



## 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 CNIPA, 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 :

L'Administration Nationale de la Propriété Intellectuelle, RPC  
(CNIPA)

1, Chama Nanjie, Xichengqu,  
CN-100055 BEIJING  
République Populaire de Chine

Tel: 8610-63219000

FAX: 8610-68050285



II. Date à laquelle le refus est prononcé 2020/02/10

III. Notre numéro de Référence : GJZCG1492639BHF01

IV. Enregistrement international No. : 1492639

V. Date de notification en Chine 2019/10/17

VI. Enregistrement national de base No. : 729201

Dépôt national de base No. :

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

3:Tous les produits;

9:Appareils et instruments scientifiques, géodésiques, photographiques, cinématographiques, de pesage, de mesurage, de signalisation; appareils et instruments pour la conduite, la distribution, la transformation, l' accumulation, le réglage ou la commande du courant électrique; appareils pour l' enregistrement, la transmission, la reproduction du son ou des images; supports d' enregistrement magnétiques; disques acoustiques; disques compacts; DVD et autres supports d' enregistrement numériques; machines à calculer; équipement de traitement de données; ordinateurs; logiciels;

21:Ustensiles et récipients pour le ménage ou la cuisine; ustensiles de cuisson et vaisselle, à l' exception de fourchettes, couteaux et cuill è res; peignes et éponges; verrerie, porcelaine et faïence;

30:miel; sirop de mélasse;

42:Tous les services.

VIII. Motifs de Refus :

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

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

Les produits et/ou services cités à la rubrique VII sont similaires aux produits et/ou services énumérés dans le dépôt ou l' enregistrement antérieur.

IX. Articles de la Loi chinoise applicable en la mati è re :

Article(s) : (Voir les extraits des lois et des r è glements)

La Loi sur Les Marques Article 30&31

X. Informations concernant la/les marque(s) antérieure(s):

Nom de la marque :

INSENSE

Date de dépôt :

Numéro de dépôt :

599805

Date de priorité :

1992/11/24

Date d' enregistrement :

2013/04/20

Numéro d' enregistrement :

Madrid 599805

Nom du titulaire :

LVMH FRAGRANCE BRANDS(SOCIETE ANONYME)

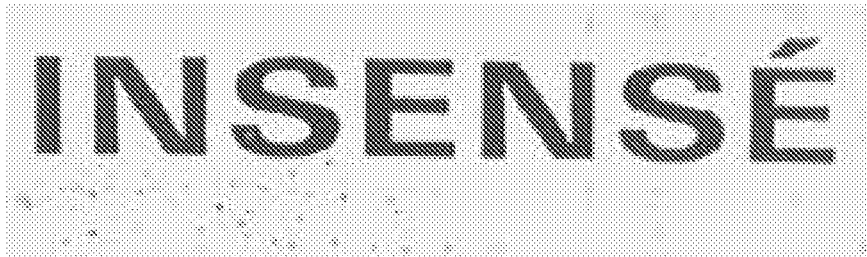
Adresse du titulaire :

77,RUE ANATOLE FRANCE,F-92300 LEVALLOIS PERRET(FRANCE)

Produits/services : classe 3

清洗用肥皂；香料制品；香水；科隆水和花露水；化妆品；发水；面部及身体用奶液；霜；膏；洗浴用化妆品如；盐；霜；胶；爽身粉；个人用除臭剂；发用摩丝；

Dessin :



INSENSÉ

Nom de la marque :

逸森思;EISENSE;E

Date de dépôt :

2005/07/11

Numéro de dépôt :

4771867

Date de priorité :

Date d' enregistrement :

2019/06/21

Numéro d' enregistrement :

Non-Madrid 4771867

Nom du titulaire :

ZHU ZHONG CI 0 3 6 2 5 3 9 6

Adresse du titulaire :

ZHONG GUO TAI WAN XIN BEI SHI XIN DIAN QU XIN YI LI 5 LIN BAO QING JIE 1 0 HAO  
ER SHI SAN LOU CHINA

Produits/services : classe 3

香精油；香料；芬芳袋(干花瓣与香料的混合物)；

▲已删商品▲

洗发液；香皂；洗面奶；浴盐；化妆品；牙膏；口气清新喷洒剂；

Dessin :



Nom de la marque :

ISSENCE

Date de dépôt :

2017/05/31

Numéro de dépôt :

24418100

Date de priorité :

Date d' enregistrement :

2018/05/28

Numéro d' enregistrement :

Non-Madrid 24418100

Nom du titulaire :

SHEN ZHEN SHI FEI TONG FAN XIANG KE JI YOU XIAN GONG SI

Adresse du titulaire :

GUANG DONG SHENG SHEN ZHEN SHI NAN SHAN QU XI LI JIE DAO XIN GUANG LU XI LI GONG YE QU 1 2 DONG XIN GUANG XIE ZI LOU 3 LOU 3 0 4 CHINA

Produits/services : classe 3

肥皂；香波；化妆品；去污剂；抛光制剂；香料；牙膏；香；动物用化妆品；空气芳香剂；

Dessin :

**issance**

Nom de la marque :

ISSENCE

Date de dépôt :

2017/08/15

Numéro de dépôt :

25873952

Date de priorité :

Date d' enregistrement :

2018/11/07

Numéro d' enregistrement :

Non-Madrid 25873952

Nom du titulaire :

SHEN ZHEN SHI FEI TONG FAN XIANG KE JI YOU XIAN GONG SI

Adresse du titulaire :

GUANG DONG SHENG SHEN ZHEN SHI NAN SHAN QU XI LI JIE DAO XIN GUANG LU XI LI GONG YE QU 1 2 DONG XIN GUANG XIE ZI LOU 3 LOU 3 0 4 CHINA

Produits/services : classe 3

肥皂；香波；化妆品；去污剂；抛光制剂；香料；牙膏；香；动物用化妆品；空气芳香剂；

Dessin :



iSsence

Nom de la marque :

我感觉

Date de dépôt :

2017/09/18

Numéro de dépôt :

26454311

Date de priorité :

Date d' enregistrement :

2018/12/07

Numéro d' enregistrement :

Non-Madrid 26454311

Nom du titulaire :

FEELIGREEN

Adresse du titulaire :

25 ALLEE PIERRE ZILLER 06560 VALBONNE FRANCE

Produits/services : classe 3

清洁制剂；抛光制剂；擦洗溶液；研磨材料；牙膏；假牙清洁剂；假牙用抛光剂；口气清新喷雾；牙用漂白凝胶；口气清新片；牙齿美白贴；口香水；

▲已删商品▲

杏仁肥皂；洗涤上光粉；洗衣用浆粉；洗衣用淀粉；纺织品上光皂；洗衣用上蓝剂；剃须皂；漂白盐；漂白碱；洗衣用漂白剂；漂白水；洗衣浸泡剂；浸洗衣服制剂；洗衣粉；肥皂；香水；香精油；化妆品；洗发液；脱毛剂；除指甲油制剂；指甲油去除剂；化妆品清洗剂；美容面膜；修面剂；化妆用雪花膏；化妆洗液；护肤用化妆剂；非医用按摩凝胶；防皱霜；增白霜；粉刺霜；去斑霜；乌发乳；浴液；

Dessin :

我感觉

Nom de la marque :

ISENSES

Date de dépôt :

2009/04/24

Numéro de dépôt :

7351593

Date de priorité :

Date d' enregistrement :

2010/10/07

Numéro d' enregistrement :

Non-Madrid 7351593

Nom du titulaire :

BRANDS ASIA PACIFIC LIMITED

Adresse du titulaire :

UNIT 1,14/F.,YUE XIU BUILDING,160-174 LOCKHART ROAD,WANCHAI,HONG KONG,  
CHINA

Produits/services : classe 5

婴儿用含乳面粉；白朮牛奶；蛋白牛奶；医用营养食物；医用食物营养制剂；婴儿食品；医用营  
养饮料；医用营养品；医用营养添加剂；婴儿奶粉；

Dessin :



**iSenses**

Nom de la marque :

ISENSESPRO

Date de dépôt :

2009/04/24

Numéro de dépôt :

7351595

Date de priorité :

Date d' enregistrement :

2010/10/07

Numéro d' enregistrement :

Non-Madrid 7351595

Nom du titulaire :

BRANDS ASIA PACIFIC LIMITED

Adresse du titulaire :

UNIT 1,14/F.,YUE XIU BUILDING,160-174 LOCKHART ROAD,WANCHAI,HONG KONG,  
CHINA

Produits/services : classe 5

婴儿用含乳面粉；白脱牛奶；蛋白牛奶；医用营养食物；医用食物营养制剂；婴儿食品；医用营养饮料；医用营养品；医用营养添加剂；婴儿奶粉；

Dessin :



**iSensesPro**



Nom de la marque :

ISENSESPLUS

Date de dépôt :

2009/04/24

Numéro de dépôt :

7351600

Date de priorité :

Date d' enregistrement :

2010/10/07

Numéro d' enregistrement :

Non-Madrid 7351600

Nom du titulaire :

BRANDS ASIA PACIFIC LIMITED

Adresse du titulaire :

UNIT 1,14/F.,YUE XIU BUILDING,160-174 LOCKHART ROAD,WANCHAI,HONG KONG,  
CHINA

Produits/services : classe 5

婴儿用含乳面粉；白脱牛奶；蛋白牛奶；医用营养食物；医用食物营养制剂；婴儿食品；医用营养饮料；医用营养品；医用营养添加剂；婴儿奶粉；

Dessin :



Nom de la marque :

領瑞 NUTRISENSES

Date de dépôt :

2009/04/24

Numéro de dépôt :

7351611

Date de priorité :

Date d' enregistrement :

2010/10/07

Numéro d' enregistrement :

Non-Madrid 7351611

Nom du titulaire :

BRANDS ASIA PACIFIC LIMITED

Adresse du titulaire :

UNIT 1,14/F.,YUE XIU BUILDING,160-174 LOCKHART ROAD,WANCHAI,HONG KONG,  
CHINA

Produits/services : classe 5

嬰兒用含乳面粉；白朮牛奶；蛋白牛奶；医用营养食物；医用食物营养制剂；嬰兒食品；医用营养饮料；医用营养品；医用营养添加剂；嬰兒奶粉；

Dessin :



NutriSenses 領瑞

Nom de la marque :

i-SENS

Date de dépôt :

2015/11/02

Numéro de dépôt :

18219538

Date de priorité :

Date d' enregistrement :

2016/12/14

Numéro d' enregistrement :

Non-Madrid 18219538

Nom du titulaire :

AI SEN SI ( JIANG SU ) SHENG WU KE JI YOU XIAN GONG SI

Adresse du titulaire :

JIANG SU SHENG SU ZHOU SHI ZHANG JIA GANG SHI FENG HUANG ZHEN GANG KOU  
JIE DAO HUA TAI LU CHINA

Produits/services : classe 5

人用药；医用诊断制剂；医用气体；心电图电极用化学导体；卫生消毒剂；隐形眼镜用溶液；医  
用营养品；兽医用制剂；杀虫剂；医用填料；

Dessin :

i-SENS

Nom de la marque :

I · SENS

Date de dépôt :

2017/05/12

Numéro de dépôt :

24112161

Date de priorité :

Date d' enregistrement :

2018/08/21

Numéro d' enregistrement :

Non-Madrid 24112161

Nom du titulaire :

AI SEN SI ( JIANG SU ) SHENG WU KE JI YOU XIAN GONG SI

Adresse du titulaire :

JIANG SU SHENG SU ZHOU SHI ZHANG JIA GANG SHI FENG HUANG ZHEN GANG KOU  
JIE DAO HUA TAI LU CHINA

Produits/services : classe 5

医用诊断制剂；医用或兽医用化学试剂；医用试纸；医用生物标志物诊断试剂；医用放射性物质；医用化学制剂；医用营养品；假牙用瓷料；人用药；空气净化制剂；

Dessin :



**i·sens**

Nom de la marque :

ISENSE

Date de dépôt :

2000/06/02

Numéro de dépôt :

1610576

Date de priorité :

Date d' enregistrement :

2011/07/28

Numéro d' enregistrement :

Non-Madrid 1610576

Nom du titulaire :

BEI JING SHEN SI SHU DUN KE JI GU FEN YOU XIAN GONG SI

Adresse du titulaire :

BEI JING SHI HAI DIAN QU XI BEI WANG DONG LU 1 0 HAO YUAN DONG QU 5 HAO  
LOU 5 CENG 5 1 0 CHINA

Produits/services : classe 9

计算机外围设备；数据处理装置；计算机软件(已录制好的)；

Dessin :



ISENSE

Nom de la marque :

ISENSE

Date de dépôt :

2013/11/19

Numéro de dépôt :

13568641

Date de priorité :

Date d' enregistrement :

2015/10/21

Numéro d' enregistrement :

Non-Madrid 13568641

Nom du titulaire :

DI YA DIAN ZI ( SHEN ZHEN ) YOU XIAN GONG SI

Adresse du titulaire :

GUANG DONG SHENG SHEN ZHEN SHI BAO AN QU XI XIANG JIE DAO GU SHU SHE QU  
QIN HUI LU 3 HAO 4 LOU B CHINA

Produits/services : classe 9

秤；地秤；信件磅秤；衡器；衡量器具；精密天平；自动计量器；

▲已删商品▲

无线电设备；

Dessin :

iSense

Nom de la marque :

ISENSE

Date de dépôt :

2018/01/03

Numéro de dépôt :

28481187

Date de priorité :

Date d' enregistrement :

2019/01/21

Numéro d' enregistrement :

Non-Madrid 28481187

Nom du titulaire :

BEI JING SHEN SI SHU DUN KE JI GU FEN YOU XIAN GONG SI

Adresse du titulaire :

BEI JING SHI HAI DIAN QU XI BEI WANG DONG LU 1 0 HAO YUAN DONG QU 5 HAO  
LOU 5 CENG 5 1 0 CHINA

Produits/services : classe 9

安全令牌（加密装置）；数据处理设备；计算机程序（可下载软件）；可下载的手机应用软件；用于授权访问数据库的计算机软件；电子编码的身份腕带；智能戒指（数据处理）；智能手表（数据处理）；交互式触屏终端；磁性身份识别卡；

Dessin :

ISENSE

Nom de la marque :

INSENSE

Date de dépôt :

2013/07/26

Numéro de dépôt :

12985231

Date de priorité :

Date d' enregistrement :

2015/04/07

Numéro d' enregistrement :

Non-Madrid 12985231

Nom du titulaire :

FENG TIAO KE JI ( SHEN ZHEN ) YOU XIAN GONG SI

Adresse du titulaire :

GUANG DONG SHENG SHEN ZHEN SHI NAN SHAN QU GAO XIN ZHONG QU KE JI  
ZHONG 2 LU 1 HAO SHEN ZHEN RUAN JIAN YUAN ( 2 QI ) 1 1 DONG 2 0 3 SHI CHINA

Produits/services : classe 9

集成电路；芯片(集成电路)；印刷电路；印刷电路板；电子芯片；半导体；集成电路用晶片；  
▲已删商品▲  
半导体器件；晶体管(电子)；磁性材料和器件；

Dessin :

InSense



Nom de la marque :

IPSENSE

Date de dépôt :

2019/06/14

Numéro de dépôt :

38886243

Date de priorité :

Date d' enregistrement :

Numéro d' enregistrement :

Non-Madrid 38886243

Nom du titulaire :

BEI JING XIN YUAN JING RUAN JIAN JI SHU GU FEN YOU XIAN GONG SI

Adresse du titulaire :

BEI JING SHI HAI DIAN QU GAO LI ZHANG LU 1 HAO YUAN 2 HAO LOU 1 CENG 1 0 2  
CHINA

Produits/services : classe 9

科学用探测器；网络通信设备；电池；

▲待删商品▲

半导体；集成电路；芯片（集成电路）；半导体器件；计算机外围设备；已录制的计算机程序；  
电子芯片；

Dessin :

**IPsense**

Nom de la marque :

IZENSE

Date de dépôt :

2015/12/04

Numéro de dépôt :

18515128

Date de priorité :

Date d' enregistrement :

2017/05/14

Numéro d' enregistrement :

Non-Madrid 18515128

Nom du titulaire :

GLOBAL CHINA TECHNOLOGY LIMITED

Adresse du titulaire :

XIANG GANG JIU LONG GUAN TANG HAI BIN LU 1 5 1 - 1 5 3 HAO GUANG SHENG XING  
ZHONG XIN LOU 3 0 8 SHI CHINA

Produits/services : classe 9

集成电路；电池；动画片；信号灯；计时器（时间记录装置）；电缆；

▲已删商品▲

计算机外围设备；导航仪器；录音装置；照相机（摄影）；

Dessin :

The logo for IZENSE, featuring a stylized lowercase 'i' with a dot above it, followed by the word 'Zense' in a bold, sans-serif font.

Nom de la marque :

ISENS

Date de dépôt :

2008/07/04

Numéro de dépôt :

6822593

Date de priorité :

Date d' enregistrement :

2010/11/07

Numéro d' enregistrement :

Non-Madrid 6822593

Nom du titulaire :

OH IN WHAN

Adresse du titulaire :

BEI JING SHI CHAO YANG QU FU TONG XI DA JIE 1 8 HAO 1 - 3 - 1 7 0 5 SHI CHINA

Produits/services : classe 9

隐形眼镜；眼镜；量具；录音器具；电源材料(电线、电缆)；数量显示器；电池；幻灯片放映设备；

▲已删商品▲

天线；测量仪器；

Dessin :

ISENS

Nom de la marque :

LBSENSE

Date de dépôt :

2018/12/07

Numéro de dépôt :

35179261

Date de priorité :

Date d' enregistrement :

2019/11/28

Numéro d' enregistrement :

Non-Madrid 35179261

Nom du titulaire :

NAN JING WEI ZHI GAN WANG LUO KE JI YOU XIAN GONG SI

Adresse du titulaire :

JIANG SU SHENG NAN JING SHI GAO CHUN JING JI KAI FA QU GU TAN DA DAO 3 HAO  
CHINA

Produits/services : classe 9

计算机；数量显示器；发光式电子指示器；导航仪器；半导体；芯片（集成电路）；电线；测速仪（照相）；

▲待删商品▲

电导体；电池；

Dessin :

lbsense

Nom de la marque :

我感觉

Date de dépôt :

2017/09/18

Numéro de dépôt :

26454311

Date de priorité :

Date d' enregistrement :

2018/12/07

Numéro d' enregistrement :

Non-Madrid 26454311

Nom du titulaire :

FEELIGREEN

Adresse du titulaire :

25 ALLEE PIERRE ZILLER 06560 VALBONNE FRANCE

Produits/services : classe 9

电池；

▲已删商品▲

录音装置；声音传送装置；声音复制装置；照相机（摄影）；摄像机；便携式媒体播放器；磁性数据介质；光学数据介质；光盘；磁性材料和器件；录像带；CD盘（只读存储器）；DVD播放机；电唱机；数据处理设备；计算机；平板电脑；计算机软件（已录制）；计算机程序（可下载软件）；可下载的计算机应用软件；可下载的手机应用软件；计算机外围设备；非医用诊断设备；测量器械和仪器；精密测量仪器；测量装置；教学仪器；成套电气校验装置；集成电路；电动调节装置；

Dessin :

我感觉

Nom de la marque :

ISENSE

Date de dépôt :

2018/10/10

Numéro de dépôt :

33942219

Date de priorité :

Date d' enregistrement :

2019/10/07

Numéro d' enregistrement :

Non-Madrid 33942219

Nom du titulaire :

LIAO XIAO PING

Adresse du titulaire :

JIANG XI SHENG GAN ZHOU SHI ZHANG GONG QU WU LONG YI LU 1 0 HAO HENG  
SHENG HUA TING XIAO QU B DONG 2 0 3 SHI CHINA

Produits/services : classe 21

诱杀昆虫用电力装置；电动牙刷；梳；化妆刷；牙线；

▲已删商品▲

日用瓷器（包括盆、碗、盘、壶、餐具、缸、坛、罐）；清洁用布；鞋楦（撑具）；茶具（餐具）；保温袋；

Dessin :

i sense

Nom de la marque :

艾森特

Date de dépôt :

2011/06/09

Numéro de dépôt :

9571209

Date de priorité :

Date d' enregistrement :

2012/07/07

Numéro d' enregistrement :

Non-Madrid 9571209

Nom du titulaire :

ZI BO WEI SEN TE GONG MAO YOU XIAN GONG SI

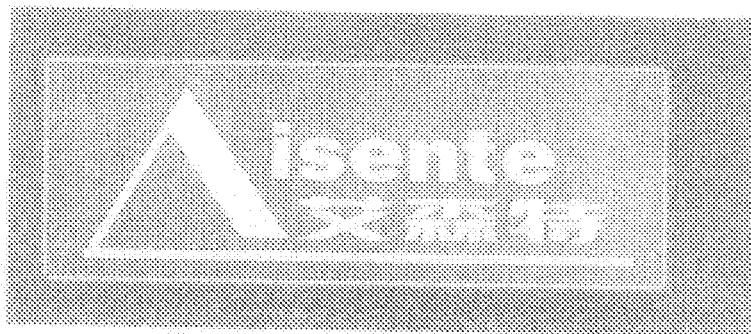
Adresse du titulaire :

SHAN DONG SHENG ZI BO SHI ZI CHUAN QU DONG PING ZHEN DA DONG PING CUN  
CHINA

Produits/services : classe 21

家用或厨房用容器；成套杯、碗、碟；家庭用陶瓷制品；瓷器；陶器；日用瓷器(包括盆、碗、盘、壶、餐具、缸、坛、罐)；瓷器装饰品；瓷、赤陶或玻璃艺术品；茶具；咖啡具；

Dessin :



Nom de la marque :

ISENSE

Date de dépôt :

2013/01/31

Numéro de dépôt :

12126177

Date de priorité :

Date d' enregistrement :

2014/07/21

Numéro d' enregistrement :

Non-Madrid 12126177

Nom du titulaire :

BEI JING ZHONG KE QI XIN RUAN JIAN JI SHU YOU XIAN GONG SI

Adresse du titulaire :

BEI JING SHI HAI DIAN QU XIN XI LU 3 0 HAO SHANG DI DA SHA 3 0 1 SHI CHINA

Produits/services : classe 42

技术研究；工程绘图；质量控制；石油勘探；气象信息；工业品外观设计；建筑制图；计算机软  
件设计；计算机软件维护；计算机系统设计；

Dessin :



iSense



Nom de la marque :

IPSENSE

Date de dépôt :

2019/06/14

Numéro de dépôt :

38869169

Date de priorité :

Date d' enregistrement :

Numéro d' enregistrement :

Non-Madrid 38869169

Nom du titulaire :

BEI JING XIN YUAN JING RUAN JIAN JI SHU GU FEN YOU XIAN GONG SI

Adresse du titulaire :

BEI JING SHI HAI DIAN QU GAO LI ZHANG LU 1 HAO YUAN 2 HAO LOU 1 CENG 1 0 2  
CHINA

Produits/services : classe 42

材料测试;

▲待删商品▲

技术研究; 质量控制; 化学服务; 物理研究; 计算机软件出租; 计算机硬件设计和开发咨询; 计算机编程; 把有形的数据或文件转换成电子媒体; 计算机软件咨询;

Dessin :

IPsense

Nom de la marque :

IZENSE

Date de dépôt :

2015/12/04

Numéro de dépôt :

18515794

Date de priorité :

Date d' enregistrement :

2017/05/14

Numéro d' enregistrement :

Non-Madrid 18515794

Nom du titulaire :

GLOBAL CHINA TECHNOLOGY LIMITED

Adresse du titulaire :

XIANG GANG JIU LONG GUAN TANG HAI BIN LU 1 5 1 - 1 5 3 HAO GUANG SHENG XING  
ZHONG XIN LOU 3 0 8 SHI CHINA

Produits/services : classe 42

化学研究；生物学研究；材料测试；服装设计；艺术品鉴定；

▲已删商品▲

技术研究；气象信息；包装设计；建筑学咨询；提供互联网搜索引擎；

Dessin :



**iZense**

## 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.