



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: 2018/12/13
III. Our reference number: GJZCG1392686BHYW01
IV. International registration number: 1392686
V. Date of notification to China: 2018/03/08
VI. Basic national registration number: 30 2015 009 470
Basic national application number:

- VII. The mark is refused for the following goods and/or services:
5: food for babies;
29: Meat; fish; poultry and game; meat extracts; preserved, frozen, dried and cooked fruit and vegetables; jams; compotes; milk and milk products; crystallized fruits;
35: retail services in relation to the following goods, namely soaps, perfumery, perfumes, scented water, eau de cologne, deodorants for human beings, potpourris [fragrances], essential oils, cosmetics, cosmetic preparations for bath, skin care (cosmetic preparations for -), lotions for cosmetic purposes, creams (cosmetic), beauty masks, make-up preparations, lipsticks, cosmetic kits, shampoos, hair lotions, dentifrices, mouth washes, not for medical purposes, sun-tanning preparations [cosmetics], shaving preparations, after-shave lotions, boot cream, joss sticks, candles (for lighting), Christmas tree candles, scented candles, sanitary preparations for medical purposes, dietetic substances adapted for medical use, food for babies, diapers [babies' napkins], plasters, materials for dressings, disinfectants, sun care preparations for pharmaceutical purposes, sunburn ointments, pharmaceutical products, pharmaceutical and veterinary preparations, medicine cases, portable, filled, emergency boxes, pockets and bags (filled), bath preparations, medicated, therapeutic preparations for the bath, goods of metal, hooks of metal for clothes and bags, locks of metal, boxes of common metal, identity plates of metal, luggage tags of metal, boarding stairs of metal, towel dispensers (fixed) of metal, letter boxes of metal, machines for agricultural purposes, machines for making pasta, cleaning (machines and apparatus for -), electric, ironing machines, cleaning appliances utilizing steam, labellers [machines], bottle washing machines, dishwashers, die-cutting and tapping machines, electric hand drills, hand-held tools, other than hand-operated, high pressure washers, electric glue guns, handling apparatus for loading and unloading, harvesting machines, fruit presses (electric) for household purposes, electric knives, electric blenders for household purposes, electric tin openers, beaters (electric), whisks (electric) for household purposes, bread cutting machines, grating machines for vegetables, coffee grinders (other than hand-operated), kneading machines, kitchen machines (electric), food processors (electric), mills for household purposes (other than hand-operated), pepper mills (other than hand-

operated), beer pumps, dynamos, motors for boats, sewing machines, lawnmowers [machines], electric shears, trueing machines, electric shoe polishers, automatic vending machines, hand-operated tools, cutlery, forks and spoons, table cutlery [knives, forks and spoons] and silver plate, vegetable slicers, can openers (non-electric), egg slicers (non-electric), nutcrackers, oyster openers, non-electric cheese slicers, foundry ladles [hand tools], mortars for pounding, sugar tongs, garden tools (hand-operated), ice scrapers, side arms, scissors, borers, ratchets [hand tools], crow bars, files [tools], spades [hand tools], blade sharpening instruments, screwdrivers, polishing irons [glazing tools], razors, razor cases, shaving cases, manicure and pedicure sets, depilation appliances (electric and non-electric), pincers, eyelash curlers, fireplace bellows [hand tools], lawn clippers [hand instruments], sand trap rakes, flat irons, scientific, nautical, surveying, photographic, optical, measuring, signalling, checking and teaching apparatus and instruments, digital thermometers, not for medical purposes, barometers, temperature indicators, wireless meteorological station, in essence composed of a temperature indicator, a barometer, a hygrometer as well as an indicator of date and time, data carriers, in particular magnetic data carriers, CD-ROMs, DVDs, magnetic cards, smart cards, phonograph records and other digital recording media, exchangeable digital data storage mediums, exchangeable electronic data storage mediums, USB flash drives, data-processing apparatus and computers, hardware for data processing, computer software, apparatus for recording, transmission and reproduction of sound, images or data, digital cameras, cameras [photography], camcorders, telephone apparatus in particular, mobile telephones and accessories for the above goods, calculating machines, magnetic data carriers, magnetic and video tapes, exposed films, computer software, mechanisms for coin-operated apparatus, binoculars, magnifying glasses, spectacle cases, spectacles, spectacle lenses, spectacle frames and sunglasses, optical goods, diving suits and masks, breathing apparatus for underwater swimming, magnets (decorative), helmets (protective) for sports, tachometers, mouse pads, scales, test tubes, navigation apparatus for vehicles (on-board computer), navigational instruments, satellite navigational apparatus, downloadable music files, condoms, gloves for massages, massage devices (including for beauty care), massage devices in the form of balls, baby bottles, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, hair dryers, cookware (electric), ovens, toasters, sandwich toasters, grills, roasting spits, barbecues, electric raclette sets, electric fondue sets, electric coffee makers, water boilers, water heaters, electric apparatus for preparing yoghurt, electric waffle irons, warmers (stoves), electric pressure cooking saucepans, warming trays, apparatus for drawing up beer under pressure, automatic bread making machines, electric deep-fat fryers, microwave ovens, ice-cream making machines and apparatus, freezers, refrigerating containers, air cooling apparatus, refrigeration cabinets, steam facial apparatus, electric lamps, book lights, chandeliers, electric Christmas tree lighting, fairy lights for festive decoration (paper lanterns), lanterns, torches, bicycle lights, lighting apparatus for vehicles, flaming torches and torches for lighting, lampshade holders, lampshades, lanterns, oil lamps, light bulbs (for lighting), pocket warmers, fans (air conditioning), hot-water bottles, electric bottle warmers, foot warmers (electric or non-electric), radiators (heating), electric blankets, not for medical purposes, hot air apparatus, fan heaters, heat accumulators, friction lighters for igniting gas, gas lighters, petrol burners, air conditioning installations, air conditioning apparatus, water filtering apparatus, ornamental fountains, fountains, water intake apparatus, taps, in particular water taps, bath tub linings, vehicles, apparatus for locomotion by land, air or water, vehicle accessories, air pumps, rear view mirrors, sun-blinds adapted for automobiles, bicycle baskets, bells for bicycles, pedals for bicycles, bicycle seats, dress guards for bicycles, spoke clips for wheels, luggage bags for two-wheeled vehicles, pumps for bicycles, handlebars for bicycles, mudguards, snow chains and anti-skid chains, barrows, tilting carts, golf carts [vehicles], prams, parachutes, vehicle covers, fireworks, sparklers [fireworks], firecrackers, precious metals and their alloys and goods in precious metal or coated therewith, jewellery, precious stones, jewellery, in particular bracelets, brooches, rings and earrings, horological and chronometric instruments, alarm clocks, watches and watch straps, pins [jewellery], boxes and figurines (statuettes), all of precious metal, jewellery chains, tie-pins and clips, cufflinks, key rings, jewellery boxes, paper, cardboard and goods made from these materials, in particular nameplates, luggage labels, transfers [decalcomanias], stickers [stationery], containers for stationery, beer mats, paper and plastic packing bags, conical paper bags, pads of paper and writing paper, printed matter, books, leaflets, brochures, newspapers, magazines, photographs, postcards, tickets, entry tickets, calendars, cards, catalogues, writing instruments, in particular pens, pencils and fountain pens, artists' materials, paint brushes, office requisites (other than furniture), drawing pins, sealing stamps and inking pads, boxes for notepads, instructional and teaching material (except apparatus), cardboard, paper and plastic materials for packaging, printers' type, paper flags and pennants made of paper, adhesives for stationery purposes, table mats of paper for glasses, mugs, cups, coffee and tea pots,

document holders [stationery], leather and imitations of leather and goods made from these materials, trunks, briefcases and travelling bags, document wallets, rucksacks, bags, in particular shoulder bags, bottle bags, bags for camping, belt bags, beach bags, bags for sports, wallets, purses, shopping bags and net bags for shopping, travel kits (leather goods), key cases, toilet bags, suitcase straps, saddlery, horse blankets and halters, umbrellas and parasols, walking sticks, luggage tags of leather or artificial leather, boxes of leather or leather board, furniture, mirrors, picture frames, goods of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for these materials or of plastics, in particular cans, boxes and crates, wardrobe hooks and pallets, air beds and air cushions (not for medical purposes), luggage tags (nameplates) (not of metal), inflatable publicity objects, hand mirrors, shopping trolley tokens (not of metal), packaging containers of plastic, household or kitchen utensils and containers, in particular boxes, soap boxes, food storage jars and insulated containers, salt cellars and pepper pots, non-electric beaters, pots, frying pans, woks, non-electric fondue sets, non-electric appliances for making yogurt, soap dispensers, soap holders, combs and sponges, brushes (except paint brushes), brushes for footwear, brush-making materials, toothbrushes, including electric toothbrushes, articles for cleaning purposes, deodorizing apparatus for personal use, unworked or semi-worked glass (except glass used in building), glassware, porcelain and earthenware, in particular vases, decanters, flasks and glasses [receptacles], works of art made of porcelain, clay or glass, fruit bowls, napkin rings, cosmetic utensils, perfume vaporizers, shaving brushes, spectacle cleaning cloths, bottles, in particular insulating flasks, refrigerating bottles, demijohns and drinking flasks for travellers, non-electric fruit presses for household purposes, corkscrews, bottle openers, fitted picnic baskets (including dishes), non-electric cold boxes (portable), isothermic bags, services [dishes], coffee services, tea services, chopsticks, shoe horns, shoe trees [stretchers], coasters (not of paper and other than table linen), trivets [table utensils], table mats, not of paper for glasses, mugs, cups, coffee and tea pots [table utensils], toothpicks, toothpicks holders, disposable table plates, flower-pot covers, watering cans, ice buckets, garden, polishing and cooking gloves, gloves for household purposes, portable baby baths, baby potties for sanitary purposes, non-electric heaters for feedings bottles, bread and cutting boards, piggy banks, waste paper baskets, ropes, string, nets, tents, tarpaulins, sails, sacks, padding and stuffing materials (except of rubber or plastics), raw fibrous textile materials, braces, not of metal, for handling loads, packing rope, packing string, plastic fibres for textile use, beach shelters, bags for washing hosiery, yarns and threads for textile purposes, sewing threads and yarn, textiles and textile goods, bed covers, bedspreads and table covers and cloths, bath towels and hand towels, napkins and handkerchiefs of textile, curtains and drapes of textile, pennants and flags (not of paper), printers' blankets of textile, bedding (bed linen), labels of textile, coasters (table linen) of textile, for jugs, bottles, glasses, mugs, cups, coffee pots and tea pots, shower curtains of textile or of plastic, clothing, in particular tee-shirts, trousers, gloves, shirts and blouses, money belts (clothing), belts, headgear, in particular hats, caps and shower caps, scarves, ties, combinations [clothing], raincoats, neck scarves [mufflers], socks, headbands and sweaters, swimsuits, bathing trunks, bathrobes, footwear, in particular sandals, bath slippers and sports shoes, pockets for clothing, wet suits for water skiing, aprons (clothing), carnival costumes, ski gloves, lace and embroidery, ribbons and braid, buttons, hook and eyes, needles, artificial flowers and fruits, lanyards, badges, trouser clips for cyclists, hair bands, hair clips, bows for the hair, decorative articles for the hair, hair barrettes, needle cases, sewing boxes, brassards, mats, floor mats, gymnastic mats, bath mats, linoleum, oilcloth, carpets, toilet mats, reed mats, floor coverings (top floors), wall hangings (non-textile), games, playthings, parlour games, inflatable playthings of plastic, in particular in the form of planes and animals, gymnastic and sporting articles, playing cards, model toys and their parts, scale models, in particular of vehicles, air planes, railways and ships as well as accessories therefor, scale model kits [toys], golf bags (with or without wheels), golf clubs, golf gloves, divot repair tools [golf accessories], pitch forks [golf accessories], landing nets for anglers, ornaments for Christmas trees, (except illumination articles and confectionery), candle holders for Christmas trees, confetti, puppets, plush toys, rattles, scooters [toys], roller skates, balls for games, play balloons, jigsaw puzzles, video game machines, portable games with liquid crystal displays, apparatus for games, water wings, meat, fish, poultry and game, meat extracts, preserved, frozen, dried and cooked fruits and vegetables, jellies, jams, compotes, eggs, milks and milk products, edible oils and fats, meat, fish, vegetable and fruit preserves, crystallised fruit, coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee, flour and preparations made from cereals, bread, pastry and confectionery, edible ices, honey, treacle, yeast, baking powder, salt, mustard, vinegar, sauces (including salad dressings), spices, ice for refreshment, candy, in particular fruit gums and wine gums, sweets, lozenges [confectionery] and lollipops, chocolate, advent calendars, Christmas sweets or gift bags (filled or decked with candy, chocolate goods and/or pastries), ice cream, agricultural, horticultural and forestry products

and grains, live animals, fresh fruits and vegetables, seeds, natural plants and flowers, animal foodstuffs, beers, mineral and aerated waters and other non-alcoholic beverages, fruit drinks and fruit juices, syrups and other preparations for making beverages, alcoholic beverages (except beers), tobacco, smokers' articles, in particular ashtrays, tobacco pouches, tobacco jars, cigarette cases and tins, cigarillos, cigar cases and boxes, cigar boxes (with humidor), cigarettes, tobacco pipes, snuff boxes, pipe racks for tobacco pipes, matches, match boxes, match holders and lighters for smokers;

45:horoscope casting.

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.

Horoscope casting and retail services are not acceptable in China for the purpose of trademark registration.

IX. Applicable legal provisions of the refusal:

Article(s): (See the excerpts of the laws and regulations)

Trademark Law Article 22&30

X. Informations concerning the earlier mark(s):

Mark:

得意佳儿;TUI

Date of application:

2007/02/02

Number of application:

5886131

Date of priority:

Date of registration:

2011/05/07

Number of registration:

Non-Madrid 5886131

Name of the holder:

YI LE XING GUO JI GU FEN YOU XIAN GONG SI

Address of the holder:

TAI WAN TAO YUAN SHI FU XING LU 9 9 HAO 1 4 LOU ZHI 9 CHINA

Goods/services: class 29

牛奶; 牛奶制品; 酸奶; 酸乳酪; 奶油(奶制品); 鱼松; 肉松; 碎杏仁; 干食用菌; 奶酪;

Device:



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.