



• Madrid System



马德里体系用户的 常见错误

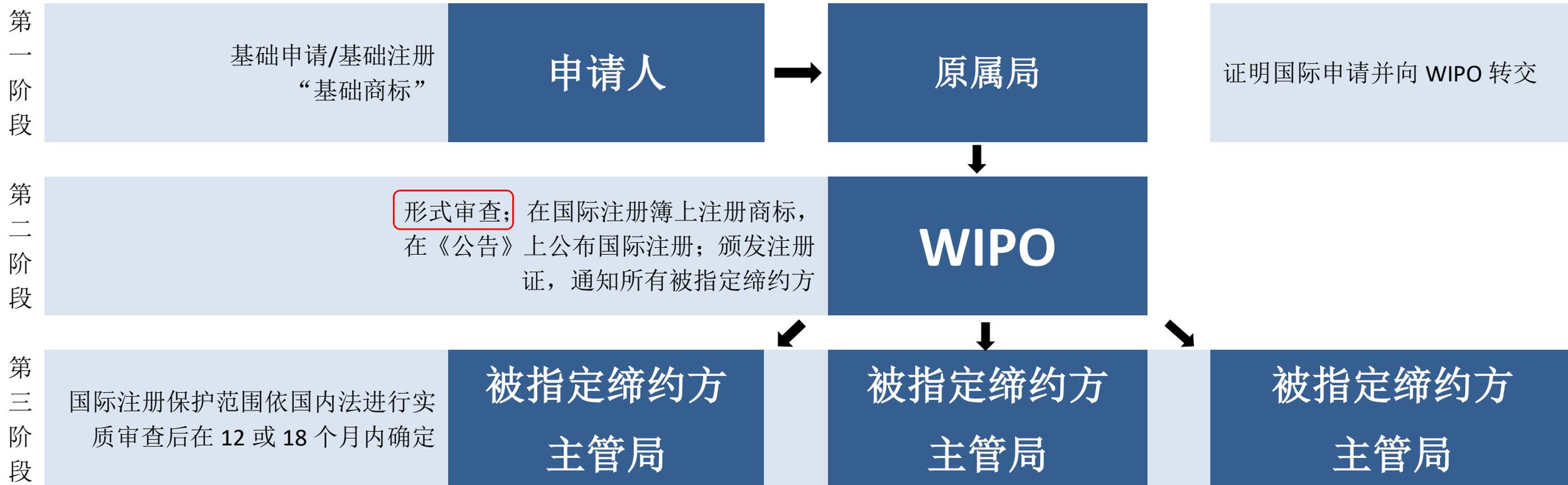
- 戴晓丹 审查员
马德里运营司
- 杨春花 助理项目官
马德里信息推广司
- 日内瓦
- 2024年5月30日

网络研讨会内容框架

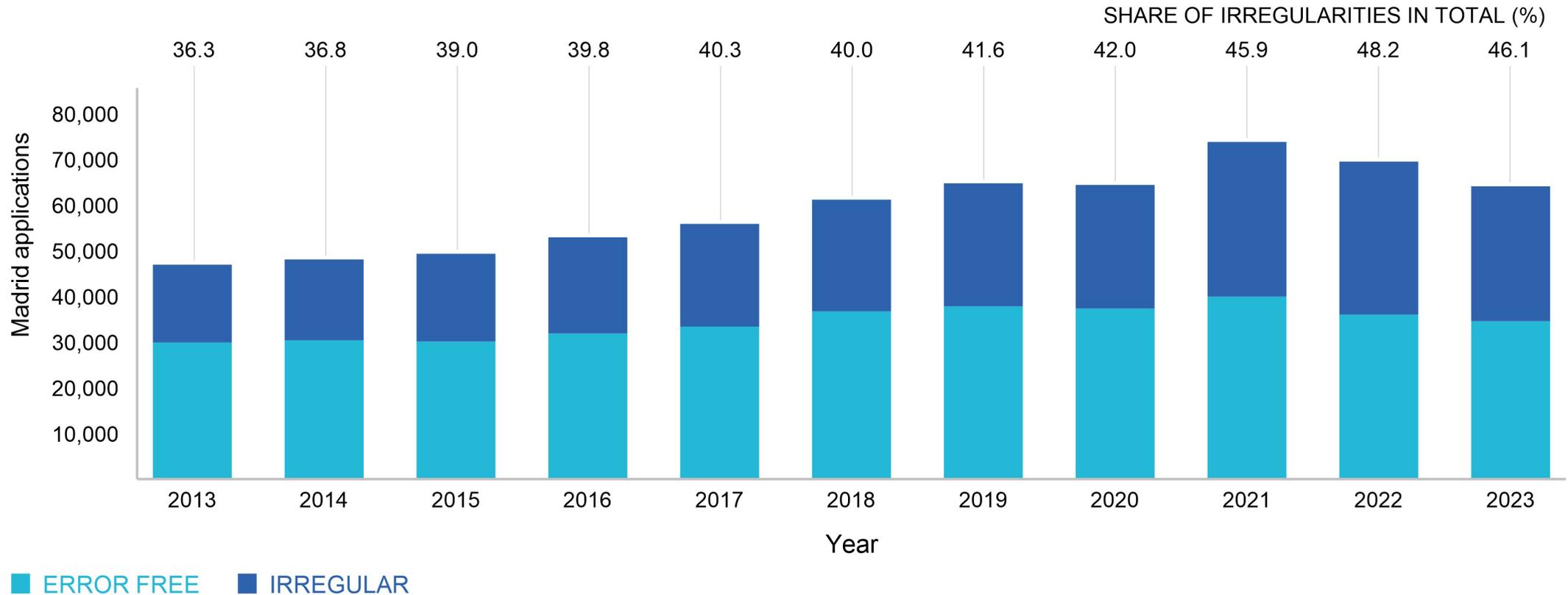
- 介绍：马德里体系用户的常见错误
- 会间互动问答
- 结尾问答环节
- 简短调查问卷搜集反馈意见

马德里体系如何运作

国际商标注册流程



新申请不规范占比统计数据



• WIPO Statistics Database, March 2024

新申请：三种类型的不规范

根据实施细则规定：

- Rule 11: 除商品/服务之外的其他不规范
- Rule 12: 商品/服务的分类不规范
- Rule 13: 商品/服务的名称不规范

Rule 11: 常见不规范内容

- 申请人/代理人信息
- 优先权信息
- 商标图样
- 商标音译
- MM18
- 费用
- 其他

申请人信息不规范填写

- 申请人地址中包含两个邮编

Name : BRIDGE PETCARE CO., LTD

Address : NO.6383 ,TING WEI ROAD, JIN SHAN DISTRICT,
SHANGHAI
201506, CHINA

Post Code : 200233  Country : CN

Phone : 86-21-34183200 Fax : 86-21-65828651

E-mail : official-notice@sptl.com

申请人信息不规范填写

- 申请人名称/地址中不包含任何分隔空格

Name : GUANGZHOU LAOWAN DIANZI KEJI YOUXIAN GONGSI

Address : ROOM 528, NO.38-39 SONGSHUQIAN STREET, NANTIAN ROAD, HAIZHU DISTRICT, GUANGZHOU CITY, GUANGDONG PROVINCE, CHINA

Post Code : 510240

Phone : 18620222172

E-mail : 650369@qq.com



Name : GUANGZHOU LAOWAN DIANZI KEJI YOUXIAN GONGSI

Address : ROOM 528, NO.38-39 SONGSHUQIAN STREET, NANTIAN ROAD, HAIZHU DISTRICT, GUANGZHOU CITY

Post Code : 510240

Phone : 18620222172

E-mail : 650369@qq.com



申请人信息不规范填写

- 申请人地址包含两个实际不同的地址

Address:

No.72Tianhe Street, Hightech Development Zone (Added Manufacturing Address: No.1718 Yueda Road, Changchun High-tech Development Zone), Changchun City, Jilin Province, China



Address:

No.72 Tianhe Street, Hightech Development Zone, Changchun City, Jilin Province, China



Rule 11: 申请人的电子邮箱

常见不规范情形:

- 未提供申请人的电子邮箱;
- 提供申请人的电子邮箱与代理人相同;
- 多个共同申请人的情况下, 未提供每个申请人各自的电子邮箱。

互动问题一：

- 如果提供申请人电子邮箱不符合要求，未在不规范通知之日起3个月内补正，会导致什么后果？
 - a. 国际申请继续登记
 - b. 国际申请视为放弃

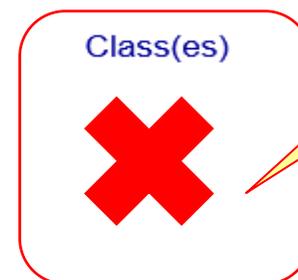
Rule 11: 优先权信息

常见不规范情形:

- 优先权超过6个月期限
- 要求多个优先权的情况下，没有提供每个优先权所对应的类别及商品/服务

Priority Details

Off	Filing Number	Date
<u>CN</u>	<u>68741150</u>	07/12/2022
<u>CN</u>	<u>68745386</u>	07/12/2022
<u>CN</u>	<u>68748423</u>	07/12/2022



没有标明对应的
类别及商品/服
务，
不规范！

正确填写

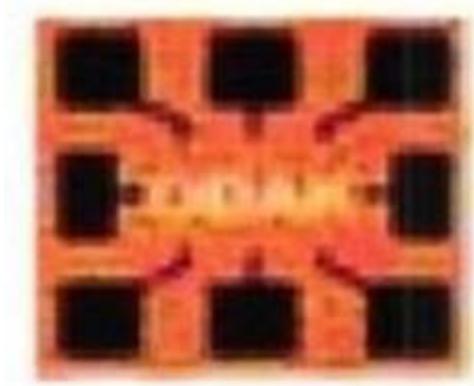
- 要求多个优先权的情况下，必须注明每个优先权所对应的类别及商品/服务

Priority Details

Off	Filing Number	Date	Class(es)
<u>CN</u>	<u>76158302</u>	03/01/2024	<u>12</u>
<u>CN</u>	<u>76165398</u>	03/01/2024	<u>9</u>
<u>CN</u>	<u>76176502</u>	03/01/2024	<u>39</u>
<u>CN</u>	<u>76176511</u>	03/01/2024	<u>42</u>



Rule 11: 商标图样不清晰



ODAK
PCB

不规范！

- ❖ 对商标图样不清晰的不规范，如逾期未补正，国际申请**视为放弃**
- ❖ 商标图样不清晰的不规范，可直接向国际局（[Contact Madrid](#)）提交回复

MM2表格第7(b)项的填写

- 如果申请人希望商标被视为标准字符商标，应勾选MM2表格第7(b)项

(b) **The applicant declares that the mark is to be considered as a mark in standard characters.**

- 如果商标含有特殊字符或图形要素，则不应勾选标准字符声明。

MM2表格第7(b)项的案例

7. THE MARK

(a) Place the representation of the mark as it appears in the basic application or basic registration in the square below¹¹; or attach it to this application as a single digital file¹².

ROMARIN

(b) The applicant declares that the mark is to be considered as a mark in standard characters.



7. LA MARQUE

a) Placer la reproduction de la marque, telle qu'elle figure dans la demande de base ou dans l'enregistrement de base, dans le carré ci-dessous. b) Si la reproduction au point a) est en noir et blanc et que la couleur est revendiquée à la rubrique 8, placer une reproduction couleur de la marque dans le carré ci-dessous.

	
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不应该勾选此项

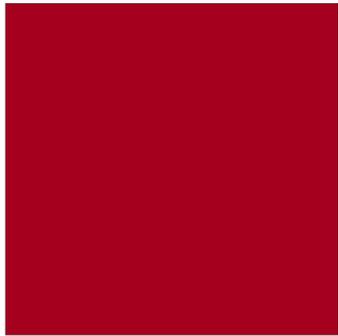
(b) The applicant declares that the mark is to be considered as a mark in standard characters.
(c) The mark consists exclusively of a color or a combination of colors as such, without any figurative element.



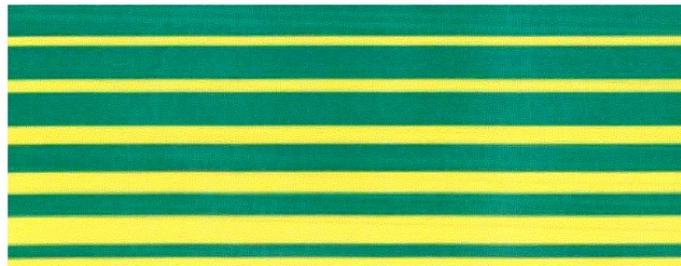
MM2表格第7(c)项的填写

- 如果商标仅由一种颜色或颜色的组合构成，没有任何图形要素的，应勾选第7(c)项

(c) The mark consists exclusively of a color or a combination of colors as such, without any figurative element.



IRN 857587 (BP p.l.c.)



Rule 11: 商标音译

- 如果商标中含有汉字等非拉丁字符，非阿拉伯数字或非罗马数字，必须提供这些字符的音译(Transliteration)



Transliteration of the mark
xiao hao



Transliteration of the mark
View Ee View Ee.



Transliteration of the mark
The transliteration of the mark DELUXE.



Transliteration of the mark
Yashkino

MM2表格第9项注意事项

- 避免在商标意译、商标说明、放弃保护声明等项中包含非拉丁字符等文字，例如：中文
- 在使用网申系统时，注意使用英文输入法输入标点符号

Disclaimer(g)

: CHENGDU BOWL, and the Chinese characters 成都碗 and the color combinations.



Mark Translation: 妮 means maid, little girl 之 means It; of, 淬 means Dip into water; to temper; Quench; dye; soak; change, alter



Disclaimer(g)

: CHENGDU BOWL, and the Chinese characters whose transliteration are "Chengdu Wan" and the color combinations.



互动问题二：

- 如果收到要求提供商标音译的不规范通知，未在通知之日起3个月内向国际局提交补正，会导致什么后果？
 - a. 国际申请继续登记
 - b. 国际申请视为放弃

Rule 11: MM18表格

- 指定美国时必须同时提交MM18表格
- 必填内容:

I declare under penalty of perjury under the laws of the United States of America that all the foregoing statements are true and correct to the best of my knowledge and belief. I understand that willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, and are punishable by fine or imprisonment, or both (18 U.S.C. §1001). 35 U.S.C. §25(b).

签字 (可手写、印刷、打字或戳记)

Signature

日期 (日/月/年) |

Date of execution
(dd/mm/yyyy)

打印的名字 (如汉字, 必须填汉字的拼音)

Signatory's Name (Printed)

签字人的职位

Signatory's Title

MM18填写样本

I declare under penalty of perjury under the laws of the United States of America that all the foregoing statements are true and correct to the best of my knowledge and belief. I understand that willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, and are punishable by fine or imprisonment, or both (18 U.S.C. §1001). 35 U.S.C. §25(b).

陈晓红

Signature

06/08/2021

Date of execution (dd/mm/yyyy)

Chen Xiaohong

Signatory's Name (Printed)

President

Signatory's Title

Rule 11: 费用

1. The amount of the fees available in the account N° 101982 opened with WIPO is less than the amount required (Rule 9(3)).
Missing amount: (see accounting statement enclosed).

In order to remedy this irregularity, the missing amount should be paid to the International Bureau:

- either online, by credit card or by debiting a sufficiently credited current account opened with WIPO, at <https://webaccess.wipo.int/epayment/> using reference 1444522001 ;
- or by transfer to WIPO's bank account: IBAN No. CH51 0483 5048 7080 8100 0, SWIFT code CRESCH ZZ80A, Crédit Suisse, CH-1211 Geneva 70;
- or by transfer to WIPO's postal account: IBAN No. CH03 0900 0000 1200 5000 8, SWIFT/BIC: POFICHBE;
- or by authorizing the International Bureau to debit the required amount from a sufficiently credited account opened with WIPO.

The correction of the above-mentioned irregularity(ies) should be **received** by the International Bureau within a **three-month** time limit from the date of this notification (**expiring on 29 June 2021**), failing which the international application **will be considered abandoned**. In that case, any fees paid in respect of the application will be reimbursed, after deduction of an amount corresponding to one-half of the basic fee.

及时联系中国
国家知识
产权局商标
局！

费用计算器

Madrid System Fee Calculator

Information The Fee Calculator helps you estimate the cost of registering your mark through the Madrid System, a simple, easy and cost-effective International registration procedure. It also helps you estimate other costs related to managing your international trademark such as the renewal, the subsequent designation, the second fee tax for certain Contracting Parties and all the Madrid transactions with fees.

Mark Information

Please select which transaction you want to estimate

注意选择业务

Type of transaction *

New application

注意选择日期

Date *

2024/05/29

注意选择原属局

Your office of origin *

CN - China

Number of classes covered by the mark *

Is your mark a [collective mark, certification mark or guarantee mark](#)?

Is your mark in colour or colours?

Rule 11:如何避免不规范

- 使用CNIPA网上申请系统 <http://sbj.cnipa.gov.cn/wssq/>

The screenshot shows the 'International Registration' page on the CNIPA website. The header includes the logo and name of the Trademark Office of the National Intellectual Property Administration, PRC. The breadcrumb trail indicates the current location: 'International Application > International Registration Application'. The current time is 16:05 Beijing Time. The main content area shows a progress bar with two steps: '1. Data Entry' (active) and '2. Submit'. A link is provided to view the requirements for the Madrid International Trademark Registration online application. Below this, a tabbed interface is shown with 'Basic Information' selected. The form fields include: 'Applicant's Reference (Applicant Number):' with a text input box and a note 'Please fill in the application or agent number. Optional.'; 'Contracting party whose office is the office of origin (Original office of the contracting party):' with a dropdown menu showing 'CHINA (China)' and a red asterisk indicating a required field. A 'Next Step' button is located at the bottom of the form.

有关商品 / 服务的不规范

- 国际局对商品/服务的审查依据：
 - 实施细则Rule 12和Rule 13
 - 现行版本的尼斯分类（12-2024）

<https://www.wipo.int/classifications/nice/nclpub/en/fr/>

- 国际局有关商品和服务分类的审查指南

https://www.wipo.int/export/sites/www/madrid/en/docs/2019_examination_guidelines.pdf

Rule 12 & 13: 造成不规范的可能原因

- 新旧版本尼斯分类的修改变化
- 国际局与国家局之间对某些商品/服务的不同意见
- **翻译问题**
- 商品/服务清单中的标点符号使用不当

Rule 12: 12-2024尼斯分类的最新变化

- Aluminium foil for cooking purposes (烹饪用铝箔): 从 21 类 移到 6 类
- Rental of printers (打印机出租) : 从 35 类 移到 40类
(参考400144 “rental of printers for use with computers” (与计算机连用的打印机的出租))
- Occupational health consultancy (职业健康咨询): 从 45 类 移到 44 类

Rule 12: 尼斯版本的分类变化

- Insulating gloves (绝缘手套) : 从 17 类 移到 9 类
- Wet suits (湿式潜水衣) : 从 25 类 移到 9 类
- Bags for microwave cooking (微波烹饪袋) : 从 16 类 移到 21 类
- Hospital beds (医院用病床) : 从 20 类 移到 10 类

Rule 12: 尼斯版本的分类变化

- Toilet paper dispensers (卫生纸分配器): 不再接受, 可接受项目如下:
 - toilet paper dispensers of metal (金属制卫生纸分配器) 6类
 - toilet paper dispensers, not of metal (非金属制卫生纸分配器) 21类

- Ticket dispensers (自动售票机) 不再接受, 可接受项目如下:
 - ticket vending machines (自动售票机) 7类
 - ticket dispensing terminals, electronic (电子出票机) 9类
 - queue ticket dispensers of metal (金属制排队号码纸分配器) 6类
 - queue ticket dispensers, not of metal (非金属制排队号码纸分配器) 20类

Rule 12: 典型案例

- 在7类申请 solenoid valves（电磁阀）：**移到第9类**
- 在7类申请 soy milk making machines（制豆浆机）：**移到11类**
- 在9类申请 glass cloth/eyeglass cloth（擦眼镜布）：
移到21类，同时建议翻译为“eyeglass cleaning cloths”
- 在21类申请 clothes hangers（衣架）：**移到20类**
 - 如翻译为drying racks for laundry 或 clothes drying hangers（洗衣用晾衣架）则应在21类

Rule 12: 典型案例

- 在30类上申请cooking wine（料酒）：移到33类
- 在35类申请 advertisement（广告）：移到16类
 - 如修改为“advertising”则符合35
- 在42类申请 installation and repair of computer hardware（电脑硬件的安装及维修）：移到第37类

Rule 13: 商品/服务的名称不规范

Rule 13的三种情形:

- 表述过于含混，不便分类: too vague
- 费解: incomprehensible
- 用词不正确: linguistically incorrect

Rule 13: 标点使用不当

- 用分号“;”来分隔商品/服务项目
- 在同一项目之内，用逗号“,”来停顿

○ 案例：

Cl. 35 – Retail and wholesale of shoes; clothes; hats. X

Cl. 35 – Retail and wholesale of shoes, clothes, hats. ✓

Class 16 – Envelopes; scissors: paper. X

Class 16 – Envelopes; scissors; paper. ✓

Rule 13: 尼斯版本的最新变化

- 原尼斯分类商品: **silver paper** (锡纸)(16类)

从12-2024版尼斯分类开始, 因表述含混不再接受

修改为: silver-coloured paper [stationery] (class 16)

- 原尼斯分类商品: **photograph stands** (照相架)(16类)

从12-2024版尼斯分类开始, 因表述含混不再接受

修改为: apparatus for mounting photographs (class 16)

Rule 13: 尼斯版本的最新变化

- 原尼斯分类商品: **fibrous gaskets for ships** (船用纤维密封圈)(22类)
从12-2024版尼斯分类开始, 因表述含混不再接受

修改为: sail gaskets (class 22)

- 原尼斯分类商品: **network** (网织物)(22类)
从12-2023版尼斯分类开始, 因表述含混不再接受

修改为: nets 或 netting for protection against birds and insects

Rule 13: 尼斯版本的最新变化

- 原尼斯分类商品: **albumen for culinary purposes** (烹饪用蛋白) (29类)
从12-2023版尼斯分类开始, 因表述含混不再接受

修改为: white of eggs (29类)

或 : proteins for the food industry (1类)

- 原尼斯分类商品: **meat tenderizers, for household purposes** (家用嫩肉剂)(30类)
从12-2023版尼斯分类开始, 因表述含混不再接受

修改为: meat tenderizers for culinary purposes (烹饪用嫩肉剂) (30类)

Rule 13: 典型案例

- C字头商品：

例如：**housework services** (家务服务)(45类): 表述含混不清, 不便分类

应修改为：45类: **house sitting** (临时看管房子)

或者 37类: **house cleaning** (房屋清洁)

Rule 13: 典型案例

- 常见对美国的限定中：

例如：measuring apparatus, namely, [indicate Class 9 measuring apparatus by generic names, e.g., angle finders]

修改为：

measuring apparatus, namely, angle finders

Rule 13: 费解或用词不正确

- 费解:

meter characteristics of electric

- 避免使用 **the** 或 **a**

the computer → computers

a computer → computers

互动问题三：

如果收到国际局发出的关于商品和/或服务的分类或名称不规范通知（**Rule 12** 或者**13**条），可以直接向国际局提交修改意见吗？

- a. 不可以，必须通过原属局向国际局提交回复意见。
- b. 可以直接向国际局提交。

Rule 12 & 13不规范：逾期未不补正后果

- Rule 12:

商品/服务按照国际局的意见直接换类

- 如涉及增加费用而未在规定时间内缴费，会导致国际申请被放弃



- Rule 13:

在商品/服务项目后加国际局认为含混不清等说明

511 International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(11-2018)

07 Batteries engine (terms considered too vague by the International Bureau – Rule 13 (2) (b) of the Common Regulations); electricity core machine (terms considered too vague by the International Bureau – Rule 13 (2) (b) of the Common Regulations); attach sole tool (terms considered too vague by the International Bureau – Rule 13 (2) (b) of the Common Regulations); accumulator industry (terms considered too vague by the International Bureau – Rule 13 (2) (b) of the Common Regulations); roll line machine (terms considered too vague by the International Bureau – Rule 13 (2) (b) of the Common Regulations).

Rule 12 & 13: 如何避免不规范

- 使用商品服务管理器 ([MGS](#)) 翻译及查询
- 注意带C字商品/服务的翻译
- 如有任何疑问，及时联系国际局 ([Contact Madrid](#))



问答环节

- 戴晓丹 审查员
马德里运营司

- 杨春花 助理项目官
马德里信息推广司