



NOTIFICATION DE REFUS D' OFFICE

Notifiée au Bureau International de l' Organisation Mondiale de la Propriété Intellectuelle (OPMI)
Conformément à la R è gle 17 (2) et la R è gle 17 (5)(e) du R è glement d' Exécution commun

NOTE: Ladite notification du refus d' office est considérée comme une déclaration conformément à la R è gle 18ter (2) (ii) ou (3) du R è glement d' exécution commun. Une requ è te en réexamen peut è tre présentée à la Chambre d' Examen et de Décision en mati è re de Marques, par une agence ou un avocat qualifié Chinois, dans un délai de 15 jours à compter de la réception de ladite notification.

I. Administration qui prononce le refus :

Office des Marques

Administration d' Etat de l' Industrie et du Commerce

1, Chama Nanjie, Xichengqu,

Tel: 8610-63219000

CN-100055 BEIJING

République Populaire de Chine



II. Date à laquelle le refus est prononcé 2016/10/28

III. Notre numéro de Référence : GJZCG1290408BHF01

IV. Enregistrement international No. : 1290408

V. Date de notification en Chine 2016/03/03

VI. Enregistrement national de base No. : 680896

Dépôt national de base No. :

VII. Refus pour les produits et/ou services suivants :

6:Attaches pour étag è res, en particulier attaches pour étag è res avec armatures pour penderie pour magasins de confection;murs de séparation, en particulier pour équipements de magasins et éléments pour équipements de magasins;tous les produits précités métalliques (compris dans cette classe);

9:commutateurs;régulateurs de clarté;composants électriques, compris dans cette classe, à savoir commutateurs, résistances, batteries, prises de courant, connecteurs mâles;pi è ces des articles précités; démarreur de tubes fluorescents;boîtes à fusibles;installations de distribution d' énergie; à savoir installations de distribution du courant électrique aux lampes et aux prises;boîtiers de distribution d' énergie;installations de commande pour allumer, éteindre et réduire l' intensité d' éclairage des lampes; boîtiers de commande;installations électroniques pour réduire la consommation des lampes;régulateurs de puissance;transformateurs;

11:Tous les produits;

19:Cloisons, en particulier pour équipements de magasins et éléments pour équipements de magasins;tous les produits précités compris dans cette classe;

20:tringles de rideaux et tringles à v ê tements (éléments des mobilier);attaches pour étag è res, en particulier attaches pour étag è res avec armatures pour penderie pour magasins de v ê tements et barres pour v ê tements;tables à degrés, en particulier pour magasins, éléments de construction (meubles) pour vitrines, décorations et magasins de vente;tous les articles précités compris dans cette classe;tous les articles précités compris dans cette classe;tous les articles précités compris dans cette classe;tous les articles précités compris dans cette classe;barres pour v ê tements en métal; parties inférieures de plateaux en métal, en particulier pour équipements de magasins et éléments pour équipements de magasins;miroirs de déviation;

35:Tous les Services.

VIII. Motifs de Refus :

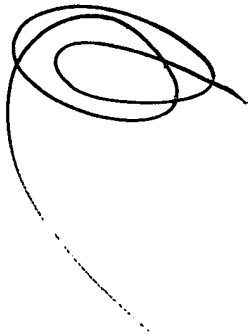
marques antérieures nationales et/ou internationales.(voir Item X)

Le signe déposé est similaire à la/aux marque(s) antérieure(s) .

Les produits et/ou services cités à la rubrique VII sont similaires aux produits et/ou services énumérés

dans le dépôt ou l' enregistrement antérieur.

- IX. Articles de la Loi chinoise applicable en la mati è re :
Article(s) : (Voir les extraits des lois et des r è glements)
La Loi sur Les Marques Article 30
- X. Informations concernant la/les marque(s) antérieure(s):



Nom de la marque :

VITRI

Date de dépôt :

Numéro de dépôt :

1140539

Date de priorité :

2012/06/08

Date d' enregistrement :

2012/11/22

Numéro d' enregistrement :

Madrid 1140539

Nom du titulaire :

CUYLITS HOLDING GMBH

Adresse du titulaire :

Max-Planck-Strasse 15 49593 Bersenbruck (DE)(Germany)

Produits/services : classe 6

所有前述商品不是金属的滑动门配件和锁；普通金属及其合金；金属建筑材料；可移动的金属建筑物；铁路轨道用金属材料；非电气普通金属缆线；小金属五金件；保险箱；矿石；

▲已删商品▲

金属管道和管子；不属别类的普通金属制品；

Dessin :

VITRI

Nom de la marque :

VETRA

Date de dépôt :

2010/05/20

Numéro de dépôt :

8317143

Date de priorité :

Date d' enregistrement :

2011/05/28

Numéro d' enregistrement :

Non-Madrid 8317143

Nom du titulaire :

NAN JING AN BO WU JIN YOU XIAN GONG SI

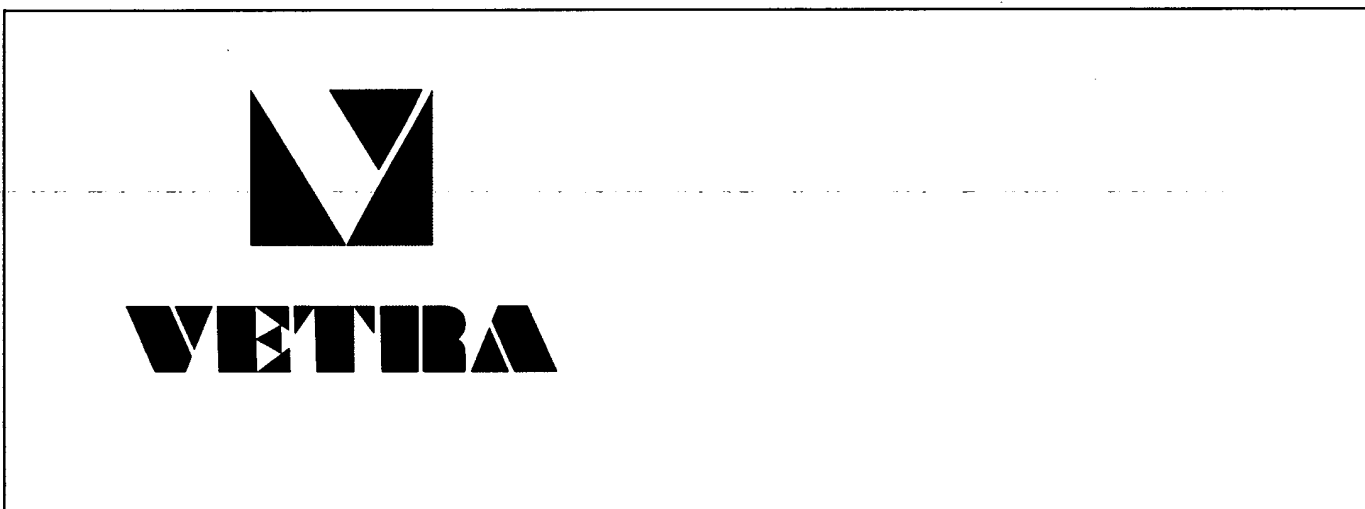
Adresse du titulaire :

JIANG SU SHENG NAN JING SHI JIANG NING JING JI JI SHU KAI FA QU QIN HUAI LU 1 0 0
HAO HAI TONG DA SHA 1 2 0 1 - 1 2 0 5 SHI CHINA

Produits/services : classe 6

未加工或半加工普通金属；建筑用金属附件；金属锁(非电)；金属家具部件；金属合页；五金器具；金属容器；普通金属艺术品；普通金属线；普通金属扣(五金器具)；

Dessin :



Nom de la marque :

VITRA

Date de dépôt :

2014/01/14

Numéro de dépôt :

13911414

Date de priorité :

Date d' enregistrement :

2015/08/21

Numéro d' enregistrement :

Non-Madrid 13911414

Nom du titulaire :

SHEN ZHEN SHI WEI TE RUI DIAN ZI YOU XIAN GONG SI

Adresse du titulaire :

GUANG DONG SHENG SHEN ZHEN SHI FU TIAN QU ZHU ZI LIN ZI ZHU QI LU ZHONG
GUO JING MAO DA SHA 1 7 A CHINA

Produits/services : classe 9

运载工具用导航仪器（车载计算机）；全球定位系统（GPS）设备；网络通讯设备；便携式媒体播放器；自动广告机；学习机；电池充电器；

▲已删商品▲

平板电脑；数据处理设备；便携式计算机；

Dessin :

The logo for Vitra, featuring the word "Vitra" in a bold, sans-serif font. A thick, black, curved line arches over the letters, starting from the top of the 'V' and ending above the 'a'. Below the word "Vitra", there is a thick, solid black horizontal bar.

Nom de la marque :

VIERA

Date de dépôt :

2010/11/22

Numéro de dépôt :

8867581

Date de priorité :

Date d' enregistrement :

2011/12/07

Numéro d' enregistrement :

Non-Madrid 8867581

Nom du titulaire :

GONG TONG QING 3 6 2 5 0 2 1 9 7 5 0 9 1 0 2 3 1 3

Adresse du titulaire :

JIANG XI SHENG FU ZHOU SHI LIN CHUAN QU YUN SHAN ZHEN TAO CI CHANG XIAO
QU CHINA

Produits/services : classe 9

电池充电器；电力蓄电池；电熨斗；升降机操作设备；电器接插件；手提电话；电话机；插座、
插头和其他连接物(电器连接)；计算机；计算机周边设备；

Dessin :

Viera

Nom de la marque :

微达 VITRA

Date de dépôt :

2010/10/08

Numéro de dépôt :

8717485

Date de priorité :

Date d' enregistrement :

2011/10/14

Numéro d' enregistrement :

Non-Madrid 8717485

Nom du titulaire :

LI ZHEN HUA 3 5 0 5 2 4 1 9 8 3 0 2 1 8 2 5 1 1

Adresse du titulaire :

FU JIAN SHENG AN XI XIAN CHENG XIANG ZHEN YU TIAN CUN LONG TOU 8 HAO
CHINA

Produits/services : classe 11

灯; 热水器; 水冷却装置; 热气装置; 空气过滤设备; 水龙头; 水净化装置; 自动浇水装置;
▲已删商品▲
卫生器械和设备; 浴霸;

Dessin :

vitra.微达

Nom de la marque :

VIERA

Date de dépôt :

2008/06/23

Numéro de dépôt :

6798355

Date de priorité :

Date d' enregistrement :

2010/11/21

Numéro d' enregistrement :

Non-Madrid 6798355

Nom du titulaire :

LIU BIN RUI 3 5 0 1 2 4 1 9 6 8 0 4 0 1 0 9 7 0

Adresse du titulaire :

GUANG DONG SHENG ZHONG SHAN SHI NAN TOU ZHEN HUA HUI HUA YUAN HUAN
AN SAN LU ER HAO CHINA

Produits/services : classe 11

电炊具；炉子；暖器；冷冻设备和机器；空气调节设备；照明器械和装置；加热装置；消毒设备；浴室装置；水暖装置；

Dessin :

VIERA

Nom de la marque :

威达

Date de dépôt :

2013/01/24

Numéro de dépôt :

12094336

Date de priorité :

Date d' enregistrement :

2015/04/14

Numéro d' enregistrement :

Non-Madrid 12094336

Nom du titulaire :

ECZACIBASI HOLDING ANONIM SIRKETI

Adresse du titulaire :

KANYON OFIS BUYUKDERE CAD.NO:185 TR-34394 LEVENT/ISTANBUL TURKEY

Produits/services : classe 19

非金属或非塑料排水阱(阀); 非金属或非塑料的水管阀; 非金属排水管; 非金属水管; 非金属砖瓦; 建筑用非金属墙砖; 非金属地板砖; 建筑用嵌砖; 建筑用非金属外墙砖;

Dessin :

VitrA 威达

Nom de la marque :

VIERA

Date de dépôt :

2011/04/01

Numéro de dépôt :

9289811

Date de priorité :

Date d' enregistrement :

2012/05/14

Numéro d' enregistrement :

Non-Madrid 9289811

Nom du titulaire :

LIU BIN RUI 3 5 0 1 2 4 1 9 6 8 0 4 0 1 0 9 7 0

Adresse du titulaire :

GUANG DONG SHENG ZHONG SHAN SHI NAN TOU ZHEN HUA HUI HUA YUAN HUAN
AN SAN LU ER HAO CHINA

Produits/services : classe 20

非金属、非砖石容器；镜子(玻璃镜)；竹木工艺品；玻璃钢工艺品；家具非金属部件；软垫；窗用
非金属附件；

▲已删商品▲

餐具柜；家具；非金属台阶(梯子)；

Dessin :

Viera

Nom de la marque :

VIRA

Date de dépôt :

Numéro de dépôt :

1007145

Date de priorité :

Date d' enregistrement :

2008/11/28

Numéro d' enregistrement :

Madrid 1007145

Nom du titulaire :

"INVESTPROJECT"CO.LTD.

Adresse du titulaire :

LIPOVAYA ALLEYA,9,LIT.A,OF.1111-1116 RU-197183 SAINT-PETERSBURG(RUSSIAN FEDERATION)

Produits/services : classe 20

工作台；非金属钳工台；人造蜂窝；非金属螺母；非金属螺栓；非金属液态燃料容器；塑料制包装容器；非金属铆钉；非金属锁（非电）；非金属阀（非金属零件）；锯台；家具非金属脚轮；刷子托座；非金属容器（存储和运输用）；非金属筐；木或塑料梯；用于存放小件物品的盘；非医用气褥垫；野营用睡袋；木制家具隔板；非金属桶架；非金属门；非金属栓；楼梯上夹住地毯的条状物；蜂房用木格子；非金属非砖石蓄水池；启幕滚轴；非金属工具柄；非金属刀柄；非金属的门把手；非金属镰刀柄；非金属扫帚柄；渔篮；非金属台阶（梯子）；非金属箱；蜂房；非金属门装置；家具非金属部件；非金属窗户附件；家用火炉栏；木箱或塑料箱；存放工具的塑料箱子；

▲已删商品▲

金属家具；办公室用家具；学校用家具；家具；凳子（家具）；搁脚凳；装有脚轮的台车（家具）；盥洗台（家具）；折叠式躺椅；瓶架；

Dessin :



Nom de la marque :

VITA

Date de dépôt :

2009/08/11

Numéro de dépôt :

7609905

Date de priorité :

Date d' enregistrement :

2014/08/21

Numéro d' enregistrement :

Non-Madrid 7609905

Nom du titulaire :

VITA INTERNATIONAL LIMITED

Adresse du titulaire :

OLDHAM ROAD,MIDDLETON,MANCHESTER UNITED KINGDOM

Produits/services : classe 20

枕头(非外科和治疗用); 软垫(座椅用); 家具用非金属附件;

▲已删商品▲

垫子(床垫); 家具;

Dessin :



Nom de la marque :

VISTRA

Date de dépôt :

2011/06/24

Numéro de dépôt :

9636621

Date de priorité :

Date d' enregistrement :

2014/01/07

Numéro d' enregistrement :

Non-Madrid 9636621

Nom du titulaire :

VISTRA IP RIGHTS SARL

Adresse du titulaire :

15,RUE EDWARD STEICHEN,4TH FLOOR,L-2540,LUXEMBOURG

Produits/services : classe 35

广告；商业管理辅助；文秘；会计；进出口代理；人事管理咨询；商业场所搬迁；特许经营的商业管理；人员招收；绘制账单、账目报表；

Dessin :



Nom de la marque :

VITYA

Date de dépôt :

2005/09/20

Numéro de dépôt :

4906027

Date de priorité :

Date d' enregistrement :

2009/03/14

Numéro d' enregistrement :

Non-Madrid 4906027

Nom du titulaire :

XIN JIANG WEI JIA GUO JI MAO YI YOU XIAN GONG SI

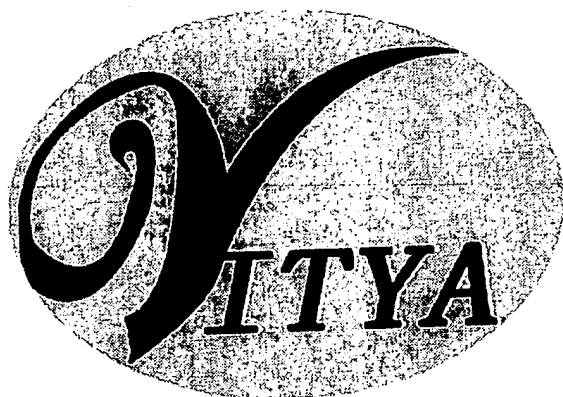
Adresse du titulaire :

XIN JIANG WU LU MU QI SHI YA MA LI KE SHAN HUI JING YUAN CHINA

Produits/services : classe 35

饭店管理；进出口代理；推销(替他人)；表演艺术家经纪；

Dessin :



Relevant Provisions of the Law and the Regulations (Excerpts)

Trademark Law of China

Article 10 The following signs shall not be used as trademarks:

- (1) those identical with or similar to the State name, national flag, national emblem, national anthem, military flag, military emblem, military anthem, or decorations etc, of the People's Republic of China, and those identical with the names or symbols of the Central State government organizations, or with the names of the particular venues, where the Central State government organizations are located, or with the names or graphs of the symbolic buildings of the Central State government organizations;
- (2) those identical with or similar to the State names, national flags, national emblems or military flags etc, of foreign countries, unless consent has been given by the government of the relevant country;
- (3) those identical with or similar to the names, flags or emblems etc, of international intergovernmental organizations, unless consent has been given by the relevant organization or the public is not likely to be misled by such use;
- (4) those identical with or similar to official signs or hallmarks indicating control and warranty, unless authorization has been given;
- (5) those identical with or similar to names or symbols of the Red Cross or the Red Crescent;
- (6) those having the nature of discrimination against any nationality;
- (7) those having the fraudulence, which will easily mislead the public as to the features such as qualities of the goods, or the places of the origins;
- (8) those detrimental to socialist morality or customs, or having other unhealthy influences.

The geographical names of the administrative divisions at or above the county level or the foreign geographical names well-known to the public shall not be used as trademarks, but such geographical names as have otherwise meanings or as an element of a

collective mark or a certification mark shall be exclusive. Where a trademark using any of the above-mentioned geographical name has been approved and registered, it shall continue to be valid.

Article 11 The following signs shall not be registered as trademarks:

- (1) those which consist exclusively of the generic names, designs, or models of the goods in respects of which the trademark is used;
- (2) those which consist exclusively of direct indications of the quality, primary raw material, functions, intended purpose, weight, quantity or other characteristics of goods;
- (3) other signs which are devoid of any distinctive character.

Where trademarks under the preceding paragraph have acquired distinctiveness through use and become easily distinguishable, they may be registered as trademarks.

Article 12 Where a three-dimensional sign is applied for registration of a trademark, it shall not be registered if it consists exclusively of the shape which results from the nature of the goods themselves, the shape of goods which is necessary to obtain a technical result, or the shape which gives substantial value to the goods.

Article 16 Where a trademark contains or consists of a geographical indication with respect to goods not originating in the place indicated, misleading the public as to the true place of origin, the application for registration shall be refused and the use of the mark shall be prohibited. But for those marks that have obtained registration in good faith shall continue to be valid.

Geographical indications mentioned in the preceding paragraph are indications that identify a particular good as originating in a region, where a given quality, reputation or other characteristics of the goods is essentially attributable to its natural or human factors.

Article 22 An applicant for the registration of a trademark shall, in accordance with the prescribed classification of goods, in the application, indicate the class(es) and the indications of goods in respect of which the trademark is to be used.

An applicant can apply for the registration of the same trademark on the

The assignee shall enjoy the exclusive right to use the trademark from the date of publication.

Article 50 Where a registered trademark has been cancelled, invalidated or has not been renewed at the expiration, the Trademark Office shall, during one year from the date of the cancellation, invalidation or expiration, approve no application for the registration of a trademark that is identical with or similar to the said trademark.

Regulations for the Implementation of Trademark Law

Rule 13 Anyone who applies for registration of a trademark shall file an application based on the published Classification of Goods and Services. For each application for registration of a trademark, the applicant shall submit to the Trademark Office one copy of the Application for Trademark Registration and one copy of reproduction of the trademark; if applying for the registration of the combination of colors or a sign with the designated color or colors as a trademark, one copy of colored reproduction of the trademark and one copy of the black and white design shall be submitted; if applying for the registration of trademark without designated color or colors, the black and white design shall be submitted.

The reproductions of a trademark must be clear, easy to be pasted up, printed on smooth and clear durable paper or use photographs as a substitute, and the length and breadth of which shall be not more than ten centimeters and not less than five centimeters each.

If applying for the registration of a three-dimensional sign as a trademark, the applicant shall make a statement in the application, explain how to use the trademark, and submit a reproduction including perspectives of at least three different sides of the mark thereof by which the three-dimensional shape can be determined.

If applying for the registration of the combination of colors as a trademark, the applicant shall make a statement in the application, and explain how to use the trademark.

If applying for the registration of a sound

as a trademark, the applicant shall make a statement in the application, submit the audio reproduction as requested, describe the sound and explain how to use the trademark. The description shall describe the said sound by musical notation or numbered musical notation with explanatory words; if the said sound could not be described by musical notation or numbered musical notation, it shall be describe in words. The trademark description shall be in conformity with the sound sample.

If applying for the registration of a collective mark or a certification mark, the applicant shall make a statement in the application, and submit the documents certifying the qualifications of the subjects and the rules on the administration of the use of the mark.

Where a trademark is, or consists of, foreign words, their Chinese meanings shall be indicated.

Rule 15 The class(es) and indications of goods or services shall be listed in the application as specified in the Classification of Goods and Services; where any goods or services are not included in the Classification of Goods and Services, a description of the goods or services in question shall be attached to the application.

Applications for trademark registration and other related documents submitted in writing shall be typewritten or printed.

The preceding paragraph applies to other trademark affairs.

Rule 19 Where two or more applicants apply respectively on the same day for the registration of identical or similar trademarks in respect of the same or similar goods, both or all of the applicants shall, within 30 days from the date of receipt of the notification of the Trademark Office, submit the evidence of prior use of such trademarks before applying for registration. Where the use started on the same day or none is yet in use, both or all of the applicants may, within 30 days from the date of receipt of the notification of the Trademark Office, conduct consultations on their own and submit a written agreement to the Trademark Office; if they are not willing to conduct consultations or they fail to reach an agreement through consultations, the

Trademark Office shall notify both or all of the applicants to determine one of them by drawing lots and refuse the applications for registration filed by others. Where an applicant has been notified by the Trademark Office but fails to participate in the drawing of lots, the application filed by such an applicant shall be considered abandoned, and the Trademark Office shall notify the applicant in writing who does not participate in the drawing of lots.

Rule 43 Anyone who applies for the territorial extension to China, and requests for the protection of a three-dimensional sign, combination of colors or sound as a trademark, or the protection of collective trademark or certification trademark, within three months from the date of recording the trademark in the International Register, shall submit the materials required by Rule 13 through the trademark agency established in accordance with laws in China. If the applicant fails to submit the relevant materials within the time limit, such application shall be refused.

Rule 45 The opponent who is in conformity with Article 33 of The Trademark Law may file an opposition to the Trademark Office against a request for territorial extension to China within 3 months from the first day of the next month following the publication of the International Registration Gazette by the World Intellectual Property Organization.

The Trademark Office shall notify the International Bureau the opposition in the form of provisional refusal before the expiry of the applicable refusal period.

The Opposed party may make a response within 30 days from receipt of the provisional refusal transmitted by the International Bureau. The response and other related evidence shall be submitted through the trademark agency established in accordance with laws in China.

Rule 47 For the assignment of territorial extensions designating China, the assignee shall have a real and effective industrial or commercial establishment in, or be domiciled in a contracting party, or be a national of a contracting state or a state member of a contracting organization.

Where an assignor fails to assign in a lump all his or its identical or similar marks in

respects of the same or similar goods or services, the Trademark Office shall notify the holder of international registration to rectify the situation within 3 months from the date of the notification; if the situation is not rectified at the expiration of the time limit, or if the assignment of a trademark is likely to produce confusion or bears other adverse effects, the Trademark Office shall decide that the said assignment has no effect in China, and declare it to the International Bureau.

Rule 48 For the limitation of list of goods and services of territorial extensions designating China, if the limitation does not comply with the requirements on the classification of goods or services enforced in China, or enlarges the original list of goods and services, the Trademark Office shall decide that the limitation has no effect in China, and declare it to the International Bureau.

Administrative Reconsideration Law

Article 9 Any citizen, legal person or any other organization, who considers that a specific administrative act has infringed upon his or its lawful rights and interests, may file an application for administrative reconsideration within 60 days from the day when he or it knows the specific administrative act, except that the time limit prescribed in laws exceeds 60 days.

If the time limit prescribed by law is delayed due to force majeure or other special reasons, the time limit shall be accounted continuously from the day when the obstacle is removed.

Administrative Procedure Law

Article 46 If a citizen, a legal person or any other organization brings a suit directly before a people's court, he or it shall do so within six months from the day when he or it knows that a specific administrative action has been undertaken, except as otherwise provided for by law.