



AMT FÜR VOLKSWIRTSCHAFT  
FÜRSTENTUM LIECHTENSTEIN

## MADRID AGREEMENT AND PROTOCOL

### PROVISIONAL REFUSAL OF PROTECTION

Notified to the International Bureau of the World Intellectual Property Organization (WIPO)  
according to article 5 of the Madrid Agreement

I.	Office making the notification:  <b>AMT FÜR VOLKSWIRTSCHAFT</b>  <b>OFFICE OF ECONOMIC AFFAIRS</b> <b>Liechtenstein National Administration Intellectual Property</b> <b>P.O. Box 684</b> <b>9490 Vaduz</b>
II.	Number of the international registration: <b>1 515 221 CBM GINSENG (Collective, certification or guarantee mark)</b>  Number of the basic application and country of origin: <b>China, 10.04.2017, 23473220</b>
III.	Name of the holder (or other indication enabling the identity of the international registration to be confirmed):  <b>JILIN GINSENG ASSOCIATION</b> <b>Room 2013, Building 2, Global Trade Center,</b> <b>Changchun City</b> <b>Jilin Province (CN)</b>
IV.	<input checked="" type="checkbox"/> Provisional refusal based on an <i>ex officio</i> examination  <input type="checkbox"/> Provisional refusal based on an opposition  <input type="checkbox"/> Provisional refusal based on both an <i>ex officio</i> examination and an opposition
V.	<input checked="" type="checkbox"/> Provisional refusal for all the goods and/or services <b>as indicated in the IR.</b>  <input type="checkbox"/> Provisional refusal for some of the goods and/or services: [followed by an indication of the goods and/or services which are affected or are not affected]

VI. Absolute Grounds for Refusal and Remarks:

- ☐ signs that are in the public domain;
- ☐ shapes that constitute the nature of the goods themselves or shapes of the goods or their packaging that are technically necessary;
- ☐ misleading signs;
- ☐ signs contrary to public policy, morality, or applicable law
- ☐ the representation of the mark is insufficient or the list of goods or services is clearly not correctly formulated
- ☒ the regulation of the collective or guarantee mark is lacking

**According to Art. 24 Markenschutzgesetz (Trademark Law) it is mandatory to submit the regulations governing the collective mark (certification or guarantee mark) directly to our office. This provision is equally applicable for the extension of protection under the Madrid System.**

VII. Information relating to an earlier mark :

- (i) Filing date and number, and, if any, priority date:
- (ii) Registration date and number (if available):
- (iii) Name and address of the owner:
- (iv) Reproduction of the mark:
- (v) List of all or relevant goods and/or services:

VIII. Corresponding essential provisions of the applicable law [(see text under XII)]:

**Art. 24 ff Markenschutzgesetz (MSchG) [Trademark Act]**

IX. Information relating to subsequent procedure:

- (i) Time limit for requesting review or appeal: **12 July 2021**

- (ii) Authority to which such request for review or appeal should be made:

**AMT FÜR VOLKSWIRTSCHAFT**

**OFFICE OF ECONOMIC AFFAIRS**

**Liechtenstein National Administration Intellectual Property**

**P.O. Box 684**

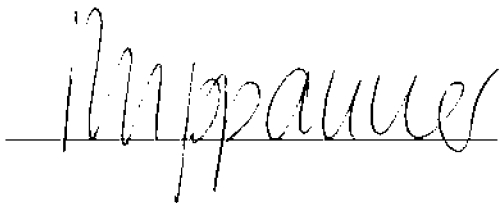
**9490 Vaduz**

- (iii) Indications concerning the appointment of a representative:

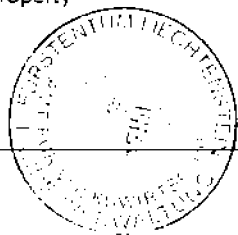
**We kindly request to submit the regulations governing the mark directly to the Office of Economic Affairs, Liechtenstein, without appointing an agent as representative.**

- X. Date of the notification of provisional refusal: 12 February 2021

- XI. Signature or official seal of the Office making the notification:



**Jolanda Ruppanner**  
Bureau of Intellectual Property



XII. Corresponding essential provisions of the applicable law:

**Gesetz vom 12. Dezember 1996 über den Schutz von Marken und Herkunftsangaben (Markenschutzgesetz)<sup>1</sup>**

**Law of 12 December 1996 regarding the Protection of Trademarks and Geographical Indications (Trademark Act)**

***Article 24  
Mark regulations***

1. The applicant of a guarantee or collective mark must submit regulations on the use of the mark to the Office of National Economy.
2. The regulations for the guarantee mark shall designate the common features of the goods or services which the mark is intended to guarantee; they shall further provide for effective monitoring of the use of the mark and appropriate penalties.
3. The regulations for a collective mark shall designate those undertakings which are entitled to use the mark.
4. The regulations may not contravene public order, public morality or applicable law.

***Article 25  
Approval of regulations***

The regulations must be approved by the Office of National Economy. Approval shall be given if the requirements set out in article 24 are met.

***Article 26  
Regulations contrary to law***

If the approved regulations do not or no longer meet the requirements set out in article 24 and if this is not rectified by the owner of the mark within a period to be specified by the Court of First Instance (Landgericht), on the expiry of such period the registration of the mark shall be cancelled.

<sup>1</sup> The German wording of legal texts is binding, courtesy English translation only.

**Art. 39**

***Representatives and persons authorised to accept service***

- 1. Any person involved in administrative or judicial proceedings governed by this Act and who has a residence, domicile or place of business neither within the country, nor in another EEA Member State nor in Switzerland, may only participate before the administrative or judicial authorities with jurisdiction if he has appointed as representative an attorney at law or patent attorney who is established to practise within the country, or is temporarily admitted to practise professionally within the country.**
- 2. For any person involved in administrative or judicial proceedings governed by this Act and who has a residence, domicile or place of business in another EEA Member State or in Switzerland, the appointment of a person authorised to accept service within the country shall be deemed sufficient for participation before the administrative or judicial authorities with jurisdiction.**