



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 CNIPA, through a qualified Chinese agency or attorney, within 15 days from receipt of this notification.

- I. Office which pronounces the refusal:
National Intellectual Property Administration, PRC (CNIPA)
1, Chama Nanjie, Xichengqu, Tel: 8610-63219000
Beijing, 100055
People's Republic of China FAX: 8610-68050285
- II. Date of the refusal pronounced: 2020/10/23
- III. Our reference number: GJZCG1539029BHYW01
- IV. International registration number: 1539029
- V. Date of notification to China: 2020/07/02
- VI. Basic national registration number: 30 2019 113 758
Basic national application number:
- VII. The mark is refused for all the goods and/or services.
- VIII. Reason(s) of refusal:
Prior national and/or international mark(s). (See Item X)
This mark is similar to the earlier mark(s).
The goods and/or services listed in Column VII are similar to those of the earlier application and/or earlier registration.
- IX. Applicable legal provisions of the refusal:
Article(s): (See the excerpts of the laws and regulations)
Trademark Law Article 30
- X. Informations concerning the earlier mark(s):



Mark:

MIRACLE

Date of application:

2003/11/17

Number of application:

3802708

Date of priority:

Date of registration:

2005/11/14

Number of registration:

Non-Madrid 3802708

Name of the holder:

TIAN QI ZI DONG HUA GONG CHENG GU FEN YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG WU XI SHI HUI SHAN QU LUO SHE ZHEN LUO OU LU 2 8 8 HAO
CHINA

Goods/services: class 6

金属管；金属轨道；高架缆车的缆绳；电缆和管道用金属夹；五金器具；金属运货盘；金属容器；

▲已删商品▲

普通金属合金；金属建筑物；金属建筑材料；

Device:

MIRACLE

Mark:

MIRACLE AUTOMATION

Date of application:

2014/12/12

Number of application:

15921507

Date of priority:

Date of registration:

2017/01/14

Number of registration:

Non-Madrid 15921507

Name of the holder:

TIAN QI ZI DONG HUA GONG CHENG GU FEN YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG WU XI SHI HUI SHAN QU LUO SHE ZHEN LUO OU LU 2 8 8 HAO
CHINA

Goods/services: class 6

金属轨道；高架缆车的缆绳；绳套用金属套管；搬运用金属货盘；运输用金属货盘；装卸用金属货盘；装卸用金属吊索；（贮液或贮气用）金属容器；

▲待删商品▲

五金器具；金属锁（非电）；

Device:

MIRACLE AUTOMATION

Mark:

MIRACLE

Date of application:

2014/12/12

Number of application:

15920221

Date of priority:

Date of registration:

2016/11/28

Number of registration:

Non-Madrid 15920221

Name of the holder:

TIAN QI ZI DONG HUA GONG CHENG GU FEN YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG WU XI SHI HUI SHAN QU LUO SHE ZHEN LUO OU LU 2 8 8 HAO
CHINA

Goods/services: class 6

金属轨道；高架缆车的缆绳；绳套用金属套管；搬运用金属货盘；运输用金属货盘；装卸用金属货盘；装卸用金属吊索；（贮液或贮气用）金属容器；

▲待删商品▲

五金器具；金属锁（非电）；

Device:

MIRACLE

Mark:

天奇股份 MIRACLE AUTOMATION

Date of application:

2014/12/12

Number of application:

15923918

Date of priority:

Date of registration:

2016/04/28

Number of registration:

Non-Madrid 15923918

Name of the holder:

TIAN QI ZI DONG HUA GONG CHENG GU FEN YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG WU XI SHI HUI SHAN QU LUO SHE ZHEN LUO OU LU 2 8 8 HAO
CHINA

Goods/services: class 6

金属轨道；高架缆车的缆绳；金属锁（非电）；搬运用金属货盘；运输用金属货盘；装卸用金属货盘；装卸用金属吊索；（贮液或贮气用）金属容器；

▲已删商品▲

绳索用金属套管；五金器具；

Device:



Mark:

奇迹;MIRACLE

Date of application:

2004/04/12

Number of application:

4007847

Date of priority:

Date of registration:

2007/03/14

Number of registration:

Non-Madrid 4007847

Name of the holder:

CHEN XIAO MING

Address of the holder:

GUANG DONG SHENG SHAN TOU SHI ZHANG PING LU 8 7 HAO ZHANG FA DA SHA 1 0
LOU C CHINA

Goods/services: class 6

钉子; 金属登记牌; 保险柜; 普通金属艺术品;

▲已删商品▲

金属水管; 可移动的金属建筑物; 钢丝; 金属窗钩; 金属工具柄; 金属储藏盒;

Device:



奇迹
MIRACLE

Mark:

奇迹 MIRACLE

Date of application:

2017/02/15

Number of application:

22836400

Date of priority:

Date of registration:

2018/02/21

Number of registration:

Non-Madrid 22836400

Name of the holder:

CHEN XIAO MING

Address of the holder:

GUANG DONG SHENG SHAN TOU SHI JIN PING QU ZHANG PING LU 8 7 HAO ZHANG FA DA SHA 6 0 2 HAO FANG ZHI ER CHINA

Goods/services: class 6

钉子；金属螺丝；保险柜（金属或非金属）；普通金属艺术品；金属膨胀螺栓；金属垫圈；攀登用鞋底钉；普通金属制字母和数字（铅字除外）；金属标志牌；现金保险箱；

Device:



奇迹
MIRACLE

Mark:

MIRACLE

Date of application:

2002/07/24

Number of application:

3252273

Date of priority:

Date of registration:

2004/04/07

Number of registration:

Non-Madrid 3252273

Name of the holder:

mitsubishi materials corporation

Address of the holder:

2-3, MARUNOUCHI 3-CHOME, CHIYODA-KU, TOKYO, JAPAN

Goods/services: class 7

钻机; 铣刀; 切削工具; 机械操作的手持工具; 机床用夹持装置; 刀具(机器零件);

Device:

MIRACLE

Mark:

MIRACLE

Date of application:

2003/11/17

Number of application:

3801730

Date of priority:

Date of registration:

2016/06/28

Number of registration:

Non-Madrid 3801730

Name of the holder:

TIAN QI ZI DONG HUA GONG CHENG GU FEN YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG WU XI SHI HUI SHAN QU LUO SHE ZHEN LUO OU LU 2 8 8 HAO
CHINA

Goods/services: class 7

农业机械；轧饲料机；木材加工机；造纸机；纺织工业用机器；染色机；烘干机；酿造机器；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(包括建筑用陶瓷机械)；雕刻机；蓄电池工业专用设备；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；制药加工工业机器；注塑机；玻璃工业用机器设备(包括日用玻璃机械)；化肥设备；化学工业用电动机械；轧钢机；石油开采、石油精炼工业用机器设备；搅拌机(建筑)；输送机；压力机；铸造机械；电站用锅炉及其辅助设备；风力发电设备；制针机；拉链机；静电工业设备；光学冷加工设备；气体分离设备；喷漆枪；传动装置(机器)；气动焊接设备；清洗设备；汽车维修设备；

▲待删商品▲

印刷机器；

▲已删商品▲

地质勘探、采矿选矿用机器设备；柴油机；金属加工机械；风动手工具；

Device:

MIRACLE

Mark:

MIRACLE

Date of application:

2016/05/03

Number of application:

19827096

Date of priority:

Date of registration:

2017/08/21

Number of registration:

Non-Madrid 19827096

Name of the holder:

EASTERN VISION LIMITED

Address of the holder:

FLAT/RM407 BLK A 04/F NEW MANDARIN PLAZA 14 SCIENCE MUSEUM ROAD TSIM SHA TSUI KL CHINA

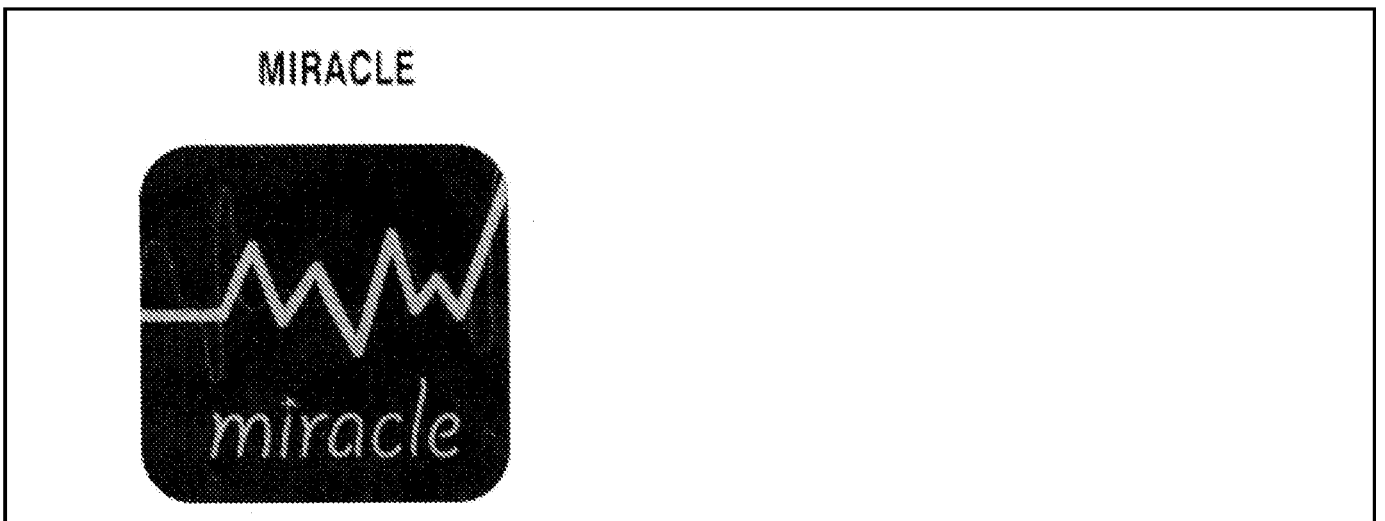
Goods/services: class 8

切削工具（手工具）；钳子；

▲待删商品▲

剪刀；刀；镊子；刀片（手工具）；兽医用刀；指甲刀（电动或非电动的）；剃须刀；餐具（刀、叉和匙）；

Device:



Mark:

削钢王 MIRACLE AXE

Date of application:

2016/12/01

Number of application:

22109954

Date of priority:

Date of registration:

2018/01/21

Number of registration:

Non-Madrid 22109954

Name of the holder:

HANG ZHOU PO DUN JI DIAN YOU XIAN GONG SI

Address of the holder:

ZHE JIANG SHENG HANG ZHOU SHI XIA CHENG QU DE SHENG ZHONG LU 3 8 8 HAO
ZHANG CHENG JI DIAN SHI CHANG SHANG WU LOU 4 0 3 1 HAO CHINA

Goods/services: class 8

油石；砂轮（手工具）；磨刀轮（手工具）；金刚砂磨轮；磨具（手工具）；磨刀石；手工操作的手工具；磨利器具；磨刀器具；磨刀钢；

Device:

削钢王
MIRACLE AXE

Mark:

奇迹

Date of application:

2013/07/02

Number of application:

12848947

Date of priority:

Date of registration:

2015/03/28

Number of registration:

Non-Madrid 12848947

Name of the holder:

HONGKONG MIRACLE CLOTHE DEVELOPMENT CO.,LIMITED

Address of the holder:

ROOM C,21/F., CMA BUILDING,NO.64 CONNAUGHT ROAD, CENTRAL HK CHINA

Goods/services: class 35

市场营销;

▲已删商品▲

广告; 市场分析; 人事管理咨询; 商业企业迁移; 复印服务; 会计; 自动售货机出租;

Device:

奇迹

Mark:

LE MIRACLE

Date of application:

2015/12/08

Number of application:

18540473

Date of priority:

Date of registration:

2017/05/21

Number of registration:

Non-Madrid 18540473

Name of the holder:

DAI XIAO LEI

Address of the holder:

HEI LONG JIANG SHENG QI QI HA ER SHI TAI LAI XIAN TAI LAI ZHEN TIE DONG JIE ER WEI 5 ZU CHINA

Goods/services: class 35

户外广告；替他人推销；商业企业迁移；复印服务；商业审计；药品零售或批发服务；
▲已删商品▲
商业管理辅助；人事管理咨询；自动售货机出租；

Device:

Le Miracle

Mark:

米拉格;MIRAKLE

Date of application:

2009/04/30

Number of application:

7364422

Date of priority:

Date of registration:

2011/01/07

Number of registration:

Non-Madrid 7364422

Name of the holder:

ZHOU SUI PING

Address of the holder:

HU NAN SHENG NING XIANG XIAN YU TAN ZHEN REN MIN BEI LU 5 1 HAO CHINA

Goods/services: class 35

为零售目的在通讯媒体上展示商品；进出口代理；替他人采购(替其它企业购买商品或服务)；替他人推销；商业场所搬迁；文秘；寻找赞助；

▲已删商品▲

特许经营的商业管理；为广告或销售组织时装展览；人事管理咨询；

Device:

米拉格
MIRAKLE

Mark:

MIRACLE FILM

Date of application:

2018/03/28

Number of application:

29872732

Date of priority:

Date of registration:

2019/12/07

Number of registration:

Non-Madrid 29872732

Name of the holder:

SHANG HAI LANG YUAN SHI YE FA ZHAN YOU XIAN GONG SI

Address of the holder:

SHANG HAI SHI FENG XIAN QU HAI WAN LU: YOU QU SI HAO XIN CUN 1 0 2 HAO — 3
CHINA

Goods/services: class 35

广告；替他人推销；工商管理辅助；广告宣传；商业价格和统计信息汇编和提供；人员招收；商业企业迁移；会计；寻找赞助；将信息编入计算机数据库；

Device:



Mark:

奇迹 30

Date of application:

2019/06/13

Number of application:

38838584

Date of priority:

Date of registration:

2020/09/21

Number of registration:

Non-Madrid 38838584

Name of the holder:

SHANG HAI YUAN AI WEN HUA CHUAN BO YOU XIAN GONG SI

Address of the holder:

SHANG HAI SHI CHONG MING QU SHU XIN ZHEN XIANG CHUN LU 5 8 HAO NAN ER LOU 8 2 5 SHI (SHANG HAI SHU XIN JING JI KAI FA QU) CHINA

Goods/services: class 35

广告； 计算机网络上的在线广告； 特许经营的商业管理； 人事管理咨询； 商业企业迁移； 会计； 寻找赞助； 药品零售或批发服务；

▲已删商品▲

为商品和服务的买卖双方提供在线市场； 为商业或广告目的编制网页索引；

Device:



Mark:

洋歪歪 MIRACLE FAIR

Date of application:

2019/09/29

Number of application:

41377871

Date of priority:

Date of registration:

2020/06/28

Number of registration:

Non-Madrid 41377871

Name of the holder:

RONG CHUANG WEN HUA LU: YOU FA ZHAN JI TUAN YOU XIAN GONG SI

Address of the holder:

HAI NAN SHENG HAI KOU SHI MEI LAN QU HAI XIU DONG LU 6 HAO WANG HAI GUO
JI GUANG CHANG YI QI 2 8 CENG 2 8 2 9 FANG CHINA

Goods/services: class 36

保险承保; 资本投资; 不动产估价; 商品房销售; 不动产出租; 不动产管理; 住所代理(公寓); 不动产经纪; 担保; 典当;

Device:

洋歪歪

Miracle Fair

마법의 시장

Mark:

奇迹

Date of application:

2018/04/26

Number of application:

30535679

Date of priority:

Date of registration:

2019/07/14

Number of registration:

Non-Madrid 30535679

Name of the holder:

ZHU ZHOU SHI QI JI SHI YE YOU XIAN ZE REN GONG SI

Address of the holder:

HU NAN SHENG ZHU ZHOU SHI LU SONG LU 1 1 6 - 1 8 HAO CHINA

Goods/services: class 36

不动产代理；住所代理（公寓）；保险代理；担保；信托；

▲已删商品▲

信用社；经纪；募集慈善基金；典当；艺术品估价；

Device:



Mark:

MIRACLE

Date of application:

2014/12/11

Number of application:

15916230

Date of priority:

Date of registration:

2018/04/14

Number of registration:

Non-Madrid 15916230

Name of the holder:

TIAN QI ZI DONG HUA GONG CHENG GU FEN YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG WU XI SHI HUI SHAN QU LUO SHE ZHEN LUO OU LU 2 8 8 HAO
CHINA

Goods/services: class 37

建筑信息；建筑咨询；建筑施工监督；运载工具（车辆）保养服务；

▲已删商品▲

建筑；工厂建造；室内装潢修理；电器的安装和修理；机械安装、保养和修理；修复磨损或部分损坏的机器；

Device:

MIRACLE

Mark:

天奇股份 MIRACLE AUTOMATION

Date of application:

2014/12/12

Number of application:

15923269

Date of priority:

Date of registration:

2017/12/28

Number of registration:

Non-Madrid 15923269

Name of the holder:

TIAN QI ZI DONG HUA GONG CHENG GU FEN YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG WU XI SHI HUI SHAN QU LUO SHE ZHEN LUO OU LU 2 8 8 HAO
CHINA

Goods/services: class 37

建筑信息；建筑咨询；建筑施工监督；建筑；工厂建造；室内装潢修理；电器的安装和修理；机械安装、保养和修理；修复磨损或部分损坏的机器；运载工具（车辆）保养服务；

Device:



Mark:

MIRACLE AUTOMATION

Date of application:

2014/12/12

Number of application:

15920588

Date of priority:

Date of registration:

2016/02/14

Number of registration:

Non-Madrid 15920588

Name of the holder:

TIAN QI ZI DONG HUA GONG CHENG GU FEN YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG WU XI SHI HUI SHAN QU LUO SHE ZHEN LUO OU LU 2 8 8 HAO
CHINA

Goods/services: class 39

贮藏; 货物贮存; 仓库贮存; 贮藏信息; 仓库出租; 物流运输; 船只运输; 汽车运输; 空中运输; 码头装卸;

Device:

MIRACLE AUTOMATION

Mark:

天奇股份 MIRACLE AUTOMATION

Date of application:

2014/12/12

Number of application:

15923195

Date of priority:

Date of registration:

2016/10/28

Number of registration:

Non-Madrid 15923195

Name of the holder:

TIAN QI ZI DONG HUA GONG CHENG GU FEN YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG WU XI SHI HUI SHAN QU LUO SHE ZHEN LUO OU LU 2 8 8 HAO
CHINA

Goods/services: class 39

船只运输；空中运输；码头装卸；

▲已删商品▲

贮藏；货物贮存；仓库贮存；贮藏信息；仓库出租；物流运输；汽车运输；

Device:



Mark:

洋歪歪 MIRACLE FAIR

Date of application:

2019/09/29

Number of application:

41377870

Date of priority:

Date of registration:

2020/06/28

Number of registration:

Non-Madrid 41377870

Name of the holder:

RONG CHUANG WEN HUA LU: YOU FA ZHAN JI TUAN YOU XIAN GONG SI

Address of the holder:

HAI NAN SHENG HAI KOU SHI MEI LAN QU HAI XIU DONG LU 6 HAO WANG HAI GUO
JI GUANG CHANG YI QI 2 8 CENG 2 8 2 9 FANG CHINA

Goods/services: class 39

运输; 观光旅游运输服务; 商品打包; 运送乘客; 停车场服务; 车库出租; 停车位出租; 仓库贮存; 包裹投递; 旅游安排;

Device:

洋歪歪

Miracle Fair

마법의 시장

Mark:

奇迹

Date of application:

2018/04/26

Number of application:

30526677

Date of priority:

Date of registration:

2019/07/07

Number of registration:

Non-Madrid 30526677

Name of the holder:

ZHU ZHOU SHI QI JI SHI YE YOU XIAN ZE REN GONG SI

Address of the holder:

HU NAN SHENG ZHU ZHOU SHI LU SONG LU 1 1 6 - 1 8 HAO CHINA

Goods/services: class 39

海上运输；汽车运输；空中运输；煤气站；管道运输；

▲已删商品▲

观光旅游运输服务；货运经纪；停车场服务；仓库出租；包裹投递；

Device:



Mark:

美丽奇迹 MIRACLE

Date of application:

2015/06/10

Number of application:

17171622

Date of priority:

Date of registration:

2016/10/28

Number of registration:

Non-Madrid 17171622

Name of the holder:

TENG XUN KE JI (SHEN ZHEN) YOU XIAN GONG SI

Address of the holder:

GUANG DONG SHENG SHEN ZHEN SHI FU TIAN QU SAI GE KE JI YUAN 2 DONG DONG 4
0 3 HAO CHINA

Goods/services: class 41

教育信息；安排和组织会议；为娱乐目的组织时装表演；除广告片外的影片制作；广播和电视节目制作；演出制作；摄影；新闻记者服务；原文稿撰写（广告稿除外）；提供在线音乐（非下载）；提供在线录像（非下载）；娱乐信息（消遣）；俱乐部服务（娱乐或教育）；在计算机网络上提供在线游戏；

▲已删商品▲

流动图书馆；在线电子书籍和杂志的出版；提供在线电子出版物（非下载）；

Device:



美丽奇迹
Miracle

Mark:

米乐可 MIRAELE

Date of application:

2012/08/28

Number of application:

11410575

Date of priority:

Date of registration:

2014/06/21

Number of registration:

Non-Madrid 11410575

Name of the holder:

CHEN JING

Address of the holder:

CHONG QING SHI KAI XIAN ZHANG SHA ZHEN ZHANG LE JIE 2 0 7 HAO FU 1 8 HAO
CHINA

Goods/services: class 41

培训；组织竞赛(教育或娱乐)；提供娱乐设施；娱乐；(在计算机网络上)提供在线游戏；安排和组织音乐会；

▲已删商品▲

流动图书馆；在线电子书籍和杂志的出版；动物园服务；

Device:



Mark:

奇迹 30

Date of application:

2016/06/20

Number of application:

20369704

Date of priority:

Date of registration:

2019/01/28

Number of registration:

Non-Madrid 20369704

Name of the holder:

SHANG HAI YUAN AI WEN HUA CHUAN BO YOU XIAN GONG SI

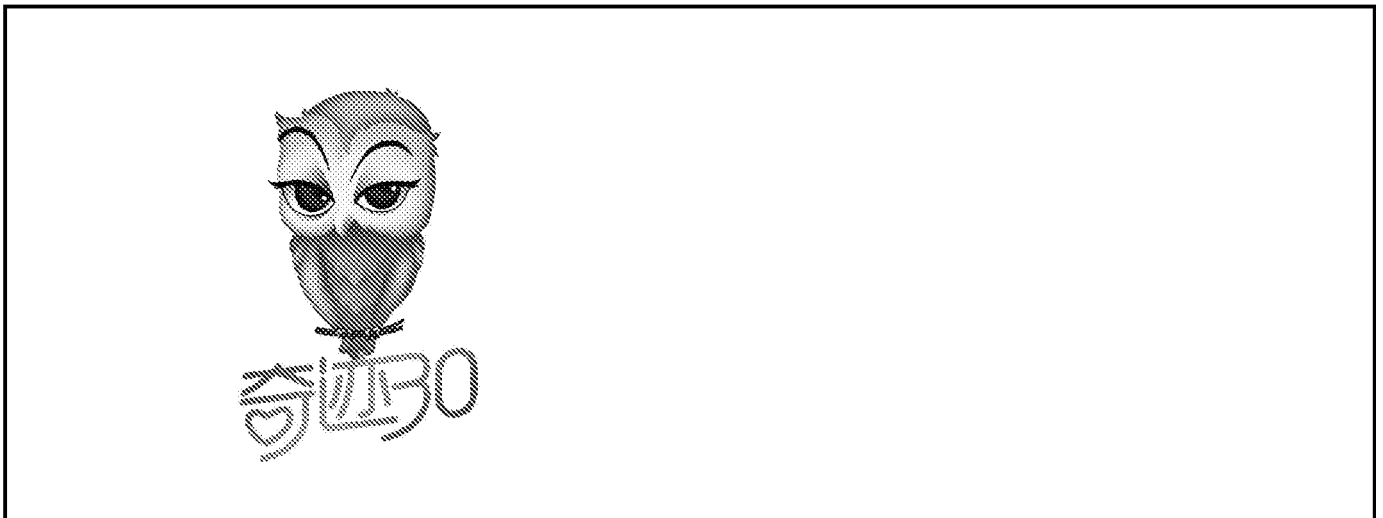
Address of the holder:

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Goods/services: class 41

教学；实际培训（示范）；组织教育或娱乐竞赛；安排和组织会议；组织文化或教育展览；为娱乐目的组织时装表演；安排和组织现场教育论坛；安排和组织音乐会；安排和组织培训班；娱乐服务；

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.