



4 January 2021

Delivering a world leading IP system

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International Bureau, WIPO
34, chemin des Colombettes
P.O. Box 18
1211 Geneva 20,
SWITZERLAND

Mi Cloud

Australian Trade mark number: 1970602
International registration number: 1433787
Your reference: -
Holder name: Xiaomi Inc.
Opponent name: Apple Inc.
Dispute: Opposition to extension of protection

Madrid Agreement and Protocol

Notification of provisional refusal of protection based on an opposition

Rule 17(1) to 17(3)

We advise that following receipt of a Notice of Opposition to the above Trade Mark on 22 September 2020, it is necessary to issue this formal refusal letter. This refusal covers all of the goods and/or services of the International Registration (**Rule 17(2)(vi)**). Please find attached a copy of the Notice of Intention to Oppose and the Statement of Grounds and Particulars (**Rule 17(2)(iv)**).

We also attach:

- Copies of the trade mark(s) upon which the opposition is based, (if conflicting trade mark numbers have been provided in the notice of opposition) showing all relevant details (**Rule 17(2)(v), Rule 17(3)**).
- A copy of subdivision C of Division 3 of Part 17A of the *Trade Marks Regulations 1995* (**Rule 17(2)(iv)**).

Subdivision C points to other relevant sections of the *Trade Marks Act 1995* (the Act) and the *Trade Marks Regulations 1995* (the Regulations). Both the Act and the Regulations may be accessed at the following website address:

<http://www.ipaustralia.gov.au/about-us/publications-listing/ip-legislation/>

The following information can also be accessed at:

http://www.ipaustralia.gov.au/pdfs/trademarkmanual/trade_marks_examiners_manual.htm

The Trade Marks Office Manual of Practice and Procedure.

IMPORTANT INFORMATION ABOUT NOTICE OF INTENTION TO DEFEND

The holder has ONE MONTH from the date of this notification to file a notice of intention to defend with IP Australia. The holder must provide an address for service in Australia or New Zealand. IP Australia will give a copy of the notice of intention to defend to the opponent.

If a notice of intention to defend is not filed, the opposition will be taken to be successful and the international registration designating Australia (IRDA) may not be protected in Australia.

The trade marks opposition process can be lengthy. 3 months is nominally allowed for evidence in support of the opposition and 3 months for evidence in answer. 2 months is nominally allowed for evidence in reply. These periods may be extended. The due date for filing evidence in answer to the opposition (unless an extension of time is requested) will be 3 months from the date on which the opponent files its evidence in support.

ADDRESS FOR SERVICE IN AUSTRALIA OR NEW ZEALAND: *important information for the holder of an opposed international registration designating Australia*

If the holder wishes to make written representations or to be heard in relation to the opposition, then the holder must notify the Registrar, in writing, of the holder's address for service in Australia or New Zealand.

Please also note that the Registrar is not required to take any action in response to a notice of intention to defend unless the holder has notified the Registrar, in writing, of the holder's address for service in Australia or New Zealand.

Yours sincerely,

IP Australia



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**Madrid Agreement and Protocol
Information in accordance with Rule 16(1)(b)**

In compliance with Rule 16(1)(b) we now advise that the opposition period to the above trade mark began on 24 July 2020 and ended on 24 December 2020.

Yours sincerely,

IP Australia

Trade mark details:

Trade mark: ICLOUD

Class(es): 9, 16, 25, 28, 35, 37, 38, 39, 40, 41, 42, 45

Status: Registered

Filed on: 31 May 2011

Property type: Word

Entered on register: 18 April 2013

Registered from: 31 May 2011

Owner Details

Owner name: Apple Inc.

Owner address: One Apple Park Way
Cupertino California 95014

United States of America

Representative details:

Representative name: Baker McKenzie

Representative address: Tower One – International Towers Sydney,
Level 46, 100 Barangaroo Avenue
Sydney NSW 2000
NSW 2000
Australia

Goods and services:

Class: 9 Computers, computer peripheral devices, computer terminals; computer hardware; computer gaming machines, microprocessors, memory boards, monitors, displays, keyboards, cables, modems, printers, disk drives, adapters, adapter cards, connectors and drivers; blank computer storage media; magnetic data carriers; computer software; computer software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, storing and organizing text, graphics, images, and electronic publications; computer software and firmware, namely, operating system programs, data synchronization programs, and application development tool programs for personal and handheld computers; computer hardware and software for providing integrated telephone communication with computerized global information networks; pre-recorded computer programs for personal information management, database management software, character recognition software, telephony management software, electronic mail and messaging software, paging software, mobile telephone software;

database synchronization software, computer programs for accessing, browsing and searching online databases, computer software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld devices from a data store on or associated with a personal computer or a server; computer software for the synchronization of data between a remote station or device and a fixed or remote station or device; downloadable electronic publications in the nature of books, plays, pamphlets, brochures, newsletters, journals, magazines, and periodicals on a wide range of topics of general interest; handheld digital electronic devices and software related thereto; mp3 and other digital format audio players; hand held computers, tablet computers, personal digital assistants, electronic organizers, electronic notepads; mobile digital electronic devices, global positioning system (GPS) devices, telephones; handheld and mobile digital electronic devices for the sending and receiving of telephone calls, faxes, electronic mail, and other digital data; cordless telephones; mobile telephones; parts and accessories for mobile telephones; facsimile machines, answering machines, cameras, videophones, telephone-based information retrieval software and hardware; electronic handheld units for the wireless receipt, storage and/or transmission of data and messages, and electronic devices that enable the user to keep track of or manage personal information; electronic communication equipment and instruments; telecommunications apparatus and instruments; fonts, typefaces, type designs and symbols in the form of recorded data; chips, discs and tapes bearing or for recording computer programs and software; random access memory, read only memory; solid state memory apparatus; computer and electronic games; user manuals in electronically readable, machine readable or computer readable form for use with, and sold as a unit with, all the aforementioned goods; apparatus for data storage; hard drives; miniature hard disk drive storage units; audio video discs, CD-ROMs, and digital versatile discs; mouse pads; batteries; rechargeable batteries; chargers; chargers for electric batteries; headphones; stereo headphones; in-ear headphones; stereo speakers; audio speakers; audio speakers for home; monitor speakers; speakers for computers; personal stereo speaker apparatus; radio receivers, amplifiers, sound recording and reproducing apparatus, electric phonographs, record players, high fidelity stereo apparatus, tape recorders and reproducing apparatus, loudspeakers, multiple speaker units, microphones; digital audio and video devices; audio cassette recorders and players, video cassette recorders and players, compact disc players, digital versatile disc recorders and players, digital audio tape recorders and players; digital music and/or video players; radios; video cameras; audio, video, and digital mixers; radio transmitters; car audio apparatus; computer equipment for use with all of the aforesaid goods; electronic apparatus with multimedia functions for use with all of the aforesaid goods; electronic apparatus with interactive functions for use with all of the aforesaid goods; accessories, parts, fittings, and testing apparatus for all of the aforesaid goods; parts and fittings for all the aforesaid goods; covers, bags and cases adapted or shaped to contain all of the aforesaid goods, made of leather, imitations of leather, cloth, or textile materials

Class: 16

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; book binding material; photographs; stationery; stickers; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); advertising materials; printers' type; printing blocks; printed

publications; periodicals; books; magazines; newsletters; brochures; booklets; pamphlets; manuals; journals; leaflets; greeting cards; advertising and promotional material; catalogues relating to computer software; computer brochures; computer handbooks; computer hardware publications; computer hardware reference manuals; computer hardware users guide; computer instruction manuals; computer manuals; publications relating to technology, digital technology and gadgets; catalogues relating to musical apparatus and instruments; music books; music instruction manuals; music magazines; excluding adhesives, adhesive tape and sheets

Class: 25

Clothing, footwear, headgear

Class: 28

Toys; games and playthings; playing cards; electronic hand-held game units; musical toys, games and playthings; toy audio apparatus; toy musical boxes; toy musical instruments; toy record players for playing tunes and cassettes; musical games; battery operated toys; electronic toys; electric computer games, other than those adapted for use with television receivers; electrical and electronic amusement apparatus (automatic, coin/counter freed); electronic games being automatic, coin-freed or counter-freed (other than those adapted for use with television receivers); hand-held electronic games and apparatus (other than those adapted for use with television receiver only); video games other than those adapted for use with television receivers only; automatic and coin-operated amusement machines; computer game apparatus other than coin operated or those adapted for use with television receivers; video output toys and games; electronically operated toys; interactive computer toys and games; musical toys and games; stand alone video game machines incorporating a means of display; toy handheld electronic devices; toy computers (not working); toy mobile telephones (not working); parts and fittings for all the aforesaid goods

Class: 35

Business management; business administration; business consulting services; providing office functions; advertising agency services; 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; design, creation, preparation, production, and dissemination of advertisements and advertising material for others; media planning services; administration of consumer loyalty programs; arranging and conducting incentive rewards programs to promote the sale of goods and services; computerized database and file management; data processing services; computerized data storage and retrieval services; computerized data storage and retrieval services for text, data, image, audio, video, and multimedia content; creating indexes of information, sites and other resources available on global computer networks and other electronic and communications networks for others; 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; managing an online searchable database of text, data, image, audio, video, and multimedia content; providing business and commercial information over computer networks and global communication networks; business services, namely, managing computer databases regarding the purchase and sale of a wide variety of products and services of others; 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; retail store services in the field of books, magazines, periodicals, newsletters, journals and other publications on a wide range of topics of general interest, provided via the Internet and other computer, electronic and communications networks; retail store services in the field of entertainment featuring movies, television programs, sporting events, musical works, and audio and audiovisual works, via the Internet and other computer, electronic and communications networks; retail store services featuring computer, electronic and entertainment products, telecommunications apparatus, mobile phones, handheld mobile digital electronic devices, and other consumer electronics, computer software, and accessories, peripherals, and carrying cases for such products, via the Internet and other computer, electronic and communications networks; product demonstrations provided in-store and via global communications networks and other 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: 37

Repair and installation services; maintenance, installation and repair of computer hardware, computer peripherals and consumer electronic devices; consulting services in the field of maintenance of computer hardware, computer peripherals, and consumer electronic devices

Class: 38

Telecommunications; communication and telecommunication services; telecommunication access services; communications by computer; communication between computers; electronic sending of data and documentation via the Internet or other databases; supply of data and news by electronic transmission; providing telecommunication access to websites and electronic news services online allowing the download of information and data; providing telecommunication access to web sites on the Internet; delivery of digital music by telecommunications; providing wireless telecommunications via electronic communications networks; wireless digital messaging, paging services, and electronic mail services, including services that enable a user to send and/or receive messages through a wireless data network; one-way and two-way paging services; communication by computer, computer intercommunication; telex, telegram and telephone services; broadcasting or transmission of radio and television programs; time sharing services for communication apparatus; provision of telecommunications access and links to computer databases and the Internet; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; webcasting services (transmission); delivery of messages by electronic transmission; provision of connectivity services and access to electronic communications networks, for transmission or reception of audio, video or multimedia content; provision of telecommunications connections to electronic communication networks, for transmission or reception of audio, video or multimedia content; providing telecommunication access to digital music web sites on the Internet; providing telecommunication access to MP3 web sites on the Internet; delivery of digital music by telecommunications; provision of

telecommunications connections to the Internet or computer databases; electronic mail services; telecommunication of information (including web pages); video broadcasting, broadcasting pre-recorded videos featuring music and entertainment, television programs, motion pictures, news, sports, games, cultural events, and entertainment-related programs of all kinds, via a global computer network; streaming of video content via a global computer network; subscription audio broadcasting via a global computer network; audio broadcasting; audio broadcasting of spoken word, music, concerts, and radio programs, broadcasting pre-recorded videos featuring music and entertainment, television programs, motion pictures, news, sports, games, cultural events, and entertainment-related programs of all kinds, via computer and other communications networks; streaming of audio content via a global computer network; electronic transmission of audio and video files via communications networks; communication services, namely, matching users for the transfer of music, video and audio recordings via communication networks; providing on-line bulletin boards for the transmission of messages among computer users concerning entertainment, music, concerts, videos, radio, television, film, news, sports, games and cultural events; rental and hire of communication apparatus and electronic mail-boxes; electronic news services; electronic communications consultancy; facsimile, message collection and transmission services; transmission of data and of information by electronic means, computer, cable, radio, teleprinter, teleletter, electronic mail, telecopier, television, microwave, laser beam, communications satellite or electronic communication means; transmission of data by audio-visual apparatus controlled by data processing apparatus or computers; information, advisory and consultancy services relating to all the aforesaid; provision of telecommunication access time to web-sites featuring multimedia materials; providing telecommunication access to databases and directories via communications networks for obtaining data in the fields of music, video, film, books, television, games and sports; providing users with telecommunication access time to electronic communications networks with means of identifying, locating, grouping, distributing, and managing data and links to third-party computer servers, computer processors and computer users; providing access to an online searchable database of text, data, image, audio, video, and multimedia content; business services, namely, providing access to computer databases regarding the purchase and sale of a wide variety of products and services of others

Class: 39

Electronic storage of data, text, images, audio, and video; storage services for archiving electronic data; information and consultation in connection therewith

Class: 40

Treatment of materials, namely, developing of photographic film; electronic recording of photographic and digital images; enlarging of photographic prints; photographic film developing; photographic film printing; photographic and digital image processing, printing, and reproduction; transfer of photographs and digital images onto discs or other electronic media; on-line processing, developing and delivery of digital images; on-line printing of digital images onto photographic paper, photographic books or merchandise; advisory and consultancy services relating to all the aforesaid; printing

Class: 41

Educational and entertainment services; sporting and cultural activities; computer-based and computer-assisted educational, teaching, and training services; digital imaging services; entertainment and educational services, namely, providing text, video, audio, and multimedia materials; entertainment services, namely, providing computer games;

entertainment and educational services, namely, providing electronic books, magazines, newspapers, journals, periodicals, and other publications; entertainment and educational services, namely, providing information, databases, directories, and podcasts in the fields of entertainment, advertising, news, current events, history, sports, games, the media, cultural events and activities, hobbies, publications, technology, and other topics; entertainment and educational services, namely, live performances, sporting events, cultural events, and lectures; entertainment and education services, namely, organizing and conducting exhibitions, displays, exhibits, workshops, seminars, training, and conferences; information, advisory and consultancy services relating to all the aforesaid

Class: 42

Application service provider (ASP) services featuring computer software; application service provider (ASP) services featuring software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, storing and organizing text, graphics, images, and electronic publications; scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; computer hardware and software consulting services; rental of computer hardware and software apparatus and equipment; multimedia and audio-visual software consulting services; computer programming; support and consultation services for developing computer systems, databases and applications; graphic design for the compilation of web pages on the Internet; 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; application service provider (ASP) services featuring software for use in connection with online music subscription service, software that enables users to play and program music and entertainment-related audio, video, text and multimedia content, and software featuring musical sound recordings, entertainment-related audio, video, text and multimedia content; providing temporary Internet access to use on-line non-downloadable software to enable users to program audio, video, text and other multimedia content, including music, concerts, videos, radio, television, news, sports, games, cultural events, and entertainment-related programs; providing search engines for obtaining data on a global computer network; information, advisory and consultancy services relating to all the aforesaid; operating search engines; computer consulting and support services for scanning information into computer discs; creating indexes of online information, sites and other resources available on global computer networks for others; providing user access to the Internet (service providers); online social networking services; providing a social networking website

Class: 45

Online social networking services; providing a social networking website

Convention details

Convention date: 9 May 2011

Trade mark number: 58091

Country: Jamaica

Class: 25 CLOTHING, FOOTWEAR, HEADGEAR ;

Class: 39 ELECTRONIC STORAGE OF DATA, TEXT, IMAGES, AUDIO, AND VIDEO; STORAGE SERVICES FOR ARCHIVING ELECTRONIC DATA; INFORMATION

Class: 40

AND TREATMENT OF MATERIALS, NAMELY, DEVELOPING OF PHOTOGRAPHIC FILM; ELECTRONIC RECORDING OF PHOTOGRAPHIC AND DIGITAL IMAGES; ENLARGING OF PHOTOGRAPHIC PRINTS; PHOTOGRAPHIC FILM DEVELOPING; PHOTOGRAPHIC FILM PRINTING; PHOTOGRAPHIC AND DIGITAL IMAGE PROCESSING, PRINTING, AND REPRODUCTION; TRANSFER OF PHOTOGRAPHS AND DIGITAL IMAGES ONTO DISCS OR OTHER ELECTRONIC MEDIA; ON-LINE PROCESSING, DEVELOPING AND DELIVERY OF DIGITAL IMAGES; ON-LINE PRINTING OF DIGITAL IMAGES ONTO PHOTOGRAPHIC PAPER, PHOTOGRAPHIC BOOKS OR MERCHANDISE; ADVISORY AND CONSULTANCY SERVICES RELATING TO ALL THE AFORESAID; PRINTING

Convention date:

7 December 2010

Trade mark number:

57024

Country:

Jamaica

Class: 45

AND ONLINE SOCIAL NETWORKING SERVICES; PROVIDING A SOCIAL NETWORKING WEBSITE

Class: 35

BUSINESS MANAGEMENT; BUSINESS ADMINISTRATION; BUSINESS CONSULTING SERVICES; PROVIDING OFFICE FUNCTIONS; ADVERTISING AGENCY SERVICES; 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; DESIGN, CREATION, PREPARATION, PRODUCTION, AND DISSEMINATION OF ADVERTISEMENTS AND ADVERTISING MATERIAL FOR OTHERS; MEDIA PLANNING SERVICES; ADMINISTRATION OF CONSUMER LOYALTY PROGRAMS; ARRANGING AND CONDUCTING INCENTIVE REWARDS PROGRAMS TO PROMOTE THE SALE OF GOODS AND SERVICES; COMPUTERIZED DATABASE AND FILE MANAGEMENT; DATA PROCESSING SERVICES; COMPUTERIZED DATA STORAGE AND RETRIEVAL SERVICES; COMPUTERIZED DATA STORAGE AND RETRIEVAL SERVICES FOR TEXT, DATA, IMAGE, AUDIO, VIDEO, AND MULTIMEDIA CONTENT; CREATING INDEXES OF INFORMATION, SITES AND OTHER RESOURCES AVAILABLE ON GLOBAL COMPUTER NETWORKS AND OTHER ELECTRONIC AND COMMUNICATIONS NETWORKS FOR OTHERS; 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 AN ONLINE SEARCHABLE DATABASE OF TEXT, DATA, IMAGE, AUDIO, VIDEO, AND MULTIMEDIA CONTENT; PROVIDING BUSINESS AND COMMERCIAL INFORMATION OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATION NETWORKS; BUSINESS SERVICES, NAMELY, PROVIDING COMPUTER DATABASES REGARDING THE PURCHASE AND SALE OF A WIDE VARIETY OF PRODUCTS AND SERVICES OF OTHERS; 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; RETAIL STORE SERVICES IN THE FIELD OF BOOKS, MAGAZINES, PERIODICALS, NEWSLETTERS, JOURNALS AND OTHER PUBLICATIONS ON A WIDE RANGE OF TOPICS OF GENERAL INTEREST, PROVIDED VIA THE INTERNET AND OTHER COMPUTER, ELECTRONIC AND COMMUNICATIONS NETWORKS; RETAIL STORE SERVICES IN THE FIELD OF ENTERTAINMENT FEATURING MOVIES, TELEVISION PROGRAMS, SPORTING EVENTS, MUSICAL WORKS, AND AUDIO AND AUDIOVISUAL WORKS, VIA THE INTERNET AND OTHER COMPUTER, ELECTRONIC AND COMMUNICATIONS NETWORKS; RETAIL STORE SERVICES FEATURING COMPUTER, ELECTRONIC AND ENTERTAINMENT PRODUCTS, TELECOMMUNICATIONS APPARATUS, MOBILE PHONES, HANDHELD MOBILE DIGITAL ELECTRONIC DEVICES, AND OTHER CONSUMER ELECTRONICS, COMPUTER SOFTWARE, AND ACCESSORIES, PERIPHERALS, AND CARRYING CASES FOR SUCH PRODUCTS, VIA THE INTERNET AND OTHER COMPUTER, ELECTRONIC AND COMMUNICATIONS NETWORKS; PRODUCT DEMONSTRATIONS PROVIDED IN-STORE AND VIA GLOBAL COMMUNICATIONS NETWORKS AND OTHER 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: 37

REPAIR AND INSTALLATION SERVICES; MAINTENANCE, INSTALLATION AND REPAIR OF COMPUTER HARDWARE, COMPUTER PERIPHERALS AND CONSUMER ELECTRONIC DEVICES; CONSULTING SERVICES IN THE FIELD OF MAINTENANCE OF COMPUTER HARDWARE, COMPUTER PERIPHERALS, AND CONSUMER ELECTRONIC DEVICES

Class: 38

TELECOMMUNICATIONS; COMMUNICATION AND TELECOMMUNICATION SERVICES; TELECOMMUNICATION ACCESS SERVICES; COMMUNICATIONS BY COMPUTER; COMMUNICATION BETWEEN COMPUTERS; ELECTRONIC SENDING OF DATA AND DOCUMENTATION VIA THE INTERNET OR OTHER DATABASES; SUPPLY OF DATA AND NEWS BY ELECTRONIC TRANSMISSION; PROVIDING TELECOMMUNICATION ACCESS TO WEBSITES AND ELECTRONIC NEWS SERVICES ONLINE ALLOWING THE DOWNLOAD OF INFORMATION AND DATA; PROVIDING TELECOMMUNICATION ACCESS TO WEB SITES ON THE INTERNET; DELIVERY OF DIGITAL MUSIC BY TELECOMMUNICATIONS; PROVIDING WIRELESS TELECOMMUNICATIONS VIA ELECTRONIC COMMUNICATIONS NETWORKS; WIRELESS DIGITAL MESSAGING, PAGING SERVICES, AND ELECTRONIC MAIL SERVICES, INCLUDING SERVICES THAT ENABLE A USER TO SEND AND/OR RECEIVE MESSAGES THROUGH A WIRELESS DATA NETWORK; ONE-WAY AND TWO-WAY PAGING SERVICES; COMMUNICATION BY COMPUTER, COMPUTER INTERCOMMUNICATION; TELEX, TELEGRAM AND TELEPHONE SERVICES; BROADCASTING OR TRANSMISSION OF RADIO AND TELEVISION PROGRAMS; TIME SHARING SERVICES FOR COMMUNICATION APPARATUS; PROVISION OF TELECOMMUNICATIONS ACCESS AND LINKS TO COMPUTER DATABASES AND THE INTERNET ;

ELECTRONIC TRANSMISSION OF STREAMED AND DOWNLOADABLE AUDIO AND VIDEO FILES VIA COMPUTER AND OTHER COMMUNICATIONS NETWORKS; WEBCASTING SERVICES (TRANSMISSION); DELIVERY OF MESSAGES BY ELECTRONIC TRANSMISSION; PROVISION OF CONNECTIVITY SERVICES AND ACCESS TO ELECTRONIC COMMUNICATIONS NETWORKS, FOR TRANSMISSION OR RECEPTION OF AUDIO, VIDEO OR MULTIMEDIA CONTENT; PROVISION OF TELECOMMUNICATIONS CONNECTIONS TO ELECTRONIC COMMUNICATION NETWORKS, FOR TRANSMISSION OR RECEPTION OF AUDIO, VIDEO OR MULTIMEDIA CONTENT; PROVIDING TELECOMMUNICATION ACCESS TO DIGITAL MUSIC WEB SITES ON THE INTERNET; PROVIDING TELECOMMUNICATION ACCESS TO MP3 WEB SITES ON THE INTERNET; DELIVERY OF DIGITAL MUSIC BY TELECOMMUNICATIONS; PROVISION OF TELECOMMUNICATIONS CONNECTIONS TO THE INTERNET OR COMPUTER DATABASES; ELECTRONIC MAIL SERVICES; TELECOMMUNICATION OF INFORMATION (INCLUDING WEB PAGES); VIDEO BROADCASTING, BROADCASTING PRE-RECORDED VIDEOS FEATURING MUSIC AND ENTERTAINMENT, TELEVISION PROGRAMS, MOTION PICTURES, NEWS, SPORTS, GAMES, CULTURAL EVENTS, AND ENTERTAINMENT-RELATED PROGRAMS OF ALL KINDS, VIA A GLOBAL COMPUTER NETWORK; STREAMING OF VIDEO CONTENT VIA A GLOBAL COMPUTER NETWORK; SUBSCRIPTION AUDIO BROADCASTING VIA A GLOBAL COMPUTER NETWORK; AUDIO BROADCASTING; AUDIO BROADCASTING OF SPOKEN WORD, MUSIC, CONCERTS, AND RADIO PROGRAMS, BROADCASTING PRE-RECORDED VIDEOS FEATURING MUSIC AND ENTERTAINMENT, TELEVISION PROGRAMS, MOTION PICTURES, NEWS, SPORTS, GAMES, CULTURAL EVENTS, AND ENTERTAINMENT-RELATED PROGRAMS OF ALL KINDS, VIA COMPUTER AND OTHER COMMUNICATIONS NETWORKS; STREAMING OF AUDIO CONTENT VIA A GLOBAL COMPUTER NETWORK; ELECTRONIC TRANSMISSION OF AUDIO AND VIDEO FILES VIA COMMUNICATIONS NETWORKS; COMMUNICATION SERVICES, NAMELY, MATCHING USERS FOR THE TRANSFER OF MUSIC, VIDEO AND AUDIO RECORDINGS VIA COMMUNICATION NETWORKS; PROVIDING ON-LINE BULLETIN BOARDS FOR THE TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING ENTERTAINMENT, MUSIC, CONCERTS, VIDEOS, RADIO, TELEVISION, FILM, NEWS, SPORTS, GAMES AND CULTURAL EVENTS; RENTAL AND HIRE OF COMMUNICATION APPARATUS AND ELECTRONIC MAIL-BOXES; ELECTRONIC NEWS SERVICES; ELECTRONIC COMMUNICATIONS CONSULTANCY; FACSIMILE, MESSAGE COLLECTION AND TRANSMISSION SERVICES; TRANSMISSION OF DATA AND OF INFORMATION BY ELECTRONIC MEANS, COMPUTER, CABLE, RADIO, TELEPRINTER, TELELETTER, ELECTRONIC MAIL, TELECOPIER, TELEVISION, MICROWAVE, LASER BEAM, COMMUNICATIONS SATELLITE OR ELECTRONIC COMMUNICATION MEANS; TRANSMISSION OF DATA BY AUDIO-VISUAL APPARATUS CONTROLLED BY DATA PROCESSING APPARATUS OR COMPUTERS; INFORMATION, ADVISORY AND CONSULTANCY SERVICES RELATING TO ALL THE AFORESAID; PROVISION OF TELECOMMUNICATION ACCESS TIME TO WEB-SITES FEATURING MULTIMEDIA MATERIALS; PROVIDING TELECOMMUNICATION ACCESS TO DATABASES AND DIRECTORIES VIA COMMUNICATIONS NETWORKS FOR OBTAINING DATA IN THE FIELDS OF MUSIC, VIDEO, FILM, BOOKS, TELEVISION, GAMES AND SPORTS; PROVIDING USERS WITH TELECOMMUNICATION ACCESS TIME TO ELECTRONIC COMMUNICATIONS NETWORKS WITH MEANS OF IDENTIFYING, LOCATING, GROUPING, DISTRIBUTING, AND MANAGING DATA AND LINKS TO THIRD-PARTY COMPUTER SERVERS, COMPUTER PROCESSORS

Class: 16

PAPER, CARDBOARD AND GOODS MADE FROM THESE MATERIALS, NOT INCLUDED IN OTHER CLASSES; PRINTED MATTER; BOOK BINDING MATERIAL; PHOTOGRAPHS; STATIONERY; STICKERS; ARTISTS' MATERIALS; PAINT BRUSHES; TYPEWRITERS AND OFFICE REQUISITES (EXCEPT FURNITURE); INSTRUCTIONAL AND TEACHING MATERIAL (EXCEPT APPARATUS); PLASTIC MATERIALS FOR PACKAGING (NOT INCLUDED IN OTHER CLASSES); ADVERTISING MATERIALS; PRINTERS' TYPE; PRINTING BLOCKS; PRINTED PUBLICATIONS; PERIODICALS; BOOKS; MAGAZINES; NEWSLETTERS; BROCHURES; BOOKLETS; PAMPHLETS; MANUALS; JOURNALS; LEAFLETS; GREETING CARDS; ADVERTISING AND PROMOTIONAL MATERIAL; CATALOGUES RELATING TO COMPUTER SOFTWARE; COMPUTER BROCHURES; COMPUTER HANDBOOKS; COMPUTER HARDWARE PUBLICATIONS; COMPUTER HARDWARE REFERENCE MANUALS; COMPUTER HARDWARE USERS GUIDE; COMPUTER INSTRUCTION MANUALS; COMPUTER MANUALS; PUBLICATIONS RELATING TO TECHNOLOGY, DIGITAL TECHNOLOGY AND GADGETS; CATALOGUES RELATING TO MUSICAL APPARATUS AND INSTRUMENTS; MUSIC BOOKS; MUSIC INSTRUCTION MANUALS; MUSIC MAGAZINES; EXCLUDING ADHESIVES, ADHESIVE TAPE AND SHEETS in class 16

Class: 28

TOYS; GAMES AND PLAYTHINGS; PLAYING CARDS; ELECTRONIC HAND-HELD GAME UNITS; MUSICAL TOYS, GAMES AND PLAYTHINGS; TOY AUDIO APPARATUS; TOY MUSICAL BOXES; TOY MUSICAL INSTRUMENTS; TOY RECORD PLAYERS FOR PLAYING TUNES AND CASSETTES; MUSICAL GAMES; BATTERY OPERATED TOYS; ELECTRONIC TOYS; ELECTRIC COMPUTER GAMES, OTHER THAN THOSE ADAPTED FOR USE WITH TELEVISION RECEIVERS; ELECTRICAL AND ELECTRONIC AMUSEMENT APPARATUS (AUTOMATIC, COIN/COUNTER FREED); ELECTRONIC GAMES BEING AUTOMATIC, COIN-FREED OR COUNTER-FREED (OTHER THAN THOSE ADAPTED FOR USE WITH TELEVISION RECEIVERS); HAND-HELD ELECTRONIC GAMES AND APPARATUS (OTHER THAN THOSE ADAPTED FOR USE WITH TELEVISION RECEIVER ONLY); VIDEO GAMES OTHER THAN THOSE ADAPTED FOR USE WITH TELEVISION RECEIVERS ONLY; AUTOMATIC AND COIN-OPERATED AMUSEMENT MACHINES; COMPUTER GAME APPARATUS OTHER THAN COIN OPERATED OR THOSE ADAPTED FOR USE WITH TELEVISION RECEIVERS; VIDEO OUTPUT TOYS AND GAMES; ELECTRONICALLY OPERATED TOYS; INTERACTIVE COMPUTER TOYS AND GAMES; MUSICAL TOYS AND GAMES; STAND ALONE VIDEO GAME MACHINES INCORPORATING A MEANS OF DISPLAY; TOY HANDHELD ELECTRONIC DEVICES; TOY COMPUTERS (NOT WORKING); TOY MOBILE TELEPHONES (NOT WORKING); PARTS AND FITTINGS FOR ALL THE AFORESAID GOODS

Class: 9

COMPUTERS, COMPUTER PERIPHERAL DEVICES, COMPUTER TERMINALS; COMPUTER HARDWARE; COMPUTER GAMING MACHINES, MICROPROCESSORS, MEMORY BOARDS, MONITORS, DISPLAYS, KEYBOARDS, CABLES, MODEMS, PRINTERS, DISK DRIVES, ADAPTERS, ADAPTER CARDS, CONNECTORS AND DRIVERS; BLANK COMPUTER STORAGE MEDIA; MAGNETIC DATA CARRIERS; COMPUTER SOFTWARE; COMPUTER SOFTWARE FOR AUTHORING, DOWNLOADING, TRANSMITTING, RECEIVING, EDITING, EXTRACTING, ENCODING, DECODING, DISPLAYING, STORING AND ORGANIZING TEXT, GRAPHICS, IMAGES, AND ELECTRONIC PUBLICATIONS; COMPUTER SOFTWARE AND FIRMWARE, NAMELY, OPERATING SYSTEM PROGRAMS, DATA SYNCHRONIZATION PROGRAMS, AND APPLICATION DEVELOPMENT

TOOL PROGRAMS FOR PERSONAL AND HANDHELD COMPUTERS; COMPUTER HARDWARE AND SOFTWARE FOR PROVIDING INTEGRATED TELEPHONE COMMUNICATION WITH COMPUTERIZED GLOBAL INFORMATION NETWORKS; PRE-RECORDED COMPUTER PROGRAMS FOR PERSONAL INFORMATION MANAGEMENT, DATABASE MANAGEMENT SOFTWARE, CHARACTER RECOGNITION SOFTWARE, TELEPHONY MANAGEMENT SOFTWARE, ELECTRONIC MAIL AND MESSAGING SOFTWARE, PAGING SOFTWARE, MOBILE TELEPHONE SOFTWARE; DATABASE SYNCHRONIZATION SOFTWARE, COMPUTER PROGRAMS FOR ACCESSING, BROWSING AND SEARCHING ONLINE DATABASES, COMPUTER SOFTWARE FOR THE REDIRECTION OF MESSAGES, INTERNET E-MAIL, AND/OR OTHER DATA TO ONE OR MORE ELECTRONIC HANDHELD DEVICES FROM A DATA STORE ON OR ASSOCIATED WITH A PERSONAL COMPUTER OR A SERVER; COMPUTER SOFTWARE FOR THE SYNCHRONIZATION OF DATA BETWEEN A REMOTE STATION OR DEVICE AND A FIXED OR REMOTE STATION OR DEVICE; DOWNLOADABLE ELECTRONIC PUBLICATIONS IN THE NATURE OF BOOKS, PLAYS, PAMPHLETS, BROCHURES, NEWSLETTERS, JOURNALS, MAGAZINES, AND PERIODICALS ON A WIDE RANGE OF TOPICS OF GENERAL INTEREST; HANDHELD DIGITAL ELECTRONIC DEVICES AND SOFTWARE RELATED THERETO; MP3 AND OTHER DIGITAL FORMAT AUDIO PLAYERS; HAND HELD COMPUTERS, TABLET COMPUTERS, PERSONAL DIGITAL ASSISTANTS, ELECTRONIC ORGANIZERS, ELECTRONIC NOTEPADS; MOBILE DIGITAL ELECTRONIC DEVICES, GLOBAL POSITIONING SYSTEM (GPS) DEVICES, TELEPHONES; HANDHELD AND MOBILE DIGITAL ELECTRONIC DEVICES FOR THE SENDING AND RECEIVING OF TELEPHONE CALLS, FAXES, ELECTRONIC MAIL, AND OTHER DIGITAL DATA; CORDLESS TELEPHONES; MOBILE TELEPHONES; PARTS AND ACCESSORIES FOR MOBILE TELEPHONES; FACSIMILE MACHINES, ANSWERING MACHINES, CAMERAS, VIDEOPHONES, TELEPHONE-BASED INFORMATION RETRIEVAL SOFTWARE AND HARDWARE; ELECTRONIC HANDHELD UNITS FOR THE WIRELESS RECEIPT, STORAGE AND/OR TRANSMISSION OF DATA AND MESSAGES, AND ELECTRONIC DEVICES THAT ENABLE THE USER TO KEEP TRACK OF OR MANAGE PERSONAL INFORMATION; ELECTRONIC COMMUNICATION EQUIPMENT AND INSTRUMENTS; TELECOMMUNICATIONS APPARATUS AND INSTRUMENTS; FONTS, TYPEFACES, TYPE DESIGNS AND SYMBOLS IN THE FORM OF RECORDED DATA; CHIPS, DISCS AND TAPES BEARING OR FOR RECORDING COMPUTER PROGRAMS AND SOFTWARE; RANDOM ACCESS MEMORY, READ ONLY MEMORY; SOLID STATE MEMORY APPARATUS; COMPUTER AND ELECTRONIC GAMES; USER MANUALS IN ELECTRONICALLY READABLE, MACHINE READABLE OR COMPUTER READABLE FORM FOR USE WITH, AND SOLD AS A UNIT WITH, ALL THE AFOREMENTIONED GOODS; APPARATUS FOR DATA STORAGE; HARD DRIVES; MINIATURE HARD DISK DRIVE STORAGE UNITS; AUDIO VIDEO DISCS, CD-ROMS, AND DIGITAL VERSATILE DISCS; MOUSE PADS; BATTERIES; RECHARGEABLE BATTERIES; CHARGERS; CHARGERS FOR ELECTRIC BATTERIES; HEADPHONES; STEREO HEADPHONES; IN-EAR HEADPHONES; STEREO SPEAKERS; AUDIO SPEAKERS; AUDIO SPEAKERS FOR HOME; MONITOR SPEAKERS; SPEAKERS FOR COMPUTERS; PERSONAL STEREO SPEAKER APPARATUS; RADIO RECEIVERS, AMPLIFIERS, SOUND RECORDING AND REPRODUCING APPARATUS, ELECTRIC PHONOGRAPHS, RECORD PLAYERS, HIGH FIDELITY STEREO APPARATUS, TAPE RECORDERS AND REPRODUCING APPARATUS, LOUDSPEAKERS, MULTIPLE SPEAKER UNITS, MICROPHONES; DIGITAL AUDIO AND VIDEO DEVICES; AUDIO CASSETTE RECORDERS AND PLAYERS, VIDEO CASSETTE RECORDERS AND PLAYERS, COMPACT DISC

PLAYERS, DIGITAL VERSATILE DISC RECORDERS AND PLAYERS, DIGITAL AUDIO TAPE RECORDERS AND PLAYERS; DIGITAL MUSIC AND/OR VIDEO PLAYERS; RADIOS; VIDEO CAMERAS; AUDIO, VIDEO, AND DIGITAL MIXERS; RADIO TRANSMITTERS; CAR AUDIO APPARATUS; COMPUTER EQUIPMENT FOR USE WITH ALL OF THE AFORESAID GOODS; ELECTRONIC APPARATUS WITH MULTIMEDIA FUNCTIONS FOR USE WITH ALL OF THE AFORESAID GOODS; ELECTRONIC APPARATUS WITH INTERACTIVE FUNCTIONS FOR USE WITH ALL OF THE AFORESAID GOODS; ACCESSORIES, PARTS, FITTINGS, AND TESTING APPARATUS FOR ALL OF THE AFORESAID GOODS; PARTS AND FITTINGS FOR ALL THE AFORESAID GOODS; COVERS, BAGS AND CASES ADAPTED OR SHAPED TO CONTAIN ALL OF THE AFORESAID GOODS, MADE OF LEATHER, IMITATIONS OF LEATHER, CLOTH, OR TEXTILE MATERIALS ;

Class: 41

EDUCATIONAL AND ENTERTAINMENT SERVICES; SPORTING AND CULTURAL ACTIVITIES; COMPUTER-BASED AND COMPUTER-ASSISTED EDUCATIONAL, TEACHING, AND TRAINING SERVICES; DIGITAL IMAGING SERVICES; ENTERTAINMENT AND EDUCATIONAL SERVICES, NAMELY, PROVIDING TEXT, VIDEO, AUDIO, AND MULTIMEDIA MATERIALS; ENTERTAINMENT SERVICES, NAMELY, PROVIDING COMPUTER GAMES; ENTERTAINMENT AND EDUCATIONAL SERVICES, NAMELY, PROVIDING ELECTRONIC BOOKS, MAGAZINES, NEWSPAPERS, JOURNALS, PERIODICALS, AND OTHER PUBLICATIONS; ENTERTAINMENT AND EDUCATIONAL SERVICES, NAMELY, PROVIDING INFORMATION, DATABASES, DIRECTORIES, AND PODCASTS IN THE FIELDS OF ENTERTAINMENT, ADVERTISING, NEWS, CURRENT EVENTS, HISTORY, SPORTS, GAMES, THE MEDIA, CULTURAL EVENTS AND ACTIVITIES, HOBBIES, PUBLICATIONS, TECHNOLOGY, AND OTHER TOPICS; ENTERTAINMENT AND EDUCATIONAL SERVICES, NAMELY, LIVE PERFORMANCES, SPORTING EVENTS, CULTURAL EVENTS, AND LECTURES; ENTERTAINMENT AND EDUCATION SERVICES, NAMELY, ORGANIZING AND CONDUCTING EXHIBITIONS, DISPLAYS, EXHIBITS, WORKSHOPS, SEMINARS, TRAINING, AND CONFERENCES; INFORMATION, ADVISORY AND CONSULTANCY SERVICES RELATING TO ALL THE AFORESAID

Class: 42

APPLICATION SERVICE PROVIDER (ASP) SERVICES FEATURING COMPUTER SOFTWARE; APPLICATION SERVICE PROVIDER (ASP) SERVICES FEATURING SOFTWARE FOR AUTHORING, DOWNLOADING, TRANSMITTING, RECEIVING, EDITING, EXTRACTING, ENCODING, DECODING, DISPLAYING, STORING AND ORGANIZING TEXT, GRAPHICS, IMAGES, AND ELECTRONIC PUBLICATIONS; SCIENTIFIC AND TECHNOLOGICAL SERVICES AND RESEARCH AND DESIGN RELATING THERETO; INDUSTRIAL ANALYSIS AND RESEARCH SERVICES; DESIGN AND DEVELOPMENT OF COMPUTER HARDWARE AND SOFTWARE; COMPUTER HARDWARE AND SOFTWARE CONSULTING SERVICES; RENTAL OF COMPUTER HARDWARE AND SOFTWARE APPARATUS AND EQUIPMENT; MULTIMEDIA AND AUDIO-VISUAL SOFTWARE CONSULTING SERVICES; COMPUTER PROGRAMMING; SUPPORT AND CONSULTATION SERVICES FOR DEVELOPING COMPUTER SYSTEMS, DATABASES AND APPLICATIONS; GRAPHIC DESIGN FOR THE COMPILATION OF WEB PAGES ON THE INTERNET; 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; APPLICATION SERVICE PROVIDER (ASP) SERVICES FEATURING SOFTWARE FOR USE IN CONNECTION WITH ONLINE MUSIC SUBSCRIPTION SERVICE,

SOFTWARE THAT ENABLES USERS TO PLAY AND PROGRAM MUSIC AND ENTERTAINMENT-RELATED AUDIO, VIDEO, TEXT AND MULTIMEDIA CONTENT, AND SOFTWARE FEATURING MUSICAL SOUND RECORDINGS, ENTERTAINMENT-RELATED AUDIO, VIDEO, TEXT AND MULTIMEDIA CONTENT; PROVIDING TEMPORARY INTERNET ACCESS TO USE ON-LINE NON-DOWNLOADABLE SOFTWARE TO ENABLE USERS TO PROGRAM AUDIO, VIDEO, TEXT AND OTHER MULTIMEDIA CONTENT, INCLUDING MUSIC, CONCERTS, VIDEOS, RADIO, TELEVISION, NEWS, SPORTS, GAMES, CULTURAL EVENTS, AND ENTERTAINMENT-RELATED PROGRAMS; PROVIDING SEARCH ENGINES FOR OBTAINING DATA ON A GLOBAL COMPUTER NETWORK; INFORMATION, ADVISORY AND CONSULTANCY SERVICES RELATING TO ALL THE AFORESAID; OPERATING SEARCH ENGINES; COMPUTER CONSULTING AND SUPPORT SERVICES FOR SCANNING INFORMATION INTO COMPUTER DISCS; CREATING INDEXES OF ONLINE INFORMATION, SITES AND OTHER RESOURCES AVAILABLE ON GLOBAL COMPUTER NETWORKS FOR OTHERS; PROVIDING USER ACCESS TO THE INTERNET (SERVICE PROVIDERS); ONLINE SOCIAL NETWORKING SERVICES; PROVIDING A SOCIAL NETWORKING WEBSITE

Other trade mark information:

Other trade mark information: Provisions of subsection 41(5) applied

Trade mark details:

International registration number:	1196067
Trade mark:	ICLOUD KEYCHAIN
Class(es):	39, 42
Status:	Protected
Filed on:	9 December 2013
Property type:	Word
Entered on register:	11 June 2014
Registered from:	9 December 2013

Owner Details

Owner name:	Apple Inc.
Owner address:	One Apple Park Way Cupertino CA 95014 United States of America

Goods and services:

Class: 39	Physical storage services for archiving electronically-stored data
Class: 42	Electronic storage of data and text

Convention details

Convention date:	10 June 2013
Trade mark number:	062862
Country:	Jamaica

Trade mark details:

International registration number:	1198689
Trade mark:	ICLOUD KEYCHAIN
Class(es):	42
Status:	Protected
Filed on:	9 December 2013
Property type:	Word
Entered on register:	30 July 2014
Registered from:	9 December 2013

Owner Details

Owner name:	Apple Inc.
Owner address:	One Apple Park Way Cupertino CA 95014 United States of America

Goods and services:

Class: 42	Electronic data storage services; cloud computing featuring software to enable uploading, posting, showing, displaying, sharing or otherwise providing electronic media or information over the internet or other communications networks and database management; computer services, namely, providing access to non-downloadable computer software for creating, storing, and encrypting data and text; computer services, namely, providing access to non-downloadable computer software for storing and transmitting data and text
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Convention details

Convention date:	10 June 2013
Trade mark number:	062862
Country:	Jamaica
Class: 42	SCIENTIFIC AND TECHNOLOGICAL SERVICES AND RESEARCH AND DESIGN RELATING THERETO; INDUSTRIAL ANALYSIS AND RESEARCH SERVICES; COMPUTER PROGRAMMING; DESIGN AND DEVELOPMENT OF COMPUTER HARDWARE AND SOFTWARE; DESIGN, DEVELOPMENT AND MAINTENANCE OF PROPRIETARY COMPUTER SOFTWARE IN THE FIELD OF NATURAL LANGUAGE, SPEECH, SPEAKER, LANGUAGE, VOICE RECOGNITION, AND VOICE-PRINT RECOGNITION; RENTAL OF COMPUTER HARDWARE AND SOFTWARE APPARATUS AND EQUIPMENT;

COMPUTER HARDWARE AND SOFTWARE CONSULTING SERVICES; SUPPORT AND CONSULTATION SERVICES FOR DEVELOPING COMPUTER SYSTEMS, DATABASES AND APPLICATIONS; PROVIDING COMPUTER HARDWARE OR SOFTWARE INFORMATION ONLINE; WEBSITE CREATION, DESIGN AND MAINTENANCE SERVICES; WEBSITE HOSTING SERVICES; APPLICATION SERVICE PROVIDER (ASP) SERVICES FEATURING HOSTING COMPUTER SOFTWARE APPLICATIONS OF OTHERS; APPLICATION SERVICE PROVIDER (ASP) SERVICES FEATURING SOFTWARE FOR CREATING, AUTHORIZING, DISTRIBUTING, DOWNLOADING, TRANSMITTING, RECEIVING, PLAYING, EDITING, EXTRACTING, ENCODING, DECODING, DISPLAYING, STORING AND ORGANIZING TEXT, GRAPHICS, IMAGES, AUDIO, VIDEO, AND MULTIMEDIA CONTENT, AND ELECTRONIC PUBLICATIONS; APPLICATION SERVICE PROVIDER (ASP) SERVICES FEATURING SOFTWARE FOR USE IN CONNECTION WITH VOICE RECOGNITION SOFTWARE AND VOICE-ENABLED SOFTWARE APPLICATIONS; PROVIDING ONLINE NON-DOWNLOADABLE SOFTWARE; PROVIDING SEARCH ENGINES FOR OBTAINING DATA VIA THE INTERNET AND OTHER ELECTRONIC COMMUNICATIONS NETWORKS; CREATING INDEXES OF ONLINE INFORMATION, SITES AND OTHER RESOURCES AVAILABLE ON GLOBAL COMPUTER NETWORKS FOR OTHERS; ELECTRONIC DATA STORAGE SERVICES; ONLINE SOCIAL NETWORKING SERVICES; PROVIDING A SOCIAL NETWORKING WEBSITE; CARTOGRAPHY AND MAPPING SERVICES; CLOUD COMPUTING SERVICES; INFORMATION, ADVISORY AND CONSULTANCY SERVICES RELATING TO ALL THE AFORESAID. .

Trade mark details:

International registration number: 1216753
Class(es): 9, 39, 41, 42
Status: Protected
Filed on: 8 July 2013
Property type: Figurative
Entered on register: 1 October 2015
Registered from: 8 July 2013

Owner Details

Owner name: APPLE INC.
Owner address: One Apple Park Way
Cupertino CA 95014
United States of America

Representative details:

Representative name: Baker McKenzie
Representative address: Tower One – International Towers Sydney,
Level 46, 100 Barangaroo Avenue
Sydney NSW 2000
NSW 2000
Australia

Goods and services:

Class: 9 Computer software for use in uploading, downloading, storing, backing up, transmitting, receiving, accessing, retrieving, managing, organizing, and synchronizing data, email, documents, images, audio, video, multimedia content, electronic publications, computer files and other computer software; computer software for tracking the location of mobile digital electronic devices; computer software for use in accessing the Internet or other computer or communications networks; computer programs for personal information management electronic mail and messaging software; database synchronization software; database management software

Class: 39 Physical storage services for archiving electronically-stored data; information and consultation therewith

Class: 41 Entertainment services, namely, providing a database featuring non-downloadable music, non-downloadable videos featuring music concerts, games, animation, and cultural events, non-downloadable television

programs and motion pictures on the subjects of nature, science, history, comedy, unscripted performances, animation, mystery, science fiction, non-fiction, documentary, action and adventure, current event and entertainment news, sports information, games, cultural events information, and non-downloadable entertainment-related multimedia programs on the subjects of nature, science, history, comedy, unscripted performances, animation, mystery, science fiction, non-fiction, documentary, action and adventure

Class: 42

Computer hardware and software consulting services; information relating to computer software provided on-line from a global computer network or the Internet; maintaining websites featuring technology that enables users to access stored data, images, audio, video and documents; creating indexes of computer network-based information, sites, and other resources available on global computer networks for others; application service provider (ASP) services featuring computer software to enable uploading, posting, showing, displaying, sharing or otherwise providing electronic media or information over the Internet or other communications network; application service provider (ASP) services featuring software for authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, displaying, reviewing, storing and organizing text, graphics, images, audio files, video files, and electronic publications; application service provider (ASP) services featuring software for use in connection with online music subscription service; information, advisory, and consultancy services relating to all the aforesaid; electronic storage of data, text, images, audio and video

Convention details

Convention date: 8 January 2013

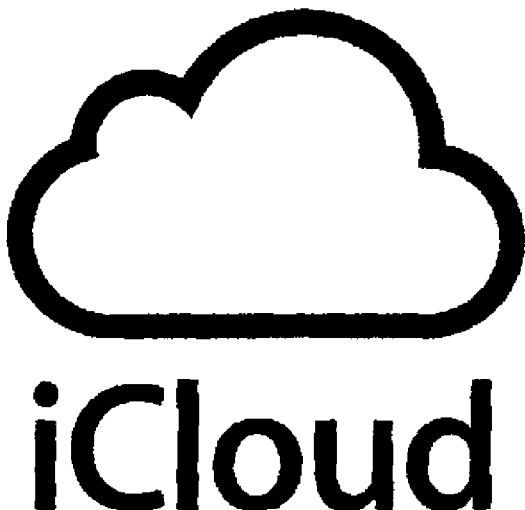
Trade mark number: 61806

Country: Jamaica

Other trade mark information:

Other trade mark information: Evidence and/or other circumstances provided under subsection 41(4).

Trade mark image:



Trade mark details:

International registration number:	1225236
Class(es):	9
Status:	Protected
Filed on:	21 July 2014
Property type:	Figurative
Entered on register:	23 March 2015
Registered from:	21 July 2014

Owner Details

Owner name:	Apple Inc.
Owner address:	One Apple Park Way Cupertino CA 95014 United States of America

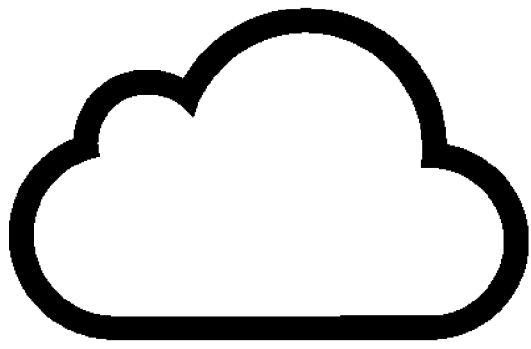
Goods and services:

Class: 9	Computer software for use in uploading, downloading, storing, backing up, transmitting, receiving, accessing, retrieving, managing, organizing, and synchronizing data, email, documents, images, audio, video, multimedia content, electronic publications, computer files and other computer software; computer software for tracking the location of mobile digital electronic devices; computer software for use in accessing the Internet or other computer or communications networks; computer programs for personal information management; electronic mail and messaging software; database synchronization software; database management software
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Other trade mark information:

Other trade mark information: Evidence and/or other circumstances provided under subsection 41(4).

Trade mark image:



iCloud

Trade mark details:

International registration number:	1245693
Trade mark:	ICLOUD DRIVE
Class(es):	42
Status:	Protected
Filed on:	29 October 2015
Property type:	Word
Entered on register:	1 June 2016
Registered from:	29 October 2015

Owner Details

Owner name:	Apple Inc.
Owner address:	One Apple Park Way Cupertino CA 95014 United States of America

Goods and services:

Class: 42	Electronic storage of data; electronic storage of data, text, images, audio, and video; storage services for archiving of electronic data
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Other trade mark information:

Other trade mark information: Evidence and/or other circumstances provided under subsection 41(4).

Subdivision C—Opposition to IRDA

17A.29 Definitions

In this Subdivision:

extension of protection means the extension of protection in Australia to the trade mark that is the subject of the IRDA.

notice of intention to defend means a notice filed under regulation 17A.34H.

notice of intention to oppose means a notice filed under regulation 17A.33.

notice of opposition means:

- (a) a notice of intention to oppose; and
- (b) a statement of grounds and particulars.

opponent means a person who files:

- (a) a notice of intention to oppose; and
- (b) a statement of grounds and particulars.

party means an IRDA holder or opponent.

statement of grounds and particulars means a statement by an opponent that sets out:

- (a) the grounds on which the opponent intends to rely; and
- (b) the facts and circumstances forming the basis for the grounds.

Note: The following terms are defined in section 6 of the Act:

- (a) applicant;
- (b) approved form;
- (c) employee;
- (d) file;
- (e) month;
- (f) person.

17A.31 Notification and opportunity to make representations

(1) This regulation applies if:

- (a) a party makes a request to the Registrar under this Subdivision; or
- (b) the Registrar proposes to make a decision on the Registrar's own initiative under this Subdivision.

(2) The Registrar must:

- (a) for paragraph (1)(a)—notify the other party of the request, including by giving the other party a copy of the request; or
- (b) for paragraph (1)(b)—notify the parties of the proposed decision.

(3) If the Registrar proposes to grant the request, the Registrar must give the parties an opportunity to make representations:

- (a) in writing; or
- (b) at a hearing; or

(c) by other means that the Registrar states in the notification.

(4) The Registrar must notify the parties of the Registrar's decision.

17A.32 Filing of notice of opposition

(1) A notice of opposition is taken to be filed when the notice of intention to oppose and the statement of grounds and particulars have been filed under regulations 17A.33 and 17A.34A.

(2) The Registrar must notify the International Bureau of the filing of the notice of opposition in accordance with rule 17, as applicable, of the Common Regulations.

17A.33 Filing of notice of intention to oppose

(1) If the Registrar advertises the acceptance of an IRDA in the *Official Journal*, a person may oppose the extension of protection by filing a notice of intention to oppose within 2 months from the advertisement of the acceptance.

(2) The notice must be in an approved form.

(3) The Registrar must give a copy of the notice to the holder of the IRDA.

17A.34 Grounds for opposing IRDA

(1) The extension of protection may be opposed on any of the grounds on which an IRDA may be rejected under Subdivision 2, except the ground that the trade mark cannot be represented graphically.

(2) The extension of protection may also be opposed on any of the grounds set out in sections 58 to 61 and 62A of the Act, as affected by subregulation (3).

(3) Sections 58 to 61 and 62A of the Act apply in relation to an IRDA as if:

(a) a reference in those sections:

(i) to an application for the registration of a trade mark were a reference to the IRDA; and

(ii) to an applicant were a reference to the holder of the IRDA; and

(iii) to the registration of a trade mark were a reference to the extension of protection in Australia to the trade mark that is the subject of the IRDA; and

(b) the reference in paragraph 60(a) of the Act to the priority date for the registration of the trade mark were a reference to the priority date for the trade mark that is the subject of the IRDA.

(4) The extension of protection may also be opposed on the grounds that:

(a) a document filed in support of the IRDA was amended contrary to the Act; or

(b) the Registrar accepted the IRDA on the basis of evidence provided, or a representation made, by the holder that was false in a material particular.

Note: Section 66 of the Act provides for the amendment of documents filed with the Registrar.

17A.34A Filing of statement of grounds and particulars

(1) A statement of grounds and particulars must be filed within one month from the day the notice of intention to oppose is filed.

(2) The statement must be in an approved form.

17A.34B Statement of grounds and particulars must be adequate

(1) The Registrar must assess the adequacy of a statement of grounds and particulars.

(2) If the Registrar decides that the statement is adequate, the Registrar must give a copy of the statement to the holder of the IRDA.

(3) If the Registrar decides that the statement is inadequate:

- (a) the Registrar may direct the opponent to rectify the inadequacy by filing more information on the basis for one or more of the grounds; or
 - (b) if all the grounds are inadequately particularised, the Registrar may dismiss the opposition; or
 - (c) if only some of the grounds are inadequately particularised, the Registrar may:
 - (i) delete from the statement some or all of the material that is inadequate; and
 - (ii) treat the result as the statement for the purposes of these Regulations; and
 - (iii) give a copy of the amended statement to the opponent.
- (4) If the Registrar decides that the statement is still inadequate after the information is filed under paragraph (3)(a):
- (a) the Registrar may dismiss the opposition; or
 - (b) the Registrar may:
 - (i) delete from the statement some or all of the material that is inadequate; and
 - (ii) treat the result as the statement for the purposes of these Regulations; and
 - (iii) give a copy of the amended statement to the opponent.
- (5) If the Registrar decides that the information filed under paragraph (3)(a) rectifies the inadequacy of the statement, the Registrar must give a copy of the statement and the information filed in relation to paragraph (3)(a) to the holder of the IRDA.
- (6) The opponent may apply to the Administrative Appeals Tribunal for review of a decision under this regulation to dismiss the opposition or delete material from the statement of grounds and particulars.
- (7) Regulation 17A.31 does not apply to this regulation.

17A.34C Extension of time for filing—application

- (1) A person who intends to oppose the extension of protection may request the Registrar to extend:
 - (a) the period for filing a notice of intention to oppose under subregulation 17A.33(1); or
 - (b) the period for filing a statement of grounds and particulars under subregulation 17A.34A(1).
- (2) A request under paragraph (1)(a) or (b) may be made:
 - (a) within the period for filing the document in question; or
 - (b) before the extension of protection of the IRDA is entered on the Record of International Registrations under paragraph 17A.37(1)(b).

Note: See subparagraph (3)(b)(ii) and subregulation 17A.34D(2) in relation to the consequences of making the request after the filing period has ended.

- (3) The request must:
 - (a) be in an approved form; and
 - (b) be accompanied by a declaration stating:
 - (i) the facts and circumstances forming the basis for the grounds; and
 - (ii) if the period for filing the notice or the statement of grounds and particulars has ended—the reason why the request was not made within the period.

Note: Regulations 21.6 and 21.7 deal with making and filing declarations.

- (4) The request must be made only on either or both of the following grounds:
 - (a) an error or omission by the person, the person's agent, the Registrar or an employee;
 - (b) circumstances beyond the control of the person, other than an error or omission by the person, the person's agent, the Registrar or an employee.

- (5) Subsection 52(5) of the Act applies to the request.
- (6) Regulation 17A.31 does not apply to this regulation.

17A.34D Extension of time for filing—grant

- (1) The Registrar may grant a request under subregulation 17A.34C(1) for an extension of time if the Registrar is satisfied that the grounds set out in the request justify the extension.
- (2) However, if the request is made after the period for filing the notice or statement of grounds and particulars has ended, the Registrar must not grant the extension unless the Registrar is satisfied that there is sufficient reason for the delay in making the request.
- (3) The Registrar must decide the length of the extended period having regard to what is reasonable in the circumstances.

17A.34E Opposition may proceed in name of other person

Section 53 of the Act applies to a notice of intention to oppose filed under this Subdivision.

17A.34F Amendment of notice of intention to oppose

- (1) An opponent may request the Registrar to amend a notice of intention to oppose to correct a clerical error or obvious mistake.
- (2) If an opposition proceeds in the name of another person under section 53 of the Act, the person may request the Registrar to amend the notice of intention to oppose to record the person's name.
- (3) The Registrar may grant a request under subregulation (1) or (2) on terms that the Registrar considers appropriate.
- (4) If the Registrar grants the request, the Registrar must give a copy of the notice of the amended intention to oppose to the IRDA holder.
- (5) Regulation 17A.31 does not apply to this regulation.

17A.34G Amendment of statement of grounds and particulars

- (1) An opponent may request the Registrar to amend the statement of grounds and particulars to:
 - (a) correct an error or omission in the grounds of opposition or the facts and circumstances forming the basis for the grounds; or
 - (b) amend a ground of opposition; or
 - (c) add a new ground of opposition; or
 - (d) to amend the facts and circumstances forming the basis for the grounds.
- (2) The Registrar may grant the request on terms that the Registrar considers appropriate.
- (3) However, the Registrar may grant a request to:
 - (a) amend a ground of opposition; or
 - (b) add a new ground of opposition;

only if the Registrar is satisfied that the amendment or addition relates to information of which the opponent could not reasonably have been aware at the time of filing the statement.

- (4) If the Registrar grants the request, the Registrar must give a copy of the amended statement to the IRDA holder.

17A.34H Filing of notice of intention to defend

- (1) The IRDA holder must file a notice of intention to defend within one month from the day the Registrar notifies the International Bureau under subregulation 17A.32(2).
- (2) The holder must file an Australian or New Zealand address for service with the notice.
- (3) The Registrar must give a copy of the notice to the opponent.

(4) If the holder does not file the notice within the period mentioned in subregulation (1), the Registrar may decide to:

- (a) take the opposition to have succeeded; and
- (b) refuse protection to the holder.

(5) The Registrar is not required to take any action in response to a notice of intention to defend filed under subregulation (1) unless the holder has notified the Registrar, in writing, of the holder's address for service in Australia or New Zealand.

(6) A requirement to:

- (a) give a document to a person; or
- (b) give a person an opportunity to make written representations or to be heard;

does not apply if no address for service of the person is recorded in the Record of International Registrations.

(7) The Registrar must notify the parties of the Registrar's decision.

17A.34HA Extension of time for filing—application

(1) A person may apply to the Registrar to extend the period for filing a notice of intention to defend.

(2) The application must be made before the end of the period of 2 months beginning on the day after the end of the period mentioned in subregulation 17A.34H(1).

(3) The application must:

- (a) be in the approved form; and
- (b) be accompanied by a declaration stating the facts and circumstances forming the basis for the grounds for making the application.

Note: Regulations 21.6 and 21.7 deal with making and filing declarations.

(4) The application may be made only on either or both of the following grounds:

- (a) an error or omission by the person, the person's agent, the Registrar or an employee;
- (b) circumstances beyond the control of the person, other than an error or omission by the person, the person's agent, the Registrar or an employee.

17A.34HB Extension of time for filing—grant

(1) The Registrar may grant an application under subregulation 17A.34HA(1) for an extension of time only if the Registrar is satisfied that the grounds set out in the application justify the extension.

(2) However, if the application is made after the period mentioned in subregulation 17A.34H(1) has ended, the Registrar must not grant the extension unless the Registrar is satisfied that there is sufficient reason for the delay in making the application.

(3) The Registrar must decide the length of the extended period having regard to what is reasonable in the circumstances.

17A.34J Filing of evidence

(1) The Registrar must notify the parties that:

- (a) all the evidence for an evidentiary period mentioned in this regulation has been filed; or
- (b) no evidence was filed for the period.

(2) The Registrar must give a copy of any evidence filed by a party under this regulation to the other party:

- (a) before the end of the relevant evidentiary period, if the Registrar considers it appropriate to do so; or
- (b) after the evidentiary period ends.

Evidence in support

(3) An opponent must file any evidence in support of the opposition within 3 months from the day the opponent is given a copy of the notice of intention to defend.

Evidence in answer

(4) If the opponent files evidence in support of the opposition, the IRDA holder must file any evidence in answer to the evidence in support within 3 months from the day the Registrar:

- (a) gives the IRDA holder:
 - (i) all the evidence in support; or
 - (ii) if the opponent files the evidence in support in instalments—the final instalment of the evidence in support; and
- (b) notifies the IRDA holder that all the evidence in support has been filed.

(5) If the opponent does not file any evidence in support of the opposition, the IRDA holder must file any evidence in answer to the statement of grounds and particulars within 3 months from the day the Registrar notifies the IRDA holder that no evidence in support was filed.

Evidence in reply

(6) If the IRDA holder files evidence in answer under subregulation (4) or (5), the opponent must file any evidence in reply to the evidence in answer within 2 months from the day the Registrar:

- (a) gives the opponent:
 - (i) all the evidence in answer; or
 - (ii) if the IRDA holder files the evidence in answer in instalments—the final instalment of the evidence in answer; and
- (b) notifies the opponent that all the evidence in answer has been filed.

17A.34K Extension of time for filing

(1) A party may request the Registrar to extend a period for filing evidence mentioned in regulation 17A.34J.

(2) The Registrar may extend the period only if the Registrar is satisfied that:

- (a) the party:
 - (i) has made all reasonable efforts to comply with all relevant filing requirements of this Subdivision; and
 - (ii) despite acting promptly and diligently at all times to ensure the filing of the evidence within the period, is unable to do so; or
- (b) there are exceptional circumstances that justify the extension.

(3) The Registrar:

- (a) must decide the length of the extended period having regard to what is reasonable in the circumstances; and
- (b) may do so on terms that the Registrar considers appropriate.

(4) In this regulation:

exceptional circumstances includes the following:

- (a) a circumstance beyond the control of a party that prevents the party from complying with a filing requirement under this Subdivision;
- (b) an error or omission by the Registrar or an employee that prevents a party from complying with a filing requirement under this Subdivision;
- (c) an order of a court or a direction by the Registrar that the opposition be stayed.

17A.34L Registrar may allow cooling-off period

- (1) This regulation applies to an opposition if:
 - (a) the notice of opposition has been filed; and
 - (b) the Registrar has not made a decision on the opposition under regulation 17A.34N; and
 - (c) the opposition has not been dismissed under regulation 17A.34B.
- (2) If the Registrar is satisfied that the parties agree to a cooling-off period, the Registrar must allow a cooling-off period of 6 months.
- (3) The Registrar must extend the cooling-off period for 6 months if, before the end of the period, the Registrar is satisfied that the parties agree to the extension.
- (4) The Registrar must not:
 - (a) further extend the cooling-off period; or
 - (b) allow more than one cooling-off period for an opposition.
- (5) If a party files a notice in an approved form requesting the Registrar to discontinue the cooling-off period, the Registrar must do so.
- (6) The Registrar may direct the parties on steps they must take:
 - (a) if the cooling-off period is discontinued; or
 - (b) otherwise—when the cooling-off period ends.
- (7) The opposition resumes:
 - (a) if the cooling-off period is discontinued; or
 - (b) otherwise—when the cooling-off period ends.
- (8) If:
 - (a) the cooling-off period begins during the period mentioned in regulation 17A.34H or an evidentiary period mentioned in regulation 17A.34J; and
 - (b) the opposition resumes;

the period mentioned in regulation 17A.34H or 17A.34J restarts when the opposition resumes.

17A.34M Hearing

- (1) This regulation applies to an opposition if:
 - (a) the opposition has not been dismissed under regulation 17A.34B; or
 - (b) the opposition has not been decided under regulation 17A.34N; or
 - (c) the opposition is not taken to have succeeded under regulation 17A.34H.
- (2) The holder of an IRDA may request the Registrar to hold a hearing if:
 - (a) the evidentiary period mentioned in subregulation 17A.34J(3) has ended; and

(b) either:

- (i) all evidence for the opposition proceeding has been filed; or
- (ii) no evidence has been filed in that period.

(3) A party may request the Registrar to hold a hearing if:

(a) an evidentiary period mentioned in any of subregulations 17A.34J(4) to (6) has ended; and

(b) either:

- (i) all evidence for the opposition proceeding has been filed; or
- (ii) no evidence has been filed in that period.

(4) The Registrar:

(a) must hold a hearing of the opposition if requested by a party in writing; or

(b) may decide, on the Registrar's own initiative, to hold a hearing of the opposition.

(5) The hearing may, at the Registrar's discretion, be:

(a) an oral hearing; or

(b) by written submissions.

(6) If the Registrar decides on an oral hearing:

(a) the Registrar must notify the parties of the date, time and place of the hearing; and

(b) the opponent must file a summary of submissions at least 10 business days before the hearing; and

(c) the holder of the IRDA must file a summary of submissions at least 5 business days before the hearing.

(7) The Registrar may take into account a party's failure to file a summary of submissions under subregulation (6) in making an award of costs.

Note: Regulations 21.15 and 21.16 deal with hearings.

17A.34N Decision on opposition

- (1) Unless the opposition proceedings are discontinued or dismissed, the Registrar must decide:
 - (a) to refuse protection in respect of all of the goods or services listed in the IRDA; or
 - (b) to extend protection in respect of some or all of the goods or services listed in the IRDA (with or without conditions or limitations);having regard to the extent (if any) to which the grounds on which the IRDA was opposed have been established.
- (2) The Registrar must notify the International Bureau of the Registrar's decision.

17A.34P Appeal

- (1) Section 56 of the Act applies in relation to the Registrar's decision on the opposition as if a reference in that section:
 - (a) to an applicant were a reference to the holder of an IRDA; and
 - (b) to a decision under section 55 of the Act were a reference to a decision under regulation 17A.34N.
- (2) If an appeal is made, the Registrar must tell the International Bureau of the decision on the appeal.

17A.34Q Registrar may give direction

- (1) The Registrar may give a direction in relation to an opposition to which this Division applies:
 - (a) if requested by a party in writing; or
 - (b) on the Registrar's own initiative.
- (2) If the Registrar proposes to give a direction, the Registrar must give the parties an opportunity to make representations about the direction.
- (3) A direction must not be inconsistent with the Act or these Regulations.
- (4) The Registrar must notify the parties of the direction as soon as practicable.

17A.35 Registrar must notify parties of dismissal or discontinuance of opposition

If an opposition is dismissed under regulation 17A.34B or discontinued, the Registrar must notify the parties of the dismissal or discontinuance.

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* Associated Firm
** In cooperation with
Trench, Rossi e Watanabe
Advogados

22 September 2020

The Registrar of Trade Marks
IP Australia
PO Box 200
WODEN ACT 2606

Dear Registrar

Xiaomi Inc.
International Registration Designating Australia (IRDA) 1970602 (IR 1433787)
Mi Cloud (Stylised) in Classes 35, 38 and 42
- and -
Opposition by Apple Inc.


We **enclose** a Notice of Intention to Oppose the extension of protection to the trade mark that is the subject of the abovementioned IRDA.

We understand that you will notify the holder of this notice.

The prescribed fee of \$250.00 is being paid via eServices.

Please send all electronic correspondence relating to the abovementioned opposition to TMOppositions.Sydney@bakermckenzie.com.

Yours faithfully



Robert Arnold
Partner
+61 2 8922 5540
Robert.Arnold@bakermckenzie.com

Encl

Fee: \$250.00

Australia
Trade Marks Act 1995

In the Matter of International Registration
Designating Australia (**IRDA**) 1970602
(IR 1433787) Mi Cloud (Stylised) in Classes
35, 38 and 42 in the name of Xiaomi Inc.

And

In the matter of Opposition by Apple Inc.

Regulation 17A.33
Notice of Intention to Oppose

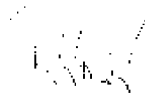
Apple Inc. (**Opponent**) of One Apple Park Way, Cupertino, California 95014, United States of America gives notice of intention to oppose the extension of protection to the trade mark that is the subject of IRDA 1970602 (IR 1433787) Mi Cloud (Stylised) in Classes 35, 38 and 42 in the name of Xiaomi Inc.

The Opponent's address for service is:

Baker McKenzie
Tower One – International Towers Sydney
L 46, 100 Barangaroo Ave
SYDNEY NSW 2000

Email: tmoppositions.sydney@bakermckenzie.com

Dated this 22nd day of September 2020.



Robert Arnold
Baker & McKenzie
Solicitors for the Opponent

To: The Registrar of Trade Marks

Fee: \$250.00

Baker McKenzie.

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Advogados

Baker & McKenzie
ABN 32 266 778 912

Tower One - International Towers Sydney
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Australia

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Australia

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Fax: +61 2 9225 1595
DX: 218 SYDNEY
www.bakermckenzie.com

21 October 2020

Our ref: 10004145-50629135/RAA/RH4

The Registrar of Trade Marks
IP Australia
PO Box 200
WODEN ACT 2606

Dear Registrar

Xiaomi Inc.
International Trade Mark Registration Designating Australia N° 1970602
(IR N° 1433787) Mi Cloud in Classes 35, 38 and 42
- and -
Opposition by Apple Inc.

We enclose a Statement of Grounds and Particulars in respect of the opposition to the registration of the above trade mark application.

We understand that you will notify the relevant parties of this statement.

Yours faithfully



Robert Arnold
Partner

+61 2 8922 5540
Robert.Arnold@bakermckenzie.com

Encl

Australia

Trade Marks Act 1995

In the Matter of International Registration
Designating Australia (IRDA) 1970602
Mi Cloud (IR 1433787) in Classes 35,
38 & 42 in the name of Xiaomi Inc.

And

In the matter of Opposition by Apple Inc.

Regulation 17A.34A

Statement of Grounds and Particulars

Apple Inc. (**Opponent**) of One Apple Park Way, Cupertino, California 95014, United States of America, files this Statement of Grounds and Particulars in respect of the opposition to the protection of the IRDA 1970602 **Mi Cloud** (IR 1433787) (**Opposed Trade Mark**) in the name of Xiaomi Inc. (**Applicant**) filed on 12 July 2018 with a convention priority date of 19 April 2018 (**Applicant's Priority Date**) for the following services in Classes 35, 38 and 42:

Class 35: Advertising; accounting; sponsorship search; provision of space on websites for advertising goods and services; providing business information via a web site; provision of an on-line marketplace for buyers and sellers of goods and services; sales promotion for others; personnel management consultancy; relocation services for businesses; updating and maintenance of data in computer databases.

Class 38: Message sending; providing access to databases; providing Internet chatrooms; providing online forums; video-on-demand transmission; paid television program broadcasting; television broadcasting.

Class 42: technical research; industrial design; design of interior décor;

(Claimed Services).

☒ **Substantially identical / deceptively similar trade marks - Section 44/Reg 4.15A**

Particulars should include: a list of the trade mark numbers on which the opposition is based.

- (a) The Opponent is the owner of the trade mark registrations listed in the attached Schedule (**Opponent's Trade Marks**) which have a priority date earlier than the Applicant's Priority Date.
- (b) The Opposed Trade Mark is substantially identical with, or deceptively similar to, the Opponent's Trade Marks.
- (c) The Opponent relies on the fame of its iCloud Trade Marks, as set out in the particulars to the Section 60 ground of opposition (below).
- (d) The goods/services in respect of which the Opponent's Trade Marks are registered are similar or closely related to the Claimed Services.

☒ **Trade mark is similar to a trade mark which has acquired a reputation in Australia - Section 60**

Particulars should include: identify the trade mark that has acquired a reputation in Australia (the trade mark does not need to be applied for or registered), trade mark number if applicable, goods and/or services in respect of which the trade mark is used and the date (or year) of first use.

- (a) The Opponent is the owner of the well-known iCloud family of trade marks (**iCloud Trade Marks**).
- (b) The iCloud Trade Marks identify a widely-used array of software and services for the Opponent's iconic Mac, iPhone, iPad, and iPod touch devices. The Opponent's iCloud software and services were first announced in 2011.
- (c) When the Opponent announced its iCloud software and services in 2011, consumers immediately recognised its kinship with the Opponent and its famous marks, including because the iCloud software and services operate on and with the Opponent's well-known Mac, iPhone, iPad, and iPod touch devices.
- (d) As a result of the Opponent's very substantial and long use of the iCloud Trade Marks, including in connection with a wide array of software and services for its iconic Mac, iPhone, iPad and iPod touch devices, the iCloud Trade Marks have become well-known throughout the world, including Australia.
- (e) As at the Applicant's Priority Date, the iCloud Trade Marks enjoyed a very substantial reputation in Australia in the field of computers, mobile communication and consumer electronic devices and related products and services. These related products and services include, but are not limited to, promotional, communication and technical research services.

- (f) Because of: (i) the very substantial reputation in the iCloud Trade Marks; (ii) the similarity of the Opposed Trade Mark to the iCloud Trade Marks; and (iii) the closeness of the Claimed Services to the goods/services in respect of which the Opponent had used the iCloud Trade Marks as at the Applicant's Priority Date, consumers are likely to presume an association or relationship with the Opponent with respect to the Claimed Services should they be provided by reference to the Opposed Trade Mark. No such association or relationship in fact exists.
- (g) Because of the Opponent's reputation in the iCloud Trade Marks, use by the Applicant of the Opposed Trade Mark is likely to deceive or cause confusion.
- (h) While the use assessed under this ground is notional, not actual use, where there is evidence of actual use, such set out in the particulars provided under Section 62A (below) this is instructive to the assessment of potential confusion.

☒ **Trade mark is scandalous or contrary to law - Section 42**

Particulars should include: s42(a) - why the trade mark is scandalous; s42(b) - why the trade mark is contrary to law.

- (a) The Opponent repeats the particulars provided under Section 60 (above).
- (b) Use by the Applicant of the Opposed Trade Mark in relation to the Claimed Services would, in view of the reputation of the iCloud Trade Marks:
 - (i) constitute misleading or deceptive conduct contrary to the *Australian Consumers Law*; and/or
 - (ii) involve a misrepresentation that the services provided in connection with the Opposed Trade Mark are associated with the Opponent that would lead to deception of the public, which misrepresentation is likely to cause damage to the goodwill of the Opponent's iCloud Trade Marks and would therefore amount to the common law tort of passing off.

☒ **Trade mark likely to deceive or cause confusion - Section 43**

Particulars should include: an explanation of the connotation arising from the trade mark itself* and why it is likely to deceive or cause confusion.

(*If you believe deception or confusion arises from the existence of another trade mark please refer to sections 58, 60 and/or 44)

- (a) The Opponent repeats the particulars provided under Section 60 (above).

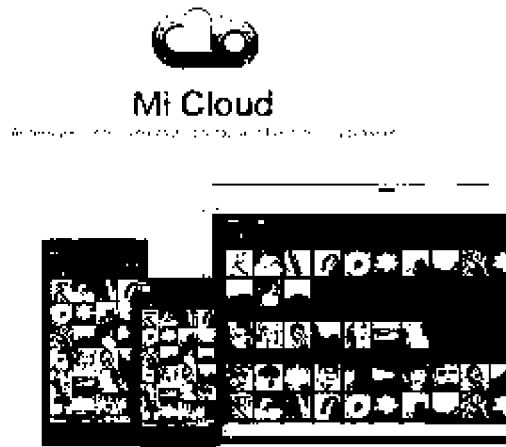
- (b) The Opponent has an established and widespread reputation in the iCloud Trade Marks. The use of the Opposed Trade Mark by the Applicant would convey to consumers the connotation that the Applicant has the licence or approval of the Opponent to use the Opposed Trade Mark when in fact it has no such licence or approval.

☒ **Application made in bad faith - Section 62A**

Particulars should include: what leads you to believe that the application was made in bad faith.

- (a) The Opponent repeats the particulars provided under Section 60 (above).
- (b) The Opponent relies upon the fact that the Opposed Trade Marks wholly contains the element "icloud", which is also an essential element of the Opposed Mark, a mark in which the Opponent has an established and widespread reputation, including with respect to services, such as the Claimed Services and closely related goods/services.
- (c) It can be inferred that by applying to register the Opposed Trade Mark for the Claimed Services the Applicant intended to trade off the substantial reputation enjoyed by the Opponent in the iCloud Trade Marks. The Applicant's use of the Opposed Trade Mark would clearly be suggestive of the Opponent's well-known iCloud goods/services and brand.
- (d) The Applicant's related entity, Xiaomi Singapore Pte. Ltd., similarly applied to protect the trade mark MI PAD for a range of goods and services in Classes 9 and 38, including for *tablet computers* in Class 9 (1660727; IR 1223839), a mark which wholly contains the Opponent's iconic trade mark IPAD made famous when used by the Opponent in connections with its tablet computer and related goods/services. The Opponent opposed the MI PAD mark. Xiaomi Singapore Pte. Ltd. withdrew its Australian designation before the matter was heard.
- (e) It is not a coincidence that the Applicant has similarly selected a trade mark that is almost identical (visually and phonetically) to a well-known mark owned by the Opponent (i.e. in this case iCloud).
- (f) The inference to be drawn is that the Opposed Mark was selected with the Opponent's iCloud Trade Marks in mind and with the intent of generating business by reason of an erroneously perceived connection between the Applicant's product and Apple's famous iCloud Trade Marks.

- (g) The Applicant's bad faith can further be inferred by the Applicant's use of the Opposed Trade Mark in a manner similar to the way in which the Opponent uses its iCloud Trade Marks (as shown below):



Applicant's use at

https://i.mi.com/static?filename=res/i18n/en_US/html/learn-more.htm

Download iCloud for Windows

With iCloud for Windows, you'll have your photos, videos, music, and documents available on your Windows PC. It's free to download and use. Get it now at <https://www.apple.com/icloud/windows/>

Get everything you love, on every device you use

Whether you're on the go with your iPhone or iPad, or at home with your Mac, you can easily sync up your photos, videos, music, and documents across all your devices. It's all thanks to iCloud, the free cloud storage service that lets you store everything you love, on every device you use.

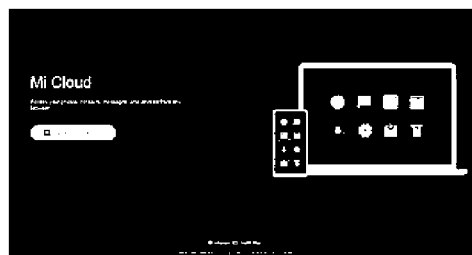
[Download](#)

If you're on Windows, you can also download the iCloud app for Windows. It's free to download and use.



Opponent's use at <https://support.apple.com/en-au/HT204283>.

- (h) The Applicant is also using the Opposed Trade Mark at the website at <https://i.mi.com/> as shown below:



- (i) By applying for the Opposed Trade Mark, clearly the Applicant intends to associate itself and its services with the Opponent and its iCloud branded products and services.
- (j) It can be inferred from the foregoing that, by applying to register the Opposed Trade Mark for the Claimed Services, the Applicant clearly intended to trade off the substantial reputation enjoyed by the Opponent in the iCloud Trade Marks, including the word mark ICLOUD.
- (k) Due to the Opponent's established and widespread reputation in the iCloud Trade Marks, it can be concluded based on the facts and matters set out at (a) to (j) above that a person adopting proper standards would regard the decision to register the Opposed Trade Mark for the Claimed Services to be made in bad faith, or that reasonable and experienced persons in the field would view such conduct as falling short of acceptable commercial behaviour.

Having regard to the matters set forth in any one or more of the foregoing grounds, or otherwise in the exercise of her discretion, the Registrar is requested to refuse to register the application for the Opposed Trade Mark and to award costs to the Opponent.

The Opponent's address for service is:

Baker & McKenzie
Attorneys & Solicitors
Tower One - International Towers Sydney
Level 46
100 Barangaroo NSW 2000
Email: tmoppositions.sydney@bakermckenzie.com

Dated this 21st day of October 2020





Robert Arnold

Solicitor of Baker & McKenzie
Solicitor for the Opponent

To: The Registrar of Trade Marks

Schedule - iCloud Trade Marks

Trade Mark	Number	Class(es)	Convention Priority Date/Priority Date	Status
ICLOUD	1428031	9, 16, 25, 28, 35, 37, 38, 39, 40, 41, 42, 45	07-DEC-2010	Registered
ICLOUD KEYCHAIN	1612443 (IR 1196067)	39, 42	10-JUN-2013	Protected
ICLOUD KEYCHAIN	1617844 (IR 1198689)	42	10-JUN-2013	Protected
	1648911 (IR 1216753)	9, 39, 41, 42	08-JAN-2013	Protected
	1662162 (IR 1225236)	9	21-JUL-2014	Protected
ICLOUD DRIVE	1737443 (IR 1245693)	42	29-Oct-2015	Protected