



NOTIFICATION OF EX OFFICIO REFUSAL

Notified to the International Bureau of
the World Intellectual Property Organization (WIPO)
under Rule 17 (2) and 17 (5)(e) of the Common Regulations

NOTE: This notification of ex officio refusal shall be deemed to include a statement in accordance with Rule 18ter (2) (ii) or (3) of the Common Regulations. Any request for review shall be filed to the Trademark Review and Adjudication Board, through a qualified Chinese agency or attorney, within 15 days from receipt of this notification.

- I. Office which pronounces the refusal:
Trademark Office
State Administration for Industry and Commerce

1, Chama Nanjie, Xichengqu, Tel: 8610-63219000
Beijing, 100055
People's Republic of China



- II. Date of the refusal pronounced: 2017/01/16
- III. Our reference number: GJZCG1295522BHYW01
- IV. International registration number: 1295522
- V. Date of notification to China: 2016/04/14
- VI. Basic national registration number: 546490
Basic national application number:
- VII. The mark is refused for all the goods and/or services.
- VIII. Reason(s) of refusal:
Prior national and/or international mark(s). (See Item X)
This mark is similar to the earlier mark(s).
The goods and/or services listed in Column VII are similar to those of the earlier application and/or earlier registration.
- IX. Applicable legal provisions of the refusal:
Article(s): (See the excerpts of the laws and regulations)
Trademark Law Article 30
- X. Informations concerning the earlier mark(s):

Mark:

ORANGE

Date of application:

2010/05/14

Number of application:

8297170

Date of priority:

Date of registration:

2012/02/14

Number of registration:

Non-Madrid 8297170

Name of the holder:

ORANGE BRAND SERVICES LIMITED

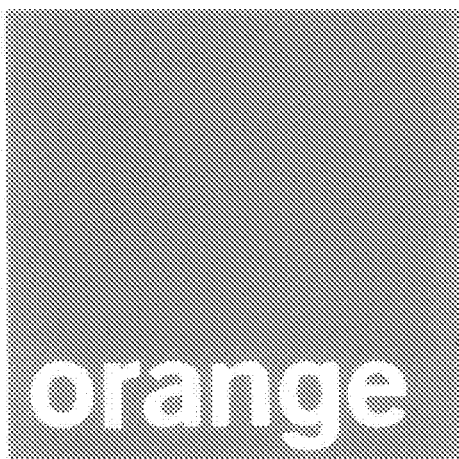
Address of the holder:

3 MORE LONDON RIVERSIDE, LONDON SE1 2AQ UNITED KINGDOM

Goods/services: class 35

广告；商业推广；商业管理辅助；工商管理辅助；组织和管理商业促销活动；商业信息；商业研究；商业调查；商业预测；提供商业信息；文秘；新闻信息剪报服务；组织商业展览；货物展出(为零售目的)；数据通讯网络上的在线广告；为零售目的在通讯媒体上展示商品；提供网络拍卖服务；有关网上购物的商业管理辅助；有关推广电子商务的广告；提供有关货物供应和促销的商业信息和建议；货物展出；向目标客户提供商业信息和建议；编辑互联网广告；在互联网上提供广告空间；为外出客户应接电话和处理留言；针对电话呼叫中心的商业管理辅助；针对远程监控中心的商业管理辅助；对邮购服务领域的工商管理和组织咨询；对购买定单进行行政处理；安排商业发布会；为社区服务项目而进行的志愿者招聘；数据誊写；数据汇编；统计资料汇编；将信息编入计算机数据库；计算机数据库信息分类；文字处理；计算机录入服务；提供用户诚信计划的组织和管理(商业管理和组织咨询)；

Device:



Mark:

ORANGE

Date of application:

1996/03/21

Number of application:

1085593

Date of priority:

Date of registration:

2007/08/21

Number of registration:

Non-Madrid 1085593

Name of the holder:

ORANGE BRAND SERVICES LIMITED

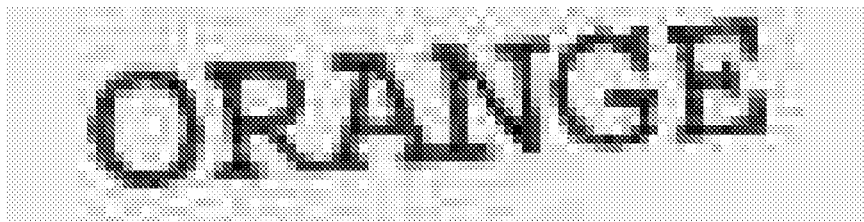
Address of the holder:

3 MORE LONDON RIVERSIDE, LONDON SE1 2AQ UNITED KINGDOM

Goods/services: class 35

广告；商业推销（替他人）；商业管理咨询；商业管理辅助；对于商业刺激手段和促进企业凝聚力计划的组织和管理（工商管理辅助）；商业信息服务；

Device:



Mark:

ORANGE

Date of application:

1999/04/14

Number of application:

1495915

Date of priority:

Date of registration:

2010/12/21

Number of registration:

Non-Madrid 1495915

Name of the holder:

ORANGE BRAND SERVICES LIMITED

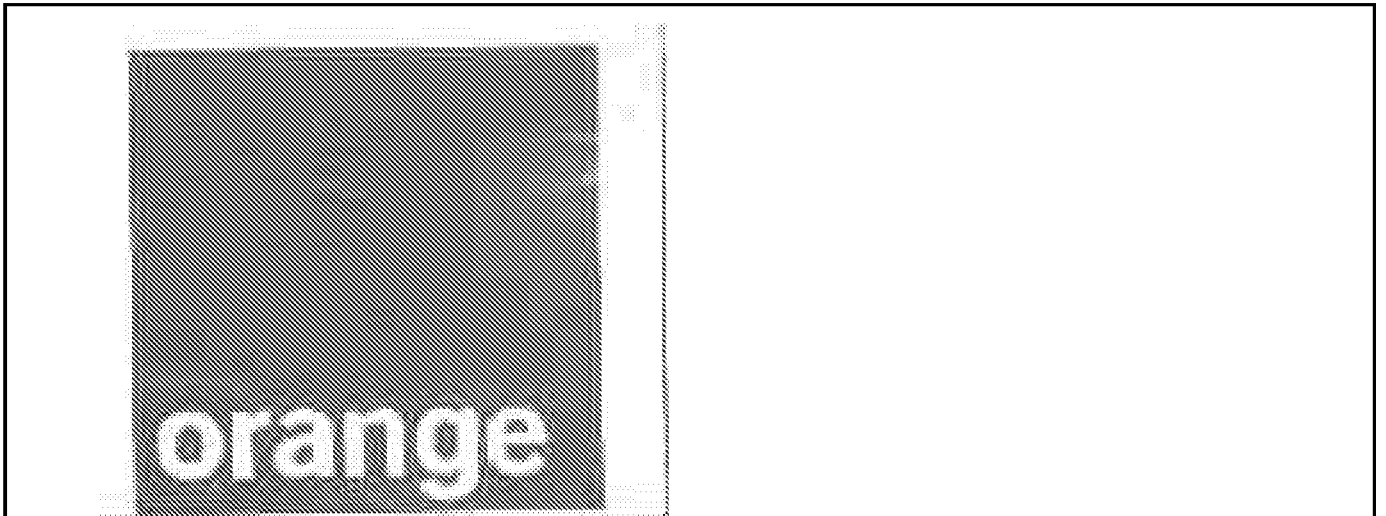
Address of the holder:

3 MORE LONDON RIVERSIDE, LONDON SE1 2AQ UNITED KINGDOM

Goods/services: class 35

广告；推销(替他人)；商业管理；工商管理；工商管理辅助；商业信息服务；邮购服务领域的工商管理
管理和组织咨询；将信息编入计算机数据库；数据抄写服务；计算机数据库信息化；文字及
数字处理服务；电话应答；商业专业咨询；商业管理辅助业；计算机文档管理；计算机数据库信
息编入；计算机数据库信息分类；

Device:



Mark:

ORANGE

Date of application:

Number of application:

790992

Date of priority:

2000/11/13

Date of registration:

2011/05/09

Number of registration:

Madrid 790992

Name of the holder:

ORANGE BRAND SERVICES LIMITED

Address of the holder:

3 MORE LONDON RIVERSIDE,LONDON SE1 2AQ(ROYAUME-UNI)(United Kingdom)

Goods/services: class 35

提供广告业务；提供商业促销服务；提供商业促销服务；提供商业管理服务；提供商业经营服务；提供商业奖励,以及诚信计划的组织及其管理服务；提供商业信息服务；提供邮购业务的管理服务,以及组织服务；提供商业介绍的安排服务；提供商业研究,以及商业调查的服务；提供商业预测的服务；提供各种商业服务,以及书记服务,和秘书服务；安排,以及举办商业为目的的展览会；在互联网上提供拍卖服务；提供在互联网上进行销售业务的商业管理服务；提供在互联网上进行销售业务的商业管理服务；为电子商务的促销提供广告的服务；为商品的提供和促销,以及产品的选择及其展示提供信息和咨询服务；为商品以及产品的准购买者提供信息以及咨询服务；为了方便购买者,将各种商业(不包括商品的运输在内)集中起来,能够使得用户方便地见到并且去购买这些产品；为了方便购买者,将各种商业(不包括商品的运输在内)集中起来,能够使得用户方便地见到并且去购买这些产品；通过计算机数据库,或者通过互联网,或者通过其他方式提供在线的上述所有服务；通过计算机数据库,或者通过互联网,或者通过其他方式提供在线的上述所有服务；通过计算机数据库,或者通过互联网,或者通过其他方式提供在线的上述所有服务；通过计算机数据库,或者通过互联网,或者通过其他方式提供在线的上述所有服务；提供数据的编辑,以及抄写服务；为互联网上的网页提供广告的编辑服务；为互联网上发布姓名地址录提供编辑服务；在网站上为商品的广告和服务提供广告的空间服务；提供数据库,以及数据处理的服务；提供电话应答,以及消息处理的服务；提供数据管理服务,以及电子存货盘点服务；提供汽车的价格,及其规格的差异比较服务；

Device:



Mark:

ORANGE

Date of application:

1996/03/21

Number of application:

1085592

Date of priority:

Date of registration:

2007/08/21

Number of registration:

Non-Madrid 1085592

Name of the holder:

ORANGE BRAND SERVICES LIMITED

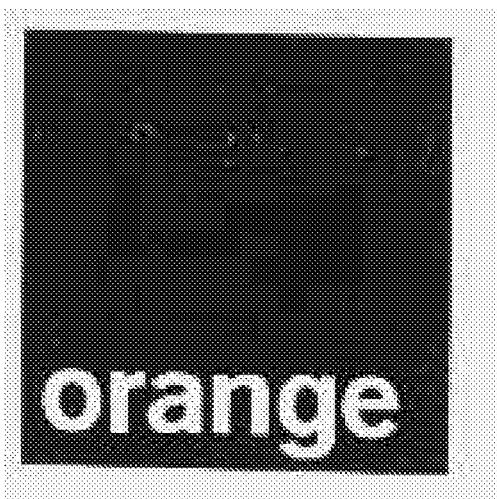
Address of the holder:

3 MORE LONDON RIVERSIDE, LONDON SE1 2AQ UNITED KINGDOM

Goods/services: class 35

广告；商业推销（替他人）；商业管理咨询；商业管理辅助；对于商业刺激手段和促进企业凝聚力计划的组织和管理（商业管理辅助）；商业信息；

Device:



Mark:

ORANGE

Date of application:

2008/05/23

Number of application:

6739973

Date of priority:

Date of registration:

2010/07/28

Number of registration:

Non-Madrid 6739973

Name of the holder:

ORANGE BRAND SERVICES LIMITED

Address of the holder:

3 MORE LONDON RIVERSIDE, LONDON SE1 2AQ UNITED KINGDOM

Goods/services: class 35

广告；商业咨询；商业管理辅助；工商管理辅助；商业信息；对购买定单进行行政处理；商业研究；商业调查；商业预测；提供商业信息；文秘；组织商业展览；提供网络拍卖服务；有关网上购物的商业管理辅助；有关推广电子商务的广告；提供有关货物供应和促销的商业信息和建议；货物展出；向目标客户提供商业信息和建议；编辑互联网广告；在互联网上提供广告空间；为外出客户应接电话和处理留言；针对电话呼叫中心的商业管理辅助；针对远程监控中心的商业管理辅助；商业专业咨询；替他人推销；通过邮购定单进行的广告宣传；组织商业或广告交易会；报刊剪贴；货物展出；商业橱窗布置；为零售目的在通讯媒体上展示商品；为消费者提供商业信息和建议(消费者建议机构)；电视广告；进出口代理；替他人推销；替他人采购(替其他企业购买商品或服务)；统计数据汇编；誊写；统计资料汇编；将信息编入计算机数据库；计算机数据库信息分类；文字处理；计算机录入服务；计算机文档管理；将商品库存信息编入计算机数据库；

Device:

ORANGE

Mark:

ORANGE

Date of application:

2008/05/28

Number of application:

6750037

Date of priority:

Date of registration:

2010/07/21

Number of registration:

Non-Madrid 6750037

Name of the holder:

ORANGE BRAND SERVICES LIMITED

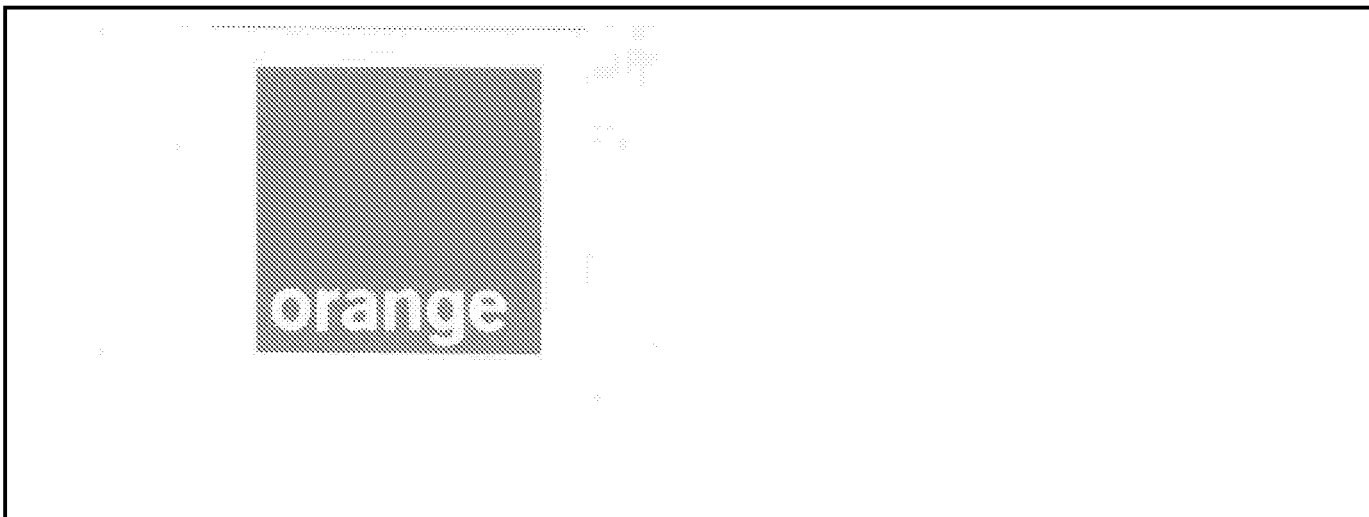
Address of the holder:

3 MORE LONDON RIVERSIDE, LONDON SE1 2AQ UNITED KINGDOM

Goods/services: class 35

广告；商业咨询；商业管理辅助；工商管理辅助；商业信息；对购买定单进行行政处理；安排商业发布会；商业研究；商业调查；商业预测；提供商业信息；文秘；组织商业展览；提供网络拍卖服务；有关推广电子商务的广告；提供有关货物供应和促销的商业信息和建议；货物展出；向目标客户提供商业信息和建议；数据汇编和誊写；编辑互联网广告；在互联网上提供广告空间；为外出客户应接电话和处理留言；计算机数据管理；电子库存记录服务；商业专业咨询；替他人推销；通过邮购定单进行的广告宣传；报刊剪贴；商业橱窗布置；为零售目的在通讯媒体上展示商品；为消费者提供商业信息和建议(消费者建议机构)；电视广告；进出口代理；组织商业或广告交易会；替他人推销.；替他人采购(替其他企业购买商品或服务)；统计资料汇编；将信息编入计算机数据库；计算机数据库信息分类；文字处理；计算机录入服务；

Device:



Mark:

ORANGE

Date of application:

2010/05/14

Number of application:

8297169

Date of priority:

Date of registration:

2012/03/14

Number of registration:

Non-Madrid 8297169

Name of the holder:

ORANGE BRAND SERVICES LIMITED

Address of the holder:

3 MORE LONDON RIVERSIDE, LONDON SE1 2AQ UNITED KINGDOM

Goods/services: class 35

广告；商业推广；商业管理辅助；工商管理辅助；组织和管理商业促销活动；商业信息；商业研究；商业调查；商业预测；提供商业信息；文秘；新闻信息剪报服务；组织商业展览；货物展出(为零售目的)；数据通讯网络上的在线广告；为零售目的在通讯媒体上展示商品；提供网络拍卖服务；有关网上购物的商业管理辅助；有关推广电子商务的广告；提供有关货物供应和促销的商业信息和建议；货物展出；向目标客户提供商业信息和建议；编辑互联网广告；在互联网上提供广告空间；为外出客户应接电话和处理留言；针对电话呼叫中心的商业管理辅助；针对远程监控中心的商业管理辅助；对邮购服务领域的工商管理和组织咨询；对购买定单进行行政处理；安排商业发布会；为社区服务项目而进行的志愿者招聘；数据誊写；数据汇编；统计资料汇编；将信息编入计算机数据库；计算机数据库信息分类；文字处理；计算机录入服务；提供用户诚信计划的组织和管理(商业管理和组织咨询)；

Device:

ORANGE

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 different classes of goods through one application.

Applications for trademark registration and other related documents shall be submitted in writing or electronic format.

Article 23 Where a registered trademark needs to acquire the exclusive right to be used in respect of goods beyond the approved range of use, a new application for registration shall be filed.

Article 30 Where a trademark the registration of which has been applied for is not in conformity with the relevant provisions of this Law, or it is identical with or similar to the trademark of another party that has, in respect of the same or similar goods, been registered or, after examination, preliminarily approved, the Trademark Office shall refuse the application and shall not publish the said trademark.

Article 31 Where two or more applicants apply for the registration of identical or similar trademarks for the same or similar goods, the preliminarily approval, after examination, and the publication shall be made for the trademark that was first filed. Where applications are filed on the same day, the preliminarily approval, after examination, and the publication shall be made for the trademark that was used earliest, and the applications of the others shall be refused and their trademarks shall not be published.

Article 33 The prior right owner or any interested party who believes that the trademark stands in violation of the provisions of second and third paragraphs of Article 13, Article 15, first paragraph of Article 16, Article 30, 31 and 32 of this law, or any party who believes that the trademark stands in violation of the provisions of Article 10, 11 and 12 of this law may, within three months from the date of the publication, file an opposition against the trademark that has, after examination, been preliminarily approved. If no opposition has been filed at the expiration of the specified period, the registration shall be approved, a certificate of trademark registration shall be issued and the trademark shall be published.

Article 35 Where it is decided that the registration shall be approved by the Trademark

Office, a certificate of trademark registration shall be issued and the trademark shall be published. Where the Opponent is dissatisfied with the decision, he or it may, pursuant to Article 44 and 45 of this law, apply for a declaration that the trademark is invalid to the Trademark Review and Adjudication Board.

Where it is decided that the registration shall not be approved by the Trademark Office and the Opposed party is dissatisfied with the decision, he or it may, within fifteen days from receipt of the notification, apply for a review to the Trademark Review and Adjudication Board. The Trademark Review and Adjudication Board shall make a decision within twelve months from receipt of the application and notify both the Opponent and the Opposed party in writing. The administrative authority for industry and commerce under the State Council may grant a six-month extension under certain circumstances. . Where the Opposed party is dissatisfied with the decision of the Trademark Review and Adjudication Board, he or it may, within thirty days from receipt of the notification, institute legal proceedings with the people's court. The people's court shall notify the Opponent as a third party to the litigation.

Article 42 Where a registered trademark is assigned, the assignor and assignee shall sign an agreement for the assignment and jointly file an application with the Trademark Office. The assignee shall guarantee the quality of the goods in respect of which the registered trademark is used.

When a registered trademark is to be assigned, the trademark registrant shall assign in a lump all of its similar trademarks in respect of the identical goods, or, identical or similar trademarks in respect of the similar goods.

With respect to applications for the assignment of registered trademarks, which may produce confusion or other adverse effects, the Trademark Office shall refuse them, and shall notify the applicants in writing and give the reasons therefor.

The assignment of a registered trademark shall be published after it has been approved. 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 act has been undertaken, except as otherwise provided for by law.