

MADRID AGREEMENT AND PROTOCOL CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

Explanatory Note Concerning the Time Limit for Requesting Review of Refusal in Respect of an International Registration: China

1. The Trademark Office of the State Administration for Industry and Commerce of China (hereinafter referred to as “the Office”) has drawn the attention of the International Bureau of the World Intellectual Property Organization (WIPO) to the time limit of 15 days provided for by the China Trademark Law for the purpose of presenting a request for review of a decision of refusal issued by the Office with regard to an international registration.
2. Pursuant to the law and regulations of trademarks currently in force in China (<http://sbj.saic.gov.cn>), upon receipt of a notification of refusal issued by the Office, a request for review of such a decision can be presented:
 - before the Trademark Review and Adjudication Board of the State Administration for Industry and Commerce of China (hereinafter referred to as “the Board”), through a local agent, if the applicant is a foreigner;
 - within a period of 15 days from the date on which the holder, or his appointed representative, received from the International Bureau of WIPO the notification of such a refusal;
 - when the date of receipt of the notification is illegible or absent, the request for review of refusal may be presented within a period of 30 days from the date where the notification was sent by the International Bureau of WIPO;
 - any supplementary evidence referred to in a request for review shall be submitted to the Board within three months from the date upon which the said request was presented.

July 12, 2011