

Thanks very much for your letter dated on December 8, 2006. Having reviewed the letter, we'd like to provide you with information as follows:

Information about trademark opposition procedure

1. Opposition procedure

Concerning opposition procedure can mainly be in accordance with the provision of article 30 and article 33 of the Trademark Law and article 22 and article 23 of the Regulations for the Implementation of Trademark Law. The main contents are as follows:

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.

Where an opposition is filed against a trademark which has been preliminarily approved and published by CTMO, the opponent shall submit in duplicate an Application for Trademark Opposition to CTMO. The Application for Trademark Opposition shall specify both the issue number of the Trademark Gazette in which the opposed trademark is published and the number of the preliminary approval. The Application for Trademark Opposition shall state the requests and grounds in plain terms, and the relevant evidence shall be attached thereto.

CTMO shall promptly send a copy of the Application for Trademark Opposition to the opposed party, who shall be requested to make a response within 30 days from the date of receipt of the copy of the Application for Trademark Opposition. If the opposed party fails to make a response, it shall not affect CTMO's ruling of the opposition.

Where a party needs to supplement related evidence after filing an application of opposition or making a response, it shall make a statement for this purpose in the application or in the response made in writing, and submit the said evidence within three months from the date on which the application is filed or the response is made in writing; if no evidence is submitted at the expiry of the time limit, the party shall be considered given up the supplementing of related evidence.

CTMO 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 TRAB.

2. Grounds of opposition

Grounds of opposition can be absolute and relative grounds for refusing registration according to the provisions of the Trademark Law.

3. The relationship between a particular type of examination system and the related opposition procedure.

The existing Trademark Law on the one hand stipulates that substantive examination should be made on the existing prior right of the trademark, on the other hand stipulates the opposition and opposition review systems before a trademark is approved. The setup of such procedures for the establishment of trademark rights is cautious and responsible.

China Trademark Office
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