens, 28/11/2019
R.N. 122807

KANNING SQUARE
10181-ATHENS
HELLAS
Tel: +302103893469
Fax : 210- 3846523
E-mail: giagtzidis@gge.gr

TO:

WIPO

SUBJECT: PROVISIONAL REFUSAL OF PROTECTION

Dear sir /madam,

We send you by mail the correspondent forms of provisional refusal of protection:

1	1433751	53083	YOGURT FACTORY	29,32,43
2	1433787	53084	MI CLOUD	9
3	1433482	53071	SENSORIUM	35,41
4	1433279	53068	CASSINIA	10,35
5	1311889	53049	WITH LOVE	16,24
6	1432422	53043	AURUS	9,14
7	1431388	53028	MITU	20
8	1431051	53024	APART	14,25
9	1430779	53017	GOOD LOOK	24
10	1430687	53016	VETEMENTS PRET A PORTER	18,25
11	1430568	53012	BABAYAGA	25

Yours Sincerely

Head of the Control and Admission of Trademarks Dpt.

Mrs Athanasopoulou Georgia