



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: 2022/10/24
- III. Our reference number: GJZCG1664726BHYW01
- IV. International registration number: 1664726
- V. Date of notification to China: 2022/06/09
- VI. Basic national registration number:
Basic national application number: UK00003714080
- 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&31
- X. Informations concerning the earlier mark(s):



Mark:

SODERA

Date of application:

2016/03/03

Number of application:

19202526

Date of priority:

Date of registration:

2017/06/28

Number of registration:

Non-Madrid 19202526

Name of the holder:

TELEDYNE LECROY, INC.

Address of the holder:

1049 CAMINO DOS RIOS, THOUSAND OAKS, CALIFORNIA 91360 UNITED STATES OF AMERICA

Goods/services: class 9

内部通讯装置；电子信号发射器；发射机（电信）；信号转发器；网络通讯设备；计算机软件（已录制）；无线通讯设备；无线通讯装置；
▲待删商品▲
电子监控装置；

Device:

SODERA

Mark:

SOLEA

Date of application:

Number of application:

936399

Date of priority:

Date of registration:

2007/05/25

Number of registration:

Madrid 936399

Name of the holder:

KURT GEIGER LIMITED

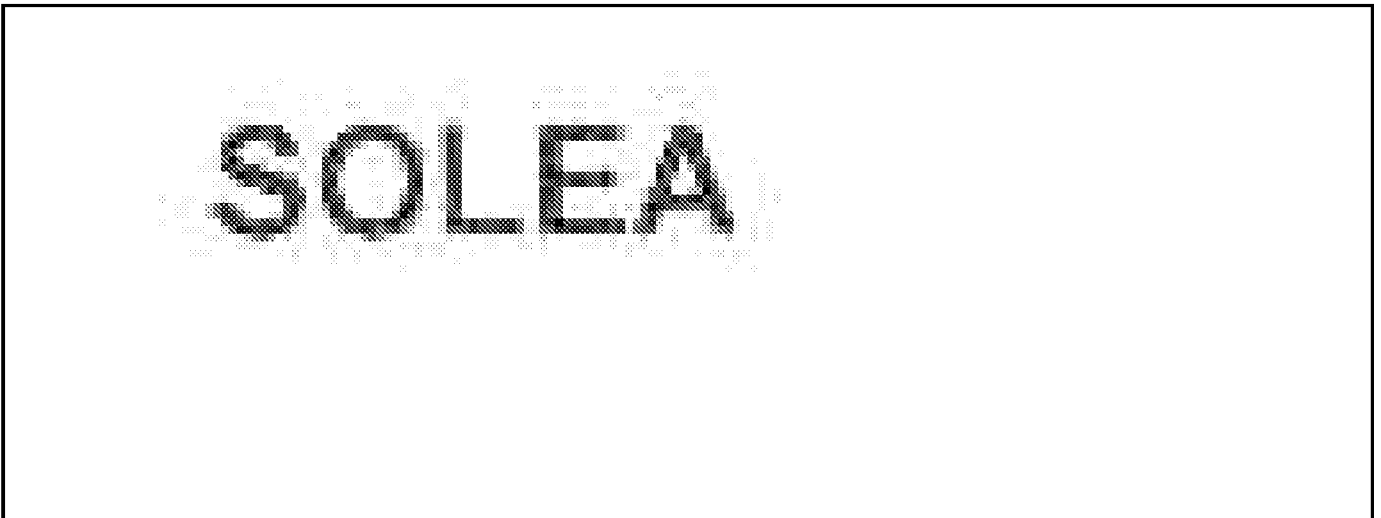
Address of the holder:

24 BRITTON STREET,LONDON EC1M 5UA(ROYAUME-UNI)(United Kingdom)

Goods/services: class 9

防护鞋；录制、通讯、重放声音或图像的器具；电气设备和仪器；未编码磁卡；借记卡；智能卡；录音盘；磁性数据载体；编码的银行卡；奖励卡和支付卡；信用卡；预录的光盘、CD-ROM光盘、磁带和盘；太阳镜；

Device:



Mark:

SOUL ERA S

Date of application:

2015/04/27

Number of application:

16808410

Date of priority:

Date of registration:

2018/06/14

Number of registration:

Non-Madrid 16808410

Name of the holder:

CI XI DAN NI HUAN BAO KE JI YOU XIAN GONG SI

Address of the holder:

ZHE JIANG SHENG CI XI SHI XIAO LIN ZHEN QIAO YI CUN CHINA

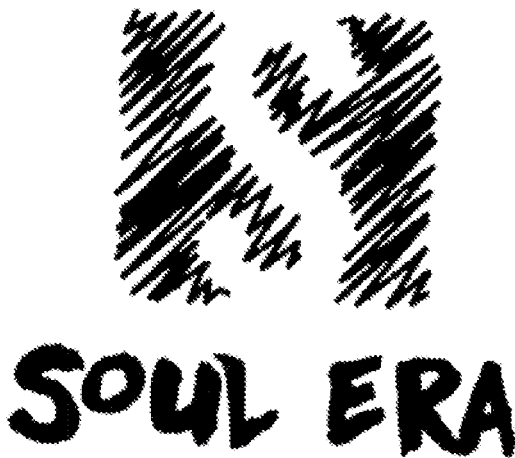
Goods/services: class 9

电子防盗装置；个人用防事故装置；遥控装置；电源插头转换器；插头、插座和其他接触器（电连接）；计算机外围设备；计算机；

▲已删商品▲

移动电源（可充电电池）；电池充电器；电源材料（电线、电缆）；

Device:



Mark:

SOLOERA

Date of application:

2019/07/22

Number of application:

39823430

Date of priority:

Date of registration:

2020/03/28

Number of registration:

Non-Madrid 39823430

Name of the holder:

SHA WAN KE JI (SHANG HAI) YOU XIAN GONG SI

Address of the holder:

SHANG HAI SHI JIA DING QU YE CHENG LU 1 2 8 8 HAO 6 CHUANG J 1 7 0 7 SHI CHINA

Goods/services: class 9

变压器(电); 秤; 安全头盔; 计步器; 扬声器; 尺(量器); 信号灯; 眼镜; 导航仪器; 电池; 蓄电池; 电锁; 太阳镜; 头戴式耳机; 车载电话支架; 自拍杆(手持单脚架); 可下载的手机应用软件;

Device:

sol oera

Mark:

SOLERS

Date of application:

2005/07/29

Number of application:

4804630

Date of priority:

Date of registration:

2018/06/07

Number of registration:

Non-Madrid 4804630

Name of the holder:

SHUO LE SHI DIAN ZI QI YE (ZHONG SHAN) YOU XIAN GONG SI

Address of the holder:

GUANG DONG SHENG ZHONG SHAN SHI SAN XIANG ZHEN PING PU GONG YE QU
CHINA

Goods/services: class 9

电器接插件；印刷电路；控制板(电)；工业操作遥控电器设备；集成电路；插座、插头和其它连接物(电器连接)；电源材料(电线、电缆)；集成电路块；

Device:

SOLERS

Mark:

图形

Date of application:

2020/09/08

Number of application:

49586434

Date of priority:

Date of registration:

2021/05/21

Number of registration:

Non-Madrid 49586434

Name of the holder:

SHEN ZHEN SHI PING XING XIAN KE JI KONG GU YOU XIAN GONG SI

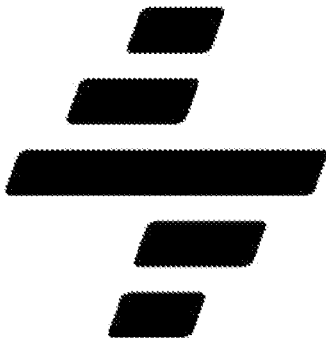
Address of the holder:

GUANG DONG SHENG SHEN ZHEN SHI FU TIAN QU FU TIAN JIE DAO FU SHAN SHE QU
CAI TIAN LU 2 0 1 0 HAO ZHONG SHEN HUA YUAN A ZUO 1 4 0 5 H CHINA

Goods/services: class 9

可下载的手机应用软件；可下载的计算机应用软件；计算机程序（可下载软件）；计算机软件（已录制）；计算机；计算机外围设备；

Device:



Mark:

SOLERNA

Date of application:

2021/09/13

Number of application:

59163708

Date of priority:

2021/03/22

Date of registration:

Number of registration:

Non-Madrid 59163708

Name of the holder:

TOTO LTD.

Address of the holder:

1-1, NAKASHIMA 2-CHOME, KOKURAKITA-KU, KITAKYUSHU-SHI, FUKUOKA-KEN,
JAPAN

Goods/services: class 9

测量仪器；应用程序软件；应用软件；用于远程控制卫生设备、照明设备或家用电器的计算机软件；远程控制装置；遥控装置；用于连接远程计算机和计算机网络的计算机程序；计算机程序和计算机软件；电锁；电磁测量仪；电子管；半导体器件；计算机程序；可下载的远程监控和分析用计算机软件；配电盘（电）；家用遥控器；网络通信设备；光通信设备；内部通信装置；可下载的影像文件；电子出版物（可下载）；电子电路；

Device:

S O L E R N A

Mark:

SOLERA

Date of application:

2016/05/20

Number of application:

20026276

Date of priority:

2015/11/20

Date of registration:

2018/11/07

Number of registration:

Non-Madrid 20026276

Name of the holder:

SOLERA HOLDING, INC.

Address of the holder:

1301 SOLANA BLVD., BUILDING #2 SUITE 210 WESTLAKETEXAS 76262, UNITED STATES OF AMERICA

Goods/services: class 35

商业评估；成本价格分析；商业信息；通过网站提供商业信息；商业专业咨询；商业审计；替他人采购（替其他企业购买商品或服务）；商业管理辅助；商业管理顾问；广告；市场营销；直接邮件广告；替他人推销；商业研究；会计；收集市场调查信息；

▲已删商品▲

在计算机档案中进行数据检索（替他人）；对购买定单进行行政处理；开发票；在计算机数据库中更新和维护数据；

Device:

SOLERA

Mark:

SOLERA

Date of application:

2017/11/16

Number of application:

27510250A

Date of priority:

Date of registration:

2019/01/07

Number of registration:

Non-Madrid 27510250A

Name of the holder:

SOLERA HOLDINGS, INC.

Address of the holder:

1301 SOLANA BLVD., BUILDING#2 SUITE 210 WESTLAKE TEXAS 76262, UNITED STATES OF AMERICA

Goods/services: class 35

商业评估；成本价格分析；商业信息；通过网站提供商业信息；商业专业咨询；商业审计；替他人采购（替其他企业购买商品或服务）；商业管理辅助；商业管理顾问；广告；市场营销；直接邮件广告；替他人推销；商业研究；会计；收集市场调查信息；

Device:

SOLERA

Mark:

SOLERA SPORTS

Date of application:

2015/10/08

Number of application:

18022194A

Date of priority:

Date of registration:

2016/12/14

Number of registration:

Non-Madrid 18022194A

Name of the holder:

SOLERA SPORTS LLC

Address of the holder:

625 MADISON AVENUE, 3RD FLOOR NEW YORK NEW YORK 10022 USA

Goods/services: class 35

复印服务；商业企业迁移；自动售货机出租；销售展示架出租；

Device:

SOLERA SPORTS

Mark:

SOLERA SPORTS

Date of application:

2015/10/08

Number of application:

18022193A

Date of priority:

Date of registration:

2016/12/14

Number of registration:

Non-Madrid 18022193A

Name of the holder:

SOLERA SPORTS LLC

Address of the holder:

625 MADISON AVENUE, 3RD FLOOR NEW YORK NEW YORK 10022 USA

Goods/services: class 35

复印服务；商业企业迁移；自动售货机出租；销售展示架出租；

Device:



Mark:

SOUL ERA

Date of application:

2015/04/08

Number of application:

16662367

Date of priority:

Date of registration:

2016/05/28

Number of registration:

Non-Madrid 16662367

Name of the holder:

NING BO CHAO ZI RAN MAO YI YOU XIAN GONG SI

Address of the holder:

ZHE JIANG SHENG NING BO SHI CI XI SHI BAI SHA LU JIE DAO KAI MA DA SHA < 8 - 1 >
DONG JIAN CHINA

Goods/services: class 35

广告；为零售目的在通讯媒体上展示商品；进出口代理；替他人推销；特许经营的商业管理；人事管理咨询；会计；寻找赞助；市场营销；商业管理辅助；

Device:

SOUL ERA

Mark:

图形

Date of application:

2020/09/08

Number of application:

49590115

Date of priority:

Date of registration:

2021/06/07

Number of registration:

Non-Madrid 49590115

Name of the holder:

SHEN ZHEN SHI PING XING XIAN KE JI KONG GU YOU XIAN GONG SI

Address of the holder:

GUANG DONG SHENG SHEN ZHEN SHI FU TIAN QU FU TIAN JIE DAO FU SHAN SHE QU
CAI TIAN LU 2 0 1 0 HAO ZHONG SHEN HUA YUAN A ZUO 1 4 0 5 H CHINA

Goods/services: class 35

计算机网络和网站的在线推广；商业信息服务；通过互联网提供商业信息服务；特许经营的商业管理；市场营销；为商品和服务的买卖双方提供在线市场；在计算机档案中进行数据检索（替他人）；进出口代理；

Device:



Mark:

SOLERA SPORTS

Date of application:

2015/10/08

Number of application:

18022193A

Date of priority:

Date of registration:

2016/12/14

Number of registration:

Non-Madrid 18022193A

Name of the holder:

SOLERA SPORTS LLC

Address of the holder:

625 MADISON AVENUE, 3RD FLOOR NEW YORK NEW YORK 10022 USA

Goods/services: class 36

金融服务; 不动产代理; 保险承保; 经纪; 担保; 募集慈善基金; 信托; 典当;

Device:



Mark:

SOLERA SPORTS

Date of application:

2015/10/08

Number of application:

18022194A

Date of priority:

Date of registration:

2016/12/14

Number of registration:

Non-Madrid 18022194A

Name of the holder:

SOLERA SPORTS LLC

Address of the holder:

625 MADISON AVENUE, 3RD FLOOR NEW YORK NEW YORK 10022 USA

Goods/services: class 36

金融服务; 不动产代理; 保险承保; 经纪; 担保; 募集慈善基金; 信托; 典当;

Device:

SOLERA SPORTS

Mark:

所乐 SOLER

Date of application:

2016/11/30

Number of application:

22088570

Date of priority:

Date of registration:

2018/01/21

Number of registration:

Non-Madrid 22088570

Name of the holder:

GUANG DONG DA YUE DI CHAN TOU ZI YOU XIAN GONG SI

Address of the holder:

GUANG DONG SHENG ZHU HAI SHI HENG QIN XIN QU BAO HUA LU 6 HAO 1 0 5 SHI -
8 7 5 CHINA

Goods/services: class 36

保险承保；资本投资；金融服务；通过网站提供金融信息；艺术品估价；不动产管理；经纪；担保；信托；典当；

Device:



SOLER 所乐

Mark:

SOLER+ SOLER PLUS

Date of application:

2015/11/12

Number of application:

18316814

Date of priority:

Date of registration:

2016/12/21

Number of registration:

Non-Madrid 18316814

Name of the holder:

GUANG DONG DA YUE DI CHAN TOU ZI YOU XIAN GONG SI

Address of the holder:

GUANG DONG SHENG ZHU HAI SHI HENG QIN XIN QU BAO HUA LU 6 HAO 1 0 5 SHI -
8 7 5 CHINA

Goods/services: class 36

金融服务； 不动产出租； 不动产代理； 不动产经纪； 不动产估价； 不动产管理； 公寓管理； 公寓出租； 住所代理（公寓）； 办公室（不动产）出租；

Device:

The logo for 'Soler plus' is displayed. The word 'Soler' is in a large, bold, sans-serif font with a halftone dot pattern. To its right is a small, stylized four-pointed star or flower-like symbol. Below 'Soler' is the word 'plus' in a smaller, plain sans-serif font.

Mark:

SOLERA

Date of application:

2016/05/20

Number of application:

20026278

Date of priority:

2015/11/20

Date of registration:

2017/07/07

Number of registration:

Non-Madrid 20026278

Name of the holder:

SOLERA HOLDING, INC.

Address of the holder:

1301 SOLANA BLVD., BUILDING#2 SUITE 210 WESTLAKE TEXAS 76262, UNITED STATES OF AMERICA

Goods/services: class 37

汽车保养和修理;

Device:

SOLERA

Mark:

图形

Date of application:

2020/09/08

Number of application:

49581648

Date of priority:

Date of registration:

2021/05/21

Number of registration:

Non-Madrid 49581648

Name of the holder:

SHEN ZHEN SHI PING XING XIAN KE JI KONG GU YOU XIAN GONG SI

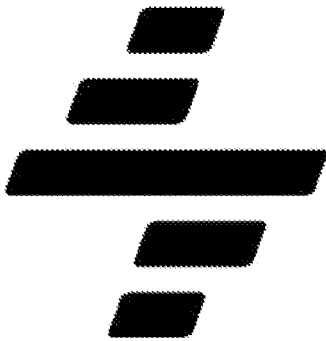
Address of the holder:

GUANG DONG SHENG SHEN ZHEN SHI FU TIAN QU FU TIAN JIE DAO FU SHAN SHE QU
CAI TIAN LU 2 0 1 0 HAO ZHONG SHEN HUA YUAN A ZUO 1 4 0 5 H CHINA

Goods/services: class 39

物流运输；运输；货物发运；货运经纪；运输经纪；运输信息；运输预订；汽车运输；司机服务；货物递送；仓储服务；

Device:



Mark:

SOLERA

Date of application:

2016/05/20

Number of application:

20026279

Date of priority:

2015/11/20

Date of registration:

2017/07/07

Number of registration:

Non-Madrid 20026279

Name of the holder:

SOLERA HOLDING, INC.

Address of the holder:

1301 SOLANA BLVD., BUILDING #2 SUITE 210 WESTLAKE TEXAS 76262, UNITED STATES OF AMERICA

Goods/services: class 42

软件运营服务 (SaaS)； 计算机软件设计； 计算机软件维护； 计算机软件更新； 计算机软件出租； 托管计算机站 (网站)； 通过网站提供计算机技术和编程信息； 主页和网站设计； 电子数据存储； 远程数据备份；

Device:

SOLERA

Mark:

图形

Date of application:

2020/09/08

Number of application:

49574745

Date of priority:

Date of registration:

2021/06/07

Number of registration:

Non-Madrid 49574745

Name of the holder:

SHEN ZHEN SHI PING XING XIAN KE JI KONG GU YOU XIAN GONG SI

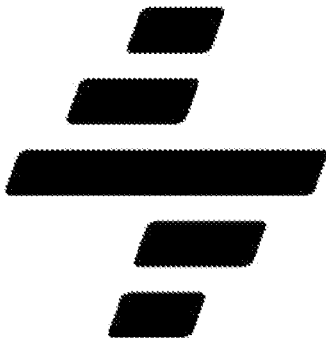
Address of the holder:

GUANG DONG SHENG SHEN ZHEN SHI FU TIAN QU FU TIAN JIE DAO FU SHAN SHE QU
CAI TIAN LU 2 0 1 0 HAO ZHONG SHEN HUA YUAN A ZUO 1 4 0 5 H CHINA

Goods/services: class 42

计算机软件维护；计算机软件更新；软件即服务（SaaS）；软件设计和开发；提供互联网搜索引擎；应用软件出租；手机应用软件的设计和开发；

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.