



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: 2023/04/13
- III. Our reference number: GJZCG1695417BHYW01
- IV. International registration number: 1695417
- V. Date of notification to China: 2022/11/10
- VI. Basic national registration number:
Basic national application number: 018718293
- VII. The mark is refused for the following goods and/or services:
9: All the goods;
10: All the goods;
14: All the goods;
25: All the goods;
28: All the goods;
35: All the services;
38: All the services;
41: All the services;
44: Telemedicine services; weight management services; stress management 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&50
- X. Informations concerning the earlier mark(s):



Mark:

POLAR

Date of application:

Number of application:

1238883

Date of priority:

2014/12/18

Date of registration:

2015/02/12

Number of registration:

Madrid 1238883

Name of the holder:

SCHMIDT & BENDER GMBH & CO. KG

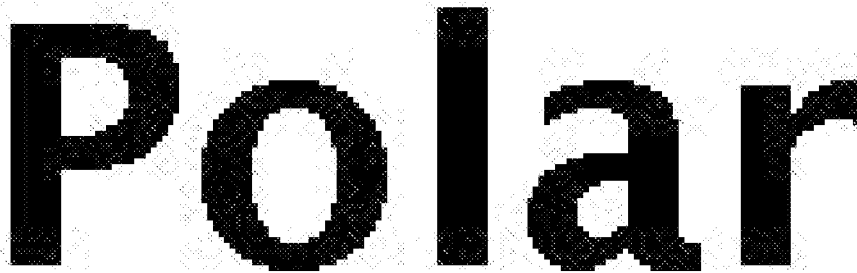
Address of the holder:

Am Grossacker 42 35444 Biebertal (Germany)

Goods/services: class 9

火器用瞄准望远镜；用于瞄准镜的十字线和照明标线；

Device:

The word "POLAR" is displayed in a large, bold, black, pixelated font. The letters are thick and have a jagged, digital appearance. The word is centered within a large rectangular frame.

Mark:

普光全球 PROLAR

Date of application:

2014/06/27

Number of application:

15001542

Date of priority:

Date of registration:

2016/01/21

Number of registration:

Non-Madrid 15001542

Name of the holder:

NING BO PU GUANG QUAN QIU NENG YUAN YOU XIAN GONG SI

Address of the holder:

ZHE JIANG SHENG NING BO SHI BEI LUN QU XIN QI MING ZHOU XI LU 4 8 8 HAO 1
CHUANG 4 HAO - 3 4 CHINA

Goods/services: class 9

防无线电干扰设备（电子）；信号转发器；蓄电池箱；
▲已删商品▲
数据处理设备；电气测量用稳压器；电缆；电源材料（电线、电缆）；多晶硅；单晶硅；逆变器（电）；

Device:

PROLAR
普光全球

Mark:

青鼎科技 POLARLINK

Date of application:

2016/01/22

Number of application:

18964975

Date of priority:

Date of registration:

2017/02/28

Number of registration:

Non-Madrid 18964975

Name of the holder:

BEI JING QING DING XUN TONG KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI CHANG PING QU DONG XIAO KOU ZHEN LI TANG LU 1 8 6 JIA 2 HAO LOU
1 0 CENG 1 0 1 0 CHINA

Goods/services: class 9

数据处理设备；监视程序（计算机程序）；计算机程序（可下载软件）；光通讯设备；精密测量
仪器；测距设备；光学器械和仪器；控制板（电）；印刷电路；工业遥控操作用电气设备；

Device:



Mark:

POLARTEC

Date of application:

2012/08/10

Number of application:

11333262

Date of priority:

Date of registration:

2014/01/14

Number of registration:

Non-Madrid 11333262

Name of the holder:

SPARKLE WAY LIMITED

Address of the holder:

11/F FORTIS TOWER 77-79 GLOUCESTER ROAD HK CHINA

Goods/services: class 9

DVD播放机；头戴式耳机；笔记本电脑；半导体收音机；电视机；断路器；计算机键盘；电池；卫星导航仪器；电涌保护器；

Device:

The logo for Polartec, featuring the word "Polartec" in a bold, sans-serif font. The letter "o" is stylized with a circular pattern of dots or a mesh-like texture.

Mark:

POLARPRO

Date of application:

Number of application:

907167

Date of priority:

2006/06/02

Date of registration:

2016/12/01

Number of registration:

Madrid 907167

Name of the holder:

QUICKLOGIC CORPORATION

Address of the holder:

1277 ORLEANS DRIVE SUNNYVALE, CA 94089(UNITED STATES OF AMERICA)

Goods/services: class 9

半导体器件,即信息组的可编程用户门阵列;

Device:



Mark:

POLARLASER

Date of application:

2017/10/09

Number of application:

26732756

Date of priority:

Date of registration:

2018/10/07

Number of registration:

Non-Madrid 26732756

Name of the holder:

BEI JING HONG GUANG HAO YU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI HAI DIAN QU QING HE XI SAN QI DONG LU 4 CHUANG PING FANG
CHINA

Goods/services: class 9

集成电路卡；数量显示器；量具；发光或机械信号板；无线电设备；非医用激光器；测量器械和
仪器；光学器械和仪器；印刷电路板；电子防盗装置；

Device:

POLARLASER

Mark:

POLAR

Date of application:

2007/11/09

Number of application:

6369178

Date of priority:

Date of registration:

2011/12/07

Number of registration:

Non-Madrid 6369178

Name of the holder:

POLAR STAR INTERNATIONAL COMPANY LIMITED

Address of the holder:

UNIT 1905-8,19F,YEN SHENG CENTRE,64 HOI YUEN ROAD,KWUN TONG,HONG KONG
CHINA

Goods/services: class 9

考勤机; 秤; 测微器; 灭火洒水系统; 电焊电极; 工业用放射设备; 幻灯片(照相); 半导体; 集成电路;

▲已删商品▲
晶体管(电子);

Device:



POLAR

Mark:

极线

Date of application:

2014/12/04

Number of application:

15859444

Date of priority:

Date of registration:

2016/02/07

Number of registration:

Non-Madrid 15859444

Name of the holder:

DONG GUAN SHI BEI HUAN DIAN ZI KE JI YOU XIAN GONG SI

Address of the holder:

GUANG DONG SHENG DONG GUAN SHI CHANG PING ZHEN SU KENG CUN XIA FU
DUI 1 3 6 HAO A 0 2 CHINA

Goods/services: class 9

天线；电子信号发射器；无线电设备；导航仪器；运载工具用无线电设备；计算机外围设备；连接器（数据处理设备）；数据处理设备；计算机用接口；电池充电器；

Device:

极线

Mark:

极线

Date of application:

2014/12/09

Number of application:

15891215

Date of priority:

Date of registration:

2016/05/07

Number of registration:

Non-Madrid 15891215

Name of the holder:

BEI JING JI LIAN KE KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI HAI DIAN QU SHANG DI CHUANG YE ZHONG LU 3 6 HAO SAN CENG 3 0 9
CHINA

Goods/services: class 9

声音传送装置；照相机（摄影）；激光导向仪；自动计量器；工业用放射设备；
▲已删商品▲
计算机软件（已录制）；计算机程序（可下载软件）；计算机游戏软件；计算机；网络通讯设备；

Device:

极线

Mark:

极线

Date of application:

2018/01/16

Number of application:

28719073

Date of priority:

Date of registration:

2018/12/14

Number of registration:

Non-Madrid 28719073

Name of the holder:

GUANG ZHOU SHI XIN XING DIAN LAN SHI YE YOU XIAN GONG SI

Address of the holder:

GUANG DONG SHENG GUANG ZHOU SHI ZENG CHENG QU XIN TANG ZHEN
CHUANG XIN DA DAO 2 7 HAO CHINA

Goods/services: class 9

绝缘铜线；电缆；电话线；电线；同轴电缆；电源材料（电线、电缆）；电线连接物；高低压开关板；插头、插座和其他接触器（电连接）；接线盒（电）；电缆包皮层；磁线；电线识别线；电线识别包层；电报线；电缆连接套筒；马达启动缆；光纤光缆；电阻材料；电线圈；电磁线圈；保险丝；电线接线器（电）；母线槽；

Device:



Mark:

极酷 POLAR COOL Q-DRY

Date of application:

Number of application:

1554027

Date of priority:

2020/06/22

Date of registration:

2020/06/26

Number of registration:

Madrid 1554027

Name of the holder:

SATIN PTE. LTD.

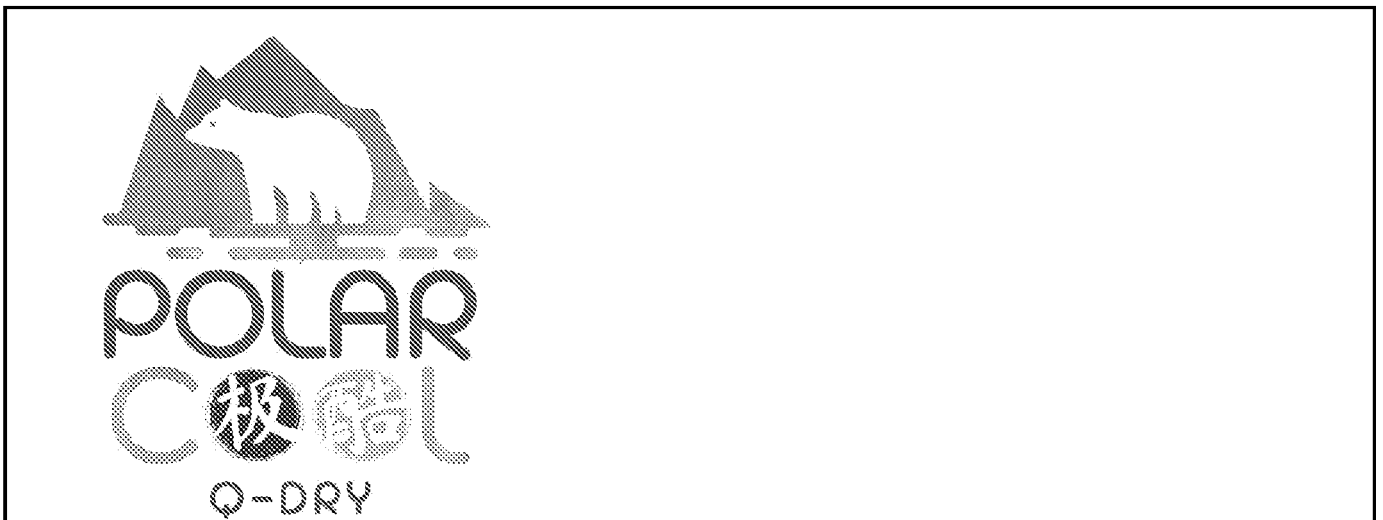
Address of the holder:

43 TAMPINES STREET 92 Singapore 528887 (Singapore)

Goods/services: class 10

外科口罩；外科呼吸罩；医用面罩；外科用口罩；医用防护呼吸罩；外科用防护呼吸罩；外科过滤罩；医用口罩；医用呼吸面罩；医务人员用防护罩；医用卫生口罩；医务人员用面罩；

Device:



Mark:

泊蓝 POLAR

Date of application:

2012/02/14

Number of application:

10485727

Date of priority:

Date of registration:

2013/04/07

Number of registration:

Non-Madrid 10485727

Name of the holder:

YAO ZONG YUAN

Address of the holder:

GUANG DONG SHENG GUANG ZHOU SHI HUANG SHI XI LU MEI JU YI JIE FU LI YANG
GUANG MEI JU C 3 - 4 0 7 SHI CHINA

Goods/services: class 14

贵金属合金；珠宝首饰；手表；戒指(首饰)；宝石；翡翠；未加工或半加工贵金属；链(首
饰)；玛瑙；象牙(首饰)；

Device:



Mark:

POLAR SPORT

Date of application:

2006/07/20

Number of application:

5491704

Date of priority:

2006/01/20

Date of registration:

2012/03/07

Number of registration:

Non-Madrid 5491704

Name of the holder:

MMI-IPCO,LLC

Address of the holder:

46 STAFFORD STREET(P.O.BOX 809),LAWRENCE,MA 01842-1609,UNITED STATES OF AMERICA

Goods/services: class 25

服装; 婴儿纺织品尿布; 婴儿纺织品餐巾; 套衫; 防水服; 鞋; 帽; 袜; 班丹纳方绸(围脖儿); 手套(服装); 雨衣; 围巾; 披肩; 连指手套; 短统袜; 紧身衣裤; 长统袜;

Device:

POLAR SPORT

Mark:

POLAR SPORT;FROM THE MAKERS POLARTEC FABRIC

Date of application:

2006/07/20

Number of application:

5491702

Date of priority:

2006/01/23

Date of registration:

2012/09/21

Number of registration:

Non-Madrid 5491702

Name of the holder:

MMI-IPCO,LLC

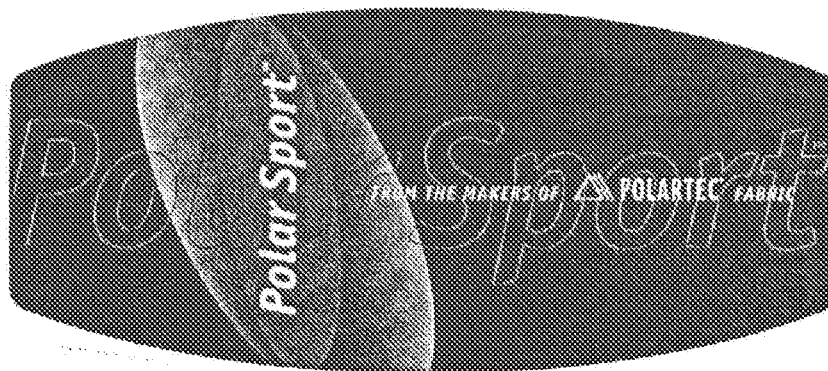
Address of the holder:

920 MILLIKEN ROAD, SPARTANBURG, SOUTH CAROLINA 29303, UNITED STATES OF AMERICA

Goods/services: class 25

服装; 纺织品制婴儿尿布; 纺织品制婴儿餐巾; 套衫; 防水服; 鞋; 帽; 袜; 班丹纳方绸(围脖儿); 手套(服装); 雨衣; 围巾; 披肩; 连指手套; 短统袜; 紧身衣裤; 长统袜;

Device:



Mark:

极酷 POLAR COOL Q-DRY

Date of application:

Number of application:

1554027

Date of priority:

2020/06/22

Date of registration:

2020/06/26

Number of registration:

Madrid 1554027

Name of the holder:

SATIN PTE. LTD.

Address of the holder:

43 TAMPINES STREET 92 Singapore 528887 (Singapore)

Goods/services: class 25

鞋（脚上的穿着物）；

▲待删商品▲

服装；帽（头戴物）；

Device:



Mark:

极线

Date of application:

2017/04/06

Number of application:

23412811

Date of priority:

Date of registration:

2018/06/28

Number of registration:

Non-Madrid 23412811

Name of the holder:

BEI JING SHENG XIN JIA YE SHANG MAO YOU XIAN GONG SI

Address of the holder:

BEI JING SHI FANG SHAN QU CHENG GUAN JIE DAO GU BA LU 1 QU 1 HAO - K 4 0
CHINA

Goods/services: class 25

围脖; 领带; 帽; 手套(服装); 鞋(脚上的穿着物);
▲已删商品▲
工作服; 服装; 羽绒服装; 衬衫; 制服; T恤衫; 童装;

Device:

极线

Mark:

POLAR

Date of application:

2018/05/08

Number of application:

30754753

Date of priority:

Date of registration:

2020/04/14

Number of registration:

Non-Madrid 30754753

Name of the holder:

ZHEN JIANG FU MEI FU SHI YOU XIAN GONG SI

Address of the holder:

JIANG SU SHENG ZHEN JIANG SHI YANG ZHONG SHI YOU FANG ZHEN LAO QIAO CUN
CHINA

Goods/services: class 28

运动用护臂；运动用护腿；运动用护腰；球拍用吸汗带；竞技手套；护肘（体育用品）；护膝（体育用品）；运动用护肚；
▲已删商品▲
锻炼身体器械；登山套具；

Device:

polar

Mark:

POLAR MOTION

Date of application:

2020/07/12

Number of application:

48014563

Date of priority:

Date of registration:

2021/02/28

Number of registration:

Non-Madrid 48014563

Name of the holder:

WU WEN

Address of the holder:

JIANG XI SHENG NAN CHANG SHI JIN XIAN XIAN XIANG JIANG SHANG YE JIE I N S
DIAN CHINA

Goods/services: class 28

射箭用器具；体育活动用球；玩具；圣诞树用烛台；体育活动器械；游戏器具；钓鱼用具；游泳池（娱乐用品）；轮滑鞋；棋；

Device:

POLAR MOTION

Mark:

POLARLABS

Date of application:

2014/12/19

Number of application:

15978714

Date of priority:

Date of registration:

2016/02/21

Number of registration:

Non-Madrid 15978714

Name of the holder:

ZHONG KE JI DI (TIAN JIN) KE JI YOU XIAN GONG SI

Address of the holder:

TIAN JIN SHI WU QING QU MEI CHANG ZHEN FU YUAN JING JI QU BAN GONG LOU 2 0
5 - 3 5 (JI ZHONG BAN GONG QU) CHINA

Goods/services: class 28

护膝 (体育用品); 保护垫 (运动服部件); 男性下体弹力护身 (体育用品); 举重用皮带 (体
育用品); 护肘 (体育用品); 护腰; 运动腰带; 护腿; 护身; 高尔夫球手套;

Device:

PolarLabs

Mark:

极线

Date of application:

2016/06/28

Number of application:

20466273

Date of priority:

Date of registration:

2017/08/14

Number of registration:

Non-Madrid 20466273

Name of the holder:

HONG QIAN WEN

Address of the holder:

ZHE JIANG SHENG PU JIANG XIAN HUANG ZHAI ZHEN HOU JIANG CUN XI QU 3 3 HAO
CHINA

Goods/services: class 28

玩具；游戏器具；钓鱼用具；纸牌；箭弓；护腕；体育活动用球；锻炼身体器械；体育活动器械；圣诞树用装饰品（照明用物品和糖果除外）；

Device:



极线

Mark:

POLARB

Date of application:

2019/06/28

Number of application:

39179332

Date of priority:

Date of registration:

2020/04/14

Number of registration:

Non-Madrid 39179332

Name of the holder:

NING BO WEI YI JIA JIN CHU KOU YOU XIAN GONG SI

Address of the holder:

ZHE JIANG SHENG NING BO SHI YIN ZHOU QU WU XIANG ZHEN XIN CHENG CUN (MEI DI SI LU 2 0 HAO) CHINA

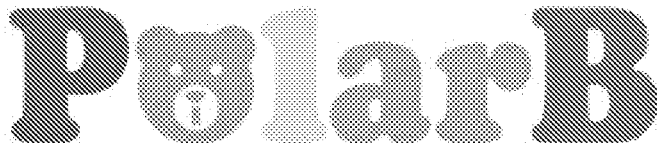
Goods/services: class 28

玩具；积木（玩具）；多米诺骨牌；玩具娃娃床；拼图玩具；玩具车；棋；玩具小房子；游戏器具；

▲已删商品▲

圣诞树用装饰品（照明用物品和糖果除外）；

Device:



POLARB

Mark:

POLARB

Date of application:

2019/06/28

Number of application:

39189249

Date of priority:

Date of registration:

2020/05/07

Number of registration:

Non-Madrid 39189249

Name of the holder:

NING BO WEI YI JIA JIN CHU KOU YOU XIAN GONG SI

Address of the holder:

ZHE JIANG SHENG NING BO SHI YIN ZHOU QU WU XIANG ZHEN XIN CHENG CUN (MEI DI SI LU 2 0 HAO) CHINA

Goods/services: class 28

玩具；积木（玩具）；多米诺骨牌；玩具娃娃床；拼图玩具；玩具车；棋；玩具小房子；游戏器具；

▲已删商品▲

圣诞树用装饰品（照明用物品和糖果除外）；

Device:

PolarB

Mark:

极地阳光 POLAR SUNSHINE

Date of application:

2014/03/11

Number of application:

14154871

Date of priority:

Date of registration:

2015/10/14

Number of registration:

Non-Madrid 14154871

Name of the holder:

ZHE JIANG WO HAO MU YE KE JI YOU XIAN GONG SI

Address of the holder:

ZHE JIANG SHENG HU ZHOU SHI NAN XUN QU DONG QIAN MEI HUA LU 1 8 8 HAO
CHINA

Goods/services: class 35

广告；商业管理辅助；特许经营的商业管理；商业企业迁移；会计；寻找赞助；药用、兽医用、卫生用制剂和医疗用品的零售或批发服务；

▲已删商品▲

进出口代理；人事管理咨询；文秘；

Device:



Mark:

POLAR MADE

Date of application:

2018/01/26

Number of application:

28939176

Date of priority:

Date of registration:

2019/05/14

Number of registration:

Non-Madrid 28939176

Name of the holder:

SHANG HAI PU SU HUAN BAO KE JI YOU XIAN GONG SI

Address of the holder:

SHANG HAI SHI HONG KOU QU GUANG JI LU 1 7 3 HAO 1 0 CENG 1 0 0 1 SHI (JI
ZHONG DENG JI DI) CHINA

Goods/services: class 35

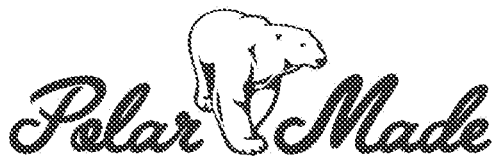
▲待删商品▲

销售展示架出租；职业介绍；自动售货机出租；特许经营的商业管理；户外广告；替他人推销；

▲已删商品▲

药用、兽医用、卫生用制剂和医疗用品的批发服务；药品零售或批发服务；会计；为商业或广告目的汇编信息索引；

Device:



Mark:

极线

Date of application:

2014/12/09

Number of application:

15891174

Date of priority:

Date of registration:

2016/02/07

Number of registration:

Non-Madrid 15891174

Name of the holder:

BEI JING JI LIAN KE KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI HAI DIAN QU SHANG DI CHUANG YE ZHONG LU 3 6 HAO SAN CENG 3 0 9
CHINA

Goods/services: class 35

计算机网络上的在线广告；电视广告；广告；为零售目的在通讯媒体上展示商品；商业信息；特许经营的商业管理；进出口代理；替他人推销；替他人采购（替其他企业购买商品或服务）；市场营销；

Device:

极线

Mark:

极线

Date of application:

2019/12/13

Number of application:

43052624

Date of priority:

Date of registration:

2020/09/07

Number of registration:

Non-Madrid 43052624

Name of the holder:

CHENG DOU LI DU TI YU CHANG GUAN FU WU YOU XIAN GONG SI

Address of the holder:

SI CHUAN SHENG CHENG DOU SHI WEN JIANG QU YONG QUAN JIE BAN LIN QUAN
BEI JIE 3 3 HAO 1 DONG 4 LOU 7 HAO 、 8 HAO 、 9 HAO CHINA

Goods/services: class 38

新闻社服务；无线广播；信息传送；计算机终端通信；电子公告牌服务（通信服务）；提供与全球计算机网络的电信连接服务；为社交网络提供在线聊天室；音频远程会议服务；计算机辅助信息传送；电子邮件的电子传输；

Device:

极线

Mark:

- POLAR LAB +

Date of application:

2018/10/19

Number of application:

34149023

Date of priority:

Date of registration:

2019/10/28

Number of registration:

Non-Madrid 34149023

Name of the holder:

SHI YAO TOU ZI (SHANG HAI) YOU XIAN GONG SI

Address of the holder:

SHANG HAI SHI PU DONG XIN QU NI CHENG ZHEN XIN CHENG LU 2 HAO 2 4
CHUANG N 3 4 3 2 SHI CHINA

Goods/services: class 41

教育；培训；实际培训（示范）；提供教育信息；函授课程；组织教育或娱乐竞赛；组织文化或教育展览；安排和组织学术讨论会；俱乐部服务（娱乐或教育）；在计算机网络上提供在线游戏；

Device:



Mark:

极线

Date of application:

2019/01/09

Number of application:

35835962

Date of priority:

Date of registration:

2019/09/14

Number of registration:

Non-Madrid 35835962

Name of the holder:

WANG ZI CHENG

Address of the holder:

AN HUI SHENG LI XIN XIAN HU JI ZHEN REN MIN LU ZHEN ZHI 6 0 0 HU CHINA

Goods/services: class 41

俱乐部服务（娱乐或教育）；培训；组织教育或娱乐竞赛；组织表演（演出）；电视文娱节目；娱乐服务；私人健身训练服务；体育训练服务；健身俱乐部（健身和体能训练）；摄影；

Device:



极线
JIXIAN

Mark:

POLAAR

Date of application:

Number of application:

969438

Date of priority:

Date of registration:

2008/02/22

Number of registration:

Madrid 969438

Name of the holder:

POLAAR

Address of the holder:

53 rue du Rocher F-75008 PARIS(France)

Goods/services: class 44

医疗服务；人类动物卫生和美容服务；漩涡浴、海水疗法卫生和美容服务；卫生、整容外科服务；医院服务；私人疗养院；疗养院或疗养所；美容院；植物性芳香剂疗法、理发店、理发师服务；头发移植；指甲修剪服务；按摩；眼镜商服务；

▲已删商品▲

兽医服务；动物卫生和美容服务；

Device:

The logo for 'Polaar' is displayed in a large, bold, sans-serif font. The letters are filled with a dense, stippled or halftone pattern, giving it a textured, three-dimensional appearance. The 'P' is the largest and most prominent, followed by 'o', 'l', 'a', 'a', and 'r' in descending order of height.

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.