

# Extrait du Registre International de Marques

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Le Bureau international de l'

## Organisation Mondiale de la Propriété Intellectuelle (OMPI)

certifie que :

les copies des publications et, le cas échéant, notifications de refus et d'invalidation ci-jointes correspondent aux inscriptions faites au registre international des marques à la date de signature du présent extrait conformément à l'Arrangement et au Protocole de Madrid

# 879 539



International Register

**Certified Copy**

The International Bureau of the  
World Intellectual Property Organization

Hongbing Chen  
Directeur de la Division des opérations du  
système de Madrid  
Service d'enregistrement de Madrid  
Secteur des marques et des dessins et modèles

Genève, le 11 mai 2022

Taxe : 165.- francs suisses





Notification

**879 539**

*Date d'enregistrement: 27 décembre 2005*  
*Date d'échéance: 27 décembre 2015*

Organisation Mondiale de la Propriété  
Intellectuelle  
34 chemin des Colombettes  
CH-1211 Genève 20  
(Suisse).

*Forme juridique du titulaire (personne morale) et lieu de  
constitution: Organisation Intergouvernementale.*



*Classification des éléments figuratifs:*  
16.3; 27.5.

*Liste des produits et services - NCL(8):*

- 9 Supports (autres que papier) pour visionnage par machines électroniques, y compris bandes magnétiques, disques optiques, DVD et CD-ROM, contenant des données bibliographiques et graphiques, de la documentation et des informations en matière de brevets d'invention, appareils et instruments d'instruction ou d'enseignement; programmes et logiciels informatiques enregistrés sur supports magnétiques ou optiques et contenant des informations destinées au domaine des brevets d'invention; publications électroniques (téléchargeables).
- 16 Manuels, imprimés et brochures; matériel d'instruction ou d'enseignement (à l'exception des appareils).

- 35 Services de travaux de bureaux concernant des banques de données (y compris données statistiques), en matière de mise à disposition de renseignements dans le domaine des brevets d'invention, y compris collecte, mise à jour, édition, formatage, élaboration et analyse de ces données.
- 38 Services de télécommunication concernant des banques de données, en matière de données relatives au domaine des brevets d'invention, y compris diffusion et transmission en ligne de ces données; fourniture d'accès utilisateur à des serveurs et bases de données; télécommunications par le biais de terminaux informatiques.
- 41 Services d'enseignement et de formation; organisation et animation de séminaires, présentations à des fins pédagogiques, conférences et enseignement dirigé; publication d'informations et de documentation; tous les services précités concernant le domaine des brevets d'invention.
- 42 Consultations juridiques et techniques dans le domaine des brevets d'invention, y compris services concernant le dépôt de demandes de brevets d'invention, analyse (scientifique, technique et technologique) des données (y compris données statistiques) dans le domaine des brevets d'invention.

*Enregistrement de base: Suisse, 19.07.2005, 538720.*

*Données relatives à la priorité selon la Convention de Paris: Suisse, 19.07.2005, 538720.*

*Désignations selon le Protocole de Madrid: Australie, Communauté européenne, États-Unis d'Amérique, Japon, République de Corée, Singapour.*

*Déclaration d'intention d'utiliser la marque: Singapour, États-Unis d'Amérique.*

*Date de notification: 20.04.2006*

*Langue de la demande internationale: Français*



Discovery House, Phillip ACT 2606  
PO Box 200, Woden ACT 2606  
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Facsimile +61-2 6283 7999  
Internet <http://www.ipaustralia.gov.au>  
ABN 38 113 072 755

03/05/2006

Organisation Mondiale de la Propriete Intellectuelle  
34 chemin des Colombettes  
CH-1211 Geneve 20  
SWITZERLAND

INTERNATIONAL REGISTRATION DESIGNATING AUSTRALIA (IRDA) -  
NOTICE OF ACCEPTANCE

RE: Trade Mark Application Numbers 1109287 (IR:879539) in the name of  
Organisation Mondiale de la Propriete Intellectuelle

The above International Registration Designating Australia  
has been accepted for protection for the following  
goods/services:

Class: 9

Media (other than paper) for viewing by means of electronic  
machines, including magnetic tapes, optical discs, DVDs and  
CD-ROMs, holding bibliographical and graphical data,  
documentation and information on patents of invention,  
instructional or teaching apparatus and instruments;  
computer programs and software stored on optical or  
magnetic media and containing information for the field of  
patents of invention; electronic publications  
(downloadable)

Class: 16

Manuals, printed matter and pamphlets; instructional and  
teaching material (except apparatus)

Class: 35

Clerical services for data banks (including statistical  
data), in connection with the provision of information in  
the field of patents of invention, including collection,  
updating, editing, formatting, development and analysis of  
such data

Class: 38

Telecommunications services for data banks, in connection  
with data in the field of patents of invention, including  
online distribution and transmission of such data;  
providing user access to servers and databases;  
telecommunications by means of computer terminals

Class: 41

Teaching and training services; arranging and conducting of  
seminars, presentations for teaching purposes, lectures and  
taught classes; publishing of information and  
documentation; all the above services in the field of  
patents of invention

Class: 42

Legal and technical advice in the field of patents of  
invention, including services for submitting applications  
for patents of invention, analysis (scientific, technical

Réponse à signer  
par M .....  
and Réponse à préparer  
par M .....  
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World Intellectual Property Organization



M .....  
Copie or information  
par M .....

and technological) of data (including statistical data) in the field of patents of invention

Once a trade mark is accepted, it must be advertised in our Official Journal of Trade Marks. Your trade mark will be advertised on 11/05/2006.

Within 3 months after advertisement (the "opposition period"), other people may oppose protection of your trade mark. If no one has opposed the protection of your trade mark by the end of the opposition period, your trade mark will be protected.

Note: If notice of opposition is filed you will be notified. You must supply an address for service in Australia within 3 months from the date on which the notice of opposition was filed in this Office.

Please read the following if a provisional refusal was issued in relation to this IRDA.

**NOTIFICATION OF FINAL DECISION OF REFUSAL BASED ON EXAMINATION**

Further to the full/partial provisional refusal that was issued on:

N/A

in respect of this IRDA. IP Australia advises that the IRDA has been accepted for protection in Australia for the above goods/services.

Yours faithfully

Registrar of Trade Marks  
IP Australia



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The International Bureau of the  
World Intellectual Property Organization

23/08/2006

International Bureau, WIPO  
34, chemin des Colombettes  
P.O. Box 18  
1211 Geneva 20,  
SWITZERLAND

NOTIFICATION OF PROTECTION BY IP AUSTRALIA IN ACCORDANCE WITH  
RULE 17(6) OF THE COMMON REGULATIONS UNDER THE MADRID AGREEMENT  
AND PROTOCOL

RE: International Registration No. 879539 / Trade Mark No. 1109287  
For the mark: (Words) PATENTSCOPE  
(Type X ) (Device desc) MAGNIFYING-GLASS LEAVES SHADOW  
Holder of the international registration:  
Organisation Mondiale de la Propriete Intellectuelle

The above international registration was published in the  
Official Journal of Trade Marks on 07/09/2006.

The Trade Mark is now protected in Australia.

Yours faithfully

Registrar of Trade Marks  
IP Australia



International Register  
**Certified Copy**

The International Bureau of the  
World Intellectual Property Organization

## UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/021840

APPLICANT: Organisation Mondiale de la Propriété; I ETC.

\*79021840\*

**CORRESPONDENT ADDRESS:**

Organisation Mondiale de la Propriété  
Intellectuelle  
34 chemin des Colombettes  
CH-1211 Genève 20 SWITZERLAND

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

MARK: PATENTSCOPE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

### OFFICE ACTION

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

**MAILING/E-MAILING DATE INFORMATION:** If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 79/021840

**INTERNATIONAL REGISTRATION NO. 0879539**

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. 15 U.S.C. §1141h(c).

**WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:**

Applicant may respond directly to this provisional refusal Office action, or applicant's attorney may respond on applicant's behalf. However, **the only attorneys who can practice before the United States Patent and Trademark Office (USPTO)** in trademark matters are:

- (1) **Attorneys in good standing with the bar of any U.S. federal court or the highest court of any U.S. state, and**
- (2) **Canadian attorneys who have applied for and received reciprocal recognition by the USPTO under 37 C.F.R. §10.14(c).**

37 C.F.R. §10.14; TMEP §602.



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Foreign attorneys are *not* permitted to practice before the USPTO, other than properly authorized Canadian attorneys. Preparing a paper, authorizing an amendment to an application, or submitting legal arguments in response to a requirement or refusal constitutes representation of a party in a trademark matter. *A response signed by an unauthorized foreign attorney will be considered an incomplete response.* TMEP §§602, 602.03, 603.05.

## THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:

The assigned examining attorney has reviewed the referenced application and determined the following.

### SEARCH OF THE OFFICE RECORDS

The trademark attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

### INFORMALITIES

Before the application can be considered further, the following informal issues must be addressed.

### IDENTIFICATION OF GOODS

#### Class 9

The wording "media (other than paper) for viewing by means of electronic machines, including magnetic tapes, optical discs, DVDs and CD-ROMs, holding bibliographical and graphical data, documentation and information on patents of invention, instructional or teaching apparatus and instruments; computer programs and software stored on optical or magnetic media and containing information for the field of patents of invention; electronic publications (downloadable)" in the identification of goods needs clarification because it is indefinite. Put another way, these goods are not definite and do not put the public on notice as to the precise nature of the goods. Applicant may change this wording to "media for viewing by means of electronic machines, namely, magnetic computer tapes, optical discs, DVDs and multimedia software recorded on CD-ROM all featuring bibliographical and graphical data, documentation and information on patents of invention, instructional or teaching apparatus and instruments in the field of \_\_\_\_\_ [*specify the field of the instruction or teaching apparatus and instruments*]; computer programs and software stored on optical or magnetic media for \_\_\_\_\_ [*specify the purpose of the programs and software, e.g. for use as a spread sheet*] in the field of patents of invention; downloadable electronic publications in NATURE OF \_\_\_\_\_ [*indicate specific nature of publication, e.g. magazine*] in the field of \_\_\_\_\_ [*indicate the field or subject matter of the publication*]," if accurate. TMEP §1402.01.

#### Class 16

The wording "Manuals, printed matter and pamphlets; instructional and teaching material (except apparatus)" in the identification of goods needs clarification because it is indefinite. Put another way, these goods are not definite and do not put the public on notice as to the precise nature of the goods. Applicant may change this wording to "Manuals, printed matter, namely, \_\_\_\_\_ [*specify the printed matter by their common commercial names, e.g. books*] and pamphlets in the field of \_\_\_\_\_ [*specify the field of the manual sand pamphlets*]; printed instructional teaching materials in the field of \_\_\_\_\_ [*specify area of use*]," if accurate.



In the identification, the applicant must use the common commercial names for the goods, be as complete and specific as possible and avoid the use of indefinite words and phrases. If the applicant chooses to use indefinite terms, such as “accessories,” “components,” “devices,” “equipment,” “materials,” “parts,” “systems” and “products,” then those words must be followed by the word “namely” and the goods listed by their common commercial names. TMEP §§1402.01 and 1402.03(a).

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71 (a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance regarding an acceptable listing of goods and/or services, please see the on-line searchable *Manual of Acceptable Identifications of Goods and Services*, at <http://www.uspto.gov/web/offices/tac/doc/gmanual/>.

## RECITATION OF SERVICES

### Class 35

- The wording “Clerical services for data banks (including statistical data), in connection with the provision of information in the field of patents of invention, including collection, updating, editing, formatting, development and analysis of such data” in the identification of services needs clarification because it is indefinite. Put another way, these goods are not definite and do not put the public on notice as to the precise nature of the goods. Applicant must amend this wording to specify the common commercial or generic name for the services. If there is no common commercial or generic name for the services, then applicant must describe the nature of the services as well as their main purpose, channels of trade, and the intended consumer(s). TMEP §1402.01.

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### Class 38

- The wording “Telecommunications services for data banks, in connection with data in the field of patents of invention, including online distribution and transmission of such data” in the identification of services needs clarification because it is indefinite. Put another way, these services are not definite and do not put the public on notice as to the precise nature of the services. Moreover, the term INCLUDING is indefinite. Applicant must amend this wording to specify the common commercial or generic name for the services. If there is no common commercial or generic name for the services, then applicant must describe the nature of the services as well as their main purpose, channels of trade, and the intended consumer(s). TMEP §1402.01.

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- The wording “providing user access to servers and databases; telecommunications by means of computer terminals” in the identification of services needs clarification because it is indefinite. Put another way, these goods are not definite and do not put the public on notice as to the precise nature of the goods. Applicant may change this wording to “providing multiple-user access to a global computer information network; and communications by computer terminals,” if accurate. TMEP §1402.01.

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### Class 41

- The wording “Teaching and training services; arranging and conducting presentations for teaching purposes, lectures and taught classes; publishing of information and documentation; all the above services in the field of patents of invention” in the identification of

services needs clarification because it is indefinite. Put another way, these goods are not definite and do not put the public on notice as to the precise nature of the goods. Applicant may change this wording to “Teaching and training in the fields of patents of invention; arranging and conducting of seminars in the field of patents of invention, presentations of live show performances for teaching purposes, educational services, namely, conducting lectures and classes in the field of patents of invention; publishing of \_\_\_\_\_ [*specify the material to be published by their common commercial names, e.g. books*] in the field of patents of invention,” if accurate. TMEP §1402.01.

#### Class 42

The wording “Legal and technical advice in the field of patents of invention, including services for submitting applications for patents of invention, analysis (scientific, technical and technological) of data (including statistical data) in the field of patents of invention” in the identification of services needs clarification because it is indefinite. Put another way, these goods are not definite and do not put the public on notice as to the precise nature of the goods. Applicant may change this wording to “Legal services and consulting in the fields of patent of invention, including services for submitting applications for patents of invention; and scientific, technical and technological analysis of data, namely, statistical data and \_\_\_\_\_ [*specify the other types of data*] in the field of patents of invention,” if accurate. TMEP §1402.01.

In the identification of services applicant must use the common commercial or generic names for the services, be as complete and specific as possible, and avoid the use of indefinite words and phrases. If applicant chooses to use indefinite words and phrases such as "services in connection with," "such as," "including," "and like services," "systems," "products," "concepts," or "not limited to," then such terms must be followed by the word "namely" and a list of the specific services identified by their common commercial or generic names. TMEP §§1402.01 and 1402.03(a).

Please note that, while the identification of services may be amended to clarify or limit the services, adding to the services or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include services that are not within the scope of the services set forth in the present identification.

For assistance regarding an acceptable listing of goods and/or services, please see the on-line searchable *Manual of Acceptable Identifications of Goods and Services*, at [http://www.uspto.gov/web/offices/tac/doc/gsmannual/](http://www.uspto.gov/web/offices/tac/doc/gsmmanual/).

#### CLARIFICATION REQUIRED RE: COLOR GRAY

Applicant has submitted a drawing showing the mark in the color gray, along with black and/or white, but has not specified whether gray is meant to be a color in the mark or the mark is intended to be represented in black and white. There are only two options for presenting the mark: (1) color drawings, and (2) black and white drawings. The appearance of gray has created an ambiguity as to whether the mark features color or is intended to be in black and white, and clarification is required. 37 C.F.R. §§2.52(b)-(b)(1); TMEP §807.07(e).

- (1) If **gray is not considered a color or a feature of the mark**, applicant must submit the following statement: **“The mark is not in color.”**
- (2) If **gray is considered a color and is a feature of the mark**, applicant must *submit a color claim and description* for all the colors in the mark, including black and white. The following format is suggested: **“The colors [specify gray and/or black and/or white] are claimed as a feature of the mark. The color [name of color] appears in the wording [indicate wording, as appropriate] and in the design [identify design element appropriate].”**



LEGAL ENTITY AND COUNTRY OF INCORPORATION REQUIRED

Applicant must specify its entity type and citizenship in English. For example, an applicant can apply as an individual, a partnership, a corporation or a joint venture. 37 C.F.R. §2.32(a)(3); TMEP §§803.03 *et seq.* If applicant is an individual, then applicant must indicate his or her national citizenship for the record. 37 C.F.R. §2.32(a)(3)(i). If applicant is a corporation or association, then applicant must set forth the U.S. state or country (for foreign applicants only) under whose laws applicant is organized. 37 C.F.R. §2.32(a)(3)(ii). If applicant is a partnership or joint venture, then applicant must list the names and the national citizenship or the U.S. state or country (for foreign applicants only) of organization or incorporation of all the general partners or joint venturers, as well as specify the state or country under whose laws the partnership or joint venture is organized. 37 C.F.R. §§2.32(a)(3)(ii) and (iii).

NOTE:

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.

/William H. Dawe, III/  
 Trademark Attorney  
 Law Office 108  
 (571) 272-9337 voice  
 (571) 273-9337 fax

**HOW TO RESPOND TO THIS OFFICE ACTION:**

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**



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## FINAL DISPOSITION ON EXTENSION OF PROTECTION

The table below presents the data as entered.

Input Field	Entered
<b>IDENTIFICATION SECTION</b>	
INTERNATIONAL REGISTRATION NUMBER	0879539
OFFICE REFERENCE	79021840
ORIGINAL LANGUAGE CODE	ENGLISH
<b>FILE SECTION</b>	
FILE SPECIFICATION OF THE DOCUMENT	The legal letter below is sent to IB
<b>GOODS AND SERVICES SECTION</b>	
NICE CLASS NUMBER	09
LIMITED LIST	List limited to
GOODS AND SERVICE TERMS IN ORIGINAL LANGUAGE	Media for viewing by means of electronic machines, namely, magnetic computer tapes, optical discs, DVDs and multimedia software recorded on CD-ROM, all featuring bibliographical and graphical data, documentation and information on patents of invention; instructional or teaching apparatus and instruments in the field of patents of invention; computer programs and software stored on optical or magnetic media for online distribution and transmission of patent data and statistical data in the field of patents of invention; downloadable electronic publications in the nature of patent-related documents and data
NICE CLASS NUMBER	16
LIMITED LIST	List limited to
GOODS AND SERVICE TERMS IN ORIGINAL LANGUAGE	Manuals and printed matter, namely, reviews, magazines, newsletters, research papers, leaflets, reports and pamphlets, in the field of patents of invention; printed instructional and teaching materials in the field of patents of invention
NICE CLASS NUMBER	35
LIMITED LIST	List limited to
GOODS AND SERVICE TERMS IN ORIGINAL LANGUAGE	Clerical services for data banks in connection with the provision of information in the field of patents of invention, namely, collection, updating, editing, formatting, development and analysis of patent data and statistical data, in the field of patents of invention

NICE CLASS NUMBER	38
LIMITED LIST	List limited to
GOODS AND SERVICE TERMS IN ORIGINAL LANGUAGE	telecommunications services for data banks in connection with data in the field of patents of invention, namely, electronic transmission of data and documents, namely, published filing and filing related patent and Patent Cooperation Treaty data and statistics via a global communications network
NICE CLASS NUMBER	41
LIMITED LIST	List limited to
GOODS AND SERVICE TERMS IN ORIGINAL LANGUAGE	Teaching and training in the field of patents of invention; arranging and conducting seminars in the field of patents of invention; presentation of live show performances for teaching purposes in the field of patents of invention; educational services, namely, conducting lectures and classes in the field of patents of invention; publishing of reviews, magazines, newsletters, research papers, leaflets, reports and pamphlets, in the field of patents of invention
NICE CLASS NUMBER	42
LIMITED LIST	List limited to
GOODS AND SERVICE TERMS IN ORIGINAL LANGUAGE	Legal services and consulting in the field of patents of invention, including services for submitting applications for patents of invention; scientific, technical and technological analysis of data, namely, patent data and statistical data in the field of patents of invention
<b>INSTRUCTIONS SECTION</b>	
FREE TEXT PROCESSING INSTRUCTIONS	Registration of REP Application



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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
www.uspto.gov

**Notification of Withdrawal of Provisional Refusal  
by the United States Patent & Trademark Office  
According to Rule 17(5)(a)(iii) of the Common Regulations**

The United States Patent and Trademark Office hereby notifies the International Bureau of the GRANT OF PROTECTION in the United States for:

**International Registration No.:** 0879539  
**Holder:** Organisation Mondiale de la Propriété  
**Mark:** PATENTSCOPE

Application Serial No. 79021840 was registered by the USPTO on July 17, 2007. The registration number is 3265306.

The grant of protection applies to the goods and/or services listed below:

International Class: 09

Goods and Services: Media for viewing by means of electronic machines, namely, magnetic computer tapes, optical discs, DVDs and multimedia software recorded on CD-ROM, all featuring bibliographical and graphical data, documentation and information on patents of invention; instructional or teaching apparatus and instruments in the field of patents of invention; computer programs and software stored on optical or magnetic media for online distribution and transmission of patent data and statistical data in the field of patents of invention; downloadable electronic publications in the nature of patent-related documents and data

International Class: 16

Goods and Services: Manuals and printed matter, namely, reviews, magazines, newsletters, research papers, leaflets, reports and pamphlets, in the field of patents of invention; printed instructional and teaching materials in the field of patents of invention

International Class: 35

Goods and Services: Clerical services for data banks in connection with the provision of information in the field of patents of invention, namely, collection, updating, editing, formatting, development and analysis of patent data and statistical data, in the field of patents of invention

International Class: 38

Goods and Services: telecommunications services for data banks in connection with data in the field of patents of invention, namely, electronic transmission of data and documents, namely, published filing and filing related patent and Patent Cooperation Treaty data and statistics via a global communications network

International Class: 41

Goods and Services: Teaching and training in the field of patents of invention; arranging and



conducting seminars in the field of patents of invention; presentation of live show performances for teaching purposes in the field of patents of invention; educational services, namely, conducting lectures and classes in the field of patents of invention; publishing of reviews, magazines, newsletters, research papers, leaflets, reports and pamphlets, in the field of patents of invention

International Class: 42

Goods and Services: Legal services and consulting in the field of patents of invention, including services for submitting applications for patents of invention; scientific, technical and technological analysis of data, namely, patent data and statistical data in the field of patents of invention



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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

#### Notification of Total Invalidation

**Statement sent to the International Bureau of the World Intellectual Property Organization (WIPO) in accordance with Rule 19 of the Common Regulations under the Madrid Agreement and Protocol.**

International Reg. No.: 0879539  
Holder: Organisation Mondiale de la Propriété Intellectuelle  
Mark: PATENTSCOPE

By this notification, the United States Patent and Trademark Office (USPTO) hereby asserts that the effects of the international registration above are invalidated with respect to the United States of America.

The invalidation was pronounced by the Director of the USPTO pursuant to Section 71 of the U.S. Trademark Act after the holder failed to comply with the statutory requirements regarding the filing of an affidavit of continued use or excusable nonuse in the time allowed for the corresponding registered extension of protection, U.S. Registration No. 3265306. 15 U.S.C. §1141k. The effective date of the invalidation is February 21, 2014.

The invalidation is no longer subject to appeal.

Sincerely,

Janet Briscoe/  
Madrid Processing Unit  
Trademark Specialist



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The International Bureau of the  
World Intellectual Property Organization

Japan Patent Office (JPO)  
4-3, Kasumigaseki 3-chome  
Chiyoda-ku  
Tokyo 100-8915  
JAPAN



日本国特許庁  
〒100-8915  
東京都千代田区霞が関3-4-3

## NOTIFICATION OF PROVISIONAL REFUSAL

This notification is issued by the Japan Patent Office (JPO) in accordance with Rule 17(1) and (2) of the Common Regulations under the Madrid Agreement concerning the International Registration of Marks and the Protocol relating to that Agreement and Section 15-2 and 15-3 of the Japanese Trademark Law.

I. International registration number: 879539  
 Mark: PATENTSCOPE (with figurative elements)  
 Date of international registration: 2005/12/27  
 Holder of the international registration:  
 Organisation Mondiale de la Propriété Intellectuelle

II. This trademark application\* shall be totally refused protection. The grounds for refusal are indicated under Item V. A copy of the corresponding provisions of the Japanese Trademark Law is attached to this notification.

III. This refusal is issued on February/13/2007 by

AONO Noriko (Ms.)  
 Examiner  
 Madrid Protocol Division  
 Facsimile: +81-3-3593-2398  
 Telephone: +81-3-3501-2392

IV. The trademark of this application can be protected subject to amendments to be made by the holder of the international registration as suggested under Item VI. The amendment must be made through the intermediary of a representative domiciled in Japan within three months from the date of pronouncement, as indicated below. If any, the holder may submit to the JPO a written opinion against this provisional refusal through the intermediary of a representative domiciled in Japan by the same date. Alternatively, the holder may request a limitation of the list of goods and/or services in accordance with Rule 25(1)(a) of the Common Regulations. This request must be presented to the International Bureau of WIPO by Official Form MM6.

\* A request for territorial extension to Japan under the Protocol relating to the Madrid Agreement is deemed as a trademark application made in Japan in accordance with Section 68-9 of the Japanese Trademark Law.



## Continuation sheet

## V. The grounds for refusal

## Ground 1

This application does not conform to the requirements provided for under Section 6(1) of the Trademark Law because some of the designated goods and services are inappropriately described in this application in a vague/broad manner(see below).

[vague/broad description]

- Class 09 Media (other than paper) for viewing by means of electronic machines, including magnetic tapes.
- Class 35 Clerical services for data banks (including statistical data), in connection with the provision of information in the field of patents of invention, including collection, updating, editing, formatting, development and analysis of such data.
- Class 38 Providing user access to servers and databases.
- Class 41 Arranging and conducting of seminars, presentations for teaching purposes, lectures and taught classes; publishing of information and documentation.
- Class 42 Analysis (scientific, technical and technological) of data (including statistical data) in the field of patents of invention.

## Ground 2

With regard to "legal and technical advice in the field of patents of invention, including services for submitting applications for patents of invention," designated in class 42, the trademark of this application does not conform to the requirements (a trademark shall be used with respect to goods and services in connection with his/her business) as provided in the main paragraph of Section 3(1) of the Trademark Law because it is uncertain as to whether the applicant is qualified for undertaking such services, which is to be undertaken by qualified individuals and firms in Japan, such as a lawyer and qualified corporation. To this end, it is requested that the said services shall be deleted from the list of the designated services.

VI. The trademark of this application will be protected if the goods and services are amended/limited as follows: (Examples are underlined.)

Class 16 remains unchanged.

- 9 Media (other than paper) for viewing by means of electronic machines, namely, magnetic data media, magnetic tapes, optical discs, DVDs and CD-ROMs, holding bibliographical and graphical data, documentation and information on patents of invention, instructional or teaching apparatus and instruments; computer programs and software stored on optical or magnetic media and containing information for the field of patents of invention; electronic publications (downloadable).
- 35 Clerical services for data banks (including statistical data), in connection with the provision of information in the field of patents of invention, including collection, editing of such data.
- 38 Telecommunications services for data banks, in connection with data in the field of patents of invention, including online distribution and transmission of such data; Providing user access to a global computer network [service providers]; telecommunications by means of computer terminals.
- 41 Teaching and training services; arranging and conducting of seminars, presentations for teaching purposes, lectures and instructional classes; publication of books, electronic desktop publishing; all the above services in the field of patents of invention.
- 42 Legal research and technical research, namely, analysis (scientific, technological) of data (including statistical data) in the field of patents of invention.



# Extract from the Japanese Trademark Law

## Art. 3. Requirements for trademark registration

(1) Any trademark to be used in connection with goods or services pertaining to the business of an applicant may be registered, unless the trademark:

- (i) consists solely of a mark indicating, in a common manner, the common name of the goods or services;
- (ii) is customarily used in connection with the goods or services;
- (iii) consists solely of a mark indicating, in a common manner, in the case of goods, the place of origin, place of sale, quality, raw materials, efficacy, intended purpose, quantity, shape (including shape of packages), price, the method or time of production or use, or, in the case of services, the location of provision, quality, articles to be used in such provision, efficacy, intended purpose, quantity, modes, price or method or time of provision;
- (iv) consists solely of a mark indicating, in a common manner, a common surname or name of a legal entity;
- (v) consists solely of a very simple and common mark; or
- (vi) in addition to what is listed in each of the preceding items, a trademark by which consumers are not able to recognize the goods or services as those pertaining to a business of a particular person.

(2) Notwithstanding the preceding paragraph, a trademark that falls under any of Items (iii) through (v) of the preceding paragraph may be registered if, as a result of the use of the trademark, consumers are able to recognize the goods or services as those pertaining to a business of a particular person.

## Art. 4. Unregistrable trademarks

(1) Notwithstanding the preceding article, no trademark shall be registered if the trademark:

- (i) is identical with, or similar to, the national flag, the imperial chrysanthemum crest, a decoration, a medal or a foreign national flag;
- (ii) is identical with, or similar to, the coats of arms or any other State emblems (except national flags of any country of the Union to the Paris Convention, member of the World Trade Organization or Contracting Party to the Trademark Law Treaty) of a country of the Union to the Paris Convention (refers to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at the Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958 and at Stockholm on July 14, 1967, the same shall apply hereinafter), a member of the World Trade Organization or a Contracting Party to the Trademark Law Treaty designated by the Minister of Economy, Trade and Industry;
- (iii) is identical with, or similar to, a mark indicating the United Nations or any other international organization which has been designated by the Minister of Economy, Trade and Industry;
- (iv) is identical with, or similar to, the emblems or titles in Article 1 of the Law Concerning Restriction on the Use of Emblems and Titles of the Red Cross and Others (Law No.159 of 1947) or the distinctive emblem in Article 158(1) of the Law Concerning Measures to Protect Japanese Citizens During Armed Attacks and Others (Law No.112 of 2004);
- (v) consists of a mark identical with, or similar to, an official hallmark or sign indicating control or warranty by the national or a local government of Japan, a country of the Union to the Paris Convention, a member of the World Trade Organization or a Contracting Party to the Trademark Law Treaty which has been designated by the Minister of Economy, Trade and Industry, if such a trademark is used in connection with goods or services identical with, or similar to, the goods or services in connection with which the hallmark or sign is used;
- (vi) is identical with, or similar to, a famous mark indicating the State, a local government, an agency thereof, a non-profit organization undertaking a business for public interest, or a non-profit enterprise undertaking a business for public interest;
- (vii) is likely to contravene public order or morality;
- (viii) contains the portrait, name of another person, famous pseudonym, professional name, pen name or famous abbreviation thereof (except those the registration of which has been approved by the person concerned);
- (ix) is comprised of a mark identical with, or similar to, a prize awarded at an exhibition held by the national or a local government (hereinafter referred to as "Government, etc.") or by those who are not the Government, etc. but designated by the Commissioner of the Patent Office, or at an international exhibition held in a foreign country by the Government, etc. of the foreign country or those authorized thereby (except those used by the recipient of such a prize as part of his/her own trademark);
- (x) is well known among consumers as that indicating goods or services in connection with another person's business or a trademark similar thereto, if such a trademark is used in connection with such goods or services or goods or services similar thereto;
- (xi) is identical with, or similar to, another person's registered trademark which has been filed prior to the filing date of an application for registration of the said trademark, if such a trademark is used in connection with the designated goods or designated services in connection with which the said registered trademark is registered (refers to goods or services designated in accordance with Article 6(1) (including cases where it is applied mutatis mutandis pursuant to Article 68(1)), hereinafter the same) or goods or services similar thereto;
- (xii) is identical with a registered defensive mark of another person (refers to a mark registered as a defensive mark, the same shall apply hereinafter), if such a trademark is used in connection with designated goods or designated services in connection with which the defensive mark is registered;
- (xiii) is a trademark of another person (excluding those which had not been used by the said person for a period of one year or longer from the date the trademark right became extinguished) the right to which has been extinguished for a period of shorter than one year from the date of the extinguishment of the said trademark right (or the date on which a ruling to the effect that the trademark registration is to be rescinded or a trial decision to the effect that the trademark registration is to be invalidated is rendered, the same shall apply hereinafter) or a trademark similar thereto, if such a trademark is used in connection with the designated goods or designated services in connection with the trademark right of such other person or goods or services similar thereto;
- (xiv) is identical with, or similar to, the name of a variety registered in accordance with Article 18(1) of the Agricultural Seed and Seedlings Law (Law No. 83 of 1998), if such a trademark is used in connection with the variety or goods or services similar thereto;
- (xv) is likely to cause confusion in connection with the goods or services pertaining to a business of another person (except those listed in items (x) to (xiv) inclusive);
- (xvi) is likely to cause confusion as to the quality of the goods or services;
- (xvii) is comprised of a mark indicating a place of origin of wines or spirits of Japan which has been designated by the Commissioner of the Patent Office, or a mark indicating a place of origin of wines or spirits of a member of the World Trade Organization which is prohibited by the said member from being used on wines or spirits not originating from the region of the said member, if such a trademark is used in connection with wines or spirits not originating from the region in Japan or of the said member;
- (xviii) consists solely of a three-dimensional shape of goods or their packaging which is indispensable for such goods or their packaging to properly function; or
- (xix) is identical with, or similar to, a trademark which is well known among consumers in Japan or abroad as that indicating goods or services pertaining to a business of another person, if such trademark is used for unfair purposes (referring to the purpose of gaining unfair profits, the purpose of causing damage to the other person, or any other unfair purposes, the same shall apply hereinafter) (except those provided for in each of the preceding items);

(2) Where the State or a local government, an agency thereof, a non-profit organization undertaking a business for public interest, or a person undertaking a non-profit activity for public interest files an application for trademark registration falling under the said item, Item (vi) of the preceding paragraph shall not apply.

(3) Items (vii), (x), (xv), (xvii) and (xix) of Paragraph (1) shall not apply to a trademark falling under any of the said items which does not fall under the said item at the time of filing of an application for trademark registration.

(4) Where a trial decision to the effect that a registration of a trademark is to be rescinded pursuant to Article 53-2 becomes final and conclusive, and the demandant of the said trial files a trademark application for the trademark pertaining to the rescinded registration following the said decision, or a trademark similar thereto, Item (xii) of Paragraph (1) shall not apply.

## Art. 6. Single trademark on each application

- (1) An application for trademark registration shall be filed for each trademark and designate one or more goods or services in connection with which the trademark is to be used.
- (2) The designation provided for in the preceding paragraph shall be made in accordance with classifications of goods and services specified by Cabinet Order.
- (3) The classifications of goods and services provided for in the preceding paragraph shall not be perceived as prescribing the scope of similarities of goods or services.

## Art. 7. Collective trademarks

- (1) Any incorporated association established pursuant to Article 34 of the Civil Code (Law No. 89 of 1896), any other incorporated association (except those which are not legal entities or corporations), or other association established pursuant to a special law including business cooperative (except those which are not legal entities), or a foreign legal entity equivalent thereto shall be entitled to obtain a collective trademark registration with respect to a trademark to be used by their members.
- (2) For the purpose of the application of Article 3(1), in the case of the preceding paragraph, "applicant" in the said Article shall read "applicant or its members."
- (3) Any person who desires to register a collective trademark pursuant to Paragraph (1) shall, at the time of filing of an application for trademark registration pursuant to Article 5(1), submit to the Commissioner of the Patent Office a document certifying that the applicant for trademark registration is a legal entity that falls under Paragraph (1).

## Art. 7-2. Regionally based collective trademark

- (1) Any association established by special law, including a business cooperative (except those which are not legal entities and limited to those which are established by a special law prescribing that the association shall not refuse the enrollment of any person who is eligible to become a member without a justifiable reason or that the association shall not impose on any of its prospective members any condition that is heavier than those imposed on its existing members) or a foreign legal entity equivalent thereto (hereinafter referred to as an "Association, etc.") shall be entitled to obtain a regionally based collective trademark with respect of any of the following, provided that the trademark is used by its members and, as a result of the use of the said trademark, the said trademark is well known among consumers as indicating the goods or services pertaining to the business of the applicant or its members, notwithstanding the provision of Article 3 (except a case falling under item (i) or (ii) of Article 3(1)):

- (i) a trademark consisting solely of characters indicating, in a common manner, the name of the region and the common name of the goods or services pertaining to the business of the applicant or its members;
- (ii) a trademark consisting solely of characters indicating, in a common manner, the name of the region and the name customarily used as a name indicating the goods or services pertaining to the business of the applicant or its members; or
- (iii) a trademark consisting solely of characters indicating, in a common manner, the name of the region and the common name of the goods or services pertaining to the business of the applicant or its members or the name customarily used as a name indicating thereof, and characters customarily added in indicating, in a common manner, the place of origin of the goods or the location of provision of the services.

(2) The term "name of the region" as used in the preceding paragraph shall mean the place of origin of the goods or the location of provision of services for which the trademark pertaining to the said application has been used by the applicant or its members even prior to the filing of such application, or the name or abbreviated name of the region which is considered to have a close relationship with the said goods or services to the equivalent extent.

(3) For the purpose of the application of Article 3(1) (limited to those relating to item(i) and (ii)) in the case of Paragraph (1), "applicant" in the said Paragraph shall read "applicant or its members."

(4) Any person who desires to register a regionally based collective trademark pursuant to Paragraph (1) shall, at the time of filing of an application for trademark registration pursuant to Article 5(1), submit to the Commissioner of the Patent Office a document certifying that the applicant for trademark registration is an Association, etc. and documents necessary to prove that the trademark for which the registration is sought contains the name of a region as set forth in Paragraph (2).

## Art. 8. Prior application

- (1) Where two or more applications for trademark registration relating to identical or similar trademarks which are to be used in connection with identical or similar goods or services have been filed on different dates, only the applicant who filed the application for trademark registration on the earlier date shall be entitled to register the trademark in question.
- (2) Where two or more applications for trademark registration relating to identical or similar trademarks which are to be used in connection with identical or similar goods or services have been filed on the same date, only one applicant shall be entitled to register the trademark in question, to be determined by consultations between the applicants who filed such applications.
- (3) Where an application for trademark registration is abandoned, withdrawn or dismissed, or an examiner's decision or a trial decision on an application for trademark registration becomes final and conclusive, such application shall, for the purposes of the application of the preceding two paragraphs, be deemed never to have been filed.
- (4) In the case of Paragraph (2), the Commissioner of the Patent Office shall require the applicants for trademark registration to arrange consultations between the applicants as set forth in the said Paragraph and to report the result thereof, designating a reasonable time limit for such purpose.
- (5) Where no agreement is reached in the consultations held pursuant to Paragraph (2) or no report is submitted within the designated time limit set forth in the preceding Paragraph, only one applicant, selected by a lottery in a fair and just manner conducted by the Commissioner of the Patent Office, shall be entitled to register the trademark in question.

## Art. 15. Examiner's decision of refusal

Where an application for trademark registration falls under any of the following items, the examiner shall render a decision to the effect that the application is to be refused:

- (i) the trademark pertaining to an application for trademark registration is not registrable pursuant to the provisions of Articles 3, 4(1), 7-2(1), 8(2), 8(5), 51(2) (including the case of its mutatis mutandis application under Article 52-2(2)), 53(2) of this Law or Article 25 of the Patent Law as applied mutatis mutandis under 77(3) of this Law;
- (ii) the trademark pertaining to an application for trademark registration is not registrable pursuant to the provisions of a relevant treaty; or
- (iii) the application for trademark registration does not comply with the requirements provided in Article 6(1) or 6(2).

## Art. 15-3.

- (1) Where a trademark pertaining to an application for trademark registration is identical with, or similar to, another person's trademark pertaining to an application for trademark registration filed prior to the filing date of the said application, if the said trademark is intended to be used for goods or services identical with, or similar to, the designated goods or designated services pertaining to such other person's trademark, the examiner may notify the applicant for trademark registration of the fact that the said application for trademark registration will fall under Article 15(1) when the said other person's trademark is registered, and provide the applicant with an opportunity to submit a written opinion, designating a reasonable time limit for such purpose.
- (2) Where the notification set forth in the preceding paragraph has already been served and the said other person's trademark is registered, the examiner shall not be required to serve the notification set forth in the preceding article.

## I. The Japanese Patent Law

(Effect of treaties)

26- Where there are specific provisions relating to patents in a treaty, such provisions shall prevail.

## The Japanese Trademark Law

(Application mutatis mutandis of Patent Law)

77-(4) Section 26 (effect of treaties) of the Patent Law shall apply mutatis mutandis to trademark and defensive mark registrations.

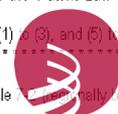
Subsection (1) (3), and (5) (7)

## Notice

With the revision of the Trademark Law, Article 7-2 (1) was added in Article 15.

This revision shall be applied to an international application for which the date of international registration or date of subsequent designation is on or after April 1, 2006.

These are unofficial translations. Only the original Japanese texts of the Laws have legal effect.



International Register  
Certified Copy

The International Bureau of the  
World Intellectual Property Organization

THE PROTOCOL RELATING TO THE MADRID AGREEMENT  
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

STATEMENT OF WITHDRAWAL OF PROVISIONAL REFUSAL

notified to the International Bureau of the World Intellectual Property Organization in accordance with  
Article 5 of the Madrid Protocol and Rule 17(5)(a)(ii) of the Common Regulations.

I. Office sending the statement:

Japan Patent Office (JPO)

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II. International registration number: 879539

Mark: PATENTSCOPE (with figurative elements)

Date of international registration: 2005/12/27

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III. Holder of the international registration:

Organisation Mondiale de la Propriété Intellectuelle

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IV. Statement indicating that the mark is protected for all the goods and/or services.

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V. Date on which the statement was sent: 2008/03/13

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VI. Signature or official seal by the office:



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World Intellectual Property Organization



## Notification

**879 539** (PATENTSCOPE). Organisation Mondiale de la Propriété Intellectuelle, CH-1211 Genève 20 (Suisse).

*Désignations concernées:* Japon.

*Limitation de la liste des produits et services:*

Liste limitée à:

- 9 Supports (autres qu'en papier) conçus pour visualiser au moyen de machines électroniques, à savoir supports de données magnétiques, bandes magnétiques, disques optiques, DVD et CD-ROM, contenant des données bibliographiques et graphiques, de la documentation et des informations sur les brevets d'invention, appareils et instruments didactiques ou pédagogiques; programmes et logiciels informatiques enregistrés sur des supports optiques ou magnétiques et contenant des informations relatives aux brevets d'invention; publications électroniques (téléchargeables).
- 35 Services de bureau destinés aux banques de données (y compris données statistiques), en rapport avec la fourniture d'informations dans le domaine des brevets d'invention, notamment recueil et publication de ces données.
- 38 Services de télécommunications destinés aux banques de données, en rapport avec des données dans le domaine des brevets d'invention, notamment diffusion et transmission en ligne de ces données; fourniture d'accès utilisateur à un réseau télématique mondial (prestataires de services); télécommunications au moyen de terminaux informatiques.
- 41 Services d'enseignement et de formation; organisation et conduite de séminaires, présentations à caractère didactique, conférences et cours d'enseignement; publication de livres, éditique; tous les services précités dans le domaine des brevets d'invention.
- 42 Recherche technique et juridique, à savoir analyse (scientifique, technique et technologique) de données (notamment de données statistiques) dans le domaine des brevets d'invention.

La classe 16 ne change pas.

*Date d'inscription au registre international:* 05.04.2007

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Issuing number: 8-5-2007-000141479  
Issuing date: 2007.01.23

34, chemin des Colombettes P.O.Box 18  
1211 Geneva 20, Switzerland  
World Intellectual Property Organization(WIPO)  
International Bureau

**NOTIFICATION OF EX OFFICIO PROVISIONAL REFUSAL**  
TO THE INTERNATIONAL BUREAU OF WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)  
UNDER RULE 17(1) AND (2) OF THE COMMON REGULATIONS

**1. Office Making the Notification:**

Korean Intellectual Property Office (KIPO)  
920 Dunsan-dong, Seo-gu, Daejeon, 302-701, Republic of Korea

**2. International Registration Number (Date of Registration/Subsequent Designation):**

879539 (27/12/2005)

**3. Name and Address of the Holder:**

Organisation Mondiale de la Propriété Intellectuelle  
34 chemin des Colombettes CH-1211 Genève 20 Switzerland

**4. Goods and/or Services Affected by this Provisional Refusal:**

All the designated goods/service

※ Please note that there is no provision in the Korean Trademark Act allowing the examiner to delete Ex Officio the designated goods/services refused by the ground(s) for the Provisional Refusal and to grant protection for the remaining goods/services.

**5. Grounds for the Decision:**

- Lack of distinctiveness
- Conflict with another person's earlier application(s) and/or registration(s)
- Vagueness and/or broadness of the designated goods/services
- Unconformity to "a single application for a single trademark rule"
- Other grounds

※ Please refer to item 9 for the details

**6. Provisions of the Korean Trademark Act applicable to the Grounds:**

Article 7(1)(vii), Article 10(1)

**7. Date on which the Provisional Refusal was pronounced(Time Limit):**

2007.01.23(2007.03.23)



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The International Bureau of the  
World Intellectual Property Organization

**8. Guidance as to Future Procedure:**

Where the holder receives this notification, the protection of the international registration is to be refused as a whole unless the holder submits to the KIPO, through a representative whose address is in the Republic of Korea, a written opinion (amendment) within two months from the date on which this provisional refusal was pronounced or to the International Bureau MM6(Request for the Recording of a Limitation of the List of Goods and Service).

The holder may request the extension of time to submit a written opinion(amendment) to KIPO. The extension will be granted only once and for a period of 1 month. This request should be made within the given time limit.

**9. Details of the Provisional Refusal:**

The assigned examiner has reviewed the international registration and determined the following;

**(Ground 1)**

The examiner refuses registration, because *the proposed mark is identical with or similar, in sound and meaning, to the marks listed below* registered in the Republic of Korea prior to the international registration date of the proposed mark, in connection with some of its designated services. Korean Trademark Act, Article 7(1)(vii).

However, this ground for refusal could be avoided if the applicant deletes *the refused services listed below*.

***[Information concerning the earlier mark 1]***

- Filing number : 4119970000344
- Filing date : 14/01/1997
- Korean registration number : 4100454210000
- Korean registration date : 14/08/1998
- Name and address of the owner :
  - Name : Dongsung Information & Communication Co., Ltd.
  - Address : 16-F Dongsung Bldg, Samseong-dong, Gangnam-gu, Seoul [135-090] Korea.
- Goods and/or services concerned :
  - [제 106류] 정보자료 처리 및 정보통신업, 시스템 통합업, 고도정보 통신업, 컴퓨터 정보통신업, 데이터 통신업,
- Reproduction of the mark:

스코프

**SCOPE**

**o Services of the proposed mark refused by this ground for refusal**

[Class 35] All the designated services.

[Class 38] All the designated services.



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***[Information concerning the earlier mark 2]***

- Filing number : 4120030021427
- Filing date : 08/10/2003
- Korean registration number : 4101181410000
- Korean registration date : 30/06/2005
- Name and address of the owner :
  - Name : HIGH/SCOPE EDUCATIONAL RESEARCH FOUNDATION.
  - Address : 600 NORTH RIVER STREET YPSILANTI, MICHIGAN 48198 UNITED STATES OF AMERICA.
- Goods and/or services concerned :  
[제 41류] 교육 세미나 준비 및 진행업, 교육 연수회 준비 및 진행업(Workshop and seminar services in the field of education),
- Reproduction of the mark:

**HIGH SCOPE**

***o Services of the proposed mark refused by this ground for refusal***

[Class 41] Teaching services; arranging and conducting of seminars, presentations for teaching purposes, lectures and taught classes.

**(Ground 2)**

The examiner refuses registration, because ***the identification of some designated goods(services), which are listed below, is not specific or is too broad a definition*** to accept. Korean Trademark Act, Article 10(1).

However, this ground for refusal could be avoided if the applicant amends(or deletes) the identification to specify the definite commercial names of the goods(services).

***[Not specific or too broad identification]***

[Class 09] Media (other than paper) for viewing by means of electronic machines, including magnetic tapes, optical discs, DVDs and CD-ROMs, holding bibliographical and graphical data, documentation and information on patents of invention, instructional or teaching apparatus and instruments.

[Class 16] printed matter; instructional and teaching material (except apparatus).

[Class 35] All the designated services.

[Class 41] training services; publishing of information and documentation; all the above services in the field of patents of invention.

[Class 42] All the designated services.



10. Official Seal or Signature by the Office:

KIPO Examiner HAN, Sang Kyoo



※ If the holder has any questions or needs assistance in responding to this notification,  
please contact the examiner.  
e-mail:kipomadrid@kipo.go.kr, telephone: (82) (42) 481 5283 or Fax: (82) (42) 472 3507

11. Annex(Provisions of the Korean Trademark Act Concerned):



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# Extract from the Korean Trademark Act

## Article 5 *Mutatis Mutandis* Application of the Patent Act

Articles 3 to 26 and 28 to 28<sup>quapies</sup> of the Patent Act apply *mutatis mutandis* to trademarks. In such cases, "Article 132<sup>ter</sup>" in Articles 6, 11(1)(iv), 15(1) and 17 of the Patent Act reads "Article 70<sup>bis</sup> or 70<sup>ter</sup>", "patent right and patent" in the proviso of Article 28(2) of the Patent Act reads "trademark right and trademark" and "international application under Article 2(vii) of the Patent Cooperation Treaty (hereinafter referred to as 'an international application')" reads "international application under Article 2(2) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter referred to as 'an international application')." ("The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks" is referred hereinafter to as 'the Protocol').

## Article 6 Requirements for Trademark Registration

(1) Trademark registration may be obtained except any of the following cases:

- (i) where the trademark consists solely of a mark indicating, in a common way, the usual name of the goods;
  - (ii) where the trademark is customarily used on the goods;
  - (iii) where the trademark consists solely of a mark indicating, in a common way, the place of production, quality, raw materials, efficacy, use, quantity, shape (including the shape of the packaging), price, production method, processing method, usage or using time of the goods;
  - (iv) where the trademark consists solely of a conspicuous geographical name, an abbreviation of it or a map;
  - (v) where the trademark consists solely of a mark indicating, in a common way, a common surname or a title;
  - (vi) where the trademark consists solely of a simple and commonplace mark; or
  - (vii) in addition to the cases mentioned in sub-paragraphs (i) to (vi) of this Article, where the trademark does not enable consumers to discriminate whose goods are indicated.
- (2) Notwithstanding a trademark falls under paragraphs (1)(iii) to (vi) of this Article, where the trademark has become, as a result of using it before the application for registration under Article 9 of this Act, especially recognized by consumers whose goods are indicated, it may be registered for the designated goods (i.e. designated goods and supplementary designated goods as defined in Articles 10(1) and 47(2)(iii) of this Act; The same shall apply hereinafter.) on which the trademark has been used.
- (3) Notwithstanding a mark falls under paragraph (1)(iii) (restricted to 'the place of production') or (1)(iv) of this Article, where the mark is a geographical indication on specific goods, it may be registered as a collective mark for a geographical indication for the designated goods on which the geographical indication has been used.

## Article 7 Unregistrable Trademarks

(1) Notwithstanding Article 6, trademark registration may not be obtained in any of the following cases:

- (i) trademarks that are identical or similar to the following: the national flag, the national emblem, military flags, medals, decorations or badges of the Republic of Korea; the national flags or emblems of foreign countries; the medals, decorations or badges of the countries of the union of the Paris Convention for the Protection of Intellectual Property (hereinafter referred to as 'the Paris Convention'), the members of the World Trade Organization or the contracting parties to the Trademark Law Treaty; the names or marks of the Red Cross, Olympic organizations or other well-known international organizations; seals or signs that are used for supervision or certification by the Republic of Korea, the countries of the union of the Paris Convention, the members of the World Trade Organization, the contracting parties to the Trademark Law Treaty or the public organizations of these;
- (ii) trademarks that falsely indicate a connection with, or that criticize, insult or are liable to defame any nation, race, ethnic group, public organization, religion or well-known deceased person;
- (iii) trademarks that are identical or similar to well-known marks that indicate nonprofit businesses of a nation, a public organization or its agencies or a public corporation, or that indicate nonprofit public services; However, this provision does not apply where the nation, the public organization or its agencies, the public corporation or the body of nonprofit public services applies to register its own marks;
- (iv) trademarks that are liable to disturb public order or morality;
- (v) trademarks comprising a mark that is identical or similar to a medal, certificate of merit or decoration awarded at an exhibition held by or with the authorization of the government of the Republic of Korea or of the government of a foreign country; However, this provision does not apply where the person who has been awarded the medal, certificate of merit or decoration use it as part of the trademark on the goods for which the medal, certificate of merit or

decoration was awarded at the exhibition:

- (vi) trademarks containing the name, title, trade name, portrait, signature, seal, literary name, stage name, pen name or an abbreviation thereof of a well-known person, unless the consent of the person concerned has been obtained;
  - (vii) trademarks that are identical or similar to another person's registered trademark (excluding a registered collective mark for a geographical indication) when the former are applied for registration after the latter has been registered and when the former are to be used on goods that are identical or similar to the designated goods of the latter;
  - (vii<sup>bis</sup>) trademarks that are identical or similar to another person's registered collective mark for a geographical indication when the former are applied for registration after the latter has been registered and when the former are to be used on goods that are identical with the designated goods of the latter;
  - (viii) trademarks that are identical or similar to another person's registered trademark (excluding a registered collective mark for a geographical indication) when not more than a year has elapsed since the date on which the latter trademark right expired (that is, in case of a trial decision invalidating a trademark registration, the date on which the trial decision became final) and when the former are to be used on goods that are identical or similar to the designated goods of the latter;
  - (viii<sup>bis</sup>) trademarks that are identical or similar to another person's registered collective mark for a geographical indication when not more than a year has elapsed since the date on which the right of the registered collective mark for a geographical indication expired (that is, in case of a trial decision invalidating the registration of a collective mark for a geographical indication, the date on which the trial decision became final) and when the former are to be used on goods that are identical with the designated goods of the latter;
  - (ix) trademarks that are identical or similar to a trademark (excluding a geographical indication) that is especially recognized among consumers as to indicate the other person's goods, when the former are to be used on goods that are identical or similar to those of the person;
  - (ix<sup>bis</sup>) trademarks that are identical or similar to another person's geographical indication that is especially recognized among consumers as to indicate a certain region's goods, when the trademarks are to be used on goods that are identical with those using the geographical indication;
  - (x) trademarks that are liable to cause confusion with the goods or services of another person's that are especially recognized among consumers;
  - (xi) trademarks that are liable to mislead or deceive consumers on the quality of the goods;
  - (xii) trademarks that are identical or similar to a trademark that is especially recognized among consumers inside or outside the Republic of Korea as to indicate the goods of a particular person, and that are used with unjust purposes such as to obtain unfair profits or to inflict harm on that person;
  - (xii<sup>bis</sup>) trademarks that are identical or similar to a geographical indication that is especially recognized among consumers inside or outside the Republic of Korea as to indicate the goods of a certain region, and that are used with unjust purposes such as to obtain unfair profits or to inflict harm on the legitimate users of that geographical indication;
  - (x iii) trademarks that consist solely of three-dimensional shapes which are essential for securing the functions of goods to be registered or their packaging;
  - (x iv) trademarks that consist of, or include, a geographical indication of the origin of wines or spirits in a member state of the World Trade Organization, to be used on wines, spirits or the like; However, this provision does not apply where a legitimate user of a geographical indication applies to register a collective mark for the geographical indication designating the relevant goods under Article 9(3) of this Act.
- (2) Notwithstanding a trademark falls under paragraphs (1)(vi), (ix), (ix<sup>bis</sup>) and (x) of this Article, the respective provisions do not apply where the trademark does not fall under the respective sub-paragraphs at the time the applicant applies for trademark registration.
- (3) Paragraph (1)(vii), (vii<sup>bis</sup>), (viii) and (viii<sup>bis</sup>) of this Article apply where the trademark falls under the respective sub-paragraphs at the time the applicant applies for trademark registration (or where the registered trademark of another person is invalidated under Article 71(3) of this Act). However, this provision does not apply where the owner of the trademark and the applicant for the trademark registration (hereinafter referred to as 'the applicant') has become the same person after filing the application.
- (4) Paragraphs (1)(viii) and (viii<sup>bis</sup>) of this Article do not apply in the following cases:

- (i) where the registered trademark has not been used for more than one year retroactively from the date on which the trademark right is extinguished;
  - (ii) where a rightful applicant applies to register the trademark after a decision on invalidation or revocation becomes final for the reason that the registered trademark violates paragraphs (1)(vi), (ix), (ix<sup>bis</sup>), (x), (xii) and (xii<sup>bis</sup>) of this Article or Articles 8 or 73(1)(vii) of this Act; or
  - (iii) where an applicant applies to register the trademark after the period of six months as prescribed in proviso of Article 43(2) of this Act has elapsed without applying to renew the duration term of the registered trademark.
- (5) Where a trial for cancellation of a trademark registration is requested under Article 73(1)(ii), (iii), and (v) to (xii) of this Act, and where any of the following sub-paragraphs occurs after the date on which the cancellation trial is requested, the owner of the trademark right and any person using the trademark may not obtain registration for a trademark that is identical or similar to the extinguished trademark with respect to goods that are identical or similar (restricted to 'identical' in the case of a collective mark for geographical indication) to the designated goods of the extinguished trademark, unless three years has elapsed since the date on which each of the following sub-paragraphs occurs:
- (i) where the trademark right has been extinguished because the duration term has expired;
  - (ii) where the owner of the trademark right abandons the trademark right for all or some of the designated goods; or
  - (iii) where the trial decision to cancel the trademark registration has become final.
- (6) Paragraph (1)(vii<sup>bis</sup>), (viii<sup>bis</sup>) and (ix<sup>bis</sup>) may not be applicable between the collective marks for homonymous geographical indications.

#### Article 8 First-to-File Rule

(1) Where two or more applications for registration are filed on different dates for identical or similar trademarks that are to be used on identical or similar goods, only the applicant having the earlier filing date may obtain registration for the trademark.

#### Article 10 A Single Application for a Single Trademark

(1) The person seeking to register a trademark shall file an application for each trademark, designating one or more classes of goods from the classification of goods prescribed by ordinance of the Ministry of Commerce, Industry and Energy. In this case, goods and services may be designated together in a single application.

(2) The classes of goods referred to in paragraph (1) of this Article may not be construed to decide the scope of the similarity of goods.

#### Article 23 Decision to Refuse Trademark Registration and Notification of Reasons for Refusal

(1) The examiner shall refuse trademark registration in any of the following cases:

- (i) where the trademark is unregistrable under the proviso of Article 3, Articles 6 to 8, 10(1), 12(2) (second sentence), (5) and (7) to (9) of this Act or Article 25 of the Patent Act applied under Article 5 of this Act;
  - (ii) where the trademark violates a treaty;
  - (iii) where the trademark is identical or similar to a trademark registered in the territory of a country that is a party to a treaty and has been filed by a person who is an agent or a representative (or who was an agent or a representative within one year before the filing date) of the owner of the trademark, without any rightful reason such as obtaining the owner's authorization, for designated goods that are identical or similar to those of the owner's trademark. However, this provision applies only when an opposition or information under Article 22(3) of this Act has been filed by the owner;
  - (iv) where the trademark does not conform to the definition of a mark under Article 2(1)(i) to (iii) or (iv) of this Act; or where, in the case of a collective mark for a geographical indication, the geographical indication and the mark do not conform to the definitions of a geographical indication or a mark under paragraphs (iii<sup>bis</sup>) and (iii<sup>quater</sup>) of the Article 2(1) of this Act;
  - (v) where, in case of an application to register a collective mark for a geographical indication, a person, who conducts business activities such as producing, manufacturing or processing goods that are eligible for the geographical indication, is in fact prohibited from joining an association by the articles of association, or by provisions in the articles of association providing conditions for subscription that are too difficult for the person to fulfill and so on;
  - (vi) where the articles of association, referred to in Article 9(3) of this Act, fail to mention all or some of the provisions that govern the use of the collective mark as prescribed by Presidential Decree.
- (2) When refusing trademark registration under paragraph (1) of this Article, the examiner shall notify the applicant of the reasons for refusal and give the applicant an opportunity to submit a written opinion within a designated period.

#### Article 70<sup>Ab</sup> Trial against Decision of Refusal

Any person dissatisfied with a decision to refuse registration of a trademark, to refuse supplementary registration of designated goods, to refuse to renew the term of a registered trademark or to refuse registration of the reclassification of goods (hereinafter referred to as 'a decision of refusal') may file a request for trial within thirty days from the date of receiving a certified copy of the decision of refusal.

#### Article 70<sup>B</sup> Trial against a Decision to Reject an Amendment

Any person dissatisfied with a decision to reject an amendment under Article 17(1) may file a request for trial within thirty days from the date of receiving a certified copy of the decision.

## Extract from the Korean Patent Act

#### Article 5 Patent Administrator for Nonresidents

(1) A person who has neither a residential nor business address in the Republic of Korea (hereinafter referred to as 'a nonresident') may not, except when the nonresident (or a representative of a legal entity) is sojourning in the Republic of Korea, initiate any patent-related procedure or appeal any decision made by an administrative agency in accordance with this Act or any decree under this Act, unless the person is represented by an agent (hereinafter referred to as 'a patent administrator') who has a residential or business address in the Republic of Korea.

(2) A patent administrator may, within the scope of powers conferred on the patent administrator, represent the principal in all procedures related to a patent and in any appeal against a decision made by an administrative agency in accordance with this Act or any decree under this Act.

#### Article 26 Effects of a Treaty

Where a treaty contains a patent-related provision that differs from this Act, the treaty prevails.

#### Article 92 Decision etc. on Registration for Extending the Term of a Patent Right

(1) Where the examiner finds no grounds under any subparagraph of Article 91(1) to refuse an application to extend the term of a patent right, the examiner shall grant the extension.

- (2) Where a decision to extend has been made under paragraph (1), the Commissioner of the Korean Intellectual Property Office shall register the extension of the term of the patent right in the Patent Register.
- (3) Where the registration under paragraph (2) has been made, the information prescribed in the following sub-paragraphs must be published in the Patent Gazette:
  - (i) the name and address of the patentee (if the patentee is a legal entity, the title and address of the business);
  - (ii) the patent number;
  - (iii) the date of registration of the extension;
  - (iv) the period of the extension; and
  - (v) the contents of the authorization and so on under Article 89.

#### Article 220 Transmittal of Documents to Nonresidents

(1) Documents to be transmitted to a nonresident who has a patent administrator must be transmitted to the patent administrator.

(2) Documents to be transmitted to a nonresident who does not have a patent administrator may be sent to the nonresident by registered airmail.

(3) When documents have been sent by registered airmail under paragraph (2), the documents are deemed to have been served on the mailing date.

Korean Trademark Act URL: <http://www.kipo.go.kr/>



International Register  
Certified Copy

The International Bureau of the  
World Intellectual Property Organization

Issuing number: 8-5-2007-002885410  
Issuing date: 2007. 8. 6.

34, chemin des Colombettes P.O.Box 18  
1211 Geneva 20, Switzerland  
World Intellectual Property Organization(WIPO)  
International Bureau

**WITHDRAWAL OF PROVISIONAL REFUSAL**  
TO THE INTERNATIONAL BUREAU OF WORLD INTELLECTUAL PROPERTY OFFICE (WIPO)  
UNDER RULE 17(5) OF THE COMMON REGULATIONS

**1. Office of the Designated Contracting Party:**

Korean Intellectual Property Office (KIPO)  
920 Dunsan-dong, Seo-gu, Daejeon, 302-701, Republic of Korea

**2. International Registration Concerned:**

(a) International Registration Number: 879539  
(b) Name of the Holder: Organisation Mondiale de la Propriété Intellectuelle

**3. Goods/Services Protected in the Republic of Korea:**

Class [09]

Media for viewing by means of electronic machines, namely, magnetic computer tapes, optical discs, DVDs and multimedia software recorded on CD-ROM (all featuring non-musical bibliographical and graphical data, documentation and information on patents of invention); downloadable electronic tutorials in the field of patent information; downloadable electronic tutorial books in the field of patent information; downloadable electronic reference guides in the field of patent information; downloadable electronic training guides in the field of patent information; downloadable electronic help documentation in the field of patent information; interactive online tutorials in the field of patent information; computer programs and software stored on optical or magnetic media for online distribution and transmission of patent data and statistical data in the field of patents of invention; downloadable electronic publications in the nature of patent-related documents and data.

Class [16]

Manuals and printed matter, namely reviews, magazines, newsletters, research papers, leaflets, reports and pamphlets, in the field of patents of invention; printed training guides; printed quick reference card; printed presentation reports for training sessions.

Class [35]

Clerical services for data banks in connection with the provision of information in the field of patents of invention, namely, collection, updating, editing, formatting, development and analysis of computerized patent data and statistical data, in the field of patents of invention.

Class [38]

Telecommunications services for data banks, in connection with data in the International Register of patents of invention, including online distribution and transmission of such data, providing user access to servers and databases; telecommunications by means of



computer terminals.

**Class [41]**

Teaching services in the field of patents of invention; training instruction services in the field of patents of invention; arranging and conducting of seminars in the field of patents of invention; presentation of live show performances for teaching purposes in the field of patents of invention; educational services, namely, conducting lectures and classes in the field of patents of invention; publishing reviews, magazines, newsletters, research papers, leaflets, reports and pamphlets, in the field of patents of invention.

**Class [42]**

Legal research services in the field of patents of invention; legal advice services in the field of patents of invention; legal information providing services in the field of patents of invention; patents of invention management services; patents of invention consulting services; research services for patents of invention applications and patents of invention rights; scientific, technical and technological analysis and research of data, namely, analysis and research of patent data and statistical data in the field of patents of invention.

**4. Decision:**

All procedures before KIPO relating to the protection of the mark have been completed. The assigned examiner has decided to withdraw the provisional refusal dated 23/01/2007. Therefore the international registration is to be protected in the Republic of Korea for the designated goods/services listed in item 3.

**5. Date on which the Decision was Pronounced:**

2007. 8. 6.

**6. Official Seal or Signature by the Office:**

KIPO Examiner HAN, Sang Kyoo



※ If the holder has any questions or needs assistance in responding to this notification, please contact the examiner.  
e-mail: kipomadrid@kipo.go.kr, telephone: (82) (42) 481 5283, fax: (82) (42) 472 3507



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Registry of Trade Marks  
Intellectual Property Office of Singapore

51 Bras Basah Road #04-01  
Plaza By The Park Singapore 189554  
Tel: (65) 6339 8616 Fax: (65) 6339 0252  
<http://www.ipos.gov.sg>

In Reply Please Quote Our Reference

Our Ref : NMR/OPP PERIOD/TM JOURNAL 035/2006

Date : 9 May 2006

Writer's Direct Line : (65) 63316540

The World Intellectual Property Organisation  
International Registrations Department  
34, chemin des Colombettes  
1211 Geneva 20  
Switzerland

Dear Sirs

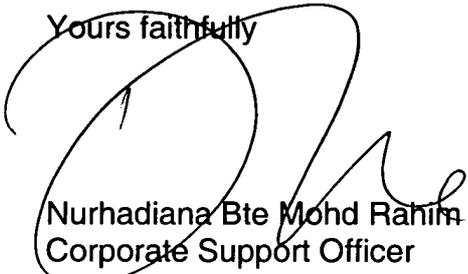
**INTERNATIONAL REGISTRATION NO. 879539  
ORGANISATION MONDIALE DE LA PROPRIETE INTELLECTUELLE  
NOTIFICATION OF OPPOSITION PERIOD  
SINGAPORE TRADE MARK NO(S) T06/07591J, T06/07592I, T06/07593G,  
T06/07594E, T06/07595C, T06/07596A**

We refer to the above matter.

2 The above international registration in respect of Class(es) 09, 16, 35, 38, 41, 42 has been published in the Singapore Trade Marks Journal for opposition purposes. In accordance with Rule 16(1)(b) of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to that Agreement, we wish to inform you that the opposition period begins on 11 May 2006 and ends on 11 July 2006.

3 However, an intended opponent may request for an extension of time to file the Notice of Opposition. In general, the total extension of time for which the Registrar may allow shall not exceed 4 months from 11 May 2006.

Yours faithfully



Nurhadiana Bte Mohd Rahim (Ms)  
Corporate Support Officer  
for Registrar of Trade Marks  
Singapore



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Intellectual Property Office of Singapore

51 Bras Basah Road #04-01  
Plaza By The Park Singapore 189554  
Tel: (65) 6339 8616 Fax: (65) 6339 0252  
<http://www.ipos.gov.sg>

**NOTIFICATION OF GRANT OF PROTECTION IN ACCORDANCE  
WITH RULE 17(6) OF THE COMMON REGULATIONS UNDER THE MADRID  
AGREEMENT AND PROTOCOL**

Office Notifying Grant of Protection : **Intellectual Property Office of Singapore (IPOS)**

International Registration Number : **879539**

Singapore Trade Mark Number(s) : **T06/07591J T06/07592I T06/07593G  
T06/07594E T06/07595C T06/07596A**

Name of Holder of the International  
Registration : **ORGANISATION MONDIALE DE LA PROPRIETE  
INTELLECTUELLE**

Date of Notification : **02 November 2006**

All procedures before the office have been completed. Protection is accordingly granted to the mark in respect of Class(es) 09, 16, 35, 38, 41 and 42 of the above international registration.

Please note that the following is/are reflected in the National Register for Classes 09, 16, 35, 38, 41 and 42:

Clause(s)

1) Priority date claimed: 19 July 2005 (Switzerland) in respect of all the goods/services claimed in the application.

For the purposes of Rule 18 of the Singapore Trade Marks (International Registration) Rules, the registration procedure of the above international registration is deemed to be completed as of 12 July 2006 for Class(es) 09, 16, 35, 38, 41 and 42.

Woo Siew Fong (Mdm)  
Corporate Support Officer  
for Registrar of Trade Marks  
Singapore

Tel: (65) 63316549



OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR  
(MARQUES, DESSINS ET MODÈLES)

Département «Marques»

W124

Première déclaration d'octroi de protection conformément à la règle 17, paragraphe 6, point a), alinéa ii), du règlement d'exécution commun à l'arrangement et au protocole de Madrid, et à la règle 112, paragraphe 5, du règlement d'exécution du règlement sur la marque communautaire

Alicante, le 27/06/2006

<i>Numéro d'enregistrement international:</i>	<b>0879539</b>
<i>Date de notification:</i>	<b>20-04-2006</b>
<i>Nom du titulaire:</i>	<b>Organisation Mondiale de la Propriété Intellectuelle</b>
<i>Marque:</i>	<b>PATENTSCOPE</b>

L'examen de la marque susmentionnée est achevé et n'a révélé aucun motif absolu de refus.

Toutefois, la marque peut encore faire l'objet d'oppositions jusqu'au **28-02-2007** ou d'observations de la part de tiers.

PAREJA TORRES, Ana María



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OFFICE DE L'HARMONISATION DANS LE MARCHÉ INTÉRIEUR  
(MARQUES, DESSINS ET MODÈLES)

Département «administration des marques, dessins et modèles»

W304

**Seconde déclaration d'octroi de protection conformément à la règle 17, paragraphe 6, point a), alinéa iii), du règlement d'exécution commun à l'arrangement et au protocole de Madrid, et à la règle 116, paragraphe 2, du règlement d'exécution du règlement sur la marque communautaire**

Alicante, le 08/03/2007

*Numéro d'enregistrement international:*      **0879539**  
*Date de notification:*                              **20-04-2006**  
*Nom du titulaire:*                                    **Organisation Mondiale de la Propriété  
Intellectuelle**  
*Marque:*    **PATENTSCOPE**

Le délai d'opposition ayant expiré sans qu'aucune opposition ou observation n'ait été présentée par des tiers, la marque susmentionnée est acceptée pour la Communauté européenne.

Conformément à l'article 146, paragraphe 2, du règlement sur la marque communautaire et à la règle 116, paragraphe 1, du règlement d'exécution du règlement sur la marque communautaire, elle produit les mêmes effets que l'enregistrement d'une marque en tant que marque communautaire.

PAREJA TORRES, Ana María



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EXN/2006/34

Notification

**879 539**

*Désignations postérieures selon l'Arrangement de Madrid:*  
Chine.

*Date de désignation postérieure:* 16.06.2006

*Date de notification:* 07.09.2006

**Enregistrement international concerné**

**879 539**

*Date d'enregistrement:* **27 décembre 2005**

*Date d'échéance:* **27 décembre 2015**

Organisation Mondiale de la Propriété  
Intellectuelle  
34 chemin des Colombettes  
CH-1211 Genève 20  
(Suisse).

*Forme juridique du titulaire (personne morale) et lieu de  
constitution:* organisation intergouvernementale, (sans objet).



*Classification des éléments figuratifs:*  
16.3; 27.5.

*Liste des produits et services - NCL(8):*

- 9 Supports (autres que papier) pour visionnage par machines électroniques, y compris bandes magnétiques, disques optiques, DVD et CD-ROM, contenant des données bibliographiques et graphiques, de la documentation et des informations en matière de brevets

d'invention, appareils et instruments d'instruction ou d'enseignement; programmes et logiciels informatiques enregistrés sur supports magnétiques ou optiques et contenant des informations destinées au domaine des brevets d'invention; publications électroniques (téléchargeables).

- 16 Manuels, imprimés et brochures; matériel d'instruction ou d'enseignement (à l'exception des appareils).
- 35 Services de travaux de bureaux concernant des banques de données (y compris données statistiques), en matière de mise à disposition de renseignements dans le domaine des brevets d'invention, y compris collecte, mise à jour, édition, formatage, élaboration et analyse de ces données.
- 38 Services de télécommunication concernant des banques de données, en matière de données relatives au domaine des brevets d'invention, y compris diffusion et transmission en ligne de ces données; fourniture d'accès utilisateur à des serveurs et bases de données; télécommunications par le biais de terminaux informatiques.
- 41 Services d'enseignement et de formation; organisation et animation de séminaires, présentations à des fins pédagogiques, conférences et enseignement dirigé; publication d'informations et de documentation; tous les services précités concernant le domaine des brevets d'invention.
- 42 Consultations juridiques et techniques dans le domaine des brevets d'invention, y compris services concernant le dépôt de demandes de brevets d'invention, analyse (scientifique, technique et technologique) des données (y compris données statistiques) dans le domaine des brevets d'invention.

*Enregistrement de base:* Suisse, 19.07.2005, 538720.

*Données relatives à la priorité selon la Convention de Paris:*  
Suisse, 19.07.2005, 538720.

*Langue de la demande internationale:* Français



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\*GL200614381BH\*

## NOTIFICATION DE REFUS D'OFFICE

Notification au Bureau International de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI)  
selon la Règle 17 (2) et Règle 17 (5) (e) du Règlement d'exécution commun

I .Administration qui prononce le refus:

OFFICE DES MARQUES

ADMINISTRATION D'ETAT DE L'INDUSTRIE

ET DU COMMERCE DE LA REPUBLIQUE POPULAIRE DE CHINE

8, Sanlihe Donglu , Xichengqu,

Téléphone:(10)68027567

CN-100820

BEIJING

République Populaire de Chine

Télécopie:(10)68027567

II .Date à laquelle le refus est prononcé: 14-5-2007

III .Notre numéro de référence:200614381

IV .Enregistrement international No.: 879539

V .Enregistrement national de base No.:

Dépôt national de base No.:



VI .Refus pour les produits et/ou services suivants:

9: Supports (autres que papier) pour visionnage par machines électroniques, y compris bandes magnétiques, disques optiques, DVD et CD-ROM, contenant des données bibliographiques et graphiques, de la documentation et des informations en matière de brevets d'invention, appareils et instruments d'instruction ou d'enseignement; programmes et logiciels informatiques enregistrés sur supports magnétiques ou optiques et contenant des informations destinées au domaine des brevets d'invention;

16: Tous les produits;

35: Tous les services;

38: Tous les services;

41: Tous les services;

42: Tous les services;

VII .Motifs:

Ledit signe renvoie directement à la destination de certains produits désignés et au contenu des services désignés, donc il est partiellement refusé selon la loi sur les marques de Chine.

VIII .Articles de la Loi chinoise applicable en la matière:

(Voir extrait de la Loi)

l'article 11(i)(2)

IX . Recours contre le refus:

1. Délai de recours : 15 jours à compter de la réception du présent avis de refus.

2. Autorité compétente : Chambre d'examen et de décision en matière de marques.

3. Assistance d'un mandataire local obligatoire. (Une liste en chinois des mandataires est disponible sur le site Web ci-dessous : <http://www.ctmo.gov.cn> ou <http://sbj.saic.gov.cn>)



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**Relevant Provisions of the Law and the Regulations  
(Excerpts)**

**Trademark Law of the People's Republic of China**

**Article 2. ...**

The administrative authority for industry and commerce under the State Council shall establish a Trademark Review and Adjudication Board which shall be responsible for handling matters of trademark disputes.

**Article 10.** The following words or devices shall not be used as trademarks:

- (1) those identical with or similar to the State name, national flag, national emblem, military flag, or decorations, of the People's Republic of China; and those identical with the names of 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 of foreign countries, except that consent has been given by the relevant country's government;
- (3) those identical with or similar to the names, flags, or emblems of international intergovernmental organizations, except that consent has been given by the relevant organization or that the use is unlikely to mislead the public;
- (4) those identical with or similar to the official signs and hallmarks indicating control and warranty, except that the use thereof is otherwise authorized;
- (5) those identical with or similar to the 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 nature of exaggeration and fraud in advertising goods or services;
- (8) those detrimental to socialist morals or customs, or having other unhealthy influences.

The geographical names of the administrative divisions at or above the county level and 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 names has been approved and registered, it shall continue to be valid.

**Article 11.** The following signs shall not be registered as a trademark:

- (1) those which consist exclusively of generic names, designs or models of the goods in respect of which the trademark is used;
- (2) those which consist exclusively of signs or indications that have direct reference to the quality, main raw material, function, intended purpose, weight, quantity or other characteristics of goods or services;

- (3) those which are devoid of any distinctive character.

Where trademarks under the preceding paragraphs 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 the 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 13.** A trademark that is applied for registration in identical or similar goods shall not be registered and its use shall be prohibited, if it is a reproduction, an imitation or a translation, of another party's well-known mark that is not registered in China and it is liable to create confusion.

A trademark that is applied for registration in non-identical or dissimilar goods shall not be registered and its use shall be prohibited, if it is a reproduction, an imitation or a translation, of a well-known mark which is registered in China, misleads the public, and the interests of the registrant of the well-known mark are likely to be damaged by such use.

**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 which identify a particular good as originating in a region, where a given quality, reputation or other characteristic of the goods is essentially attributable to its natural or human factors.

**Article 18.** Any foreigner or foreign enterprise intending to apply for the registration of a trademark or for any other matters concerning a trademark in China shall entrust any of such organizations as recognized to be qualified for trademark agency by the State to act as his or its agent.

**Article 19.** An applicant for the registration of a trademark shall, in a form, indicate, in accordance with the prescribed classification of goods, the class of the goods and the designation of the goods in respect of which the trademark is to be used.

**Article 27.** Where a trademark the registration of which has been applied for is in conformity with the relevant provisions of this Law, the Trademark Office shall, after examination, preliminarily approve the trademark and publish it.

**Article 28.** 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 29.** 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 30.** Any person 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 32.** Where the application for registration of a trademark is refused and no publication of the trademark is made, the Trademark Office shall notify the applicant of the same in writing. Where the applicant is dissatisfied, he or it may, within fifteen days from receipt of the notification, apply for a review to the Trademark Review and Adjudication Board, which shall make a decision and notify the applicant of the same in writing.

Where any party concerned is dissatisfied with the decision of the Trademark Review and Adjudication Board, he or it may, within 30 days from receipt of the corresponding notice, institute legal proceedings with the People's court.

**Article 33.** Where an opposition is filed against the trademark that has, after examination, been preliminarily approved and published, the Trademark Office shall hear both the opponent and the opposed state facts and grounds and shall, after investigation and verification, make a ruling. Where any party concerned is dissatisfied, he or it may, within fifteen days from receipt of the notification, apply for a review to the Trademark Review and Adjudication Board, which shall make a ruling and notify both the opponent and the opposed in writing.

Where any interested party is dissatisfied with the ruling of the Trademark Review and Adjudication Board, he or it may, within 30 days from receipt of the notice, institute legal proceedings with the people's court. The people's court shall notify the other party in the trademark review proceedings to be a third party to the litigation.

**Article 46.** Where a registered trademark has been canceled or has not been renewed at the expiration, the Trademark Office shall, during one year from the date of the cancellation or removal thereof, approve no application for the registration of a trademark that is identical with or similar to the said mark.

#### **Regulations for the Implementation of the Trademark Law of the People's Republic of China**

**Rule 7.** Where a party entrusts a trademark agency with the application for registration of a trademark or with the handling of other trademark matters, a Power of Attorney shall be

submitted. The Power of Attorney shall state the contents and the scope of powers; the Power of Attorney of a foreigner or foreign enterprise shall also state the nationality of the principal.

...

#### **Rules Governing the Registration and Administration of Collective Marks and Certification Marks**

**Rule 4.** Any person who applies for registration of a collective mark shall submit documentary evidence of his qualifications, and shall indicate in detail the name and address of each member of the collective organization; any person who applies for registration of a geographical indication as a collective mark shall submit documentary evidence of his qualifications, and shall indicate in detail facts concerning the specialist technical personnel, the special testing equipment, etc. owned by him or by an entity entrusted by him to prove his capacity to supervise the special qualities of the goods bearing the geographical indication.

Any group, association or other organization who applies for registration of a geographical indication as a collective mark shall be formed by members from within the region represented by the geographical indication.

**Rule 5.** Any person who applies for registration of a certification mark shall submit documentary evidence of his qualifications, and shall indicate in detail facts concerning the specialist technical personnel, the special testing equipment, etc. owned by him or by an entity entrusted by him to prove his capacity to supervise the special qualities of the goods certified by the certification mark.

**Rule 6.** Any person who applies for registration of a geographical indication as a collective mark or a certification mark shall in addition submit documents of approval by the people's government whose jurisdiction includes the region represented by the geographical indication or by the authority in charge of the industry concerned.

Where any foreign person or foreign enterprise applies for registration of a geographical indication as a collective mark or a certification mark, the applicant shall submit evidence of the legal protection in the country of origin of the geographical indication in his or its own name.



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## Loi sur les Marques de la République populaire de Chine

(extrait)

### Art.2 ...

La Chambre d'examen et de décision en matière de marques, relevant de l'autorité administrative pour l'industrie et le commerce subordonnée au Conseil des affaires d'État, est chargée de régler les contestations en matière de marques.

**Art.10** Les mots ou éléments figuratifs ci-après ne doivent pas être utilisés comme marques :

1) ceux qui sont identiques ou semblables au nom de l'État, au drapeau national, à l'emblème national, au drapeau militaire ou aux décorations de la République populaire de Chine, et ceux qui sont identiques ou semblables au nom d'un lieu déterminé où un organisme d'État relevant de l'administration centrale a son siège, ou au nom ou à la représentation graphique du bâtiment symbolisant un organisme d'État relevant de l'administration centrale;

2) ceux qui sont identiques ou semblables aux dénominations officielles, aux drapeaux nationaux, aux emblèmes nationaux ou aux drapeaux militaires de pays étrangers, sauf autorisation du gouvernement du pays considéré;

3) ceux qui sont identiques ou semblables aux dénominations, drapeaux ou emblèmes des organisations internationales intergouvernementales, à moins que l'organisation concernée n'ait donné son autorisation ou qu'ils ne soient pas de nature à induire le public en erreur;

4) ceux qui sont identiques ou semblables à des signes ou poinçons officiels de contrôle ou de garantie, sauf si leur usage est autorisé;

5) ceux qui sont identiques ou semblables au nom ou au symbole de la Croix-Rouge ou du Croissant-Rouge;

6) ceux qui, par nature, sont discriminatoires à l'égard d'une nationalité;

7) ceux qui, par nature, exagèrent et trompent dans la publicité en faveur des produits;

8) ceux qui portent préjudice à la moralité ou aux coutumes socialistes ou qui ont d'autres influences malsaines.

Les noms géographiques désignant des circonscriptions administratives au niveau du canton ou au-dessus, ainsi que les noms géographiques étrangers bien connus du public, ne doivent pas être choisis comme marques sauf si les termes utilisés revêtent un autre sens par ailleurs ou sont un élément d'une marque collective ou d'une marque de certification.

Lorsqu'une marque faisant appel à l'un des noms géographiques susmentionnés a été approuvée et enregistrée, elle demeure valable.

**Art.11** Ne peuvent être enregistrées les marques

1) qui consistent exclusivement en des dénominations génériques, dessins ou modèles des produits pour lesquels elles sont utilisées;

2) qui consistent exclusivement en des signes ou indications ayant un lien direct avec la qualité, la composition (matière première), la fonction, la destination, le poids, la quantité ou d'autres caractéristiques des produits ou services;

3) qui sont dépourvues de tout caractère distinctif.

Les marques mentionnées ci-dessus qui ont acquis un caractère distinctif par l'usage et qui peuvent être facilement

distinguées peuvent être enregistrées.

**Art.12** Un signe tridimensionnel doit être refusé à l'enregistrement en tant que marque s'il consiste exclusivement en une forme qui est imposée par la nature même des produits, qui est nécessaire pour obtenir un résultat technique, ou qui confère une valeur substantielle aux produits.

**Art.13** Une marque dont l'enregistrement est demandé pour des produits identiques ou semblables à ceux auxquels s'applique une marque notoire qui n'est pas enregistrée en Chine ne peut être enregistrée, et son usage doit être interdit, si elle constitue une reproduction, une imitation ou une traduction de nature à prêter à confusion de la marque notoire.

Une marque dont l'enregistrement est demandé pour des produits qui ne sont ni identiques ni semblables à ceux auxquels s'applique une marque notoire enregistrée en Chine ne peut être enregistrée, et son usage doit être interdit, si elle constitue une reproduction, une imitation ou une traduction de nature à induire le public en erreur de la marque notoire et si cet usage risque de nuire aux intérêts du titulaire de la marque notoire.

**Art.16** Lorsqu'une marque contient une indication géographique ou consiste en une telle indication pour des produits qui ne sont pas originaires du lieu indiqué et que le public est induit en erreur quant au véritable lieu d'origine, l'enregistrement doit être refusé et l'utilisation de la marque interdite. Tous les enregistrements déjà obtenus de bonne foi restent cependant valables.

Les indications géographiques visées à l'alinéa précédent sont celles qui permettent d'identifier un produit comme étant originaire d'une région donnée, lorsqu'une qualité, la réputation ou d'autres caractéristiques du produit peuvent être attribuées essentiellement aux facteurs naturels ou humains correspondants.

**Art.18** Les personnes ou entreprises étrangères ayant l'intention de demander l'enregistrement d'une marque ou de traiter d'autres questions concernant une marque en Chine doivent charger une organisation agréée par l'État en tant qu'agence de marques d'être leur mandataire.

**Art.19** Quiconque demande l'enregistrement d'une marque doit indiquer, sur une formule, conformément à la classification des produits prescrite, la classe et la dénomination des produits pour lesquels la marque est destinée à être utilisée.

**Art.27** Lorsqu'une marque dont l'enregistrement a été demandé est conforme aux dispositions pertinentes de la présente loi, l'office des marques, après examen, accepte la marque à titre provisoire et la publie.

**Art.28** Lorsqu'une marque dont l'enregistrement a été demandé n'est pas conforme aux dispositions pertinentes de la présente loi, ou lorsqu'elle est identique ou semblable à la marque d'un tiers, enregistrée ou, après examen, acceptée à titre provisoire, pour les mêmes produits ou pour des produits similaires, l'office des marques rejette la demande et ne publie pas ladite marque.

**Art.29** Lorsque deux déposants ou plus demandent l'enregistrement de marques identiques ou similaires pour les mêmes produits, ou pour des produits similaires, l'acceptation à titre provisoire après examen, et la publication, sont effectuées pour la marque déposée en premier lieu. Lorsque les demandes ont été déposées le même jour, l'acceptation à titre provisoire

après examen, et la publication, sont effectuées pour la marque utilisée la première; quant aux autres déposants, leur demande est rejetée et leur marque n'est pas publiée.

**Art.30** Toute personne peut, dans un délai de trois mois à compter de la date de publication, former opposition à la marque qui, après examen, a été acceptée à titre provisoire. Si aucune opposition n'est formée à l'expiration du délai prescrit, l'enregistrement est accepté, un certificat d'enregistrement de la marque délivré et la marque publiée.

**Art.32** Lorsque la demande d'enregistrement d'une marque est rejetée et qu'aucune publication n'est effectuée, l'office des marques le notifie par écrit au déposant. Lorsque le déposant n'est pas satisfait, il peut, dans un délai de 15 jours à compter de la date de réception de la notification, présenter une requête en réexamen de la décision à la Chambre d'examen et de décision en matière de marques, qui rend une décision définitive et la notifie par écrit au déposant.

Si le déposant n'est pas satisfait de la décision de la Chambre d'examen et de décision en matière de marques, il peut, dans un délai de 30 jours à compter de la date de réception de la notification correspondante, intenter une action devant le tribunal populaire.

**Art.33** Lorsqu'une opposition est formée contre la marque qui, après examen, a été acceptée à titre provisoire et publiée, l'office des marques entend les faits et motifs exposés par l'opposant et, après enquête et vérification, rend une décision. Lorsque l'une des parties n'est pas satisfaite, elle peut, dans un délai de 15 jours à compter de la date de réception de la notification, présenter une requête en réexamen de la décision à la Chambre d'examen et de décision en matière de marques, qui rend une décision et la notifie par écrit à l'opposant et au déposant.

Une partie qui n'est pas satisfaite de la décision de la Chambre d'examen et de décision en matière de marques peut, dans un délai de 30 jours à compter de la date de réception de la notification, intenter une action devant le tribunal populaire. Ce dernier en avise l'autre partie à la procédure de réexamen de la marque en l'invitant à se joindre à l'instance en tant que tierce partie.

**Art.46** Lorsqu'une marque enregistrée a été radiée ou est expirée pour cause de non-renouvellement, l'office des marques n'accepte pas de demandes d'enregistrement de marques identiques ou similaires à ladite marque pendant une année à compter de la date de radiation ou de suppression.

### **Règlement d'exécution de la Loi sur les Marques de la République populaire de Chine**

(extrait)

**Art. 7** Lorsqu'une partie intéressée charge une agence de marques de demander l'enregistrement d'une marque ou toute autre procédure en la matière, un pouvoir doit être joint. Le contenu et le champ d'application de la compétence doivent être énoncés dans ce pouvoir; la nationalité du mandant doit également être énoncée dans le pouvoir, s'il s'agit d'une personne étrangère ou d'une entreprise étrangère.

...

### **Réglementation sur l'Enregistrement et l'Administration de la marque collective et de la marque de certification**

(extrait)

**Art. 4** Quiconque demande l'enregistrement d'une marque collective doit fournir une attestation de qualification, et doit indiquer en détail le nom et l'adresse des membres de l'organisation collective; quiconque demande l'enregistrement d'une indication géographique à titre de marque collective doit fournir une attestation de qualification, et doit indiquer en détail les techniciens spécialisés et les équipements spécialisés de test, etc. appartenant à lui-même ou à un organisme chargé par lui-même, dans le but de prouver sa capacité de contrôler la qualité spéciale des produits pour lesquels l'indication géographique est utilisée.

Tous les groupes, associations ou autres organismes, qui demandent l'enregistrement d'une indication géographique à titre de marque collective, doivent être constitués par les membres issus de la région délimitée par l'indication géographique.

**Art. 5** Quiconque demande l'enregistrement d'une marque de certification doit fournir une attestation de qualification, et doit indiquer en détail les techniciens spécialisés et les équipements spécialisés de test, etc. appartenant à lui-même ou à un organisme chargé par lui-même, dans le but de prouver sa capacité de contrôler la qualité spéciale des produits pour lesquels la marque de certification est utilisée.

**Art. 6** Quiconque demande l'enregistrement d'une indication géographique à titre de marque collective ou de marque de certification doit également fournir un document d'autorisation approuvé par le gouvernement du peuple de la région où se trouve le territoire délimité par l'indication géographique, ou par l'autorité compétente du secteur concerné.

Lorsque les personnes ou les entreprises étrangères demandent l'enregistrement d'une indication géographique à titre de marque collective ou de marque de certification, les déposants doivent fournir une attestation de protection légale de cette indication géographique dans leur pays d'origine en leur propre nom.



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**NOTIFICATION DE LA DECISION DE LA CHAMBRE D'EXAMEN  
ET DE DECISION EN MATIERE DE MARQUES**

Au Bureau International de l'Organisation Mondiale de la Propriété Intellectuelle (OMPI)  
selon la règle 17(5)(b) du Règlement d'exécution commun  
à l'Arrangement de Madrid et au Protocole y relatif

I. Administration qui envoie la notification:

**OFFICE DES MARQUES**

**ADMINISTRATION D'ETAT DE L'INDUSTRIE ET DU COMMERCE**

8, Sanlihe Donglu

100820 BEIJING

République populaire de Chine

II. Marque qui fait l'objet de la notification : PATENTSCOPE

Enregistrement international No:879539

Nom et adresse du titulaire de l'enregistrement international:

ORGANISATION MONDIALE DE LA PROPRIETE INTELLECTUELLE

34 CHEMIN DES COLOMBETTES CH-1211 GENEVE

III. ■ Notification de la décision consécutive au refus

Conformément à l'article 32 de la Loi chinoise sur les marques et à la règle 28 du Règlement d'exécution, la Chambre d'examen et de décision en matière de marques a pris une décision selon laquelle:

- La protection est refusée pour tous les produits et/ou services.  
 La marque est protégée pour tous les produits et/ou services.  
 La marque est protégée pour les produits et/ou services suivants :

IV. □ Notification de la décision consécutive à la décision initiale de l'opposition

Conformément à l'article 33 de la Loi chinoise sur les marques et à la règle 28 du règlement d'exécution, la Chambre d'examen et de décision en matière de marques a pris une décision selon laquelle:

- La protection est refusée pour tous les produits et/ou services.  
 La marque est protégée pour tous les produits et/ou services.  
 La marque est protégée pour les produits et/ou services suivants :

V. □ Notification de l'invalidation de la marque

Conformément à l'article 41 de la Loi chinoise sur les marques et à la règle 28 du Règlement d'exécution, la Chambre d'examen et de décision en matière de marques a pris une décision d'invalidation selon laquelle:

- La protection est refusée pour tous les produits et/ou services.  
 La marque est protégée pour tous les produits et/ou services.  
 La marque est protégée pour les produits et/ou services suivants :



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VI.  Notification de la décision consécutive à la radiation

Conformément à l'article 49 de la Loi chinoise sur les marques et à la règle 28 du Règlement d'exécution, la Chambre d'examen et de décision en matière de marques a pris une décision selon laquelle:

- La protection est refusée pour tous les produits et/ou services.
- La marque est protégée pour tous les produits et/ou services.
- La marque est protégée pour les produits et/ou services suivants :

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VII. Les dispositions essentielles de la Loi chinoise sur les marques applicables en la matière:  
l'article 27

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VIII. Date à laquelle la décision a été prononcée: 17/11/2008

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IX. Date à laquelle la notification est envoyée: 18/06/2009

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## Relevant Provisions of the Law and the Regulations

(Excerpts)

### Trademark Law of the People's Republic of China

#### Article 2. ...

The administrative authority for industry and commerce under the State Council shall establish a Trademark Review and Adjudication Board which shall be responsible for handling matters of trademark disputes.

**Article 10.** The following words or devices shall not be used as trademarks:

- (1) those identical with or similar to the State name, national flag, national emblem, military flag, or decorations, of the People's Republic of China; and those identical with the names of 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 of foreign countries, except that consent has been given by the relevant country's government;
- (3) those identical with or similar to the names, flags, or emblems of international intergovernmental organizations, except that consent has been given by the relevant organization or that the use is unlikely to mislead the public;
- (4) those identical with or similar to the official signs and hallmarks indicating control and warranty, except that the use thereof is otherwise authorized;
- (5) those identical with or similar to the 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 nature of exaggeration and fraud in advertising goods or services;
- (8) those detrimental to socialist morals or customs, or having other unhealthy influences.

The geographical names of the administrative divisions at or above the county level and 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 names has been approved and registered, it shall continue to be valid.

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Where trademarks under the preceding paragraphs have acquired distinctiveness through use and become easily distinguishable, they may be registered as trademarks.

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A trademark that is applied for registration in non-identical or dissimilar goods shall not be registered and its use shall be prohibited, if it is a reproduction, an imitation or a translation, of a well-known mark which is registered in China, misleads the public, and the interests of the registrant of the well-known mark are likely to be damaged by such use.

**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 which identify a particular good as originating in a region, where a given quality, reputation or other characteristic of the goods is essentially attributable to its natural or human factors.

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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.

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**Article 32.** Where the application for registration of a trademark is refused and no publication of the trademark is made, the Trademark Office shall notify the applicant of the same in writing. Where the applicant is dissatisfied, he or it may, within fifteen days from receipt of the notification, apply for a review to the Trademark Review and Adjudication Board, which shall make a decision and notify the applicant of the same in writing.

Where any party concerned is dissatisfied with the decision of the Trademark Review and Adjudication Board, he or it may, within 30 days from receipt of the corresponding notice, institute legal proceedings with the People's court.

**Article 33.** Where an opposition is filed against the trademark that has, after examination, been preliminarily approved and published, the Trademark Office shall hear both the opponent and the opposed state facts and grounds and shall, after investigation and verification, make a ruling. Where any party concerned is dissatisfied, he or it may, within fifteen days from receipt of the notification, apply for a review to the Trademark Review and Adjudication Board, which shall make a ruling and notify both the opponent and the opposed in writing.

Where any interested party is dissatisfied with the ruling of the Trademark Review and Adjudication Board, he or it may, within 30 days from receipt of the notice, institute legal proceedings with the people's court. The people's court shall notify the other party in the trademark review proceedings to be a third party to the litigation.

**Article 46.** Where a registered trademark has been canceled or has not been renewed at the expiration, the Trademark Office shall, during one year from the date of the cancellation or removal thereof, approve no application for the registration of a trademark that is identical with or similar to the said mark.

#### **Regulations for the Implementation of the Trademark Law of the People's Republic of China**

**Rule 7.** Where a party entrusts a trademark agency with the application for registration of a trademark or with the handling of other trademark matters, a Power of Attorney shall be

submitted. The Power of Attorney shall state the contents and the scope of powers; the Power of Attorney of a foreigner or foreign enterprise shall also state the nationality of the principal.

#### **Rules Governing the Registration and Administration of Collective Marks and Certification Marks**

**Rule 4.** Any person who applies for registration of a collective mark shall submit documentary evidence of his qualifications, and shall indicate in detail the name and address of each member of the collective organization; any person who applies for registration of a geographical indication as a collective mark shall submit documentary evidence of his qualifications, and shall indicate in detail facts concerning the specialist technical personnel, the special testing equipment, etc. owned by him or by an entity entrusted by him to prove his capacity to supervise the special qualities of the goods bearing the geographical indication.

Any group, association or other organization who applies for registration of a geographical indication as a collective mark shall be formed by members from within the region represented by the geographical indication.

**Rule 5.** Any person who applies for registration of a certification mark shall submit documentary evidence of his qualifications, and shall indicate in detail facts concerning the specialist technical personnel, the special testing equipment, etc. owned by him or by an entity entrusted by him to prove his capacity to supervise the special qualities of the goods certified by the certification mark.

**Rule 6.** Any person who applies for registration of a geographical indication as a collective mark or a certification mark shall in addition submit documents of approval by the people's government whose jurisdiction includes the region represented by the geographical indication or by the authority in charge of the industry concerned.

Where any foreign person or foreign enterprise applies for registration of a geographical indication as a collective mark or a certification mark, the applicant shall submit evidence of the legal protection in the country of origin of the geographical indication in his or its own name.



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## Loi sur les Marques de la République populaire de Chine

(extrait)

### Art.2 ...

La Chambre d'examen et de décision en matière de marques, relevant de l'autorité administrative pour l'industrie et le commerce subordonnée au Conseil des affaires d'État, est chargée de régler les contestations en matière de marques.

**Art.10** Les mots ou éléments figuratifs ci-après ne doivent pas être utilisés comme marques :

1) ceux qui sont identiques ou semblables au nom de l'État, au drapeau national, à l'emblème national, au drapeau militaire ou aux décorations de la République populaire de Chine, et ceux qui sont identiques ou semblables au nom d'un lieu déterminé où un organisme d'État relevant de l'administration centrale a son siège, ou au nom ou à la représentation graphique du bâtiment symbolisant un organisme d'État relevant de l'administration centrale;

2) ceux qui sont identiques ou semblables aux dénominations officielles, aux drapeaux nationaux, aux emblèmes nationaux ou aux drapeaux militaires de pays étrangers, sauf autorisation du gouvernement du pays considéré;

3) ceux qui sont identiques ou semblables aux dénominations, drapeaux ou emblèmes des organisations internationales intergouvernementales, à moins que l'organisation concernée n'ait donné son autorisation ou qu'ils ne soient pas de nature à induire le public en erreur;

4) ceux qui sont identiques ou semblables à des signes ou poinçons officiels de contrôle ou de garantie, sauf si leur usage est autorisé;

5) ceux qui sont identiques ou semblables au nom ou au symbole de la Croix-Rouge ou du Croissant-Rouge;

6) ceux qui, par nature, sont discriminatoires à l'égard d'une nationalité;

7) ceux qui, par nature, exagèrent et trompent dans la publicité en faveur des produits;

8) ceux qui portent préjudice à la moralité ou aux coutumes socialistes ou qui ont d'autres influences malsaines.

Les noms géographiques désignant des circonscriptions administratives au niveau du canton ou au-dessus, ainsi que les noms géographiques étrangers bien connus du public, ne doivent pas être choisis comme marques sauf si les termes utilisés revêtent un autre sens par ailleurs ou sont un élément d'une marque collective ou d'une marque de certification.

Lorsqu'une marque faisant appel à l'un des noms géographiques susmentionnés a été approuvée et enregistrée, elle demeure valable.

**Art.11** Ne peuvent être enregistrées les marques

1) qui consistent exclusivement en des dénominations génériques, dessins ou modèles des produits pour lesquels elles sont utilisées;

2) qui consistent exclusivement en des signes ou indications ayant un lien direct avec la qualité, la composition (matière première), la fonction, la destination, le poids, la quantité ou d'autres caractéristiques des produits ou services;

3) qui sont dépourvues de tout caractère distinctif.

Les marques mentionnées ci-dessus qui ont acquis un caractère distinctif par l'usage et qui peuvent être facilement

distinguées peuvent être enregistrées.

**Art.12** Un signe tridimensionnel doit être refusé à l'enregistrement en tant que marque s'il consiste exclusivement en une forme qui est imposée par la nature même des produits, qui est nécessaire pour obtenir un résultat technique, ou qui confère une valeur substantielle aux produits.

**Art.13** Une marque dont l'enregistrement est demandé pour des produits identiques ou semblables à ceux auxquels s'applique une marque notoire qui n'est pas enregistrée en Chine ne peut être enregistrée, et son usage doit être interdit, si elle constitue une reproduction, une imitation ou une traduction de nature à prêter à confusion de la marque notoire.

Une marque dont l'enregistrement est demandé pour des produits qui ne sont ni identiques ni semblables à ceux auxquels s'applique une marque notoire enregistrée en Chine ne peut être enregistrée, et son usage doit être interdit, si elle constitue une reproduction, une imitation ou une traduction de nature à induire le public en erreur de la marque notoire et si cet usage risque de nuire aux intérêts du titulaire de la marque notoire.

**Art.16** Lorsqu'une marque contient une indication géographique ou consiste en une telle indication pour des produits qui ne sont pas originaires du lieu indiqué et que le public est induit en erreur quant au véritable lieu d'origine, l'enregistrement doit être refusé et l'utilisation de la marque interdite. Tous les enregistrements déjà obtenus de bonne foi restent cependant valables.

Les indications géographiques visées à l'alinéa précédent sont celles qui permettent d'identifier un produit comme étant originaire d'une région donnée, lorsqu'une qualité, la réputation ou d'autres caractéristiques du produit peuvent être attribuées essentiellement aux facteurs naturels ou humains correspondants.

**Art.18** Les personnes ou entreprises étrangères ayant l'intention de demander l'enregistrement d'une marque ou de traiter d'autres questions concernant une marque en Chine doivent charger une organisation agréée par l'État en tant qu'agence de marques d'être leur mandataire.

**Art.19** Quiconque demande l'enregistrement d'une marque doit indiquer, sur une formule, conformément à la classification des produits prescrite, la classe et la dénomination des produits pour lesquels la marque est destinée à être utilisée.

**Art.27** Lorsqu'une marque dont l'enregistrement a été demandé est conforme aux dispositions pertinentes de la présente loi, l'office des marques, après examen, accepte la marque à titre provisoire et la publie.

**Art.28** Lorsqu'une marque dont l'enregistrement a été demandé n'est pas conforme aux dispositions pertinentes de la présente loi, ou lorsqu'elle est identique ou semblable à la marque d'un tiers, enregistrée ou, après examen, acceptée à titre provisoire, pour les mêmes produits ou pour des produits similaires, l'office des marques rejette la demande et ne publie pas ladite marque.

**Art.29** Lorsque deux déposants ou plus demandent l'enregistrement de marques identiques ou similaires pour les mêmes produits, ou pour des produits similaires, l'office des marques accepte à titre provisoire après examen, et la publie la marque déposée en premier lieu. Lorsque les demandes ont été déposées le même jour, l'acceptation à titre provisoire

après examen, et la publication, sont effectuées pour la marque utilisée la première; quant aux autres déposants, leur demande est rejetée et leur marque n'est pas publiée.

**Art.30** Toute personne peut, dans un délai de trois mois à compter de la date de publication, former opposition à la marque qui, après examen, a été acceptée à titre provisoire. Si aucune opposition n'est formée à l'expiration du délai prescrit, l'enregistrement est accepté, un certificat d'enregistrement de la marque délivré et la marque publiée.

**Art.32** Lorsque la demande d'enregistrement d'une marque est rejetée et qu'aucune publication n'est effectuée, l'office des marques le notifie par écrit au déposant. Lorsque le déposant n'est pas satisfait, il peut, dans un délai de 15 jours à compter de la date de réception de la notification, présenter une requête en réexamen de la décision à la Chambre d'examen et de décision en matière de marques, qui rend une décision définitive et la notifie par écrit au déposant.

Si le déposant n'est pas satisfait de la décision de la Chambre d'examen et de décision en matière de marques, il peut, dans un délai de 30 jours à compter de la date de réception de la notification correspondante, intenter une action devant le tribunal populaire.

**Art.33** Lorsqu'une opposition est formée contre la marque qui, après examen, a été acceptée à titre provisoire et publiée, l'office des marques entend les faits et motifs exposés par l'opposant et, après enquête et vérification, rend une décision. Lorsque l'une des parties n'est pas satisfaite, elle peut, dans un délai de 15 jours à compter de la date de réception de la notification, présenter une requête en réexamen de la décision à la Chambre d'examen et de décision en matière de marques, qui rend une décision et la notifie par écrit à l'opposant et au déposant.

Une partie qui n'est pas satisfaite de la décision de la Chambre d'examen et de décision en matière de marques peut, dans un délai de 30 jours à compter de la date de réception de la notification, intenter une action devant le tribunal populaire. Ce dernier en avise l'autre partie à la procédure de réexamen de la marque en l'invitant à se joindre à l'instance en tant que tierce partie.

**Art.46** Lorsqu'une marque enregistrée a été radiée ou est expirée pour cause de non-renouvellement, l'office des marques n'accepte pas de demandes d'enregistrement de marques identiques ou similaires à ladite marque pendant une année à compter de la date de radiation ou de suppression.

#### **Règlement d'exécution de la Loi sur les Marques de la République populaire de Chine**

(extrait)

**Art. 7** Lorsqu'une partie intéressée charge une agence de marques de demander l'enregistrement d'une marque ou toute autre procédure en la matière, un pouvoir doit être joint. Le contenu et le champ d'application de la compétence doivent être énoncés dans ce pouvoir; la nationalité du mandant doit également être énoncée dans le pouvoir, s'il s'agit d'une personne étrangère ou d'une entreprise étrangère.

#### **Réglementation sur l'Enregistrement et l'Administration de la marque collective et de la marque de certification.**

(extrait)

**Art. 4** Quiconque demande l'enregistrement d'une marque collective doit fournir une attestation de qualification, et doit indiquer en détail le nom et l'adresse des membres de l'organisation collective; quiconque demande l'enregistrement d'une indication géographique à titre de marque collective doit fournir une attestation de qualification, et doit indiquer en détail les techniciens spécialisés et les équipements spécialisés de test, etc. appartenant à lui-même ou à un organisme chargé par lui-même, dans le but de prouver sa capacité de contrôler la qualité spéciale des produits pour lesquels l'indication géographique est utilisée.

Tous les groupes, associations ou autres organismes, qui demandent l'enregistrement d'une indication géographique à titre de marque collective, doivent être constitués par les membres issus de la région délimitée par l'indication géographique.

**Art. 5** Quiconque demande l'enregistrement d'une marque de certification doit fournir une attestation de qualification, et doit indiquer en détail les techniciens spécialisés et les équipements spécialisés de test, etc. appartenant à lui-même ou à un organisme chargé par lui-même, dans le but de prouver sa capacité de contrôler la qualité spéciale des produits pour lesquels la marque de certification est utilisée.

**Art. 6** Quiconque demande l'enregistrement d'une indication géographique à titre de marque collective ou de marque de certification doit également fournir un document d'autorisation approuvé par le gouvernement du peuple de la région où se trouve le territoire délimité par l'indication géographique, ou par l'autorité compétente du secteur concerné.

Lorsque les personnes ou les entreprises étrangères demandent l'enregistrement d'une indication géographique à titre de marque collective ou de marque de certification, les déposants doivent fournir une attestation de protection légale de cette indication géographique dans leur pays d'origine en leur propre nom.



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**NOTIFICATION****REN/2016/05**

Reproduction de la marque



<i>Numéro d'enregistrement</i>	<b>879 539</b>
<i>Date d'enregistrement</i>	<b>27 décembre 2005</b>
<i>Date du renouvellement</i>	<b>27 décembre 2015</b>
<i>Date d'échéance</i>	<b>27 décembre 2025</b>
<i>Nom et adresse du titulaire</i>	Organisation Mondiale de la Propriété Intellectuelle chemin des Colombettes 34, CH-1211 Genève 20 (Suisse)
<i>Forme juridique du titulaire (personne morale) et lieu de constitution</i>	organisation intergouvernementale, (sans objet)
<i>Classification des éléments figuratifs</i>	16.3; 27.5
<i>Liste des produits et services NCL(8)</i>	<p>9 Supports (autres que papier) pour visionnage par machines électroniques, y compris bandes magnétiques, disques optiques, DVD et CD-ROM, contenant des données bibliographiques et graphiques, de la documentation et des informations en matière de brevets d'invention, appareils et instruments d'instruction ou d'enseignement; programmes et logiciels informatiques enregistrés sur supports magnétiques ou optiques et contenant des informations destinées au domaine des brevets d'invention; publications électroniques (téléchargeables).</p> <p>16 Manuels, imprimés et brochures; matériel d'instruction ou d'enseignement (à l'exception des appareils).</p> <p>35 Services de travaux de bureaux concernant des banques de données (y compris données statistiques), en matière de mise à disposition de renseignements dans le domaine des brevets d'invention, y compris collecte, mise à jour, édition, formatage, élaboration et analyse de ces données.</p> <p>38 Services de télécommunication concernant des banques de données, en matière de données relatives au domaine des brevets d'invention, y compris diffusion et transmission en ligne de ces données; fourniture d'accès utilisateur à des serveurs et bases de données; télécommunications par le biais de terminaux informatiques.</p> <p>41 Services d'enseignement et de formation; organisation et animation de séminaires, présentations à des fins pédagogiques, conférences et enseignement dirigé; publication d'informations et de documentation; tous les services précités concernant le domaine des brevets d'invention.</p> <p>42 Consultations juridiques et techniques dans le domaine des brevets d'invention, y compris services concernant le dépôt de demandes de brevets d'invention, analyse (scientifique, technique et technologique) des données (y compris données statistiques) dans le domaine des brevets d'invention.</p>
<i>Enregistrement de base</i>	Suisse, 19.07.2005, 538720



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## NOTIFICATION

(suite)

<i>Données relatives à la priorité selon la Convention de Paris</i>	Suisse, 19.07.2005, 538720
<i>Désignations selon le Protocole de Madrid</i>	Australie, Japon, République de Corée, Singapour, Union européenne
<i>Désignations selon le Protocole de Madrid en vertu de l'article 9sexies</i>	Chine
<i>Déclaration d'intention d'utiliser la marque</i>	Singapour
<i>Autres décisions finales</i>	République de Corée; 2008/16 Gaz
<i>Limitation</i>	Japon
	9 Supports (autres qu'en papier) conçus pour visualiser au moyen de machines électroniques, à savoir supports de données magnétiques, bandes magnétiques, disques optiques, DVD et CD-ROM, contenant des données bibliographiques et graphiques, de la documentation et des informations sur les brevets d'invention, appareils et instruments didactiques ou pédagogiques; programmes et logiciels informatiques enregistrés sur des supports optiques ou magnétiques et contenant des informations relatives aux brevets d'invention; publications électroniques (téléchargeables).
	35 Services de bureau destinés aux banques de données (y compris données statistiques), en rapport avec la fourniture d'informations dans le domaine des brevets d'invention, notamment recueil et publication de ces données.
	38 Services de télécommunications destinés aux banques de données, en rapport avec des données dans le domaine des brevets d'invention, notamment diffusion et transmission en ligne de ces données; fourniture d'accès utilisateur à un réseau télématique mondial (prestataires de services); télécommunications au moyen de terminaux informatiques.
	41 Services d'enseignement et de formation; organisation et conduite de séminaires, présentations à caractère didactique, conférences et cours d'enseignement; publication de livres, éditique; tous les services précités dans le domaine des brevets d'invention.
	42 Recherche technique et juridique, à savoir analyse (scientifique, technique et technologique) de données (notamment de données statistiques) dans le domaine des brevets d'invention.
	La classe 16 ne change pas.

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