



Total Provisional Refusal of Protection (Rule 17(1) of the Common Regulations)

I.	Office making the notification: Intellectual Property Registry of Samoa (IPROS) Ministry of Commerce, Industry and Labour												
II.	Number of the international registration: 1313041												
III.	Name of the holder: Xiaomi Singapore Pte. Ltd., 12 Marina View #23-01 Asia Square Tower 2 Singapore 018961, Singapore												
IV.	Information concerning the type of provisional refusal: <input checked="" type="checkbox"/> Total provisional refusal based on an <i>ex officio</i> examination												
V.	Information concerning the scope of the provisional refusal: Total provisional refusal affects all the goods and/or services.												
VI.	<p>Grounds for refusal with essential provisions of the applicable law:</p> <p>Section 47 Registrability – Identical or Similar MarkIn accordance with Section 47 (1)(e) “A mark must not be registered if it is identical with, or confusingly similar to, or constitutes a common translation of, a mark or trade name which is well known in Samoa for identical or similar goods or services of another person”. A search of the Trademark Register has revealed the following similar marks for the similar goods to the current application.</p> <table border="1"> <thead> <tr> <th>Trade Mark No.</th> <th>Class(s)</th> <th>Trade Mark</th> <th>Status</th> </tr> </thead> <tbody> <tr> <td>7554</td> <td>25 9 12</td> <td>XIAOMI</td> <td>Registered</td> </tr> <tr> <td>1557745</td> <td>8 14 16 21 24 28 35 38 42</td> <td>XIAOMI</td> <td>Opposition Period</td> </tr> </tbody> </table> <p>The (2) marks have priority over your mark, so may prevent registration of your mark. The current mark therefore does not appear to be eligible for registration.</p>	Trade Mark No.	Class(s)	Trade Mark	Status	7554	25 9 12	XIAOMI	Registered	1557745	8 14 16 21 24 28 35 38 42	XIAOMI	Opposition Period
Trade Mark No.	Class(s)	Trade Mark	Status										
7554	25 9 12	XIAOMI	Registered										
1557745	8 14 16 21 24 28 35 38 42	XIAOMI	Opposition Period										

VII. Information relating to earlier marks:

(i) Filing date and number, and, if any, priority date: 18 May, 2020
WS/T/7554
9 December, 2019

(ii) Registration date and number (if available): 8 March, 2021
WS/T/7554

(iii) Name and address of the owner: XIAOMI INC., Floor 13, Rainbow City Shopping Mall II of China Resources, No. 68, Qinghe Middle Street, Haidian District, Beijing, China

(iv) Reproduction of the mark: **XIAOMI**

(v) List of all or relevant goods and/or services: **Class 25:** Clothing; tee-shirt; layettes [clothing]; bathing suits; waterproof clothing; Masquerade costumes; footwear; boots; sports shoes; caps being headwear; hosiery; gloves [clothing]; scarfs; neckties; girdles; chasubles; sashes for wear; shower caps; sleep masks; wedding dresses; hairdressing capes.

(i) Filing date and number, and, if any, priority date: 5 August, 2020
WSM1557745

(ii) Registration date and number (if available): Opposition period

(iii) Name and address of the owner: XIAOMI INC., No. 006, Floor 6, Building 6, Yard 33, Middle Xierqi Road, Haidian District Beijing, China

(iv) Reproduction of the mark: **XIAOMI**

(v) List of all or relevant goods and/or services: Class 8: Nail polish tool (electrical or non-electrical); nail clippers, electric or non-electric; tool belt (holder); iron (not electric); tweezers; knives; scissors; penknives; table forks; table cutlery [knives, forks and spoons]; spoons; cutlery; silverware (knives, forks and spoons); abrading instruments [hand instruments]; sharpening instruments; agricultural implements, hand-operated; fruit pickers [hand tools]; garden tools, hand-operated; livestock marking tools; utensils and instruments for slaughtering animals; harpoons; daggers; side arms, other than firearms; blade sharpening instruments; razor cases; beard clippers; shaving cases; apparatus for tattooing; manicure sets; manual pump; flat irons; engraving needles; stropping instruments; hand-operated hand tools; sickles; fruit pickers [hand tools]; instruments and tools for skinning animals; harpoons for fishing; hair clippers, electric;

saws [hand tools]; stamping-out tools [hand tools]; glaziers' diamonds [parts of hand tools]; knives for household use; police batons.

Class 14: Jewellery boxes; pins [jewellery]; earrings; precious metal badge; medals; rings [jewellery]; chains [jewellery]; tie pin; tie clips; hat ornament (precious metal); hat decoration (precious metal); artificial jewelry (costume jewelry); bracelets [jewellery]; necklaces [jewellery]; trinkets (jewellery); brooches [jewellery]; silver ornament; coins; key ring (trinket or chain trinket); ornaments (jewelry); watches; watch straps; watch box (gift); watch cases [parts of watches]; watch chains; clocks and watches, electric; apparatus for timing sports events; stopwatches; wristwatches; straps for wristwatches; clocks; clocks and watches boxes; clock cases, not of precious metal; palladium; platinum [metal]; osmium; precious ingot; precious metal alloy; rhodium; silver, unwrought or beaten; gold, unwrought or beaten; raw or semi-processed precious metals; iridium; amulets [jewellery]; cloisonné jewellery [jewelry (AM.)]; fine silver wire (silver wire); shoe ornaments (precious metal); silver wire; alarm clocks; chronoscopes; clock parts; precious metal statuettes; charms for key rings; jewellery; chaplets.

Class 16: Mats for beer glasses; paper coasters on the table; notebook or drawing book; scrapbook; postcards; flag (paper); calendars; manuals [handbooks]; bookmarkers; trading card for collection; pamphlets; booklets; envelopes [stationery]; printed matter; albums; atlases; posters; periodicals; books; prospectuses; printed publications; lithographic works of art; pictures; bags [envelopes, pouches] of paper or plastics, for packaging; cardboard or paper box; hand stapling machine (office supplies); pencil sharpening machines; clips for offices; jackets for papers; paper-clips; office requisites, except furniture; money clips; bookends; folders for papers; files [office requisites]; document files [stationery]; stationery; writing cases [stationery]; stamps [seals]; steel pens; pencils; adhesive tape dispensers [office requisites]; gummed tape [stationery]; paper; carbon paper; placards of paper or cardboard; ink; drawing instruments; painters' easels; typewriters, electric or non-electric; teaching material; modelling materials; toilet paper; towels of paper; note books; note book; greeting cards; cards; almanacs; comic books; paper cutter (office supplies); adhesive tapes for stationery or household purposes; compasses for painting; wood pulp paper; paper tapes and cards for the recordal of computer programmes; advertisement boards of paper or cardboard; paper figurines; desk calendar; advertising poster; music magazine; photograph stands; wrapping paper; binding strips [bookbinding]; writing cases [sets]; blotters; stamps [seals]; paintbrushes; adhesive bands for stationery or household purposes; pantographs [drawing instruments]; canvas for painting; prints [engravings]; tailors' chalk; teaching materials [except apparatus]; plastics for modelling.

Class 21: Cups; tableware, other than knives, forks and spoons; kitchen containers; kitchen utensils; dishes; lunch boxes; urns; pots; household non-electric mixer; utensils for household purposes; chopsticks; basins

[bowls]; bottles; fruit cups; jugs; pitchers; candy boxes; bowl (basin); boxes of glass; glass flask (container); porcelain ware; ceramics for household purposes; pottery; teapots; tea set; tea caddies; liqueur sets; coffee set; drinking glasses; vases; clothes drying racks; candlesticks; combs; cosmetic utensils; vacuum bottles; artwork of porcelain, terracotta, or glass; toothbrushes; toothpick holders; polishing apparatus and machines, for household purposes, non-electric; cleaning instruments, hand-operated; semi-finished glass tube; crystal [glassware]; birdcages; indoor aquaria; insect traps; glasses [receptacles]; porcelain, pottery, clay, or glass figurines; window-boxes; waste paper baskets; trash cans; toothbrushes, electric; toothpicks; make-up removing appliances; gloves for household purposes; cooking saucepans non-electric; glass caddies for food preservation; earthenware saucepans; artwork of porcelain, pottery, clay, or glass; drinking bottles for sports; nozzles for watering hose; perfume burners; electric combs; hair for brushes; floss for dental purposes; mops; indoor terrariums [vivariums]; plug-in diffusers for mosquito repellents; sugar tongs.

Class 24: Upholstery fabrics; non-woven textile fabrics; wall hangings of textile; printers' blankets of textile; handkerchiefs of textile; sheets [textile]; fitted toilet lid covers of fabric; door curtains; tablecloths, not of paper; washing gloves; hada; marabouts [cloth]; flag (not made of paper); shrouds; damask; rayon fabric; silk [cloth]; glass cloths [towels]; towels of textile; cloths for removing makeup; quilts; sleeping bag (quilt substitute); mosquito nets; furniture coverings of textile; lingerie fabric; filtering materials of textile; tapestry [wall hangings], of textile; household linen; bath linen, except clothing; sleeping bags for babies; shower curtains of textile or plastic; marabouts [cloth]; banners of textile or plastic.

Class 28: Apparatus for games; plush toys; activity toys; living room toy; jigsaw puzzles; toys; play balloons; dolls; playing cards; board games; playing cards; skateboards; protective pad (complete sportswear parts); protective paddings [parts of sports suits]; sport racket; body-training apparatus; archery implements; plastic runway; swimming pools [play articles]; ornaments for christmas trees, except illumination articles and confectionery; fishing tackle; scratch cards for playing lottery games; racket sweatband; camouflage cover (sporting goods); portable games with liquid crystal displays; toy car controlled by radio; chess games; mah-jong; rackets; roller skates; shin guards [sports articles]; swimming belts; lines for fishing; twirling batons; protective films adapted for screens for portable games; slides [playthings]; intelligent toys; ball pitching machines; chest expanders [exercisers]; electronic targets; hunting game calls; plastic racetrack; swimming pools [play articles]; elbow guards [sports articles]; snowshoes; christmas tree stands; camouflage screens [sports articles]; wicking belt (sports articles).

Class 35: Television advertising; television commercial advertising; advertising; layout services for advertising purposes; advertising communication; advertising agency services; writing of publicity texts; rental of advertising space; publicity; demonstration of goods; online

advertising on a computer network; advertising by mail order; presentation of goods on communication media, for retail purposes; radio advertising; radio commercial advertising; distribution of samples; direct mail advertising; public relations; business investigations; business information; commercial administration of the licensing of the goods and services of others; outsourcing services (commercial assistance); commercial information and advice for consumers [consumer advice shop]; organization of trade or advertising fairs; organization of exhibitions for commercial or advertising purposes; import-export agency services; procurement services for others [purchasing goods and services for other businesses]; sales promotion for others; administrative processing of purchase orders; systemization of information into computer databases; computerized file management; compilation of information into computer databases; book telecommunications services for others; telephone answering for unavailable subscribers; word processing; data search in computer files for others; sponsorship search; business management of performing artists; personnel management consultancy; personnel recruitment; psychological testing for the selection of personnel; business management of sports people; employment agencies; administrative services for the relocation of business; accounting; account auditing; tax preparation; business management of hotels; price comparison services; economic forecasting; compilation of statistics; marketing; shorthand; rental of vending machines; commercial intermediation services; rental of sales stands.

Class 38: Press agency services; telephone services; information about telecommunication; computer aided transmission of messages and images; computer terminal communication; transmission of digital files; providing internet chatrooms; satellite transmission; message sending; mobile telephone communication; radio broadcasting; wireless broadcasting; rental of telephones; telephone communication; e-mail services; optical fiber communication; providing telecommunication channel for telephone shopping; rental of information transfer equipment; transmission of greeting cards online; subscription television broadcasting; video-on-demand transmission; videoconferencing services; communication service provided by means of television transmission; rental of communication equipment; providing telecommunications infrastructure access to third party users; paging services (radio, telephone).

Class 42: Technical project studies; technological research; research and development (for others); packaging design; industrial design; styling [industrial design]; dress designing; conversion of computer programs data, other than physical conversion; recovery of computer data; computer virus protection services; duplication of computer programs; data conversion of computer programs and data [not physical conversion]; installation of computer software; updating of computer software; computer software design; maintenance of computer software; computer software consultancy; computer system analysis; computer system design; consultancy in the design and development of computer hardware; providing search engines for the

internet; creating and maintaining web sites for others; hosting computer sites [web sites]; rental of web servers; surveying; chemical research; biological research; meteorological information; material testing; mechanical research; design of interior decor; authenticating works of art; handwriting analysis [graphology]; quality evaluation of intangible assets; consultancy in the field of energy-saving; computer programming; computer rental; rental of computer software; monitoring of computer systems by remote access; digitization of documents [scanning]; cloud seeding; weighing goods for others; research and development of new products for others; quality control; cosmetic research; vehicle roadworthiness testing; cloud seeding; handwriting analysis [graphology]; cartography services; graphic arts design.

VIII. Information relating to the possibility to request a review or file an appeal:

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

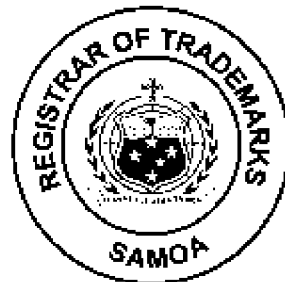
Intellectual Property Registry of Samoa (IPROS)
Ministry of Commerce, Industry and Labour
APIA, SAMOA

(ii) The request for review or appeal has to be filed in English and through the intermediary of a representative whose address is within the territory of Samoa. Please refer to this link <https://www.gov.ws/onlineservices/ipregistry/> to access the list of IP agents in Samoa.

(iii) Time limit for requesting review or appeal: **23 September 2021**. Failure to respond by the stated date will render the application as abandoned.

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

Pulotu Lyndon Chu Ling
Registrar of Trade Marks



X. Date of the notification to the International Bureau:

23 March, 2021

[End of Document]