



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 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 Regulations. Any request for review shall be filed to the CNIPA, through a qualified Chinese agency or attorney(Please visit <https://sbj.cnipa.gov.cn>), 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 FAX: 8610-68050285
People's Republic of China
- II. Date of the refusal pronounced: 2025/10/29
- III. Our reference number: GJZCG1854302BHYW01
- IV. International registration number: 1854302
- V. Date of notification to China: 2025/05/15
- VI. Basic national registration number: UK00003194810
Basic national application number: UK00003194810
- VII. The mark is refused for all the goods and/or services.
- VIII. Reason(s) of refusal:
Other Reason(s):
The sign is likely to mislead the public as to the function and intended user of the designated goods.
- IX. Applicable legal provisions of the refusal:
Article(s): (See the excerpts of the laws and regulations)
Trademark Law Article 10(i)(7)&30



Relevant Provisions of the Law and the Regulations

(Excerpts)

Trademark Law of China

Article 8 Any signs, including words, graphs, letters, numbers, three-dimensional symbols, color combinations, sound or any combination thereof, that are capable of distinguishing the goods of a natural person, legal person or other organization from those of others may be applied for registration as trademarks.

Article 10 None of the following signs may be used as trademarks:

- (1) Those identical with or similar to the State name, the national flag, emblem or anthem, the military flag, emblem or songs, or medals of the People's Republic of China; or those identical with the names or emblems of Central State organs, the names of the specific locations where the Central State organs are seated; or those identical with the names or designs of landmark buildings;
- (2) Those identical with or similar to the State name, national flag, national emblem or military flag etc., of a foreign country, except with the consent of the government of that country;
- (3) Those identical with or similar to the name, flag or emblem of an international inter-governmental organization, except with the consent of that organization or except where it is unlikely to mislead the public;

(4) Those identical with or similar to an official mark or inspection stamp that indicates control and guarantee, except where authorized;

(5) Those identical with or similar to the symbol or name of the Red Cross or the Red Crescent;

(6) Those having the nature of discrimination against any nationality;

(7) Those that are deceptive and likely to mislead the public in terms of the quality, place of production or other characteristics of the goods; and

(8) Those detrimental to socialist ethics or customs, or having other unwholesome influences.

No geographical names of administrative divisions at or above the county level or foreign geographical names known to the public may be used as trademarks, except where geographical names have other meanings or constitute part of a collective trademark or certification trademark. Registered trademarks in which geographical names are sued shall remain valid.

Article 11 None of the following marks may be registered as trademarks:

(1) Where the mark bears only the generic name, design, or model number of the goods concerned;

(2) Where it only directly indicates the quality, principal raw materials, function, use, weight, quantity or other features of the goods; and

(3) Signs that otherwise lack any distinctive character.

Any mark mentioned in the preceding paragraph may be registered as a trademark if it has acquired distinctive features through use and is readily distinguishable.

Article 12 No application for registration of a three-dimensional symbol as a trademark may be granted, where the sign merely indicates the shape inherent in the nature of the goods concerned, or it is only dictated by the need to achieve technical effects or the need to give the goods substantive value.

Article 13 A holder of a trademark that is well known by the relevant public may, if he holds that his rights have been infringed upon, request for well-known trademark protection in accordance with this Law.

Where the trademark of an identical or similar kind of goods is a reproduction, imitation, or translation of another person's well-known trademark not registered in China and is liable to cause public confusion, no application for its registration may be granted and its use shall be prohibited.

Where the trademark of a different or dissimilar kind of goods is a reproduction, imitation, or translation of another person's well-known trademark not registered in China and it misleads the public so that the interests of the owner of the registered well-known trademark are likely to be impaired, no application for its registration may be granted and its use shall be prohibited.

Article 15 Where an agent or

representative, without authorization of the client, seeks to register in its own name the client's trademark and the client objects, the trademark shall not be registered and its use shall be prohibited.

An application for registering a trademark for the same kind of goods, or similar goods shall not be approved if the trademark under application is identical with or similar to an unregistered trademark already used by another party, the applicant is clearly aware of the existence of the trademark of such another party due to contractual, business or other relationships with the latter other than those prescribed in the preceding paragraph, and such another party raises objections to the trademark registration application in question.

Article 16 Where a trademark bears a geographical indication of the goods when the place indicated is not the origin of the goods in question, thus misleading the public, the trademark shall not be registered and its use shall be prohibited. However, where the registration is obtained in goodwill, it shall remain valid.

The geographical indication mentioned in the preceding paragraph means the origin of the goods the special qualities, credibility or other characteristics of the goods and it is primarily determined by the natural factors or other humanistic factors of the place indicated.

Article 22 A trademark registration applicant shall make an application and,

according to the prescribed categories of goods, indicate in the application the types and the names of goods for which the trademark is to be used.

A trademark registration applicant may apply for registration of the same trademark for multiple types of goods in one application.

A trademark registration application and other relevant documents may be submitted in writing or by way of data message.

Article 27 Matters stated in the application for trademark registration and all information provided shall be truthful, accurate and complete.

Article 30 Where a trademark, for the registration of which an application is made, that does not conform to the relevant provisions of this Law or that is identical with or similar to the trademark already registered by another person or is given preliminary examination and approval for use on the same kind of goods or similar goods, the trademark office shall reject the application and shall not announce that trademark.

Article 31 Where two or more applicants apply to register identical or similar trademarks for use on the same kind of goods or similar goods, the trademark office shall first conduct examination of, give approval to and announce the trademark whose registration is applied for earlier than the rest. Where the applications are filed on the same day, the trademark office shall first examine, give approval to and

announce the trademark which is used earlier than the rest, and it shall reject the applications for registration of the other trademarks and shall not announce them.

Article 32 No applicant for trademark application may infringe upon another person's existing prior rights, nor may he, by illegitimate means, rush to register a trademark that is already in use by another person and has certain influence.

Article 33 If a holder of prior rights or an interested party holds that the trademark announced upon preliminary review is in violation of the second or third paragraph of Article 13, Article 15, the first paragraph of Article 16, Article 30, Article 31, or Article 32 of this Law, he may, within three months from the date of the preliminary review announcement, raise objections to the trademark office. Any party that is of the opinion that the aforesaid trademark is in violation of Article 10, Article 11 or Article 12 of this Law may raise objections to the trademark office within the same three-month period. If no objection is raised upon expiry of the announcement period, the trademark office shall approve the registration application, issue the certificate of trademark registration, and make an announcement thereon.

Article 35 Where objections are raised against a trademark for which a preliminary review announcement has been made, the trademark office shall listen to the facts and grounds stated by both the opponent and the opposed, and

after investigation and verification make a decision on whether or not to approve the registration of the trademark within 12 months from the expiry date of the announcement period and shall notify the opponent and the opposed of the decision in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by the administrative department for industry and commerce of the State Council.

Where the trademark office decides to approve a trademark registration, it shall issue the certificate of trademark registration to the applicant and make an announcement thereon. Where the opponent is dissatisfied with the decision, he may request the trademark review and adjudication board to declare the said registered trademark invalid in accordance with Article 44 or Article 45 of this Law.

Where the trademark office decides not to approve a trademark registration, the opposed party disagreeing to the decision may apply for a second review to the trademark review and adjudication board within 15 days upon receipt of the relevant notice. The trademark review and adjudication board shall make a decision after review, and notify both the opponent and the opposed parties of such a decision in writing within 12 months from the date of the receipt of the application for review. Where it is necessary under special circumstances, an extension of six months may be

granted upon approval by the administrative department for industry and commerce of the State Council. If the opposed is dissatisfied with the decision made by the trademark review and adjudication board, he may bring a lawsuit to the people's court within 30 days from the date he receives the notice, in which case the people's court shall notify the opponent to participate in the litigation proceedings as a third party.

When carrying out review in accordance with the preceding paragraph, the trademark review and adjudication board may suspend the review if the prior rights involved can only be ascertained based on the outcomes of another case currently under the hearing by a people's court or under the handling by an administrative organ. The trademark review and adjudication board shall resume the review procedure once the circumstances for suspension are eliminated.

Article 44 A registered trademark shall be declared invalid by the trademark office if it is in violation of Article 10, Article 11 or Article 12 of this Law, or its registration is obtained by fraudulent or other illegitimate means. Other entities or individuals may request the trademark review and adjudication board to declare the aforesaid registered trademark invalid.

Where the trademark office makes a decision on declaring a registered trademark invalid, it shall notify the

party concerned in writing of the decision. If a party concerned is dissatisfied with the decision made by the trademark office, he may apply for a review with the trademark review and adjudication board within 15 days upon the receipt of the notice from the trademark office. The trademark review and adjudication board shall make a decision and notify the party concerned in writing within nine months upon the receipt of the application for review. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and commerce of the State Council. If a party concerned is dissatisfied with the decision made by the trademark review and adjudication board, he may bring a lawsuit to the people's court within 30 days upon the receipt of the notice from the trademark review and adjudication board.

Where other entities or individuals request the trademark review and adjudication board to declare a registered trademark invalid, the latter shall, upon receipt of the application, notify the party concerned in writing, and require the party concerned to respond within a time limit. The trademark review and adjudication board shall, within nine months upon the receipt of the application, render a ruling on either maintaining the validity of the registered trademark or declaring the registered trademark invalid, and notify

the party concerned in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and commerce of the State Council. If the party concerned is dissatisfied with the ruling made by the trademark review and adjudication board, he may bring a lawsuit to the people's court within 30 days upon the receipt of the notice, in which case the people's court shall notify the counterparty to the trademark ruling procedures to participate in the litigation proceedings as a third party.

Article 45 Where a registered trademark is in violation of the second and third paragraph of Article 13, Article 15, the first paragraph of Article 16, Article 30, Article 31 or Article 32 of this Law, the holder of prior rights or an interested party may, within five years upon the registration of the trademark, request the trademark review and adjudication board to declare the registered trademark invalid. Where the aforesaid registration is obtained mala fide, the owner of a well-known trademark is not bound by the five-year restriction.

The trademark review and adjudication board shall, after receiving an application for declaring the registered trademark invalid, notify the party concerned as such in writing, and require the party concerned to respond within a time limit. The trademark review and adjudication board shall, within 12 months upon the receipt of the

application, render a ruling on either maintaining the validity of the registered trademark or declaring the registered trademark invalid, and notify the party concerned as such in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by the administrative department for industry and commerce of the State Council. If the party concerned is dissatisfied of the ruling made by the trademark review and adjudication board, he may bring a lawsuit to the people's court within 30 days upon the receipt of the notice, in which case the people's court shall notify the counterparty to the trademark ruling procedures to participate in the litigation proceedings as a third party.

In reviewing an application for declaring a registered trademark invalid pursuant to the preceding paragraph, the trademark review and adjudication board may suspend the review if the prior rights involved can only be ascertained based on the outcomes of another case currently under the hearing by a people's court or under the handling by an administrative organ. The trademark review and adjudication board shall resume the review procedure once the circumstances for suspension are eliminated.

Article 50 Within one year from the time where a registered trademark is cancelled or declared invalid, or is not renewed upon the expiry of its validity period, the trademark office shall not

approve any application for registration of a trademark identical with or similar to the aforesaid trademark.

Regulations for the Implementation of Trademark Law

Article 13 An application for trademark registration shall be made according to the published classification table of commodities and services. For each trademark registration application, the applicant shall submit to the Trademark Office a copy of the Application for Trademark Registration and a copy of the trademark design; in the event that an application is filed for the registration of a trademark with a specific combination of colors or a colored design, the colored design and a copy of a black and white draft shall be submitted; in the event that a color is not designated, the black and white draft shall be submitted.

The trademark designs shall be clear and easy to attach. They shall be printed on appropriate smooth and durable paper or alternatively be detailed via photos, the size of which shall be not more than ten centimeters but not less than five centimeters in length or width.

In the event that an application is filed for a three-dimensional trademark, it shall be clearly stated in the application to specify the usage of the trademark and a design capable of displaying the properties of a three-dimensional shape

shall be submitted and the submitted trademark design shall at least include a three-view drawing.

In the event that an application is filed for the registration of a trademark with a specific combination of colors, it shall be clearly specified in the application to specify the usage of the trademark.

In the event that an application is filed for the registration of a trademark with audio logo, it shall be clearly specified in the application, a satisfactory voice sample shall be submitted and the audio trademark applied for registration shall be described to specify the usage of the trademark. Where the audio trademark is described, the audio applied for trademark shall be described by stave or notation and illustrated by words; where the audio trademark cannot be described by stave or notation, it shall be illustrated by words; the trademark description and the voice sample shall be consistent.

In the event that an application is filed for the registration of a collective mark or a certification mark, it shall be specified in the application, and a certification document pertaining to the qualifications of the subject as well as the rules governing its use and the administration shall be submitted.

In the event that a trademark is in a foreign language or involves the use of a foreign language, the meaning of the foreign language shall be explained.

Article 15 The name of a commodity or service shall be categorized based on the

classification No. and name in the table of classification of commodities and services. In the event that the name of an appropriate commodity or service is not included in the table of classification of commodities and services, an explanation shall be given concerning the commodity or service in question.

The trademark registration application and other relevant documents submitted in writing shall be typed or printed.

Paragraph 2 of this Article shall apply to the handling of other matters on trademarks.

Article 19 If two or more applicants apply on the same date for the registration of identical or similar trademarks for the same or similar kind of commodity, each applicant shall, within 30 days upon receipt of the notice from the Trademark Office, submit proof of the date when the trademark was first used prior to the application. In the event that the trademarks were first used on the same day, or that neither has yet been used, the applicants shall settle the matter through negotiations within 30 days upon receipt of the notice from the Trademark Office, and any such agreement shall be submitted to the Trademark Office in writing. If the parties refuse to negotiate or fail to reach an agreed settlement, the Trademark Office shall inform them of determination of the official applicant by way of drawing lots, and subsequently the applications of other applicants shall be rejected. In the event that an

applicant has been so notified by the Trademark Office but it fails to participate in the drawing of lots, it shall be deemed to have rescinded its application, and the Trademark Office shall inform, in writing, the applicant who fails to draw lots.

Article 27 The Trademark Office shall send a copy of materials related to the trademark objection to the person challenged timely, and instruct it to defend within 30 days after receipt of the copy. If the person challenged does not defend, any decision made by the Trademark Appeal Board shall not be affected.

In the event that any of the parties concerned is required to supplement the relevant material evidence after either filing the application or statement of defense to the application, it shall claim the requirement in the relevant application or statement of defense, and shall submit the relevant material evidence within three months after filing the application or submitting the statement of defense. If it fails to do so within the specified time period, it shall be deemed that the supplementing of the relevant material evidence has been abandoned; provided that the evidence is formed after the expiration or fails to be submitted before the expiration due to other just reasons but is submitted after the expiration, the Trademark Office shall send the evidence to the other party concerned and may admit the evidence after the cross-examination.

Article 43 Where the applicant for extension of the territory designated in China requires to protect the trademark with three-dimensional trademarks, color combination and audio logo or requires to protect collective trademarks or certification trademarks, it shall, within three months after the date of registration of the trademark with the international registration book of the International Bureau, submit the relevant materials specified in Article 13 hereof to the Trademark Office through a legally established trademark agency. If it fails to submit the relevant materials within the aforesaid time limit, the Trademark Office shall reject the extension application for territory.

Article 45 In case of the extension application for territory designated in China, the objector that meets the conditions specified in Article 33 of the Trademark Law may, within three months after the first day of the following month since the World Intellectual Property Organization organizes the publication of the International Trademark Announcement, submit to the Trademark Office an objection application.

The Trademark Office shall, within the time limit for rejection, notify the International Bureau of the information related to the objection application in the form of a rejection decision. The person challenged may make a defense within 30 days after receipt of the objection notice forwarded by the International

Bureau and the statement of defense and the relevant materials shall be submitted to the Trademark Office through a legally established trademark agency.

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.