



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: 2024/10/22
- III. Our reference number: GJZCG1792801BHYW01
- IV. International registration number: 1792801
- V. Date of notification to China: 2024/06/06
- VI. Basic national registration number:
Basic national application number: Z-202370475
- VII. The mark is refused for the following goods and/or services:
37: All the services;
42: All the 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:

KORTING

Date of application:

Number of application:

917438

Date of priority:

Date of registration:

2006/07/31

Number of registration:

Madrid 917438

Name of the holder:

Körting Hannover GmbH

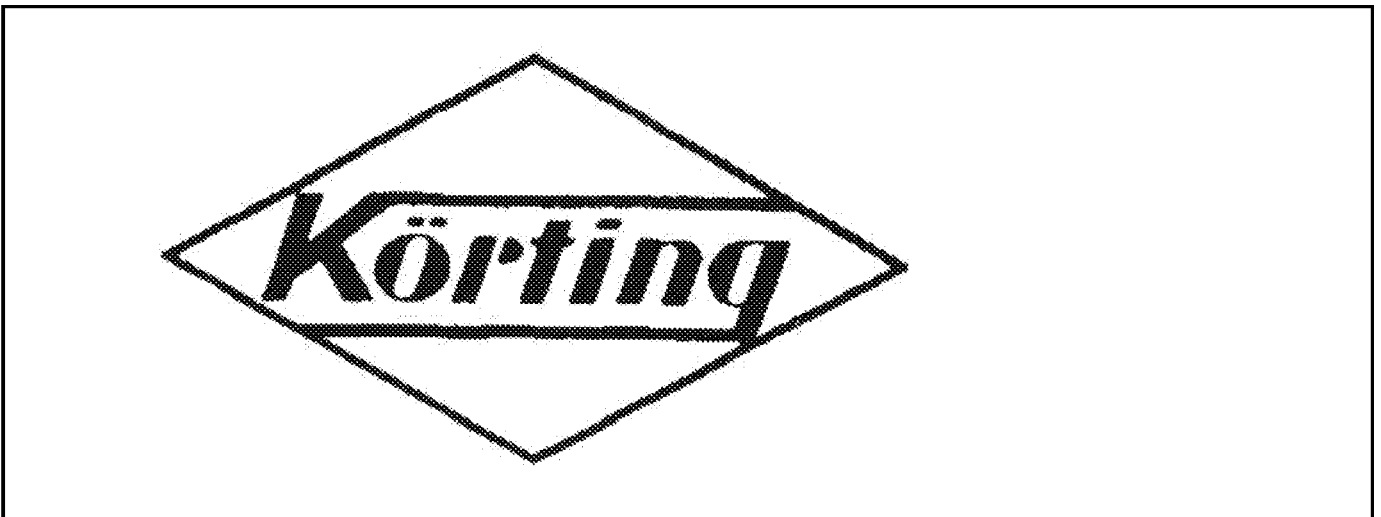
Address of the holder:

Badenstedterstr. 56 30453 Hannover(Germany)

Goods/services: class 37

建筑工程服务；维修；建筑安装的服务；

Device:



Mark:

KORTING

Date of application:

Number of application:

917438

Date of priority:

Date of registration:

2006/07/31

Number of registration:

Madrid 917438

Name of the holder:

Körting Hannover GmbH

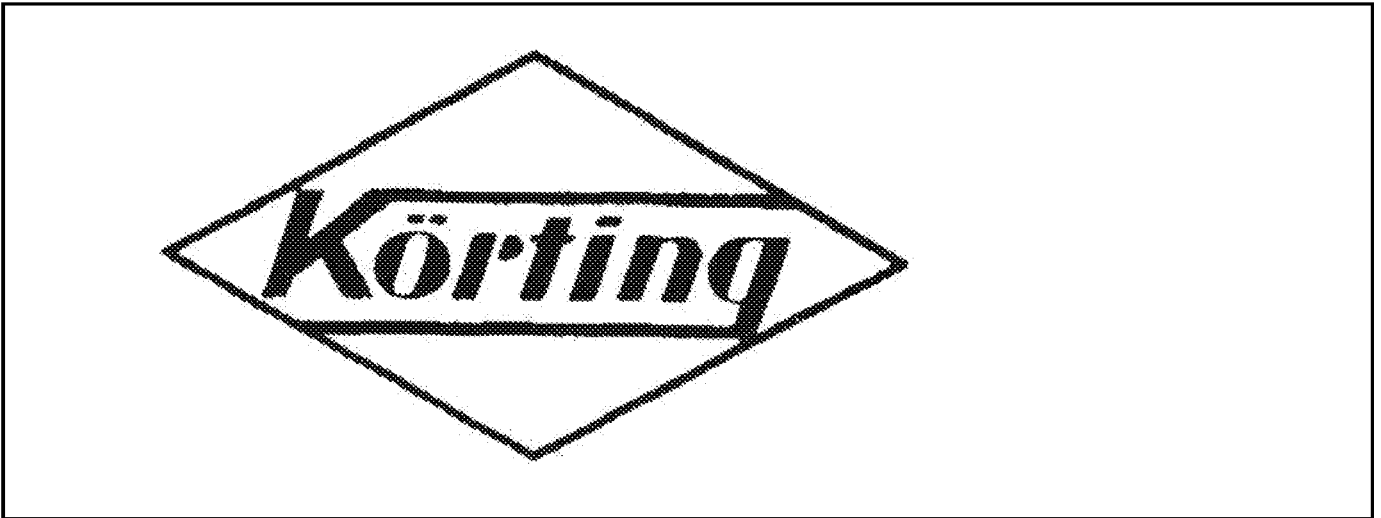
Address of the holder:

Badenstedterstr. 56 30453 Hannover(Germany)

Goods/services: class 42

科学和技术服务以及与之相关的研究与设计；工业分析与研究；计算机硬件与软件的设计与开发；

Device:



Mark:

斯沃德 卡丁赛车俱乐部 KARTING CLUB

Date of application:

2022/03/08

Number of application:

63114099

Date of priority:

Date of registration:

2022/12/28

Number of registration:

Non-Madrid 63114099

Name of the holder:

HE NAN SI WO DE QI CHE YONG PIN YOU XIAN GONG SI

Address of the holder:

HE NAN SHENG ZHENG ZHOU SHI JIN SHUI QU HUA YUAN LU 1 5 9 HAO 6 HAO LOU 1
DAN YUAN 2 CENG 1 0 HAO CHINA

Goods/services: class 42

产品质量检测；机械制造的研究；关于赛车的机械研究；车辆性能检测；汽车设计；为买卖车辆的人提供新车和二手车的检测服务；为检测故障监控计算机系统；研究和开发新产品；电子数据安全系统的设计和开发；

▲已删商品▲

科学研究和开发；

Device:



Mark:

凯帝那 KARTINA

Date of application:

2018/06/09

Number of application:

31513329

Date of priority:

Date of registration:

2020/05/07

Number of registration:

Non-Madrid 31513329

Name of the holder:

WU LU MU QI YIN XIN JI SHANG MAO YOU XIAN ZE REN GONG SI

Address of the holder:

XIN JIANG WEI WU ER ZI ZHI QU WU LU MU QI SHI TIAN SHAN QU JIE FANG NAN LU
1 4 8 HAO BAO HENG DA SHA XIE ZI LOU 5 0 7 SHI CHINA

Goods/services: class 42

包装设计；室内装饰设计；室内设计；服装设计；计算机软件设计；计算机软件更新；计算机硬件设计和开发咨询；信息技术咨询服务；远程数据备份；平面美术设计；

Device:

كارتينا
KARTINA
凯帝那

Mark:

360

Date of application:

2012/08/31

Number of application:

11428229

Date of priority:

Date of registration:

2014/07/28

Number of registration:

Non-Madrid 11428229

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

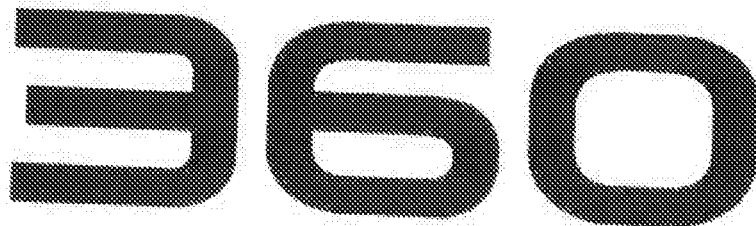
Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

计算机编程；计算机软件设计；计算机软件维护；计算机系统设计；把有形的数据或文件转换成电子媒体；替他人创建和维护网站；计算机软件安装；计算机程序和数据的数据转换(非有形转换)；计算机病毒的防护服务；提供互联网搜索引擎；

Device:

The image shows a large, stylized logo consisting of the numbers '360'. The characters are rendered in a bold, blocky font with a halftone dot pattern, giving it a textured appearance. The '3' is on the left, followed by the '6', and the '0' is on the right. The entire logo is centered within a rectangular frame.

Mark:

360 WWW.360.CN

Date of application:

2013/05/15

Number of application:

12585305

Date of priority:

Date of registration:

2014/10/14

Number of registration:

Non-Madrid 12585305

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI CHAO YANG QU JIU XIAN QIAO LU 6 HAO YUAN 2 HAO LOU 1 ZHI 1 9
CENG 1 0 4 HAO NEI 8 CENG 8 0 1 CHINA

Goods/services: class 42

计算机编程；计算机软件设计；计算机软件维护；计算机系统设计；把有形的数据或文件转换成电子媒体；替他人创建和维护网站；计算机软件安装；计算机程序和数据的数据转换(非有形转换)；计算机病毒的防护服务；提供互联网搜索引擎；

Device:



Mark:

360

Date of application:

2013/11/12

Number of application:

13528378

Date of priority:

Date of registration:

2015/04/14

Number of registration:

Non-Madrid 13528378

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

替他人研究和开发新产品；计算机编程；计算机软件设计；计算机软件维护；计算机系统设计；计算机软件安装；把有形的数据或文件转换成电子媒体；计算机软件咨询；计算机病毒的防护服务；提供互联网搜索引擎；

Device:



Mark:

360

Date of application:

2013/11/12

Number of application:

13528388

Date of priority:

Date of registration:

2015/04/14

Number of registration:

Non-Madrid 13528388

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

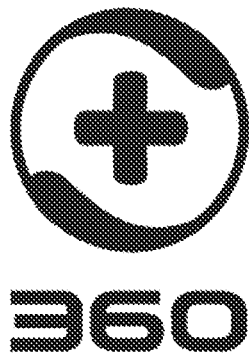
Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

替他人研究和开发新产品；计算机编程；计算机软件设计；计算机软件维护；计算机系统设计；
计算机软件安装；把有形的数据或文件转换成电子媒体；计算机软件咨询；计算机病毒的防护服
务；提供互联网搜索引擎；

Device:



Mark:

360

Date of application:

2013/11/12

Number of application:

13528394

Date of priority:

Date of registration:

2015/03/07

Number of registration:

Non-Madrid 13528394

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

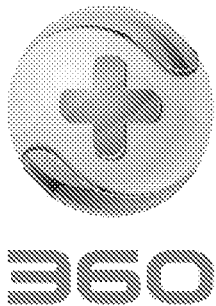
Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

替他人研究和开发新产品； 计算机编程； 计算机软件设计； 计算机软件维护； 计算机系统设计； 计算机软件安装； 把有形的数据或文件转换成电子媒体； 计算机软件咨询； 计算机病毒的防护服务； 提供互联网搜索引擎；

Device:



Mark:

360

Date of application:

2013/11/12

Number of application:

13528403

Date of priority:

Date of registration:

2015/04/14

Number of registration:

Non-Madrid 13528403

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

替他人研究和开发新产品；计算机编程；计算机软件设计；计算机软件维护；计算机系统设计；
计算机软件安装；把有形的数据或文件转换成电子媒体；计算机软件咨询；计算机病毒的防护服
务；提供互联网搜索引擎；

Device:



Mark:

360

Date of application:

2013/11/12

Number of application:

13528412

Date of priority:

Date of registration:

2015/03/07

Number of registration:

Non-Madrid 13528412

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

替他人研究和开发新产品；计算机编程；计算机软件设计；计算机软件维护；计算机系统设计；
计算机软件安装；把有形的数据或文件转换成电子媒体；计算机软件咨询；计算机病毒的防护服
务；提供互联网搜索引擎；

Device:



Mark:

360

Date of application:

2013/11/12

Number of application:

13528419

Date of priority:

Date of registration:

2015/04/14

Number of registration:

Non-Madrid 13528419

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

替他人研究和开发新产品；计算机编程；计算机软件设计；计算机软件维护；计算机系统设计；计算机软件安装；把有形的数据或文件转换成电子媒体；计算机软件咨询；计算机病毒的防护服务；提供互联网搜索引擎；

Device:



Mark:

Q 360

Date of application:

2014/06/04

Number of application:

14902762

Date of priority:

Date of registration:

2015/08/21

Number of registration:

Non-Madrid 14902762

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

替他人研究和开发新产品；工业品外观设计；提供互联网搜索引擎；计算机病毒的防护服务；把有形的数据或文件转换成电子媒体；计算机系统远程监控；软件运营服务[SaaS]；计算机软件设计；计算机软件安装；网络服务器出租；计算机硬件设计和开发咨询；恢复计算机数据；电子数据存储；远程数据备份；云计算；

Device:



Mark:

360

Date of application:

2015/02/12

Number of application:

16373770

Date of priority:

Date of registration:

2017/03/21

Number of registration:

Non-Madrid 16373770

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

替他人研究和开发新产品；工业品外观设计；提供互联网搜索引擎；计算机病毒的防护服务；把有形的数据或文件转换成电子媒体；计算机系统远程监控；地图绘制服务；计算机软件设计；计算机软件安装；网络服务器出租；计算机硬件设计和开发咨询；恢复计算机数据；电子数据存储；远程数据备份；云计算；

Device:



Mark:

+360

Date of application:

2016/01/12

Number of application:

18862708

Date of priority:

Date of registration:

2017/05/21

Number of registration:

Non-Madrid 18862708

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

替他人研究和开发新产品；化学研究；化妆品研究；生物学研究；服装设计；计算机系统设计；计算机软件设计；把有形的数据或文件转换成电子媒体；提供互联网搜索引擎；计算机病毒的防护服务；地图绘制服务；平面美术设计；无形资产评估；

▲已删商品▲

环境保护领域的研究；质量检测；测量；气象信息；材料测试；车辆性能检测；工业品外观设计；包装设计；室内装饰设计；室内设计；计算机硬件设计和开发咨询；远程数据备份；电子数据存储；计算机安全咨询；计算机技术咨询；艺术品鉴定；

Device:



Mark:

360

Date of application:

2016/03/28

Number of application:

19444566

Date of priority:

Date of registration:

2017/05/07

Number of registration:

Non-Madrid 19444566

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

提供互联网搜索引擎；计算机病毒的防护服务；把有形的数据或文件转换成电子媒体；计算机系统远程监控；计算机软件设计；计算机硬件设计和开发咨询；恢复计算机数据；电子数据存储；远程数据备份；计算机安全咨询；

Device:



Mark:

+360

Date of application:

2017/01/11

Number of application:

22582434

Date of priority:

Date of registration:

2018/02/14

Number of registration:

Non-Madrid 22582434

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

计算机技术咨询；手机解锁；为检测故障监控计算机系统；为他人创建和设计网络信息索引（信息技术服务）；互联网安全咨询；数据安全咨询；数据加密服务；为侦测非授权访问和数据外泄而进行的计算机系统监控；为侦测网络身份盗用而进行的个人信息电子监控；为侦测网络诈骗而进行的信用卡活动电子监控；

Device:



Mark:

360+

Date of application:

2017/01/11

Number of application:

22582381

Date of priority:

Date of registration:

2018/02/14

Number of registration:

Non-Madrid 22582381

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

计算机技术咨询；手机解锁；为检测故障监控计算机系统；为他人创建和设计网络信息索引（信息技术服务）；互联网安全咨询；数据安全咨询；数据加密服务；为侦测非授权访问和数据外泄而进行的计算机系统监控；为侦测网络身份盗用而进行的个人信息电子监控；为侦测网络诈骗而进行的信用卡活动电子监控；

Device:



Mark:

360

Date of application:

2017/01/11

Number of application:

22582107

Date of priority:

Date of registration:

2018/02/14

Number of registration:

Non-Madrid 22582107

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

计算机技术咨询；手机解锁；为检测故障监控计算机系统；为他人创建和设计网络信息索引（信息技术服务）；互联网安全咨询；数据安全咨询；数据加密服务；为侦测非授权访问和数据外泄而进行的计算机系统监控；为侦测网络身份盗用而进行的个人信息电子监控；为侦测网络诈骗而进行的信用卡活动电子监控；

Device:



Mark:

360

Date of application:

2017/01/11

Number of application:

22582263

Date of priority:

Date of registration:

2018/02/14

Number of registration:

Non-Madrid 22582263

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

计算机技术咨询；手机解锁；为检测故障监控计算机系统；为他人创建和设计网络信息索引（信息技术服务）；互联网安全咨询；数据安全咨询；数据加密服务；为侦测非授权访问和数据外泄而进行的计算机系统监控；为侦测网络身份盗用而进行的个人信息电子监控；为侦测网络诈骗而进行的信用卡活动电子监控；

Device:



Mark:

360

Date of application:

2017/01/11

Number of application:

22582303

Date of priority:

Date of registration:

2018/02/14

Number of registration:

Non-Madrid 22582303

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

计算机技术咨询；手机解锁；为检测故障监控计算机系统；为他人创建和设计网络信息索引（信息技术服务）；互联网安全咨询；数据安全咨询；数据加密服务；为侦测非授权访问和数据外泄而进行的计算机系统监控；为侦测网络身份盗用而进行的个人信息电子监控；为侦测网络诈骗而进行的信用卡活动电子监控；

Device:

The logo consists of the numbers '360' in a bold, black, sans-serif font. The '3' is stylized with a thick, blocky appearance, and the '6' and '0' are also thick and rounded.

Mark:

+360

Date of application:

2018/01/17

Number of application:

28746728

Date of priority:

Date of registration:

2018/12/14

Number of registration:

Non-Madrid 28746728

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

多媒体产品的设计和开发；校准服务；电话设计；玩具设计；移动电话设计；计算机安全和风险防范用软件的维护；计算机网络配置服务；驱动及操作系统软件开发；软件开发和质量改进方面的咨询服务；软件设计方面的咨询；上网用计算机软件维护；为他人更新网站；主页和网站设计；软件出版框架下的软件开发；平台即服务（PaaS）；软件即服务（SaaS）；平面美术设计；笔迹分析（笔迹学）；地图绘制服务；无形资产评估；

Device:



Mark:

+360

Date of application:

2018/01/17

Number of application:

28756494

Date of priority:

Date of registration:

2018/12/14

Number of registration:

Non-Madrid 28756494

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

多媒体产品的设计和开发；校准服务；电话设计；玩具设计；移动电话设计；计算机安全和风险防范用软件的维护；计算机网络配置服务；驱动及操作系统软件开发；软件开发和质量改进方面的咨询服务；软件设计方面的咨询；上网用计算机软件维护；为他人更新网站；主页和网站设计；软件出版框架下的软件开发；平台即服务（PaaS）；软件即服务（SaaS）；平面美术设计；笔迹分析（笔迹学）；地图绘制服务；无形资产评估；

Device:



Mark:

360

Date of application:

2018/01/17

Number of application:

28760759

Date of priority:

Date of registration:

2018/12/14

Number of registration:

Non-Madrid 28760759

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

多媒体产品的设计和开发；校准服务；电话设计；玩具设计；移动电话设计；计算机安全和风险防范用软件的维护；计算机网络配置服务；驱动及操作系统软件开发；软件开发和质量改进方面的咨询服务；软件设计方面的咨询；上网用计算机软件维护；为他人更新网站；主页和网站设计；软件出版框架下的软件开发；平台即服务（PaaS）；软件即服务（SaaS）；平面美术设计；笔迹分析（笔迹学）；地图绘制服务；无形资产评估；

Device:



Mark:

360

Date of application:

2018/01/17

Number of application:

28761484

Date of priority:

Date of registration:

2018/12/14

Number of registration:

Non-Madrid 28761484

Name of the holder:

BEI JING QI HU KE JI YOU XIAN GONG SI

Address of the holder:

BEI JING SHI XI CHENG QU XIN JIE KOU WAI DA JIE 2 8 HAO D ZUO 1 1 2 SHI (DE SHENG YUAN QU) CHINA

Goods/services: class 42

校准服务；电话设计；玩具设计；移动电话设计；计算机安全和风险防范用软件的维护；计算机网络配置服务；驱动及操作系统软件开发；软件开发和质量改进方面的咨询服务；软件设计方面的咨询；上网用计算机软件维护；为他人更新网站；主页和网站设计；软件出版框架下的软件开发；平台即服务（PaaS）；软件即服务（SaaS）；平面美术设计；笔迹分析（笔迹学）；地图绘制服务；无形资产评估；

▲待删商品▲

多媒体产品的设计和开发；

Device:



Mark:

360

Date of application:

Number of application:

1756619

Date of priority:

2023/03/24

Date of registration:

2023/08/16

Number of registration:

Madrid 1756619

Name of the holder:

ARC Regulatory Limited

Address of the holder:

Unit 1a Concourse Building 1, Catalyst Queen's Road Belfast BT3 9DT(United Kingdom)

Goods/services: class 42

▲待删商品▲

科学、技术和工业分析、研究和设计服务；进行和设计临床试验；实验室检测；与实验室检测相关的咨询服务；临床研究；生物学研究、临床研究和医学研究；现场监控服务；产品开发的分析和评估；产品设计的分析和评估；进行新药品的早期评估；医药制品评估；产品质量评估；质量控制服务；质量管理服务，即医疗和生命科学行业的质量评估和分析、质量保证和质量控制；医疗和生命科学行业的科学研究、分析、检测和相关科学研究；医疗和生命科学行业的咨询服务；生物技术、生物技术研究咨询服务；用于制造的药物研究和产品开发；为他人设计临床前和临床研究和试验领域的咨询服务（面向他人）；撰写科技文稿；为他人撰写技术文档；他人服务的认证检测、分析和评估服务；医疗器械领域仪器的认证测试；电子数据存储；软件即服务（SaaS）；提供在线、不可下载的软件；软件设计、开发和工程；计算机软件咨询；提供用于生成涉及医疗和生命科学行业的监管要求的报告的在线、不可下载的软件；提供用于提供与医疗和生命科学行业监管要求相关培训的在线、不可下载的软件；与上述所有服务相关的信息、咨询和顾问服务；

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.