



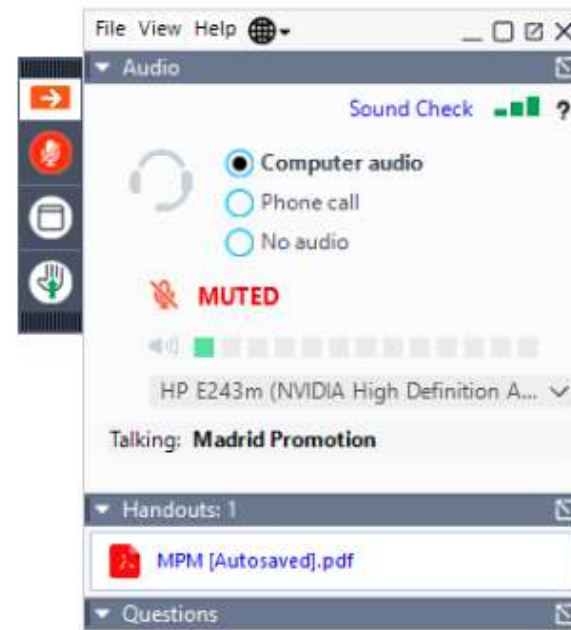
经验之谈：马德里体系用户的常见错误分析

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马德里信息推广司

日内瓦
2022年5月12日

如何使用GoToWebinar



网络研讨会内容框架

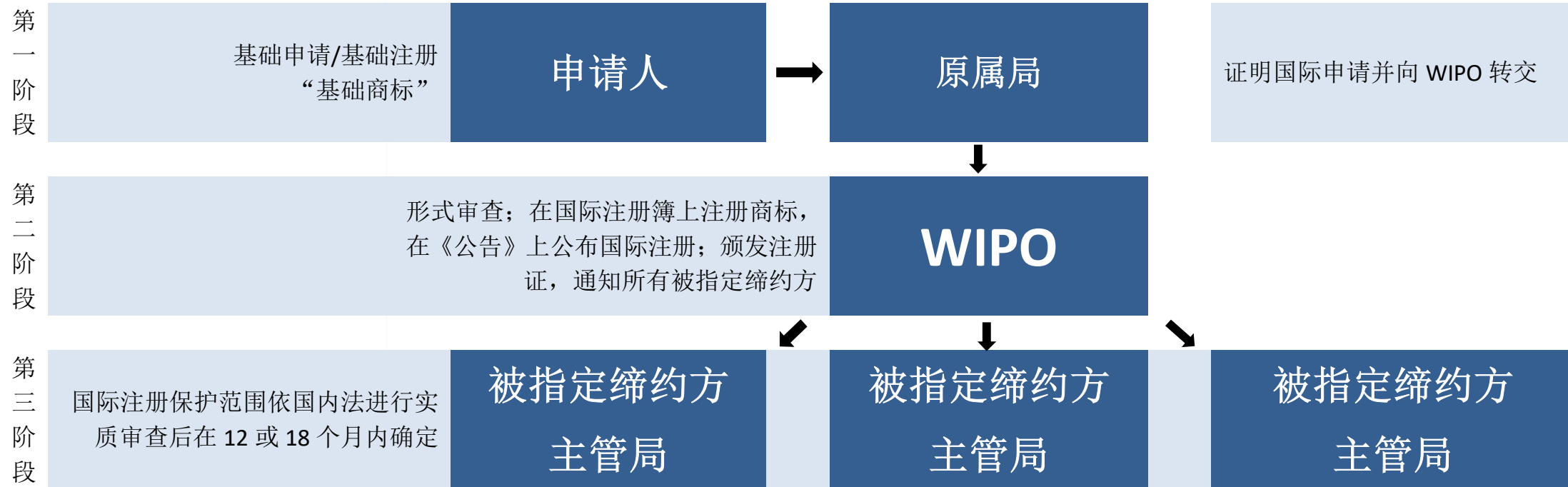
- 介绍：马德里体系用户的常见错误
- 会间互动问答
- 结尾问答环节
- 讲座PPT可供下载
- 视频会上传到[马德里网络研讨会](#)页面
- 简短调查问卷搜集反馈意见

互动问题一：

- 下列哪些国家是马德里体系新加入的成员？
- A. 牙买加
 - B. 智利
 - C. 佛得角
 - D. 上述国家

马德里体系如何运作

国际商标注册流程



新申请：三种类型的不规范内容

依据实施细则：

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

Rule 11: 常见不规范内容

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

Rule 11: 申请人的电子邮箱

- 申请人的电子邮箱不规范（2021年2月1日起实施）
 - 未提供申请人电子邮箱
 - 提供的申请人电子邮箱与代理人的相同
 - 多个申请人，未提供每个申请人的电子邮箱

互动问题二：

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

Rule 11: 代理人的电子邮箱

- 未提供代理人的电子邮箱（2021年2月1日起实施）
 - 如有其他不规范情形，发送不规范通知，3个月内补正
 - 如没有其他不规范情形，国际申请继续登记，但不包含指定的代理人信息

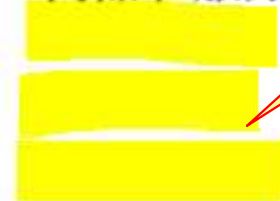
Rule 11: 优先权信息不完整

- 如多个优先权，必须提供每个优先权所对应的类别及商品/服务

案例：

主管局	申请号	申请日期
CN	12345678	01/03/2021
CN	13456789	01/03/2021
CN	14567890	01/03/2021

商品和服务



没有标明对应的
类别及商品/服
务。
不规范！

Rule 11: 商标图样

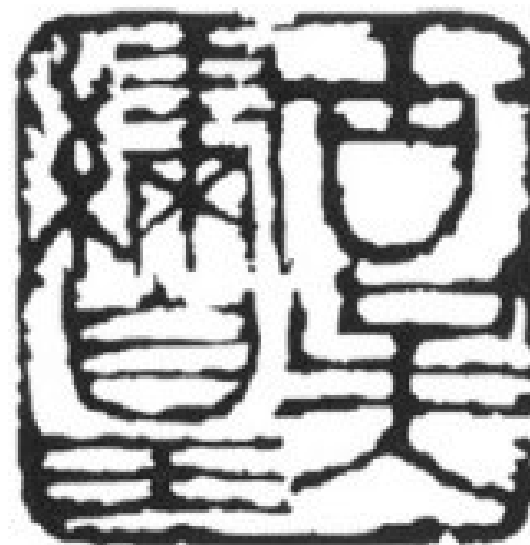
■ 商标图样不够清晰



■ 逾期未补正，国际申请视为放弃

Rule 11: 商标音译

- 未提供商标音译
 - 汉字等非拉丁字符,
 - 非阿拉伯数字或非罗马数字



Transliteration of the mark 商标音译: GU WU XIU HUANG

互动问题三：

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

Rule 11: MM18

■ 必填内容

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




签字

Signature


日期 (日/月/年)

Date of execution (dd/mm/yyyy)



打印的名字 (如汉字, 必须填汉字的拼音)

Signatory's Name (Printed)

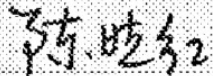


签字人的职位

Signatory's Title

MM18:

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



Signature

06/08/2021

Date of execution (dd/mm/yyyy)

Chen Xiaohong

Signatory's Name (Printed)

President

Signatory's Title

Rule 11: 费用

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

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

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

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

及时联系中国
国家知识产权局
商标局！

Rule 11:如何避免

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

The screenshot shows the '国家知识产权局商标局 中国商标网' (State Intellectual Property Administration Trademark Office of China) website. The page is for an international trademark application. The breadcrumb trail is '位置：国际申请 > 国际注册申请'. The current step is '1. 数据填写' (Data Entry), with '2. 提交' (Submit) as the next step. The '基本信息' (Basic Information) tab is active, showing a progress indicator for 'BASIC INFORMATION 基本信息'. The form fields include: 'Applicant's Reference (申请人编号):' with a text input box and the instruction '请填写申请或代理编号。选填'; 'Contracting party whose office is the office of origin (原属局所在缔约方):' with a dropdown menu showing 'CHINA (中国)' and a red asterisk indicating a required field. A '下一步' (Next Step) button is visible at the bottom of the form.

Rule 12 & 13: 商品/服务的审查依据

- 现行版本的尼斯分类(11-2022)

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

- 国际局审查实践：有关商品和服务分类的审查指南

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

Rule 12 & 13: 造成不规范的可能原因

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

Rule 12: 典型案例

■ 新旧版本尼斯分类的修改变化

例如：

➤ **inflatable lifeboats**: 从12类 移到 9类

➤ **vending machines**: 从9类 移到 7类

○ 商品/服务必须按照**现行版本尼斯分类的类别**申请

Rule 12: 典型案例

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

Rule 12: 典型案例

- 在30类上申请cooking wine（料酒）： 移到33类

- 在35类申请 advertisement（广告）： 移到16类
 - 如修改为“advertising”则符合35类

- 在42类申请 installation and repair of computer hardware（电脑硬件的安
装及维修）： 移到第37类

Rule 12: 不规范通知回复期限

IRREGULARITY (IES) CONCERNING THE CLASSIFICATION OF GOODS AND SERVICES: **TO BE REMEDIED BY THE OFFICE OF ORIGIN (Rule 12)**.

1. The International Bureau considers that the goods and/or services listed in the international application are not grouped in the appropriate classes of the International Classification of Goods and Services (Rule 9(4)(a)(xiii)). The International Bureau proposes therefore to transfer the following terms:

"glasses cloth" from class 9 to class 21 - by analogy with the basic number 210077 of 11-2021 edition of NICE Classification, and please reword it as "cloths for cleaning glasses".

The proposed grouping may entail the payment of further fees (see attached accounting statement).

An opinion on this proposal may be communicated to the International Bureau. Any such opinion **must be communicated THROUGH THE OFFICE OF ORIGIN within three months from the date of the present notification, that is by 11 June 2021**. Failing this, the mark will be registered with the classification and grouping proposed by the International Bureau. However, if this proposal entails the payment of further fees and such fees are not paid within four months from the date of the present notification, the international application will be considered **abandoned**.

通知之日起
3个月内

互动问题四：

- 关于商品/服务的不规范通知，申请人（代理人）可以直接向国际局提交不规范回复吗？
 - a. 可以
 - b. 不可以，必须通过原属局

Rule 13: 商品/服务的名称不规范

■ 三种情形:

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

Rule 13: 标点使用不当

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

➤ 案例：

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

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

Class 16 – Envelopes; scissors: paper. X

Class 16 – Envelopes; scissors; paper. ✓

Rule 13: 尼斯分类修改

■ 案例:

Cl. 35: relocation services for businesses (商业企业迁移)

从11-2020版尼斯分类开始, 不再接受

修改为:

administrative services for the relocation of businesses

Rule 13: 尼斯分类修改

■ 案例:

Cl.10: nursing appliances (护理器械)

从11-2019版尼斯分类开始, 不再接受

修改为:

apparatus, devices and articles for nursing infants

Rule 13: 尼斯分类修改

■ 案例:

Cl.11: lighters (打火机)

从 11-2022 尼斯分类开始, 不再接受

修改为:

110018: friction lighters for igniting gas

110019: gas lighters

Rule 13: 尼斯分类修改

■ 案例:

Cl.12: automobile chains (汽车链)

从 11-2022 尼斯分类开始, 不再接受

可修改为:

120014: anti-skid chains

120225: drive chains for land vehicles

120226: transmission chains for land vehicles

Rule 13: 尼斯分类修改

■ 案例:

Cl.9: electrolyzers (电解装置)

从 11-2022 尼斯分类开始, 不再接受

修改为:

090871: electrolysis apparatus for laboratory use

Rule 13: 尼斯分类修改

■ 案例:

Cl.18: shopping bags (购物袋)

从 11-2022 尼斯分类开始, 不再接受

修改为:

■ 180071 reusable shopping bags

■ 160396 shopping bags of paper or plastic

Rule 13: 尼斯分类修改

■ 案例:

Cl.30: artificial coffee (人造咖啡)

artificial tea (人造茶)

从 11-2022 尼斯分类开始, 不再接受

修改为:

■ 300152: coffee substitutes

■ 300295: tea substitutes

Rule 13: 典型案例

■ 案例:

Cl. 42: intangible asset evaluation (无形资产评估)

修改为:

Cl. 35: brand evaluation services

Cl. 36: financial evaluation

Cl. 42: evaluation of product design

Rule 13: 典型案例

■ 案例:

Cl. 45: housework services (家务服务)

修改为:

Cl. 37: house cleaning

Cl. 45: house sitting

Rule 13: 典型案例

■ 案例:

Cl. 21: mosquito killer (除蚊器)

修改为:

Cl. 5: mosquito repellants

Cl. 21: plug-in diffusers for mosquito repellents

Rule 13: 典型案例

■ 案例:

Cl. 44: glass shops (眼镜行)

修改为:

Cl. 44: opticians' services

Rule 13: 典型案例

■ 案例:

Cl. 10: masks 或 face masks (口罩)

修改为:

Cl. 10: protective masks for medical purposes

Cl. 3: beauty masks

Cl. 9: protective masks, not for medical purposes

Cl.25: sleep masks Cl. 28: masks [playthings]

Rule 13: 典型案例

■ 案例:

Cl. 30: yuanxiao (元宵)

修改为:

Cl. 30: yuanxiao [glutinous rice ball for lantern festival]

注: baozi 300231 尼斯分类

Rule 13: 典型案例

■ 常见对美国的限定中：

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

修改为：

measuring apparatus, namely, angle finders

Rule 13: 费解或用词不正确

■ 费解:

meter characteristics of electric

■ 用词不正确:

the computer → computers

互动问题五：

- 关于商品/服务的不规范通知，回复期限为通知之日起
 - a. 2个月
 - b. 3个月
 - c. 4个月

Rule 12 & 13: 逾期未补正后果

■ Rule 12:

商品/服务按照国际局的意见直接换类

- 可能导致国际申请被放弃



■ Rule 13:

在商品/服务项目后加国际局认为含混不清等说明

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

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

Rule 12 & 13: 如何避免

- 使用商品服务管理器(MGS)翻译及查询

<https://webaccess.wipo.int/mgs/?lang=en>

- 注意带C字商品/服务的翻译

- 及时联系国际局

➤ Contact Madrid

MGS商品服务管理器

- 查询：使用关键词查询可接受商品/服务

- 检查：检查商品/服务是否可接受
 - 国际局
 - 被指定主管局

- 翻译：将商品/服务翻译为所需申请语言

WIPO IP PORTAL 菜单
帮助 中文 登录 WIPO

[导入商品/服务清单](#)
[导出商品/服务清单](#)
[打印商品/服务清单](#)
[清除商品/服务清单](#)
[显示选项](#)
[翻译成..](#)

浏览
查询

仅尼斯

COVID-19 UPDATE:

We urge users who have not already done so to **provide an e-mail address via Contact Madrid** to receive electronic communications under the Madrid System.
Find out why this is necessary.

要创建商品和服务列表，
 请从屏幕右上角的下拉式菜单中
 选择语言，
 然后
 点击“浏览”，在选定的类别中选择已被WIPO接受的项目，或者
 点击“查询”，输入关键字，查找相关的已被WIPO接受的项目。

了解更多信息，
 请点击“帮助”，或观看视频指南。

Updated: 2022.04.30

NCL11-2022





■ 问答环节

戴晓丹 审查员

马德里运营司审查三组

文学 顾问

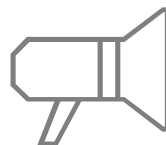
WIPO中国办事处

随时了解最新信息



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■ 网络研讨会

观看[马德里网络研讨会](#)的录像并随时关注新主题



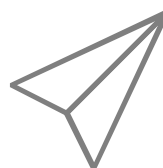
■ YouTube频道

在产权组织的[YouTube](#)频道上查看我们的马德里视频播放列表



■ 教程

播放我们的马德里“[How-to](#)”系列视频和教程



■ 问题

将您的问题、评论意见或建议[发送给我们](#) (Contact Madrid)

谢谢！

Contact Madrid

