



## WORLD INTELLECTUAL PROPERTY ORGANIZATION

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### MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS AND PROTOCOL RELATING THERETO

#### Declarations Made Under Rules 17(5)(e) and 20 *bis*(6)(b) of the Common Regulations under the Madrid Agreement and Protocol: China

1. In a notification addressed to the Director General of the World Intellectual Property Organization, China has made the following declarations, as provided for by the Common Regulations under the Madrid Agreement and Protocol:

– declaration under Rule 17(5)(e), according to which an *ex officio* provisional refusal notified to the International Bureau by the Office of China is not open to review before that Office. The effect of such declaration is that any *ex officio* notification of provisional refusal issued by the Office of China shall be **deemed to include the confirmation of the said refusal** (in the absence of the present declaration, such a confirmation should have been the subject of a subsequent and separate statement as provided for by Rule 17(5)(a)). *Ex officio* provisional refusals notified by the Office of China can only be contested before an authority external to the said Office;

– declaration under Rule 20 *bis*(6)(b), according to which the recording of licences in the International Register has no effect in that country. It follows that a holder or licensee should be aware that, as far as China is concerned, it serves no purpose to request the recording in the International Register of a licence relating to an international registration of a mark (such recording carrying no legal effect in that country as a result of the said declaration). Consequently, the formalities required for the recording in China of a licence relating to an international registration of a mark must be completed directly with the Office of China, according to the conditions laid down by the legislation of that country.

2. These two declarations entered into force on April 1, 2002.

April 17, 2002