



NOTIFICATION DE REFUS D' OFFICE

Notifiée au Bureau International de l' Organisation Mondiale de la Propriété Intellectuelle (OMPI)
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 requête en réexamen peut être présentée à la Chambre d' Examen et de Décision en matière 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 2018/11/24
- III. Notre numéro de Référence : GJZCG589263BHYW01
- IV. Enregistrement international No. : 589263
- V. Date de notification en Chine 2018/06/28
- VI. Enregistrement national de base No. : 489 758
Dépôt national de base No. :
- VII. The mark is refused for all the goods and/or 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 matière :
Article(s) : (Voir les extraits des lois et des règlements)
La Loi sur Les Marques Article 30&31
- X. Informations concernant la/les marque(s) antérieure(s):



Nom de la marque :

ARCHIMEDES

Date de dépôt :

2016/01/19

Numéro de dépôt :

18922667

Date de priorité :

Date d' enregistrement :

2017/05/21

Numéro d' enregistrement :

Non-Madrid 18922667

Nom du titulaire :

BEI JING DONG FANG DE XING KE JI YOU XIAN GONG SI

Adresse du titulaire :

BEI JING SHI CHAO YANG QU YA CHENG SAN LI 1 8 HAO LOU 1 2 HAO CHINA

Produits/services : classe 9

工业用放射设备；铁路交通用安全设备；数量显示器；

▲已删商品▲

精密测量仪器；光学器械和仪器；工业遥控操作电气设备；照相机（摄影）；电子图书阅读器；量规；导航仪器；

Dessin :



Nom de la marque :

ARCHIMODE

Date de dépôt :

Numéro de dépôt :

1105089

Date de priorité :

2011/04/06

Date d' enregistrement :

2011/08/19

Numéro d' enregistrement :

Madrid 1105089

Nom du titulaire :

SRA INSTRUMENTS

Adresse du titulaire :

50 Rue des Sources F-69280 MARCY L' ETOILE (FR)(France)

Produits/services : classe 9

实验室色谱仪；实验室色谱设备；用于实验室分析仪和在线分析仪的自动采样系统；物理化学分析设备；气体分析设备；在线分析设备；用于色谱设备、色谱仪和物理化学分析设备的软件；

Dessin :

ARCHIMODE

Nom de la marque :

阿基米德;ARCHIMEDES

Date de dépôt :

1999/07/02

Numéro de dépôt :

1457441

Date de priorité :

Date d' enregistrement :

2010/10/14

Numéro d' enregistrement :

Non-Madrid 1457441

Nom du titulaire :

ZHANG DI CAI

Adresse du titulaire :

ZHE JIANG SHENG LE QING SHI NAN TANG ZHEN SHAN MA CUN CHINA

Produits/services : classe 25

服装; 鞋; 靴; 帽; 袜;

Dessin :



Nom de la marque :

ARCHIMEDES

Date de dépôt :

2004/08/27

Numéro de dépôt :

4241709

Date de priorité :

Date d' enregistrement :

2008/10/21

Numéro d' enregistrement :

Non-Madrid 4241709

Nom du titulaire :

ZHANG DI CAI 3 3 0 3 2 3 6 9 0 9 2 1 5 9 4

Adresse du titulaire :

ZHE JIANG SHENG LE QING SHI NAN TANG ZHEN SHAN MA CUN CHINA

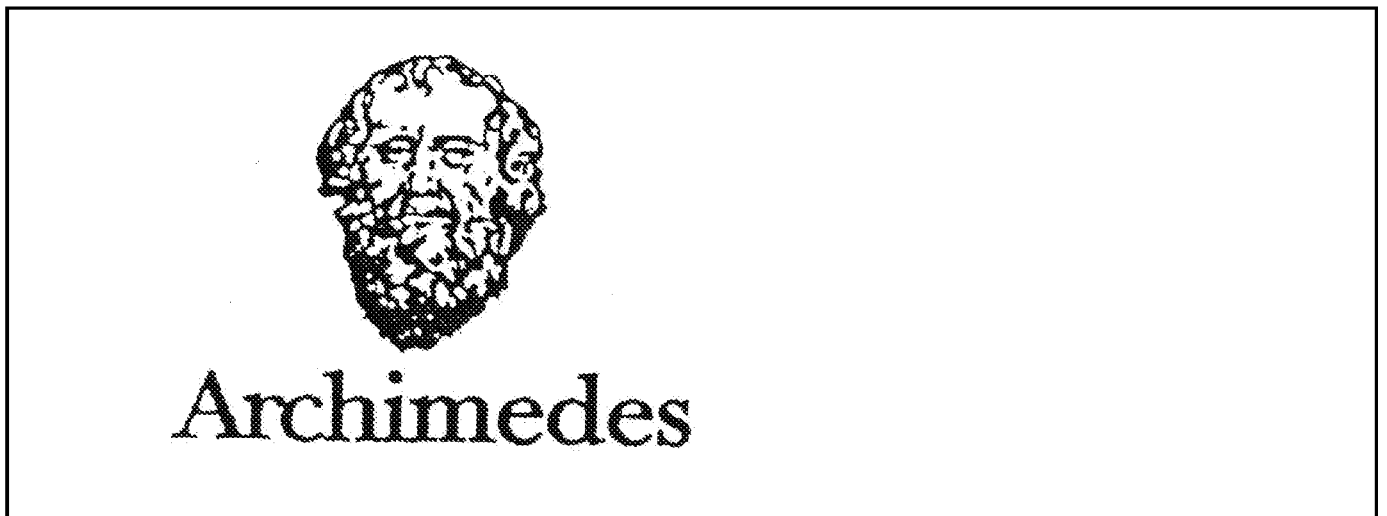
Produits/services : classe 25

服装; 针织服装; 童装; 鞋子; 帽子; 袜子;

▲已删商品▲

游泳衣; 防水服; 领带; 手套(服装);

Dessin :



Nom de la marque :

ARCHIMEDES

Date de dépôt :

2005/05/08

Numéro de dépôt :

4643077

Date de priorité :

Date d' enregistrement :

2009/02/07

Numéro d' enregistrement :

Non-Madrid 4643077

Nom du titulaire :

ZHANG DI CAI 3 3 0 3 2 3 6 9 0 9 2 1 5 9 4

Adresse du titulaire :

ZHE JIANG SHENG LE QING SHI NAN TANG ZHEN SHAN MA CUN CHINA

Produits/services : classe 25

服装；针织服装；童装；鞋；帽；领带；袜；手套(服装)；皮带(服饰用)；羽绒服装；

Dessin :

Archimedes

Nom de la marque :

ARCHIMEDES

Date de dépôt :

2016/11/17

Numéro de dépôt :

21933327

Date de priorité :

Date d' enregistrement :

2018/01/07

Numéro d' enregistrement :

Non-Madrid 21933327

Nom du titulaire :

ZHANG DI CAI

Adresse du titulaire :

JIANG SU SHENG SU ZHOU SHI CHANG SHU SHI HAI YU ZHEN FU SHAN XIN JIAN JIE 2 0
HAO CHINA

Produits/services : classe 25

服装；鞋；帽；袜；神父左臂上佩戴的饰带；（牧师、神父穿的）白麻布长袍；宗教服装；服装
绶带；浴帽；睡眠用眼罩；婚纱；手套（服装）；领带；围巾；披巾；面纱（服装）；腰带；服
装带（衣服）；皮带（服饰用）；十字褙；修女头巾；

Dessin :

ARCHIMEDES

Nom de la marque :

ARCHIMEDES

Date de dépôt :

2018/04/23

Numéro de dépôt :

30436873

Date de priorité :

Date d' enregistrement :

Numéro d' enregistrement :

Non-Madrid 30436873

Nom du titulaire :

ZHANG DI CAI

Adresse du titulaire :

JIANG SU SHENG SU ZHOU SHI CHANG SHU SHI HAI YU ZHEN FU SHAN XIN JIAN JIE 2 0
HAO CHINA

Produits/services : classe 25

▲待删商品▲

婚纱；皮带（服饰用）；服装；婴儿全套衣；游泳衣；鞋；帽；袜；手套（服装）；领带；

Dessin :



ARCHIMEDES

Nom de la marque :

ARCHIMEDES

Date de dépôt :

2018/04/23

Numéro de dépôt :

30444467

Date de priorité :

Date d' enregistrement :

Numéro d' enregistrement :

Non-Madrid 30444467

Nom du titulaire :

ZHANG DI CAI

Adresse du titulaire :

JIANG SU SHENG SU ZHOU SHI CHANG SHU SHI HAI YU ZHEN FU SHAN XIN JIAN JIE 2 0
HAO CHINA

Produits/services : classe 25

婚纱；皮带（服饰用）；服装；婴儿全套衣；游泳衣；鞋；帽；袜；手套（服装）；领带；

Dessin :

ARCHIMEDES

Nom de la marque :

阿基米德

Date de dépôt :

2016/11/17

Numéro de dépôt :

21933328A

Date de priorité :

Date d' enregistrement :

2018/01/21

Numéro d' enregistrement :

Non-Madrid 21933328A

Nom du titulaire :

ZHANG DI CAI

Adresse du titulaire :

JIANG SU SHENG SU ZHOU SHI CHANG SHU SHI HAI YU ZHEN FU SHAN XIN JIAN JIE 2 0
HAO CHINA

Produits/services : classe 25

服装；鞋；帽；袜；神父左臂上佩戴的饰带；（牧师、神父穿的）白麻布长袍；宗教服装；服装
绶带；浴帽；睡眠用眼罩；婚纱；十字褙；修女头巾；

Dessin :

阿基米德

Nom de la marque :

阿基米德 ARCHIMEDES

Date de dépôt :

2009/04/15

Numéro de dépôt :

7325489

Date de priorité :

Date d' enregistrement :

2010/10/28

Numéro d' enregistrement :

Non-Madrid 7325489

Nom du titulaire :

WEI HAI DONG ZHENG DIAO JU YOU XIAN GONG SI

Adresse du titulaire :

SHAN DONG SHENG WEI HAI SHI GU ZHAI DONG LU FU 1 – 3 HAO CHINA

Produits/services : classe 28

高尔夫球杆；羽毛球拍；体育活动器械；登山套具；人造钓鱼饵；钓鱼杆；钓鱼钩；钓鱼用具；钓鱼线；钓鱼用绕线轮；

Dessin :

阿基米德
Archimedes

Nom de la marque :

ARCHIMEDES

Date de dépôt :

2010/04/13

Numéro de dépôt :

8204211

Date de priorité :

Date d' enregistrement :

2011/04/21

Numéro d' enregistrement :

Non-Madrid 8204211

Nom du titulaire :

WEI HAI DONG ZHENG DIAO JU YOU XIAN GONG SI

Adresse du titulaire :

SHAN DONG SHENG WEI HAI SHI GU ZHAI DONG LU FU 1 – 3 HAO CHINA

Produits/services : classe 28

高尔夫球杆；羽毛球拍；体育活动器械；登山套具；人造钓鱼饵；钓鱼杆；钓鱼钩；钓鱼用具；钓鱼线；钓鱼用绕线轮；

Dessin :

The logo for 'Archimedes' features a stylized, bold letter 'A' on the left. The 'A' is composed of two main parts: a vertical stroke on the left and a horizontal stroke on the right, with a small upward-pointing arrow integrated into the top of the horizontal stroke. To the right of this 'A' is the word 'rchimedes' in a bold, italicized, sans-serif font. The entire logo is rendered in black.

Nom de la marque :

阿基米德 ARCHIMEDES

Date de dépôt :

2011/08/03

Numéro de dépôt :

9804163

Date de priorité :

Date d' enregistrement :

2013/03/14

Numéro d' enregistrement :

Non-Madrid 9804163

Nom du titulaire :

DONG GUAN SHI BO DAO JU JIA ZHI SHI CHAN QUAN FU WU YOU XIAN GONG SI

Adresse du titulaire :

GUANG DONG SHENG DONG GUAN SHI DONG CHENG QU ZHU SHAN DONG CHENG
ZHONG LU NAN 7 3 HAO PU WEI ZHI YI CHINA

Produits/services : classe 28

电子靶;

▲已删商品▲

玩具; 玩具娃娃; 玩具熊; 玩具汽车; 智能玩具; 跳棋(游戏); 健身摇摆机(器)或运动摇摆机(器);
游泳池(娱乐用); 男性下体弹力护身(运动用品);

Dessin :

Archimedes

阿基米德

Nom de la marque :

ARCHIMEDES

Date de dépôt :

2014/11/28

Numéro de dépôt :

15821538

Date de priorité :

Date d' enregistrement :

2016/03/21

Numéro d' enregistrement :

Non-Madrid 15821538

Nom du titulaire :

HANG ZHOU A JI MI DE KONG GU YOU XIAN GONG SI

Adresse du titulaire :

ZHE JIANG SHENG HANG ZHOU SHI JIANG GAN QU TIAN CHENG LU 6 8 HAO WAN SHI
LI KE JI DA SHA 2 CHUANG 1 5 LOU 1 5 1 0 SHI CHINA

Produits/services : classe 28

游戏器具；玩具；纸牌；棋；锻炼身体器械；护膝（体育用品）；圣诞树用装饰品（照明用物品和糖果除外）；电动游艺车；

▲已删商品▲

体育活动用球；钓鱼用具；

Dessin :

ARCHIMEDES

Nom de la marque :

阿基米德

Date de dépôt :

2015/06/02

Numéro de dépôt :

17099538

Date de priorité :

Date d' enregistrement :

2017/10/21

Numéro d' enregistrement :

Non-Madrid 17099538

Nom du titulaire :

ZHE JIANG A FAN DA TOU ZI YOU XIAN GONG SI

Adresse du titulaire :

ZHE JIANG SHENG HANG ZHOU SHI BIN JIANG QU XI XING JIE DAO LIAN HUI JIE 3 0 0
HAO 1 1 CENG 1 1 0 9 SHI CHINA

Produits/services : classe 28

玩具；棋；锻炼身体器械；护膝（体育用品）；

▲待删商品▲

游戏器具；电动游艺车；体育活动用球；体育活动器械；圣诞树用装饰品（照明用物品和糖果除外）；钓鱼用具；

Dessin :

阿基米德

Nom de la marque :

阿基米得

Date de dépôt :

2005/12/13

Numéro de dépôt :

5058675

Date de priorité :

Date d' enregistrement :

2009/06/14

Numéro d' enregistrement :

Non-Madrid 5058675

Nom du titulaire :

GUANG ZHOU GE LAI MA DIAN GONG QI CAI YOU XIAN GONG SI

Adresse du titulaire :

GUANG DONG SHENG GUANG ZHOU SHI HUANG PU QU MAO GANG HUA GUO SHAN
LU 2 4 1 HAO CHINA

Produits/services : classe 28

非与电视机连用的游戏机；游戏机；非与电视机连用的电子游戏机；游戏套环；秋千；竞赛计数器；九柱戏木柱；电椅；滑梯；自动和投币启动的游戏机；

Dessin :

阿基米得

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.