





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

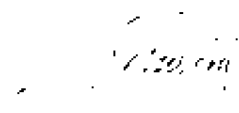
I.	Office making the notification: Intellectual Property Registry of Samoa (IPROS) Ministry of Commerce, Industry and Labour
II.	Number of the international registration: 1028240
III.	Name of the holder: Apple Inc., One Apple Park Way Cupertino CA 95014, United States of America
IV.	Information concerning 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.	Grounds for refusal with essential provisions of the applicable law: Section 47(a)(2) – Non Distinctive and Descriptive The mark simply  describes the nature of the company and services for which the Applicant has sought registration. The apple fruit is an edible fruit produced by an apple tree. Therefore the trademark as a whole shows that you claimed of  fruit as the nature of the company “Apple”. The consumers would see your trademark as describing the product, rather than as a badge of origin for your services and goods. Applying the above test, we consider that other traders are likely, in the ordinary course of their business and without any improper motive, to want to use the mark, or some mark resembling it, in relation to the promotion of their own services/goods. The mark therefore does not appear to be eligible for registration

VII. Information relating to an earlier mark:

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

- (i) You now have the opportunity to respond to the matters raised in this report. The office will consider any response you make. If your response resolves this issue, then your application will be accepted for registration:
- (ii) 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
- (iii) 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 the Samoa. Please refer to this link <https://www.mcil.gov.ws/onlineservices/ipregistry/> to access the list of IP agents in Samoa.
- (iv) Your response must be received by: 10/07/2023. Failure to respond by the stated dates 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:

10 January, 2023

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