

Madrid System in Mainland China

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Agenda

- 1 An overview of Madrid system in mainland China
- 2 Some practical issues you need to know
- 3 A milestone case by Supreme Court in 2018

| Overview

1989

China became a member of Madrid Agreement

1995

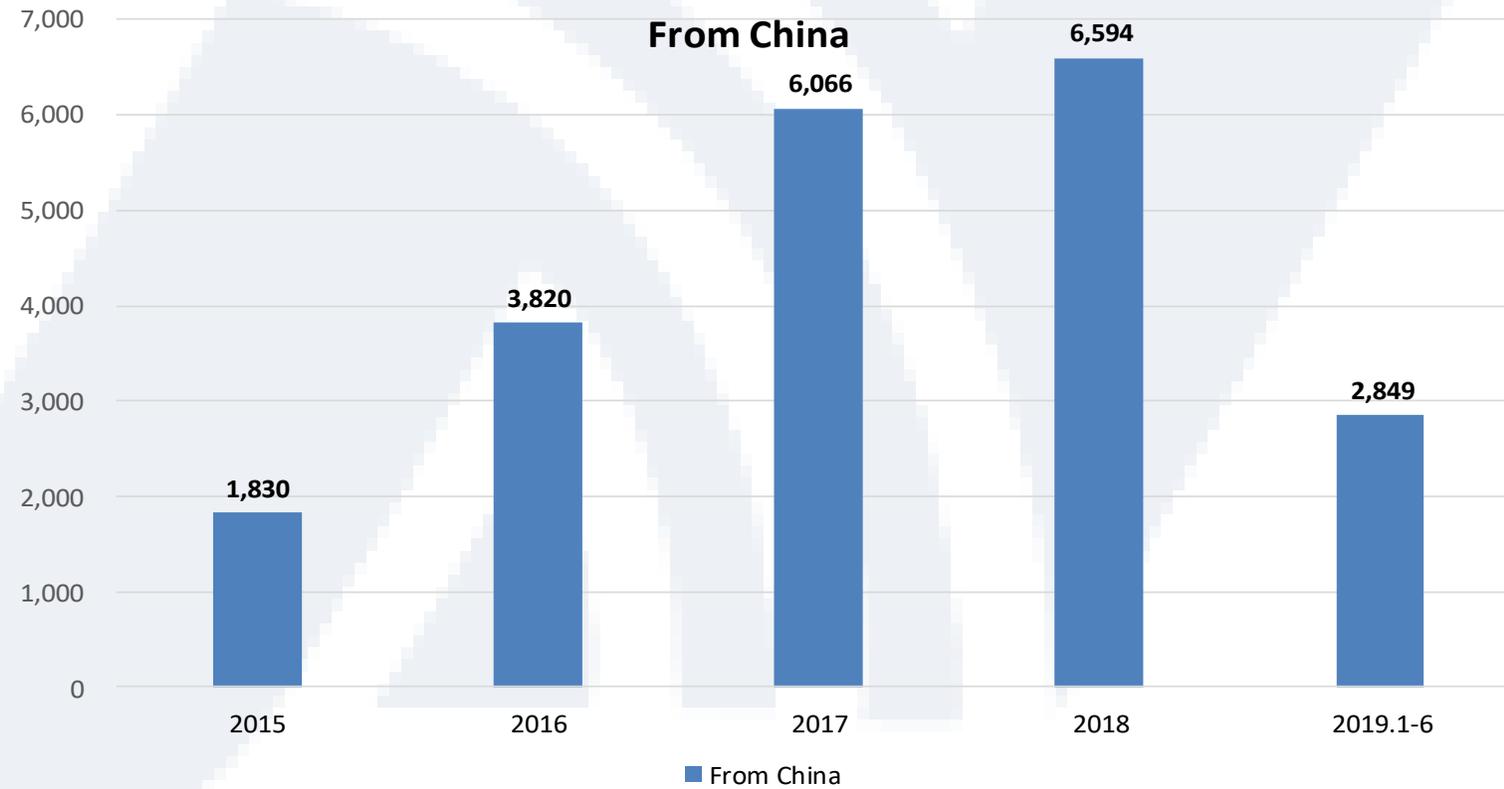
China became a member of Madrid Protocol



Madrid Applications Entering China



Madrid Applications from China



| Overview

2018

China is the most active filing country in recent years. In 2018, the total filings through Madrid by Chinese applicants is 6594, a 72.6% increase comparing with 2016, ranked the third in the world, after US and Germany.



| Practical issues

Protected scope

Subclass system in deciding similarity among goods/services

No official action available for amending the goods/service names to fit the classification requirement of subclass system.

CLARKE

Clarke

power tools

0742 metal cutting machines

0743 handheld tools, other than hand operated

Practical issues



STATEMENT OF GRANT OF PROTECTION

Notified to the International Bureau of
the World Intellectual Property Organization (WIPO)
under with Rule 18ter (1) of the Common Regulations

I. Office which pronounces the Statement:

Trademark Office
State Administration for Industry and Commerce
1, Chama Nanjie, Xichengqu,
Beijing, 100055
People's Republic of China

Tel: 8610-63219000

Fax: 8610-68050285

II. Date of the statement pronounced: 2019/02/02

III. Our reference number:

IV. International registration number: [REDACTED]

V. Date of notification to China: 2018/09/06

VI. Basic national registration number: [REDACTED]

Basic national application number: [REDACTED]

VII. Protection is granted to the mark that is the subject of this international registration for all the goods/services requested.



商标注册证明

兹证明, [REDACTED] 在第16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2018年08月11日至2028
年08月11日。

核定使用商品/服务

第16类: 不属别类的纸、卡片、纸板及其制品; 印刷品; 书籍装订材料; 照片; 文具用品; 文具或者家用粘合剂; 美术用品; 画笔; 打字机和办公用品(家具除外); 教育和教学用品(仪器除外); 包装用塑料材料(不属别类的); 印刷铅字; 印版(截止)

特此证明。



WWW.CMO.GOV.CN SBI.SAIC.GOV.CN 帮助 当前数据截至: (2019年09月09日)

商标信息 | 商标流程

商品/服务: 兽医服务; 医疗服务; 人类或动物的卫生及美容服务; 农业、园艺和林业服务; 查看详情

类别群: 4401-4402-4403-4404

申请/注册号	G977691	申请日期	2008年10月28日	国际分类	44
申请人名称 (中文)	[REDACTED]	申请人名称 (英文)	[REDACTED]	申请人地址 (中文)	[REDACTED]
申请人地址 (英文)	[REDACTED]				

初审公告期号: [REDACTED] 注册公告期号: [REDACTED] 是否有商标: 否

初审公告日期: [REDACTED] 注册公告日期: [REDACTED] 商标类型: 一般

专用权期限: 2018年08月11日至2028年08月11日 商标形式: [REDACTED]

国际注册日期: 2008年08月11日 后期指定日期: [REDACTED] 优先权日期: [REDACTED]

代理/办理机构: [REDACTED]

商标流程: [点击查看](#)

商标状态图标: LIVE/REGISTRATION/Issued and Active 注册

仅供参考, 不具有法律效力

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| Practical issues

No automatically issued registration certificate

For IR marks which extended to China, the China Intellectual Property Office does not issue registration certificate directly.

Applicants need to submit applications for issuing the certification of registration.

Practical Issues

Non-use cancellation procedure

- Direct Notification (with no clear deadline information) from CNIPA to registrant or registrant's agent recorded with WIPO
- No procedure available to record a local agency for a Madrid registration with CNIPA
- CNIPA will inform the local agent if any kind of application is filed with CNIPA for a Madrid registration through this local agent

Practical issues

Documents have to be submitted in appeal procedure

Applications for

Collective mark

Certification mark

Non-traditional mark

| A Milestone Case By Supreme Court in 2018

The Supreme Court Made a Public Hearing on the World IP Day of Dior's Three-dimensional Trademark Retrial Case Represented by NTD and Overturned the TRAB's Decision.



| A Milestone Case By Supreme Court in 2018

Mark:

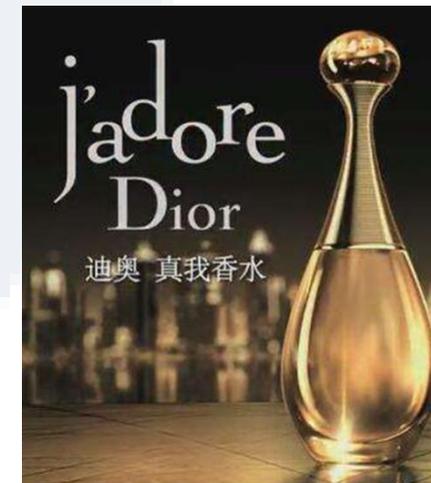


The nature of mark: Three-dimensional mark

Description of the mark: The mark is the form of fine and long " 8 ", for top with small a globe; the lower end is oval shape; of the circles. Long orment gold.

Class: 3

Goods: Perfumery, perfumes, eau de parfum, eau de toilette, eau-de-cologne, perfume extracts, scented body milks, scented oils and lotions for the body, shower perfumed lotions, perfumed shower gels, bath lotions, scented gels for the bath, scented soaps, scented shampoos; make-up for the face, eyes and lips; nail and nail care products.



| A Milestone Case By Supreme Court in 2018

China Trademark Office (“CTMO”) rejected the mark due to that the mark is not distinctive and the Trademark Review and Adjudication Board (“TRAB”) maintained the decision of the CTMO.

The CTMO and TRAB incorrectly considered that the mark is a normal mark rather than a three-dimensional mark.

The courts of first and second instance did not issue decisions in the favor of Dior. Then, Dior filed retrial petition before the Supreme Court.

| A Milestone Case By Supreme Court in 2018

The hearing mainly focused on two issues:

- whether the TRAB had procedural flaws in processing Dior's international application; and
- whether the 3D trademark for J'adore bottle is distinctive and registrable.



A Milestone Case By Supreme Court in 2018

After the court debate by both parties and an internal discussion by the collegial bench, the chief judge pronounced the judgment in court to: revoke the judgments made by the courts of the first and second instances, revoke the TRAB's decision, and demand the TRAB to make a new decision on this case. The judgment is final.

The court hearing also invited the envoys of relevant countries, news reporters at home and abroad and the public. After the trial the Counselor of French Embassy expressed his congratulations to NTD attorneys.



Thank You



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