



NOTIFICATION OF PROVISIONAL REFUSAL BASED ON AN OPPOSITION

Notified to the International Bureau of World Intellectual Property Organization (WIPO)
under Rule 17 (2) and (3) of the Common Regulations

I. Authority which notified the notification:

Trademark Office
State Administration for Industry and Commerce

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

II. Our reference number: 2018际异0000000216GYDB01

Date of notification: 2019/03/04

III. International Registration Number: 1410495

IV. Basic national registration No.:

Basic national application No.:



V. Name and address of the opponent who filed the opposition against the above-mentioned international registration:

INTEL CORPORATION

2200 MISSION COLLEGE BOULEVARD, SANTA CLARA, CALIFORNIA, 95052-
8119, UNITED STATES OF AMERICA

VI. Goods and/or services affected by the provisional refusal:

Class 6: all the goods;

Class 7: all the goods;

Class 9: all the goods;

Class 35: all the services;

Class 37: all the services.

VII. The opponent mentioned in Item V has filed an opposition on the grounds indicated in Item VIII against:

the international registration under Article 33 of the Trademark Law and Rule 45 of the Implementing Regulations under the Trademark Law. This provisional refusal is therefore issued according to Rule 17 (2) and (3) of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement.

Under Rule 27 of the Implementing Regulations under the Trademark Law, the holder of the international registration may file a response to the opposition with the Trademark Office within 30 days from receipt of this notification.

Where the holder of the international registration is not a national of China or an entity established within the territory of China, the response to the opposition has to be filed through the intermediary of a qualified representative whose address is within the territory of China. The documentation filed by the opponent in support of the opposition may be obtained through the authorised representative. A list in Chinese of agencies can be found at <http://www.ctmo.gov.cn> or <http://sbj.saic.gov.cn>.

Under Article 35 of the Trademark Law, the Trademark Office will make a decision on the opposition on the basis of the facts and grounds submitted by the opponent and the holder.

VIII. Grounds of opposition:

The mark is similar to the following mark(s).

The goods and/or services listed in Item VI are similar to those of the following mark(s).

The opposed mark infringes the opponent's trade name rights. The opposed mark is the imitation of the opponent's well-known trademark.

Mark:INTEL

Date of application:1998/06/19

Number of application:1361319

Date of priority:

Date of registration:2000/02/07

Number of registration:1361319 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD, SANTA CLARA, CALIFORNIA 95052, U.S.A.

Goods/services:

计算机;计算机周边设备;计算机存储器;计算机键盘;数据处理设备;计算机软件(录制好的);磁数据媒介;磁带装置(计算机用);接口(计算机用);芯片(计算机用);光盘只读存储器;监视器(计算机用);监控器(计算机软件);密纹盘(只读存储用);计算机用打印机;耦合器(数据加工设备);电子笔(荧屏显示系统);文字处理机;计算装置;半导体;集成电路;调制解调器;计算机多媒体工作站;音像接收机;电讯传送器;电讯接收器;双向通讯设备;

Device:



Mark:INTEL

Date of application:2013/12/19

Number of application:13761733

Date of priority:

Date of registration:2015/03/07

Number of registration:13761733 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA,95052-8119,U.S.A.

Goods/services:

农业机械;活塞(机器或发动机部件);水族池通气泵;轧饲料机;挤奶机;动物剪毛机;盐池压平机;机锯(机器);造纸机;卫生巾生产设备;印刷板;纺织机;上浆机;制茶机械;制食品用电动机械;电动制饮料机;烟草加工机;制革机;缝合机;自行车组装机;陶匠用旋轮;雕刻机;电池机械;制绳机;制搪瓷机械;制灯泡机械;包装机;蜂窝煤机;家用电动搅拌机;洗衣机;制药加工工业机器;过热机;玻璃加工机;合成塔;化学工业用电动机械;清洗机;切断机(机器);油精炼机器;搅拌机;搅拌机;搅拌机;电梯(升降机);锤(机器部件);铸模(机器部件);冷凝器(蒸汽)(机器部件);汽化器供油装置;水轮机;回形针机;拉链机;外壳(机械部件);电线印号机;电动刀;电子工业设备;眼镜片加工设备;制氧、制氮设备;涂漆机;发电机;空气压缩泵;阀(机器零件);空气冷凝器;气动元件;机器用齿轮装置;滚珠轴承;机器传动带;电焊设备;电动清洁机械和设备;压滤机;电控拉窗帘装置;贴标签机(机器);电镀机;

Device:

INTEL

Mark:INTEL

Date of application:2013/12/19

Number of application:13761734

Date of priority:

Date of registration:2015/02/28

Number of registration:13761734 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA,95052-8119,U.S.A.

Goods/services:

未加工或半加工普通金属;通风和空调设备用金属管;金属广告栏;铁路金属材料;普通金属线;非电气缆绳用金属接头;金属环;金属铰链;普通金属制钥匙圈;挂锁;保险柜;机器传动带用金属扣;金属工具箱(空);不发光、非机械的金属标志;动物挂铃;铜焊合金;锚;医院用金属制身份鉴别手环;金属风向标;树木金属保护器;捕野兽陷阱;青铜制艺术品;金属矿石;金属纪念碑;

Device:

INTEL

Mark:英特尔 INTEL

Date of application:2016/04/25

Number of application:19744100

Date of priority:

Date of registration:2017/06/14

Number of registration:19744100 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD, SANTA CLARA,
CALIFORNIA, 95052-8119, U.S.A.

Goods/services:

广告;为零售目的在通讯媒体上展示商品;商业管理辅助;消费者忠诚度计划管理;替他人采购(替其他企业购买商品或服务);为商品和服务的买卖双方提供在线市场;人事管理咨询;商业企业迁移;计算机数据库信息系统化;会计;自动售货机出租;寻找赞助;销售展示架出租;药用、兽医用、卫生用制剂和医疗用品的零售或批发服务;

Device:

INTEL 英特尔

Mark:INTEL

Date of application:2016/04/25

Number of application:19744101

Date of priority:

Date of registration:2017/06/14

Number of registration:19744101 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD, SANTA CLARA, CALIFORNIA, 95052-8119, U.S.A.

Goods/services:

广告;为零售目的在通讯媒体上展示商品;商业管理辅助;消费者忠诚度计划管理;替他人采购(替其他企业购买商品或服务);为商品和服务的买卖双方提供在线市场;人事管理咨询;商业企业迁移;计算机数据库信息系统化;会计;自动售货机出租;寻找赞助;销售展示架出租;药用、兽医用、卫生用制剂和医疗用品的零售或批发服务;

Device:

INTEL

Mark:INTEL

Date of application:1984/05/12

Number of application:220559

Date of priority:

Date of registration:1985/02/15

Number of registration:220559 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:mei guo jia li fu ni ya zhou

Goods/services:

集成电路;自动记录器;半导体储存器;

Device:

The Intel logo, featuring the word "intel" in a lowercase, sans-serif font. The letters are bold and closely spaced. The logo is positioned within a rectangular frame that has some faint, illegible markings on the left side.

Mark:INTEL

Date of application:1984/06/30

Number of application:225222

Date of priority:

Date of registration:1985/04/30

Number of registration:225222 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:mei guo

Goods/services:

微型计算机;微型控制器;微处理机;

Device:

INTEL

Mark:英特尔;INTEL

Date of application:2001/11/09

Number of application:3014334

Date of priority:

Date of registration:2003/06/21

Number of registration:3014334 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA 95052,UNITED STATES OF AMERICA

Goods/services:

农业机械;轧饲料机;木材加工机;造纸机;印刷机;纺织机;上浆机;制茶机械;制食品用电动机械;电动制饮料机;烟草加工机;制革机;缝纫机;自行车工业用机器设备;陶瓷工业用机器设备;雕刻机;电池机械;土特产杂品加工机械;制搪瓷机械;制灯泡机械;包装机;煤球机;厨房用电动机;电开罐头器;食品加工机(电动);洗衣机;制药加工业用机器;模压加工机器;玻璃加工机;化肥设备;化学工业用电动机械;矿井作业机械;冶炼工业用机器设备;石油化工设备;推土机;挖掘机;铁路建筑机器;升降设备;装卸设备;压力机;铸造机械;蒸汽机;内燃机点火装置;水力发电机和马达;回形针机;制纽扣机;钻头(机器部件);机械加工装置;机械操作手工工具;液压手工工具;电子工业设备;眼镜片加工设备;气体分离设备;喷漆机;发电机;机器、引擎或发动机用控制装置;净化冷却空气用过滤器(引擎用);泵(机器);阀(机器零件);联轴器(机器);传送带;过滤器(机器或引擎部件);电焊

机器;废物处理机;真空吸尘器;粉碎机;筛具;

Device:

INTEL 英特尔

Mark:英特尔

Date of application:2001/11/09

Number of application:3014335

Date of priority:

Date of registration:2003/02/28

Number of registration:3014335 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA 95052,UNITED STATES OF AMERICA

Goods/services:

未加工或半加工普通金属;金属支架;钢管;金属管;金属建筑物;金属建筑材料;金属门
装置;铁路金属材料;钢丝;铁丝;非电气金属电缆接头;金属环;普通金属扣;金属铰链;家
具用金属附件;五金器具;金属钥匙链;金属锁(非电);钥匙;金属钱箱;金属陈列架;装
货用金属传动带;金属工具箱;金属储藏盒;金属标志牌;金属识别板;拴牲畜的链子;金
属焊条;金属系船浮标;医院用金属身份证明手镯;金属风标;植物金属保护器;捕野兽
陷阱;普通金属艺术品;金属矿石;金属碑;

Device:

INTEL 英特尔

Mark:英特尔

Date of application:2001/11/09

Number of application:3014390

Date of priority:

Date of registration:2003/04/14

Number of registration:3014390 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA 95052,UNITED STATES OF AMERICA

Goods/services:

建筑施工监督;建筑信息;建筑设备出租;建筑;采矿设备出租;室内装璜;供暖设备的安
装和修理;工业设备的维护和修理;电器设备的安装和修理;计算器硬件安装、维护和
修理;车辆保养和修理;飞机的保养与修理;造船;照相器材修理;钟表修理;保险柜的保
养和修理;防锈;轮胎修理;家具修复;修补衣服;消毒;手工具修理;防盗报警系统的安装
与维修;电话安装和修理;

Device:

INTEL 英特尔

Mark:英特尔

Date of application:2001/11/09

Number of application:3014391

Date of priority:

Date of registration:2007/02/07

Number of registration:3014391 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA 95052,UNITED STATES OF AMERICA

Goods/services:

广告;室外广告;商业管理辅助;组织技术展览;推销(替他人);人事管理咨询;商业区迁
移(提供信息);办公机器和设备出租;计算机数据库信息编入;计算机数据库信息系统
化;计算机安排货车位置;会计;

Device:

INTEL 英特尔

Mark:INTEL

Date of application:2005/12/21

Number of application:5074126

Date of priority:

Date of registration:2008/12/14

Number of registration:5074126 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA 95052-8119,U.S.A.

Goods/services:

软盘驱动仪器;用于录制、处理、接收、复制、传送、更改、压缩、解除压缩、广播、合并和提升声音、影像、图像、图画和数据质量的计算机程序(已录制);用于录制、处理、接收、复制、传送、更改、压缩、解除压缩、广播、合并和提升声音、影像、图像、图画和数据质量的计算机硬件;已录制的计算机操作系统;计算机游戏软件;计算机固件;计算机;手提计算机;微型电脑;小型计算机;计算机装置;记忆板(计算机硬件);数据处理设备;个人数字助理;集成电路卡;微处理机;计算机主板和子板;计算机记忆仪器;计算机操作系统(已录制);计算机程序(已录制);数据处理器;信息处理机(中央处理装置);集成电路记忆卡;数字和光学处理器;计算机周边设备;收录和接收数据的卡(电脑硬件)、密纹光盘(可读存储器)、磁带、电线、录音带、微晶片和电子电路;调制调解器;计算机输入和输出仪器;计算机工作站;数据记忆体;储存仪器;电子晶片组;闪存记忆体;计算机记忆系统;电讯设备和计算机网络,即,处理和操作系统(已录制);头戴耳机;鼠标;麦克风;电缆;适配器;计算机终端;与计算机联用的打印机;视像播放器;电讯设备 and 器具;照相机(摄影);用于传送和接收传真的计算机硬件;用于传送和接收传真的软件(已录制);用于发展、维护和使用本地及广阔地区计算机网络的计算机硬件;用于发展、维护和使用本地及广阔地区计算机网络的软件(已录制);用于发展、维护和使用互动音像计算机会议系统的计算机硬件;用于发展、维护和使用互动音像计算机会议系统的软件(已录制);用于接收、展示、和使用视像、音响和数字数据信号广播的计算机硬件;用于接收、展示、和使用视像、音响和数字数据信号广播的软件(已录制);用于计算机和全球计算机网络介面和控制与电视机和有线广播及设备连用的电子控制箱;路由器;电插座;服务器;电开关;测试和使集成电路程序化的仪器;计算机周边记忆仪器和器具;计算机操作程序的计算机固件;固定功能的服务器;计算机网络建设的硬件;创作、方便和管理遥远进入和与本地网络、虚拟网络、广阔地区网络和全球计算机网络通讯的计算机硬件;创作、方便和管理遥远进入和与本地网络、虚拟网络、广阔地区网络和全球计算机网络通讯的软件(已录制);

路由器、电开关、电插座和服务程序(已录制);NIC卡、路由器和适配器;提供多用户进入全球计算机信息网络以寻找、恢复、传送、操控和传播大范围信息的计算机硬件和软件(已录制);方便第三者软件应用程序的计算机软件工具;无线网络通讯的计算机硬件和软件(已录制);有关于无线网络通讯、半导体和集成电子仪器和器具、计算机、电讯、娱乐、电话、有线和无线电讯的电子出版物(可下载);以磁性、电子或光学录制的计算机教材;可携和手提的个人电子日程表;记时器(时间记录装置);邮戳检验器;现金收入记录机;投币启动的机械装置;自动调节燃料泵;口述听写机;传真机;衡器;秤;量具;电子布告板;计算机网络适配器;无线通讯卡;流动电话;发射机(电信);包括有操作系统、调制解调器、摄录镜、头戴耳机、麦克风、电缆和适配器的电脑化电讯和网络建设设备;手提电话;拥有拍摄相片、玩游戏、卫星定位、同步更新电脑资料、拍摄短片、3G及蓝芽功能的手提电话;半导体;密纹光盘(可读存储器);头戴耳机;照相机(摄影);航海器械和仪器;车辆测速器;材料检验仪器和机器;教学仪器;计量仪表;科学用探测器;天文学仪器及装置;电缆;半导体器件;晶片(锗片);光电开关(电器);电动调节设备;熔断器;遥控仪器;光学纤维(光导单纤维);控制板(电);集成电路晶片;电脑晶片组;半导体处理器;半导体处理晶片;半导体晶片;印刷电路板;电子电路板;晶片(锗片);微型控制器;视像电路板;音响电路板;音像电路板;影像处理器;影像处理板;用于计算机操作仪器的机械装置;电镀设备;灭火设备;电焊设备;工业用放射设备;救生器械和设备;报警器;眼镜;电池充电器;电影胶片(已曝光);电动开门器;用于连接个人计算机应用软件、计算机网络应用软件、通讯器具应用软件和互网络应用软件的计算机软件发展设备;用于连接个人计算机应用软件、计算机网络应用软件、通讯器具应用软件和互网络应用软件的计算机应用程序(已录制);半导体处理器机板外框(用于供应电力以及作为锗片与计算机系统之间的介面);用于处理、储存、恢复、传送、展示、输入、输出、压缩、解除压缩、更新、广播和印制数据的计算机仪器;用于处理、储存、恢复、传送、展示、输入、输出、压缩、解除压缩、更新、广播和印制数据的计算机设备;计算机用保安系统,即限制接入用计算机程序(已录制);保护数据用保安器;保护数据用计算机硬件;保护数据用计算机软件(已录制);计算机组件;印刷电路;语音加速器;数据加速器;电脑化测量仪器;用于制作和处理声音和图像以提供给即时信息和图像转移、传送、接收、处理和数字化的计算机软件(已录制);用于制作和处理声音和图像以提供给即时信息和图像转移、传送、接收、处理和数字化的计算机设备;用于辨认数字式和模拟式代码的电子计算机仪器;用于辨认数字式和模拟式代码的电子计算机工具;中心加工装置(信息处理器);读出器(数据处理设备);视频图形加速器;多媒体加速器;

Device:



Mark:INTEL

Date of application:2008/03/27

Number of application:6622927

Date of priority:

Date of registration:2010/03/28

Number of registration:6622927 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA 95052-8119 UNITED STATES OF AMERICA

Goods/services:

农业机械;水族池通气泵;轧饲料机;挤奶机;动物剪毛机;机锯(机器);造纸机;卫生巾生
产设备;印刷板;纺织机;上浆机;制茶机械;制食品用电动机械;电动制饮料机;烟草加工
机;制革机;缝合机;自行车组装机;陶匠用旋轮;雕刻机;电池机械;制绳机;制搪瓷机
械;制灯泡机械;包装机;蜂窝煤机;家用电动搅拌机;洗衣机;制药加工工业机器;过热机;
玻璃加工机;合成塔;化学工业用电动机械;冲洗机;切断机(机器);油精炼机器;搅拌机
(建筑);电梯(升降机);锤(机器部件);铸模(机器部件);冷凝器(蒸汽)(机器部件);汽化器供
油装置;水轮机;回形针机;拉链机;外壳(机械部件);电线印号机;电子工业设备;电动刀;
眼镜片加工设备;制氧、制氮设备;涂漆机;发电机;发动机传动带;空气压缩泵;阀(机器
零件);空气冷凝器;气动元件;机器传动装置;滚珠用轴承;机器传送带;电焊枪(机器);电
动清洁机械和设备;压滤机;

Device:

INTEL

Mark:INTEL

Date of application:2008/03/27

Number of application:6623061

Date of priority:

Date of registration:2010/08/28

Number of registration:6623061 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA 95052-8119 UNITED STATES OF AMERICA

Goods/services:

广告;商业管理咨询(顾问);推销(替他人);人事管理咨询;商业场所搬迁;计算机数据库
信息分类;会计;自动售货机出租;寻找赞助;

Device:

INTEL

Mark:INTEL

Date of application:2008/03/27

Number of application:6623062

Date of priority:

Date of registration:2010/04/07

Number of registration:6623062 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA 95052-8119 UNITED STATES OF AMERICA

Goods/services:

建筑信息;建筑;钻井;清洁建筑物(外表面);供暖设备的安装和修理;机械安装、保养和
修理;电器设备的安装和修理;空调设备的安装和修理;办公室用机器和设备的安装、
保养和维修;厨房设备的安装和维修;计算机硬件安装、维护和修理;清除电子设备的
干扰;医疗器械的安装和修理;卫生设备的安装和修理;照明设备的安装和修理;车辆保
养和修理;飞机保养与修理;造船;照相器材修理;钟表修理;保险柜的保养和修理;防锈;
轮胎硫化处理(修理);家具保养;修补衣服;消毒;电梯安装和修理;火警器的安装和修
理;修鞋;电话安装和修理;磨刀;气筒或泵的修理;雨伞修理;人工造雪;艺术品修复;乐器
修复;游泳池维护;手工具修理;珠宝首饰修理;娱乐体育设备的安装和修理;

Device:

INTEL

Mark:INTEL

Date of application:2008/03/27

Number of application:6623186

Date of priority:

Date of registration:2010/03/28

Number of registration:6623186 (non-Madrid)

Name of the holder:INTEL CORPORATION

Address of the holder:2200 MISSION COLLEGE BOULEVARD,SANTA CLARA,
CALIFORNIA 95052-8119 UNITED STATES OF AMERICA

Goods/services:

未加工或半加工普通金属;通风和空调设备用金属管;金属广告栏;铁路金属材料;装卸货物用金属支架;非电气金属电缆接头;金属环;金属铰链;普通金属制钥匙环;挂锁;保险柜;机器传动带用金属扣;金属工具箱(空);非夜明、非机械的金属牌;动物挂铃;铜合金;锚;医院用金属身份证明手镯;金属风标;树木金属保护器;捕野兽陷阱;青铜制品(艺术品);金属矿石;金属碑;

Device:

INTEL

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 preliminary 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 preliminary 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 action has been undertaken, except as otherwise provided for by law.