Extract from the
International Register of Marks

The International Bureau of the

World Intellectual Property Organization (WIPO)

certifies that:

the attached copies of publications and, as the case may be, notifications of refusal or invalidation correspond to the entries made in the International Register of Marks on the date of signature of the present extract in accordance with the Madrid Agreement and Protocol.

879 539

Hongbing Chen
Director, Madrid Operations Division
Madrid Registry
Brands and Design Sector

Geneva, May 11, 2022

Fee: 167.- Swiss francs

Digitally signed by
Hongbing CHEN
Date: 2022.05.11
14:01:18 +02'00'
879 539

Registration date: December 27, 2005
Date next payment due: December 27, 2015

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

Legal nature of the holder (legal entity) and place of organization: Organisation Intergouvernementale.

Classification of figurative elements:
16.3; 27.5.

List of goods and services - NCL(8):
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).

16 Manuals, printed matter and pamphlets; instructional and teaching material (except apparatus).
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.
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.
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.
42 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.

Designations under the Madrid Protocol: Australia, European Community, Japan, Republic of Korea, Singapore, United States of America.
Declaration of intention to use the mark: Singapore, United States of America.
Date of notification: 20.04.2006
Language of the international application: French
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;
telemcommunications 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
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
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

The Trade Mark is now protected in Australia.

Yours faithfully

Registrar of Trade Marks
IP Australia
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

<table>
<thead>
<tr>
<th>Numéro d'enregistrement international:</th>
<th>0879539</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date de notification:</td>
<td>20-04-2006</td>
</tr>
<tr>
<td>Nom du titulaire:</td>
<td>Organisation Mondiale de la Propriété Intellectuelle</td>
</tr>
<tr>
<td>Marque:</td>
<td>PATENTSCOPE</td>
</tr>
</tbody>
</table>

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
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
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: +81-3-3593-2388
       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.

The date of pronouncement: 2007/03/01
V. The grounds for refusal

Ground 1

This application does not conform to the requirements provided for under Section 6(I) 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(I) 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, technical and 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 shall be used in connection with goods or services pertaining to the business of an applicant or to business of any person for which the applicant represents as its agent or representative, and shall consist of a mark rendering it distinctive, in a common manner, the name of the goods or services thereof, or of any other distinctive feature of the goods or services, and shall be used with sufficient intensity in the business of the applicant or of any person for whom the applicant represents as its agent or representative.

2. No trademark shall consist of such a mark as may be used in connection with goods or services pertaining to the business of a businessperson.

Art. 4. Unregistrable trademarks

1. A trademark shall not be registrable if it consists of a mark identical or similar to, or to the likeness of, a flag, an ensign, an emblem, a state arms, or any other similar emblem, and to the extent that any of the aforesaid items are used as a seal, emblem, or mark of authority, the items by which such acts are used for the purpose of or in connection with the business of the applicant shall be used for such purpose as to the extent that the items are used for the purpose of or in connection with the business of the applicant or of any person for whom the applicant represents as its agent or representative, and shall consist of a mark rendering it distinctive, in a common manner, the name of the goods or services thereof, or of any other distinctive feature of the goods or services, and shall be used with sufficient intensity in the business of the applicant or of any person for whom the applicant represents as its agent or representative.

2. No trademark shall consist of such a mark as may be used in connection with goods or services pertaining to the business of a businessperson.

Art. 5. Trademark registration

1. An application for trademark registration shall be filed by an applicant and shall be subject to the condition that the trademark shall not consist of a mark which is identical or similar to, or to the likeness of, a flag, an ensign, an emblem, a state arms, or any other similar emblem.

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 construed as classification of goods or services.
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 Organisation 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)

II. International registration number: 879539
   Mark: PATENTSCOPE (with figurative elements)
   Date of international registration: 2005/12/27

III. Holder of the international registration:

Organisation Mondiale de la Propriété Intellectuelle

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

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

VI. Signature or official seal by the office:
879 539 (PATENTSCOPE). Organisation Mondiale de la Propriété Intellectuelle, CH-1211 Genève 20 (Switzerland).

Designations concerned: Japan.

Limitation of the list of goods and services:
List limited to:

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 (services 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, technical and technological) of data (including statistical data) in the field of patents of invention.

Class 16 remains unchanged.

Date of recordal in the International Register: 05.04.2007
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)
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.
- Goods and/or services concerned :
  - 제 106류] 정보자료 처리 및 정보통신업, 시스템 통합업, 고도정보 통신통업, 컴퓨터 정보통신 업, 데이터 통신통업,
- Reproduction of the mark:
  스코프

SCOPE

- Services of the proposed mark refused by this ground for refusal
  [Class 35] All the designated services.
  [Class 38] All the designated services.
【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

- 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

Extract from the Korean Trademark Act

Article 5 Mutatis Mutandis Application of the Patent Act

Articles 2 and 28 of the Patent Act apply mutatis mutandis to trademarks. In such cases, "Article 32" in Articles 6, 11(1)(iv), 15(1) and 17 of the Patent Act reads "Article 70" or "70-", "patent right" and "patent". In the proviso of Article 29(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(vii) of the Patent Cooperation Treaty (hereinafter referred to as 'an international application')", '(The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter referred to as "the Protocol")."

Article 6 Requirements for Trademark Registration

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

(i) where the trademark consists solely of a mark indicating, in a common way, 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, the composition 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 (v) of this Article, where the trademark has a result of a decision on the application for registration under Article 9 of this Act, especially recognized by consumers whose goods are indicated, it may be registered. In case of registering the goods in designated goods and supplemental designated goods as defined in Articles 10(1) and 47(2)(ii) 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, 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 union of the Paris Convention for the protection of industrial 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, 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 comprising 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 is 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 to be used on goods that are identical or similar to the designated goods of the latter;

(viii) trademarks that are identical or similar to another person's registered collective mark for a geographical indication when the former are to be used on goods that are identical or similar to the designated goods of the latter;

(ix) trademarks that are identical or similar to another person's registered trademark (excluding a registered collective mark for a geographical indication) when 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;

(x) 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 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;

(xi) trademarks that are identical or similar to a trademark (excluding a geographical indication) that is especially recognized among consumers as to indicating the person's goods, when the former are to be used on goods that are identical or similar to those of the person;

(xii) trademarks that are identical or similar to another person's geographical indication that is especially recognized among consumers as to indicating the person's goods, when the former are to be used on goods that are identical with those using the geographical indication;

(xiii) trademarks that are liable to cause confusion with the goods or services of another person's that are especially recognized among consumers;

(xiv) trademarks that are liable to mislead or deceive consumers on the quality of the goods:

(xv) 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;

(xvi) 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:

(xvii) trademarks that consist solely of three-dimensional shapes which are essential for securing the functions of goods to be registered or their packaging;

(xviii) 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 29 of this Act.

(2) Notwithstanding a trademark falls under paragraphs (1)(vii), (ix), (ix), (x), (xvii) 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), (ix), (xvii) and (x) of this Article apply where the trademark falls under the respective sub-paragraphs at the time the applicant applies for trademark registration (for trademarks of another person is invalidated under Article 71(3) of this Act).

(4) Paragraphs (1)(vii) and (xvii) of the following cases:
(i) where the trademark has not been used for more than one year consecutively 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)(v), (ix), (x), (xii) and (xiii) 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 (x) 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 have 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)(v), (ix) and (x) 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:

**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 suffering from 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.
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 patents of invention, including online distribution and transmission of data, providing user access to servers and databases; telecommunications services in connection with other activities of the contracting party;
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
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
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
UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/021840
APPLICANT: Organisation Mondiale de la Propriété; I ETC.

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

*79021840*
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.
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. TMED §§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). TMED 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 spreadsheet] 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. TMED §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 and pamphlets]; printed instructional and 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/gsmanual/.

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.

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.

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.

Class 41

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

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(c).

(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 [indicate wording, as appropriate] and in the design [identify design, as 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.
### FINAL DISPOSITION ON EXTENSION OF PROTECTION

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<td>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</td>
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INSTRUCTIONS SECTION

FREE TEXT PROCESSING INSTRUCTIONS Registration of REP Application
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; 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
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.: 08795539
Holder: Organisation Mondiale de la Propriete 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 exculpable notice in the time allowed for the corresponding registered extension of protection, U.S. Registration No. 5205306. 15 U.S.C. §1114(k). The effective date of the invalidation is February 21, 2014.

The invalidation is no longer subject to appeal.

Sincerely,

Janet Brito
Madrid Processing Unit
Trademark Specialist
879 539
Subsequent designations under the Madrid Agreement: China.
Date of subsequent designation: 16.06.2006
Date of notification: 07.09.2006

International registration concerned

879 539
Registration date: December 27, 2005
Date next payment due: December 27, 2015

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

Legal nature of the holder (legal entity) and place of organization: organisation intergouvernementale, (sans objet).

Classification of figurative elements:
16.3; 27.5.

List of goods and services - NCL(8):
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).
16 Manuals, printed matter and pamphlets; instructional and teaching material (except apparatus).
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.
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.
41 Teaching and training services; arranging and conducting of seminars, presentations for teaching purposes, lecture and taught classes; publishing of information and documentation; all the above services in the field of patents of invention.
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.


*Language of the international application*: French
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,
CN-100820 BEIJING
République Populaire de Chine

Téléphone:(10)68027567
Télécopie:(10)68027567

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

III. N° 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:
L'édit 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
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, after examination, preliminarily approved, the Trademark Office shall, after examination, preliminarily approve the trademark and publish it.

Article 29. Where two or more parties wish to register the same trademark simultaneously, the Trademark Office shall, after examination, preliminarily approve the trademark and publish it.
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.
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, 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 géogaphiques 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 originaux 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'alïnda 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, pour la marque déposée en premier, a été obtenue le même jour.
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.

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.
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 :
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 :

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

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

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

Article 29. Where two or more persons apply for the registration of a trademark which is the same or similar to another trademark which has been registered or preliminary approved, the Trademark Office shall refuse the application for the trademark which has been registered or preliminary approved.
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.
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 semblables au même produit, ou pour des produits semblables, à titre provisoire après examen, et que les marques 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 dépôts, 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 notify 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 notify 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 notify 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.

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.

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 compérence doivent être énoncés dans ce pouvoir; la nationalité du mandant doit également être énoncée dans le pouvoir, il s’agit d’une personne étrangère ou d’une entreprise étrangère.
Reproduction of the mark

Registration number 879 539
Registration date December 27, 2005
Date of the renewal December 27, 2015
Date next payment due December 27, 2025
Name and address of holder Organisation Mondiale de la Propriété Intellectuelle chemin des Colombettes 34, CH-1211 Genève 20 (Switzerland)
Legal nature of the holder (legal entity) and place of organization organisation intergouvernementale, (sans objet)
Classification of figurative elements 16.3; 27.5

List of goods and services

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).
16 Manuals, printed matter and pamphlets; instructional and teaching material (except apparatus).
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.
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.
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.
42 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.

Basic registration Switzerland, 19.07.2005, 538720
Data relating to priority under the Paris Convention Switzerland, 19.07.2005, 538720
Designations under the Madrid Protocol Australia, European Union, Japan, Republic of Korea, Singapore
Designations under the Madrid Protocol by virtue of Article 9sexies

Declaration of intention to use the mark

Singapore

Other final decisions

Republic of Korea; 2008/16 Gaz

Limitation

China

Japan

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 (services 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, technical and technological) of data (including statistical data) in the field of patents of invention.

Class 16 remains unchanged.
More details about this international registration are available on Madrid Monitor