



## 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 Trademark Review and Adjudication Board, through a qualified Chinese agency or attorney, within 15 days from receipt of this notification.

- I. Office which pronounces the refusal:  
Trademark Office  
State Administration for Industry and Commerce

1, Chama Nanjie, Xichengqu, Tel: 8610-63219000  
Beijing, 100055  
People's Republic of China



- II. Date of the refusal pronounced: 2016/06/20

- III. Our reference number: GJZCG1262754BHYW01

- IV. International registration number: 1262754

- V. Date of notification to China: 2015/08/27

- VI. Basic national registration number:  
Basic national application number: 2014739480

- VII. The mark is refused for the following goods and/or services:  
9: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers; compact discs, DVDs and other digital recording media; calculating machines; data processing equipment; computers; computer software; 3D spectacles; answering machines; alidades; antennas; high-frequency apparatus; testing apparatus not for medical purposes; electro-dynamic apparatus for the remote control of railway points; electro-dynamic apparatus for the remote control of signals; Global Positioning System [GPS] apparatus; breathing apparatus for underwater swimming; breathing apparatus, except for artificial respiration; electric apparatus for commutation; intercommunication apparatus; telephone apparatus; facsimile machines; phototelegraphy apparatus; igniting apparatus, electric, for igniting at a distance; acid hydrometers; salinometers; acidimeters for batteries; magnetic tape units for computers; computer memory devices; encoded identification bracelets, magnetic; safety tarpaulins; life buoys; vacuum gauges; variometers; video cassettes; video telephones; sockets, plugs and other contacts [electric connections]; viscosimeters; circuit closers; voltmeters; switchboxes [electricity]; current rectifiers; gas testing instruments; galvanometers; hands free kits for phones; hydrometers; densimeters; densitometers; detectors; dynamometers; light-emitting diodes [LED]; floppy disks; disks, magnetic; optical discs; disk drives for computers; bullet-proof waistcoats [vests (Am.)]; identification threads for electric wires; nose clips for divers and swimmers; pressure measuring apparatus; inverters [electricity]; pressure indicators; temperature indicators; measuring instruments; surveying instruments; interfaces for computers; spark-guards; coaxial cables; fibre [fiber (Am.)] optic cables; cables, electric; calculating machines; pocket calculators; decompression chambers; electronic pens [visual display units]; holders for electric coils; identity cards, magnetic; video game cartridges; memory cards for video game machines; encoded magnetic cards; riding helmets; protective helmets; choking coils [impedance]; coils, electric; electromagnetic coils; computer keyboards; solenoid valves [electromagnetic switches]; wire connectors [electricity]; encoded key

cards;electronic book readers;electronic book readers;mouse pads;magnetic encoders;anti-glare visors; collectors, electric;protective suits for aviators;commutators;compact discs [audio-video];compact discs; comparators;computers;laptop computers;tablet computers;notebook computers;condensers [capacitors]; contacts, electric;branch boxes [electricity];distribution boxes [electricity];junction boxes [electricity];diving suits;covers for electric outlets;lactodensimeters;lactometers;vacuum tubes [radio];thermionic tubes; amplifying tubes;videotapes;fire escapes;slide-rules;contact lenses;correcting lenses [optics];electricity conduits;measuring spoons;mouse [computer peripheral];pressure gauges;divers' masks;solderers' helmets;protective masks;material testing instruments and machines;metronomes;microprocessors;modems; monitors [computer hardware];monitors [computer programs];terminals [electricity];junction sleeves for electric cables;teeth protectors;temperature indicator labels, not for medical purposes;knee-pads for workers;sound recording carriers;magnetic data media;optical data media;socks, electrically heated; computer software, recorded;sheaths for electric cables;identification sheaths for electric wires;life saving apparatus and equipment;shoes for protection against accidents, irradiation and fire;limiters [electricity]; clothing for protection against accidents, irradiation and fire;clothing for protection against fire;asbestos clothing for protection against fire;clothing especially made for laboratories;ozonisers [ozonators]; ohmmeters;wrist rests for use with computers;spectacle frames;eyeglass frames;oscillographs;plumb lines; spectacles [optics];sunglasses;goggles for sports;radio pagers;pince-nez;electronic pocket translators; transmitters [telecommunication];telephone transmitters;transmitters of electronic signals;switches, electric; gloves for divers;gloves for protection against accidents;gloves for protection against X-rays for industrial purposes;asbestos gloves for protection against accidents;pyrometers;sound recording strips;life-saving rafts; semi-conductors;life belts;fuses;circuit breakers;converters, electric;telerrupters;food analysis apparatus; diagnostic apparatus, not for medical purposes;teaching apparatus;teaching apparatus;surveying apparatus and instruments;navigational instruments;measuring apparatus;measuring devices, electric;boiler control instruments;navigation apparatus for vehicles [on-board computers];satellite navigational apparatus; regulating apparatus, electric;precision measuring apparatus;printers for use with computers;pressure indicator plugs for valves;magnetic wires;telegraph wires;telephone wires;wires, electric;conductors, electric;copper wire, insulated;fuse wire;computer programmes [programs], recorded;computer game software;computer programs [downloadable software];computer operating programs, recorded;processors [central processing units];rods for water diviners;electronic publications, downloadable;distribution consoles [electricity];control panels [electricity];radar apparatus;masts for wireless aerials;transmitting sets [telecommunication];walkie-talkies;voltage surge protectors;stage lighting regulators;light dimmers [regulators], electric;cell switches [electricity];time switches, automatic;relays, electric;safety restraints, other than for vehicle seats and sports equipment;rheostats;respirators for filtering air;respiratory masks, other than for artificial respiration;saccharometers;inductors [electricity];safety nets;nets for protection against accidents;scanners [data processing equipment];smartphones;integrated circuit cards [smart cards]; connections for electric lines;couplings, electric;connectors [electricity];sonars;sound locating instruments; lighting ballasts;resistances, electric;speed indicators;alcoholmeters;protection devices for personal use against accidents;radiotelegraphy sets;radiotelephony sets;spectacle lenses;anti-glare glasses;sulfimeters;bags adapted for laptops;revolution counters;ear plugs for divers;tachometers;telegraphs [apparatus];portable telephones;thermometers, not for medical purposes;thermostats;thermostats for vehicles;totalizers; transistors [electronic];protractors [measuring instruments];transformers [electricity];step-up transformers; triodes;starter cables for motors;discharge tubes, electric, other than for lighting;telephone receivers;gauges; gasoline gauges;electric loss indicators;urinometers;amplifiers;balancing apparatus;protection devices against X-rays, not for medical purposes;railway traffic safety appliances;data processing apparatus;oxygen transvasing apparatus;optical character readers;dosage dispensers;acoustic [sound] alarms;couplers [data processing equipment];computer peripheral devices;anti-interference devices [electricity];adding machines; readers [data processing equipment];heat regulating apparatus;bar code readers;computer software applications, downloadable;downloadable ring tones for mobile phones;downloadable image files; downloadable music files;filters for respiratory masks;USB flash drives;containers for contact lenses;spectacle cases;pince-nez cases;eyeglass chains;frequency meters;sleeves for laptops;fire blankets;protective helmets for sports;cell phone straps;eyeglass cords;switchboards;distribution boards [electricity];workmen's protective face-shields;ducts [electricity];ergometers;armatures [electricity];

35:Advertising;business management;business administration;office functions;arranging subscriptions to telecommunication services for others;import-export agencies;commercial information agencies;advertising agencies;cost price analysis;rental of advertising space;employment agencies;computerized file management; invoicing;demonstration of goods;transcription of communications [office functions];opinion polling;

marketing studies;business information;commercial information and advice for consumers [consumer advice shop];business investigations;business research;marketing research;personnel recruitment;business management and organization consultancy;business organization consultancy;business management consultancy;personnel management consultancy;professional business consultancy;layout services for advertising purposes;marketing;business management of performing artists;business management of sports people;news clipping services;updating of advertising material;updating and maintenance of data in computer databases;word processing;organization of exhibitions for commercial or advertising purposes; arranging newspaper subscriptions for others;organization of fashion shows for promotional purposes; organization of trade fairs for commercial or advertising purposes;shop window dressing;business appraisals; data search in computer files for others;business management assistance;commercial or industrial management assistance;commercial intermediation services;provision of commercial and business contact information;providing business information via a web site;presentation of goods on communication media, for retail purposes;economic forecasting;auctioneering;sales promotion for others;production of advertising films;office machines and equipment rental;rental of advertising time on communication media;publicity material rental;rental of photocopying machines;publication of publicity texts;radio advertising;bill-posting; distribution of samples;dissemination of advertising matter;direct mail advertising;writing of publicity texts; on-line advertising on a computer network;advertising by mail order;television advertising;document reproduction;compilation of statistics;compilation of information into computer databases;business inquiries;systemization of information into computer databases;advisory services for business management; negotiation and conclusion of commercial transactions for third parties;telemarketing services;psychological testing for the selection of personnel;business management of hotels;business management for freelance service providers;commercial administration of the licensing of the goods and services of others;business project management services for construction projects;administrative processing of purchase orders;public relations;modelling for advertising or sales promotion;typing;search engine optimization;web site traffic optimization;price comparison services;pay per click advertising;secretarial services;procurement services for others [purchasing goods and services for other businesses];shorthand;outsourcing services [business assistance];telephone answering for unavailable subscribers;photocopying services;business efficiency expert services;

36:financial affairs;monetary affairs;credit bureaux;debt collection agencies;financial analysis;lease-purchase financing;savings bank services;rent collection;issuing of travellers' checks [cheques];issuance of credit cards;capital investment;financial information;clearing, financial;financial consultancy;debt advisory services; stock exchange quotations;business liquidation services, financial;brokerage;financial management; exchanging money;online banking;debit card services;credit card services;organization of collections; arranging finance for construction projects;financial evaluation of standing timber;financial evaluation of wool;financial evaluation [insurance, banking, real estate];repair costs evaluation [financial appraisal]; electronic funds transfer;securities brokerage;brokerage of carbon credits;loans [financing];providing financial information via a web site;check [cheque] verification;financial sponsorship;mortgage banking; instalment loans;banking;stock brokerage services;retirement payment services;provident fund services; customs brokerage;mutual funds;financing services;safe deposit services;deposits of valuables;fiscal assessments;

38:Telecommunications;electronic bulletin board services [telecommunications services];information about telecommunication;providing user access to global computer networks;providing access to databases; providing internet chatrooms;providing telecommunications connections to a global computer network; providing telecommunication channels for teleshopping services;transmission of greeting cards online; computer aided transmission of messages and images;transmission of telegrams;transmission of digital files; electronic mail;providing online forums;videoconferencing services;rental of message sending apparatus; rental of access time to global computer networks;rental of modems;rental of telecommunication equipment;rental of telephones;rental of facsimile apparatus;communications by fiber [fibre] optic networks;cellular telephone communication;communications by computer terminals;satellite transmission; communications by telegrams;communications by telephone;facsimile transmission;paging services [radio, telephone or other means of electronic communication];teleconferencing services;telex services;voice mail services;telecommunications routing and junction services;telegraph services;telephone services;

45:horoscope casting.

#### 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.

Horoscope casting is not accepted in China for the purpose of trademark registration.

IX. Applicable legal provisions of the refusal:

Article(s): (See the excerpts of the laws and regulations)

Trademark Law Article 30&22

X. Informations concerning the earlier mark(s):

Mark:

GLOBALANE

Date of application:

2014/03/04

Number of application:

14108692

Date of priority:

Date of registration:

2015/04/14

Number of registration:

Non-Madrid 14108692

Name of the holder:

TERN GLOBAL GROUP PTE.LTD.

Address of the holder:

10 ANSON ROAD,#21-07 INTERNATIONAL PLAZA,SINGAPORE 079903

Goods/services: class 9

经营网络市场用的可下载的软件；经营网络市场用的可下载移动应用；电子商务和网络市场领域的可下载出版物；

Device:

**GLOBALANE**

Mark:

FRE TEC

Date of application:

2008/03/04

Number of application:

6577178

Date of priority:

Date of registration:

2010/08/28

Number of registration:

Non-Madrid 6577178

Name of the holder:

BEI JING XUAN JI TAI KE XIN JI SHU YOU XIAN GONG SI

Address of the holder:

BEI JING SHI CHAO YANG QU NONG ZHAN GUAN NAN LU 1 2 HAO 1 HAO LOU 6 CENG  
6 0 0 1 CHINA

Goods/services: class 9

传感器; 照准仪; 调压器; 测压仪器; 恒温器; 感应器(电); 卫星导航仪器; 电话机; 程控电话交  
换设备; 工业操作遥控电器设备;

Device:



Mark:

云克 YOUCAN

Date of application:

2009/03/16

Number of application:

7255661

Date of priority:

Date of registration:

2010/11/14

Number of registration:

Non-Madrid 7255661

Name of the holder:

SHANG HAI HUAN EN SHI YE YOU XIAN GONG SI

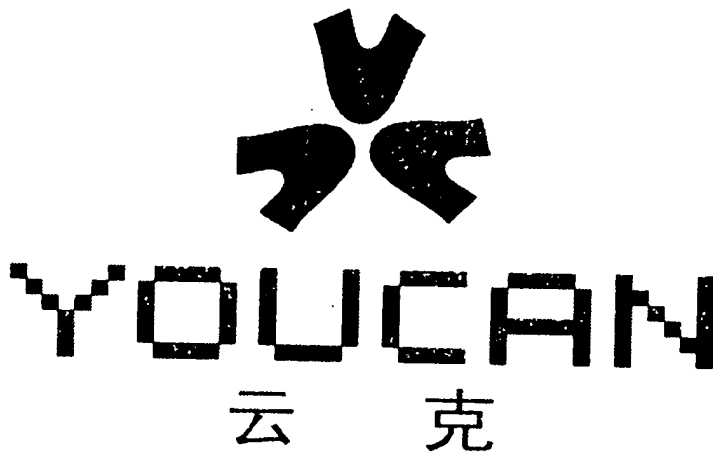
Address of the holder:

SHANG HAI SHI PU DONG XIN QU LAO GANG ZHEN NAN GANG GONG LU 1 7 6 5 HAO 6  
5 3 SHI CHINA

Goods/services: class 9

眼镜(光学); 眼镜架; 光学矫正透镜片(光); 眼镜盒; 太阳镜; 擦眼镜布; 眼镜; 隐形眼镜; 眼镜框; 护目镜;

Device:



Mark:

V

Date of application:

2006/04/07

Number of application:

5272250

Date of priority:

Date of registration:

2009/04/28

Number of registration:

Non-Madrid 5272250

Name of the holder:

AI AN MEI ( BEI JING ) WU LIAN JI SHU YOU XIAN GONG SI

Address of the holder:

BEI JING SHI CHAO YANG QU BA LI ZHUANG DONG LI 1 HAO B QU BAN GONG LOU 2  
CENG 2 0 6 CHINA

Goods/services: class 9

控制器; 传感器; 控制板(电); 热调节装置; 配电箱(电); 电缆; 调光器(电的); 变送器; 潜水装  
置; 电动调节设备;

Device:





Mark:

GLOBALORE

Date of application:

2010/03/16

Number of application:

8123719

Date of priority:

2009/09/16

Date of registration:

2014/01/07

Number of registration:

Non-Madrid 8123719

Name of the holder:

GLOBAL ORE PTE LTD

Address of the holder:

1 MARINA BOULEVARD,28-00 SINGAPORE 018989

Goods/services: class 35

提供计算机为基础的商业信息研究服务；商业信息服务；广告；商业管理辅助；商业专业咨询；统计资料汇编；人员招收；价格比较服务；投标报价；商业信息；提供关于商品价格的信息；提供关于编制商品价格指数的信息(以显示单位价格随时间的变化而变化)；提供在线商业信息；提供远期执行价格相关的在线商业信息；拍卖；计算机数据库信息编入；为零售目的在通讯媒体上展示商品；提供与铁矿石和铁矿石相关商品交易相关的在线商业信息；将金融信息编入计算机数据库；通过计算机数据库提供商业信息；与商业相关的统计资料汇编；货物展出；

Device:

GLOBALORE

Mark:

GLOBALORE

Date of application:

2010/03/16

Number of application:

8123720

Date of priority:

2009/09/16

Date of registration:

2011/08/07

Number of registration:

Non-Madrid 8123720

Name of the holder:

GLOBAL ORE PTE LTD

Address of the holder:

1 MARINA BOULEVARD,28-00 SINGAPORE 018989

Goods/services: class 36

金融资讯和辅助；金融估价；金融管理；通过全球性计算机网络提供金融交易的信息；商品经纪；商品经纪服务；基于商品价格对金融证券进行报价和交易的金融交易服务；提供实时变化的商品价格指数相关的金融信息；交易商经纪服务；金融中介服务；金融证券、大宗商品、期货、金融远期合约和金融衍生物的金融交易服务；提供与金融证券、大宗商品、期货、金融远期合约和金融衍生物相关的金融信息；提供金融信息；票据交换所(金融)；经纪；金融产品相关的经纪服务；提供与金融交易市场相关的金融服务；提供与金融交易市场相关的金融管理；提供与金融交易市场相关的金融咨询；证券交易行情；

Device:

GLOBALORE

Mark:

GLOBALORE

Date of application:

2010/03/16

Number of application:

8123721

Date of priority:

2009/09/16

Date of registration:

2011/07/28

Number of registration:

Non-Madrid 8123721

Name of the holder:

GLOBAL ORE PTE LTD

Address of the holder:

1 MARINA BOULEVARD,28-00 SINGAPORE 018989

Goods/services: class 38

信息、计算机程式和数据的电讯；电邮服务；即时通讯服务；提供计算机数据库接入服务；有关铁矿石及其相关产品和服务的线上信息传送；为铁矿石及其相关领域的商品和服务的买家和卖家通过全球计算机网络传送信息；铁矿石远期价格的线上信息传送；通过电子传输方式接收信息和数据；通过电子传输方式传送信息和数据；

Device:

GLOBALORE

## 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 preliminary 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 preliminary 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 action has been undertaken, except as otherwise provided for by law.