



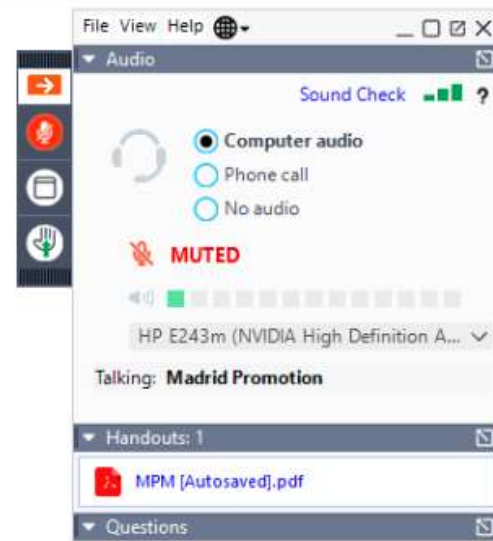
# 马德里体系用户的常见错误

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文学 顾问  
WIPO中国办事处

日内瓦  
**2023年5月25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

# 马德里体系如何运作

## 国际商标注册流程

第一  
阶段

基础申请/基础注册  
“基础商标”

申请人

原属局

证明国际申请并向 WIPO 转交

第二  
阶段

形式审查；在国际注册簿上注册商标，  
在《公告》上公布国际注册；颁发注册  
证，通知所有被指定缔约方

WIPO

第三  
阶段

国际注册保护范围依国内法进行实  
质审查后在 12 或 18 个月内确定

被指定缔约方  
主管局

被指定缔约方  
主管局

被指定缔约方  
主管局

# 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

# 互动问题一：

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



# Rule 11: 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



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**

## 互动问题二：

- 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

## 互动问题三：

- 如果一国际申请因未在规定期限内补正而被放弃，所缴纳的申请规费会退还吗？
  - a. 会全额退还
  - b. 会收取基础注册费 (CHF 653) 的一半，剩余退还

# 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)

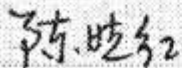


签字人的职位

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' (China Trademark Office) website. The main navigation bar includes the logo and the text '国家知识产权局商标局 中国商标网' and 'TRADEMARK OFFICE OF NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION, P.R.C.'. Below the navigation bar, there is a breadcrumb trail: '位置: 国际申请 > 国际注册申请'. The current page is titled '国际注册申请' (International Registration Application). The main content area shows a progress bar with two steps: '1. 数据填写' (Data Entry) and '2. 提交' (Submit). Below the progress bar, there is a section for '基本填写前, 请前往国家知识产权局国际注册网上申请填写要求' (Before filling in, please go to the online application requirements for international registration). The main form area has a tabbed interface with the following tabs: '基本信息' (Basic Information), '申请人信息' (Applicant Information), '申请人资格' (Applicant Qualification), '共有人' (Co-applicant), '代理信息' (Agent Information), '注册/申请号' (Registration/Application Number), '优先权' (Priority), '商标图样' (Trademark Drawing), '其他事项' (Other Matters), '指定缔约方' (Designated Contracting Party), and '商品和服务' (Goods and Services). The '基本信息' tab is active, showing a form with the following fields: 'Applicant's Reference (申请人编号):' with an empty input field and a note '请填写申请或代理编号, 选填' (Please fill in the application or agent number, optional); '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 '下一步' (Next Step) button.

# Rule 12 & 13: 商品/服务的审查依据

- 现行版本的尼斯分类(12-2023)

<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](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: 最新版本尼斯分类的变化

- loading apparatus for furnaces: 从 11类 移到 7 类
  - insulating gloves: 从 17 类 移到 9 类
  - needles for wool combing machines:  
从 26类 移到 7 类
  - harpoon guns [sports articles] 从 28类 移到 13 类
- 商品/服务必须按照**现行版本尼斯分类的类别**申请

# Rule 12: 最新版本尼斯分类的变化

- wet suits for water-skiing: 从 25 类 移到 9 类
- bags for microwave cooking: 从 16 类 移到 21 类
- hospital beds: 从 20 类 移到 10 类
- toilet paper dispensers:
  - toilet paper dispensers of metal 从 21 类 移到 6 类
  - toilet paper dispensers, not of metal 从 21 类 移到 20 类

# Rule 12: 最新版本尼斯分类的变化

- ticket dispensers: 从 9类 移到 7类
- ticket dispensing terminals, electronic (9类)
- queue ticket dispensers of metal (6类)
- queue ticket dispensers, not of metal (20类)

## Rule 12: 典型案例

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



## Rule 12: 典型案例

- 在30类上申请 **cooking wine**（料酒）： 移到33类
  
- 在35类申请 **advertisement**（广告）： 移到16类
  - 如修改为“**advertising**”则符合35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:最新版本尼斯分类的变化

- Cl. 10: aerosol dispensers for medical purposes  
(医用气雾剂分配器)  
从12-2023版尼斯分类开始，不再接受

修改为: nebulizers for medical purposes (医用雾化器)

# Rule 13:最新版本尼斯分类的变化

- Cl. 20: valves, not of metal, other than parts of machines  
(非金属阀 (非机器部件))  
从12-2023版尼斯分类开始, 不再接受

修改为: valves of plastic, other than parts of machines  
(塑料阀门 (非机器部件))

# Rule 13:最新版本尼斯分类的变化

## ➤ Cl. 22: network (网织物)

从12-2023版尼斯分类开始，不再接受

修改为：nets 或者

netting for protection against birds and insects



# Rule 13:最新版本尼斯分类的变化

- Cl. 29: albumen for culinary purposes (烹饪用蛋白)  
从12-2023版尼斯分类开始, 不再接受

修改为: white of eggs (29类)

或: proteins for the food industry (1类)

# Rule 13:最新版本尼斯分类的变化

- Cl. 30: meat tenderizers, for household purposes  
(家用嫩肉剂)  
从12-2023版尼斯分类开始，不再接受

修改为: meat tenderizers for culinary purposes

# 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: electrolysers (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: 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. 30: zongzi (粽子)

修改为:

Cl. 30: zongzi [glutinous rice wrapped in bamboo leaves]

注: 尼斯分类 baozi 300231, jiaozi 300233

# 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); electricly 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

# Madrid Monitor最新功能

## ■ 增加了“ Designation Status 指定状态”

### Madrid Monitor

Keep up to date with your international registrations. Follow the status of your international application or trademark registration; access detailed information on all trademarks registered through the Madrid System; and keep an eye on competitors' trademarks.

A new version of Madrid Monitor is now available: understanding the status of trademark protection in designated Madrid System Member just got easier! Try our **designation status feature** - including downloadable unofficial certificate of protection and other improvements. Learn more and give us your feedback.

Search WIPO Gazette Support

simple search  
advanced search  
realtime search  
image search

Search for

Start your search by entering words, numbers, dates, classes or countries: the most likely search field(s) will be automatically selected for you. If you wish to change the assigned field(s), use the drop down menu next to your term. Leave the search box empty to browse the full collection.

# Madrid Monitor最新功能

## ■ 提供可下载的某被指定缔约方给予保护的PDF非官方证书

SummaryDesignation StatusReal-time Status

Designated contracting party	Status	Nice class	Date
▼ African Intellectual Property Organization (OA)	Protection granted	09	2021-05-28

**Current status of protection** PDF

Statement of grant of protection made under Rule 18ter(1) 2021/21 (2021-05-28)

**09** Smartglasses; computer programs (downloadable software); data processing apparatus; camcorders; headphones; video recorders; receivers (audio- and video-); eyeglasses; slides (photography); wearable activity trackers; smartphones; cell phones; portable media players; DVD players; compact disc players; 3D spectacles; cameras (photography); computer hardware; sensors; computer software platforms, recorded or downloadable; wearable computers; telecommunication apparatus in the form of jewellery; selfie lenses; humanoid robots with artificial intelligence; human face recognition devices; virtual reality headsets; headphones for virtual reality games; virtual reality games software; earphones.

**Transactions recorded for this designation**

- ▶ PDF Statement of grant of protection made under Rule 18ter(1) : 2021/21 Gaz, 10.06.2021, OA
- ▶ Opposition possible after the 18 months time limit : 2020/44 Gaz, 12.11.2020, OA
- ▶ Registration : 2020/26 Gaz, 09.07.2020, AL, AM, AU, AZ, BA, BH, BN, BR, BT, BW, BY, CA, CH, CO, CU, DZ, EG, GE, GH, GM, ID, IL, IN, IR, IS, KE, KG, KH, KP, KZ, LA, LR, LS, MA, MD, MG, MK, MN, MW, MX, MY, MZ, NA, NO, NZ, OA, OM, PH, RS, RU, RW, SD, SG, SL, SZ, TH, TJ, TM, TN, TR, UA, UZ, VN, ZM, ZW

# ■ 问答环节

戴晓丹 审查员

马德里运营司审查三组

文学 顾问

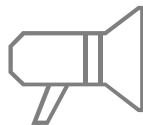
WIPO中国办事处

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## ■ 马德里新闻

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观看[马德里网络研讨会](#)的录像并随时关注新主题



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## ■ 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)

**THE MADRID**  
The International  
Trademark System

谢谢！

Contact Madrid

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