



Lena Shen



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China

Mostly Designated Countries for Madrid Application

Designated country	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
China	18,724	20,120	20,275	20,309	21,087	22,444
EU	16,344	16,889	17,598	17, 270	19,352	21,747
USA	15,890	16,411	17,322	17, 268	19,248	21,276
Russia	15,691	16,634	18,239	16, 573	14,805	14,855
Japan	12,211	12,493	13,179	12, 874	13,533	14,696
Switzerland	13,695	13,464	13,215	12, 759	13,071	14,122
Australia	10,453	10,753	11,675	11, 533	11,993	13,130
Korea	9,821	10,090	10,967	10, 402	10,456	11,271



TOP country to file IR

Original country	2011	2012	2013	2014	2015	2016
EU	5,859	6,333	7,444	7306		8526 (1)
USA	4,791	5,402	6,084	6654	7340	7856 (2)
Germany	5,000	4,408	4,514	4253	6831	4842 (3)
France	3,804	3,735	3,755	3474	4021	3796 (4)
Switzerland	2,933	2,778	2,976	3054	3051	2908 (6)
Italy	2,306	2,354	2,254	2189	2706	
China	2,149	2,100	2,273	2140	2401	3014(5)
Japan	1,538	2,054	1,845	2033	2205	
UK	1,129	1,559	1,562	1977	2730	
Benelux	1,920	1,755	1,916	1923		
Australia					2058	
Netherlands					1306	

Possible refusals you may receive from China Trademark Office regarding your Madrid application

Notification of EX Officio
Refusal



To file a review
application with TRAB
within 15 days upon
receipt

Notification of Provisional refusal
based on opposition



To file a response
with CTMO within
30 day upon receipt



By registered mail

Dr. Carmen Steiniger
Reichsstr. 37
09112 Chemnitz
Germany

Our reference:



Geneva, 26/06/2017

International registration No.



Madam,
Sir,

In accordance with Rule 17(4) of the Common Regulations, please find herewith a copy of a notification of provisional refusal of protection concerning the above-mentioned international registration.

Contracting Party whose Office issued the notification	: CN
Date on which the notification was sent to WIPO	: 31/05/2017
Date of receipt by WIPO	: 31/05/2017
Date of notification by WIPO to the holder	: 26/06/2017

International Bureau of the World Intellectual Property Organization (WIPO)



NOTIFICATION OF EX OFFICIO REFUSAL

Notified to the International Bureau of the World Intellectual Property Organization (WIPO) under Rule 17 (2) and 17 (5)(c) of the Common Regulations

NOTE: This notification of ex officio refusal shall be deemed to include a statement in accordance with Rule 18ter (2) (a) 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, Beijing, 100055
People's Republic of China
Tel: 8610-63219000



II. Date of the refusal pronounced: 2017/05/31

III. Our reference number: GJZCG [redacted] HYW01

IV. International registration number: [redacted]

V. Date of notification to China: 2016/07/14

VI. Basic national registration number: [redacted]
Basic national application number:

VII. The mark is refused for the following goods and/or services:
25:clothing; men's clothing; boxer shorts; dresses; women's briefs; inner soles; pocket squares; masquerade costumes; headgear for wear; shirts; trousers; jackets [clothing]; jerseys [clothing]; hoods [clothing]; ready-made linings [parts of clothing]; pockets for clothing; ready-made clothing; short-sleeve shirt; bibs, not of paper; leggings [trousers]; underwear; sweat-absorbent underclothing [underwear]; corselets; dressing gowns; caps [headwear]; outerclothing; ear muffs [clothing]; breeches for wear; overalls; dress shields; skirts; underpants; singlets for sports; undershirts for sports; headbands [clothing]; beach clothes; tight; togas; jumper dresses; knitwear [clothing]; tee-shirts; turbans; overcoats; uniforms; sweat-absorbent underclothing [underwear]; pants; waistcoats; babies' pants [clothing]; layettes [clothing].

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

X. Informations concerning the earlier mark(s):



Procedure of filing a review application against the ex officio refusal

Calculation of deadline: 30 days+3 months

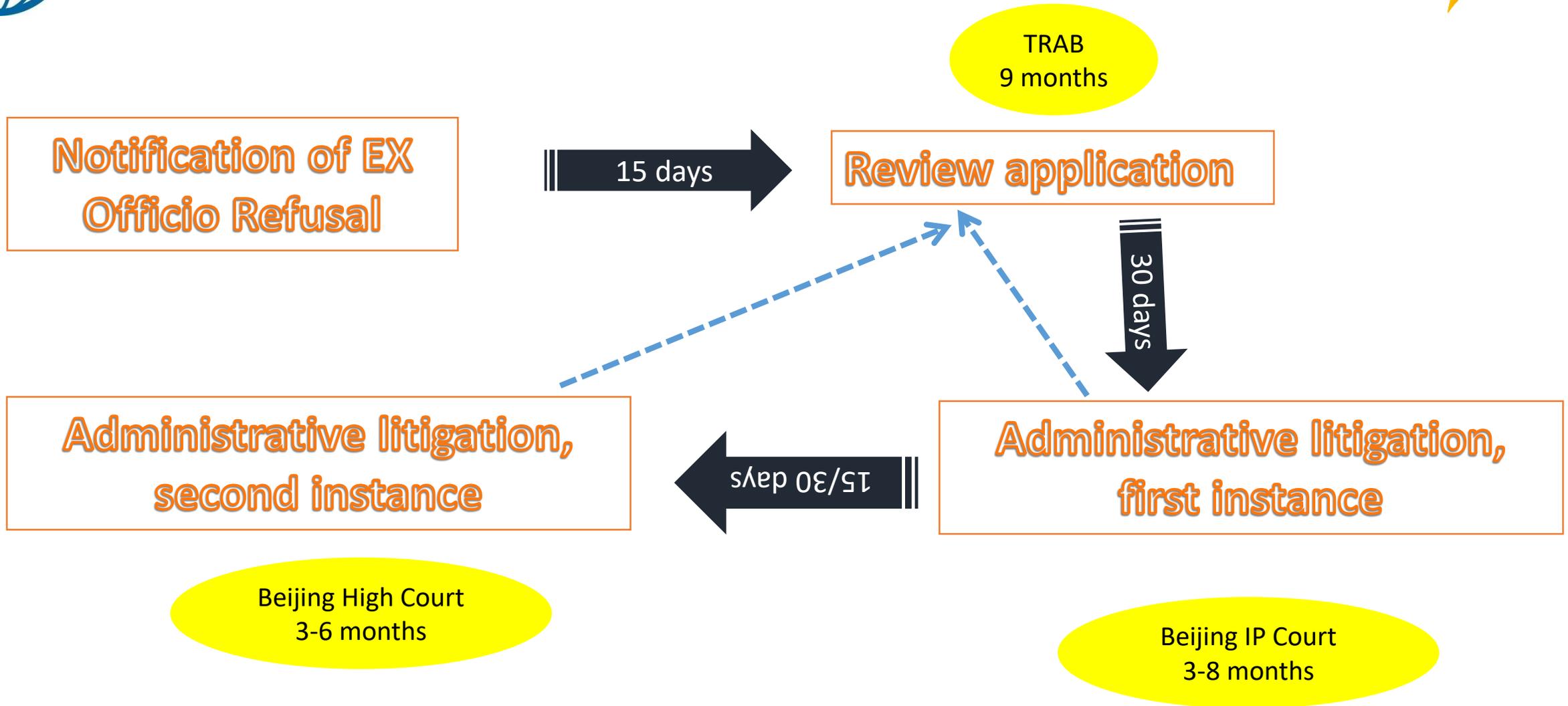
date of notification from WIPO to the holder + 30 days (15 days as response time and the other 15 days as delivery time);
after filing, there will be a 3-month period to submit supplemental documents.

Documents needed:

- (1) notification from WIPO
- (2) notification from CTMO
- (3) POA signed by the applicant
- (4) copy of the business registration certificate of the applicant



Whole procedure of review of refusal





APPLE

爱普

Applicant: APPLE AKTIEBOLAG

Address: LILLA BANTORGET 15, P.O.BOX 3692, SE-103 59 STOCKHOLM (SE)

Goods/services:

Class 3: cosmetic products

Class 9: software, computers, etc.

Class 29: candies and ice creams, etc.

class 35: retail and whole sale of cosmetic and candy products

	Mark	Applicant	Solution
Cited mark1	爱浦		A letter of consent
Cited mark2	苹果		To argue for difference or A letter of consent
Cited mark3		APPLE AB	To change name or submit explanation
Cited mark 4	 APPLE	APPLE AKTIEBOLAG Address: Johnson street, SE-104 59 STOCKHOLM (SE)	To update the address
Cited mark 5	爱普	APPLE (China) Co., Ltd. (Chinese subsidiary)	To be assigned
Absolute ground	Retail and whole sale services not acceptable		To file a new application in class 35 with alternative services; no need for review
Wrong classification	“candies and ice creams” do not belong to class 29		To change class with WIPO; no need for review

Class 35: Retail and wholesale services acceptable in China and alternative options

药用、兽医用、卫生用制剂和医疗用品的零售或批发服务	350108	retail or wholesale services for pharmaceutical, veterinary and sanitary preparations and medical supplies
药品零售或批发服务	C350009	retail or wholesale services for pharmaceutical
药用制剂零售或批发服务	C350010	retail or wholesale services for medical preparations
卫生制剂零售或批发服务	C350011	retail or wholesale services for health preparations
医疗用品零售或批发服务	C350012	retail or wholesale services for medical utensils
兽药零售或批发服务	C350013	retail or wholesale services for veterinary medicine
兽医用制剂零售或批发服务	C350014	retail or wholesale services for veterinary preparations

进出口代理	350005	import-export agency services
拍卖	350030	Auctioneering
替他人推销	350071	Sales promotion for others
替他人采购（替其他企业购买商品或服务）	350085	Procurement services for others [purchasing goods and services for other businesses]
市场营销	350106	marketing
电话市场营销	350107	telemarketing services
为商品和服务的买卖双方提供在线市场	350120	provision of an on-line marketplace for buyers and sellers of goods and services



What happened for partial refusal?

No matter the applicant files for a review application of the partial refusal or not, the trademark has been approved for registration on the un-refused goods/services.

Certified Copy of Registration

No trademark registration certificate is to be issued for an international registration. You will need to apply for a Certified Copy of Registration with CTMO if you want to enforce your trademark right in China or to prove your right ownership.



Certified copy of registration



EJZM20170000001097ZMZC01

商标注册证明

兹证明, [REDACTED]
S.L.在第1类商品上使用的“[REDACTED]”商标,已在我局注册。注册号为
[REDACTED]。有效期自2013年04月17日至2023年04月17日。

[REDACTED]

核定使用商品/服务
第1类: 供制作食品用的配料(截止)

特此证明。



1/1 发文编号: 出证20170000001097ZMZC



When to apply for the certified copy of registration

1. No refusal, no opposition: expiration of time limit for refusal (12 months or 18 months from WIPO notifying CTMO)
2. With review of refusal or opposition: when the review decision or opposition decision takes effect

When to be vulnerable for 3-year non-use cancellation

Three years after the date you may apply for the certified copy of registration



QUESTIONS?

Lena Shen

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