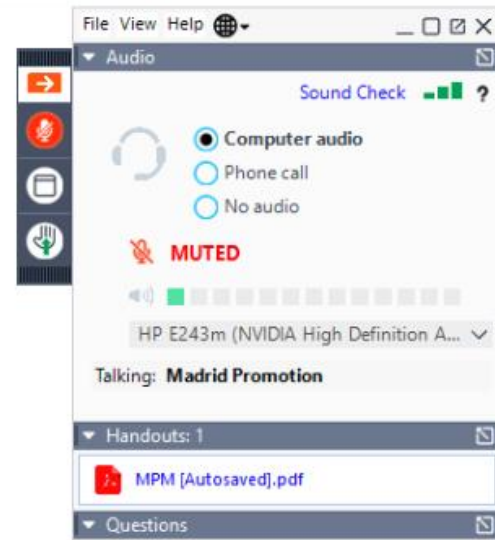


提交马德里申请的技巧： 如何避免不规范和驳回

戴晓丹 审查员
马德里运营司审查三组

日内瓦
2020年4月23日

如何使用GoToWebinar



网络研讨会内容框架

- 介绍：如何办理国际申请
- 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

如何办理国际申请

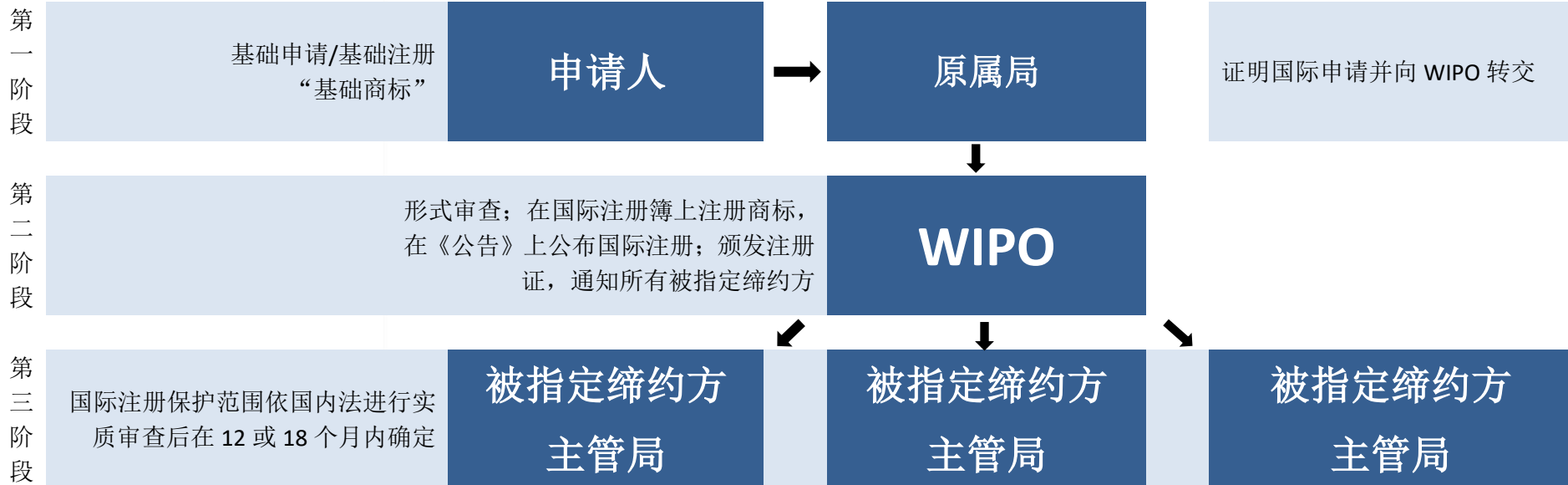
- 基本要求
- 如何申请
- 规费
- 如何处理不规范通知
- 疫情期间如何应对：添加电子邮箱

基本要求

- 申请人需符合下列条件之一，才具备使用马德里体系的资格：
 - 申请人为马德里体系缔约方的国民，或
 - 申请人在马德里体系缔约方有住所，或
 - 申请人在马德里体系缔约方境内设有真实有效的工商营业所
- 申请人需在具有申请资格的知识产权局（**原属局**）已注册商标或申请商标（**基础商标**）
- 国际申请必须通过原属局提交

马德里体系如何运作

国际商标注册流程



如何提交国际申请?

- 通过申请人的原属局
- MM2表格 或 网上申请

中国国家知识产权局:

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

CNIPA网上申请系统


国家知识产权局商标局 中国商标网
TRADEMARK OFFICE OF NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION, PRC



商标网上服务系统
位置：国际申请 > 国际注册申请
北京时间:16时05分

商标注册申请 >
 国际申请 >
 商标后续申请 >
 代理申请业务 >
 电子送达 >
 商标数据开放 >
 网上缴费平台 >
 票据管理 >
 我的账户 >

操作步骤：

1、数据填写

2、提交

【开始填写前，请点击[这里](#)查看马德里国际商标注册网上申请填写要求】

基本信息
申请人信息
申请人资格
共有人
代理信息
注册/申请号
优先权
商标图样
其他事项
指定缔约方
商品和服务

●

BASIC INFORMATION 基本信息

Applicant's Reference
(申请人编号) :

请填写申请或代理编号。选填

Contracting party whose
office is the office of origin CHINA (中国) *

(原属局所在缔约方) :

下一步

国际申请的内容

国际申请

- 申请人和/或主管局编号
- 原属局所属缔约方

申请人详细信息：

■ 申请人名称和地址

APPLICANT

(a) Name: XXX XXX XXX.....

(b) Address: No. XX, XX Road, XX District, XX City, XX Province, China

(c) Address for correspondence: No. XX, XX Street, XXX Zone, XX City, XX Province, China...

(d) Telephone : 0086-XX-XXXXXXX..... Fax:

E-mail address: XXXX@XX.com.....

■ 通信地址

■ 电话和电子邮箱

申请人信息：

■ 希望使用的通信语言

Preferred language for correspondence: English

French

Spanish

申请人信息：

■ 自然人的国籍

Other indications (as may be required by certain designated Contracting Parties, such as, for example, the United States of America; **only** provide indications in **either** item (i) or in item (ii) but **not in both** items):

(i) if the applicant is a **natural person**, nationality of the applicant: CHINA

■ 法律实体的性质

(ii) if the applicant is a **legal entity** (please, provide **both** the following indications):

– legal nature of the legal entity: Limited Liability Company.....

– State (country) and, where applicable, territorial unit within that State (canton, province, state, etc.), under the law of which the said legal entity has been organized:

CHINA.....

申请资格

- 系该马德里体系缔约国国民，或
- 在该马德里体系缔约方有住所，或
- 在该马德里体系缔约方有真实有效的工商营业所

申请资格

■ 如申请人地址不在该缔约方境内：

ENTITLEMENT TO FILE

(a) Check the appropriate box:

- (i) where the Contracting Party mentioned in item 1 is a State, the applicant is a national of that State; or
- (ii) where the Contracting Party mentioned in item 1 is an organization, the name of the State of which the applicant is a national:; or
- (iii) the applicant is domiciled in the territory of the Contracting Party mentioned in item 1; or
- (iv) the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting Party mentioned in item 1.

(b) Where the address of the applicant, given in item 2(b), is not in the territory of the Contracting Party mentioned in item 1, indicate in the space provided below:

- (i) if the box in paragraph (a)(iii) of the present item has been checked, the domicile of the applicant in the territory of that Contracting Party, or,
- (ii) if the box in paragraph (a)(iv) of the present item has been checked, the address of the applicant's industrial or commercial establishment in the territory of that Contracting Party.

No. 1, Qingfeng Road, Fengtai District, Beijing, China

如申请人地址不在该缔约方境内，必须提供在该缔约方的住所地址或真实有效工商营业所的地址

指定代理人

- 按照MM2表格或网上申请中指定代理人项的要求填写
- 每件国际申请仅可指定一个代理人
- 各类通知仅发送给代理人，不发送给申请人
- **注意：提供电子邮箱**

基础商标和优先权

- 基础申请或基础注册（可多个）
- 要求优先权

注意：如要求多个优先权，必须注明每个优先权对应的类别及商品/服务

互动问题1:

■ 要求优先权的期限为在先申请之日起?

A. 3个月

B. 6个月

C. 12个月

商标图样

- 与基础商标一致，图样必须清晰



商标-标准字符

- 申请人声明希望该商标被视为标准字符商标

ROMARIN

- The applicant declares that he wishes the mark to be considered as a mark in standard characters.

商标-颜色商标

■ 商标仅包含一种颜色或几种颜色组合，不含任何图形要素

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



是



不是

商标-要求保护的顏色



The applicant claims color as a distinctive feature of the mark.

Color or combination of colors claimed: blue and red

Indication, for each color, of the principal parts of the mark that are in that color (as may be required by certain designated Contracting Parties):

其它说明-商标音译

非拉丁字符
或非阿拉伯数字
或非罗马数字

砾子

Transliteration of the mark (this information is compulsory where the mark consists of or contains matter in characters other than Latin characters, or numerals other than Arabic or Roman numerals):

Li Zi

其它说明

- 商标意译（翻译成英语、法语或西班牙语）
- 商标中包含的文字无含义
- 商标说明

经原属局证明的基础申请或基础注册中包含的商标说明
和/或 自愿的商标说明

其它说明

■ 特殊商标的类型：

- 立体商标

- 声音商标

- 集体商标、证明商标或保证商标

注意：与基础商标保持一致

了解被指定缔约方主管局对特殊商标的特别要求

（使用[成员概况数据库](#)查询相关信息）

其它说明-文字要素 (如适用)



Verbal elements of the mark (where applicable):

Tablier Blanc

其它事项-放弃专用权声明



The applicant wishes to disclaim protection for the following element(s) of the mark:

BILLARDS Depuis 1860

互动问题2:

■ 如声明放弃专用权，是针对：

A. 一个或多个被指定缔约方

B. 全部被指定缔约方

商品和服务

■ 国际注册申请的商品和服务

要求：按照尼斯分类（11-2020）

不超过基础商标所申请/注册的商品/服务的范围

建议：使用[马德里商品与服务管理器](#)

(a) Indicate below the goods and services for which the international registration is sought:

Class

Goods and services

- | | |
|----|--|
| 3 | Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery; essential oils. |
| 18 | luggage and carrying bags; umbrellas and parasols. |
| 25 | Clothing; footwear; headwear. |

商品和服务

■ 在某些被指定缔约方对商品/服务清单进行删减

(b) The applicant wishes to limit the list of goods and services in respect of one or more designated Contracting Parties, as follows:

Contracting Party

Class(es) or list of goods and services for which protection is sought in this Contracting Party

...JP... **Class 3 & 18**

...US... **Class 3... Non-medicated dentifrices; perfumery; essential oils.**

..... **Class 18... Carrying bags; umbrellas and parasols.**

..... **Class 25... Clothing, namely, T-shirts, shirts, coats, vests, shoes and boots;**

..... **Hats and caps.**

指定締約方

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> AF Afghanistan | <input type="checkbox"/> EE Estonia | <input type="checkbox"/> LA Lao People's Democratic Republic | <input type="checkbox"/> RS Serbia |
| <input type="checkbox"/> AG Antigua and Barbuda | <input type="checkbox"/> EG Egypt | <input type="checkbox"/> LI Liechtenstein | <input type="checkbox"/> RU Russian Federation |
| <input type="checkbox"/> AL Albania | <input type="checkbox"/> EM European Union ¹ | <input type="checkbox"/> LR Liberia | <input type="checkbox"/> RW Rwanda |
| <input type="checkbox"/> AM Armenia | <input type="checkbox"/> ES Spain | <input type="checkbox"/> LS Lesotho ² | <input type="checkbox"/> SD Sudan |
| <input type="checkbox"/> AT Austria | <input type="checkbox"/> FI Finland | <input type="checkbox"/> LT Lithuania | <input type="checkbox"/> SE Sweden |
| <input type="checkbox"/> AU Australia | <input type="checkbox"/> FR France | <input type="checkbox"/> LV Latvia | <input type="checkbox"/> SG Singapore ² |
| <input type="checkbox"/> AZ Azerbaijan | <input type="checkbox"/> GB United Kingdom ² | <input type="checkbox"/> MA Morocco | <input type="checkbox"/> SI Slovenia |
| <input type="checkbox"/> BA Bosnia and Herzegovina | <input type="checkbox"/> GE Georgia | <input type="checkbox"/> MC Monaco | <input type="checkbox"/> SK Slovakia |
| <input type="checkbox"/> BG Bulgaria | <input type="checkbox"/> GH Ghana | <input type="checkbox"/> MD Republic of Moldova | <input type="checkbox"/> SL Sierra Leone |
| <input type="checkbox"/> BH Bahrain | <input type="checkbox"/> GM Gambia | <input type="checkbox"/> ME Montenegro | <input type="checkbox"/> SM San Marino |
| <input type="checkbox"/> BN Brunei Darussalam ² | <input type="checkbox"/> GR Greece | <input type="checkbox"/> MG Madagascar | <input type="checkbox"/> ST Sao Tome and Principe |
| <input type="checkbox"/> BQ Bonaire, Saint Eustatius and Saba ^{6,7} | <input type="checkbox"/> HR Croatia | <input type="checkbox"/> MK North Macedonia | <input type="checkbox"/> SX Sint Maarten (Dutch part) ⁶ |
| <input type="checkbox"/> BR Brazil ^{5,8} | <input type="checkbox"/> HU Hungary | <input type="checkbox"/> MN Mongolia | <input type="checkbox"/> SY Syrian Arab Republic |
| <input type="checkbox"/> BT Bhutan | <input type="checkbox"/> ID Indonesia | <input type="checkbox"/> MW Malawi ² | <input type="checkbox"/> SZ Eswatini |
| <input type="checkbox"/> BW Botswana | <input type="checkbox"/> IE Ireland ² | <input type="checkbox"/> MX Mexico | <input type="checkbox"/> TH Thailand |
| <input type="checkbox"/> BX Benelux ⁹ | <input type="checkbox"/> IL Israel | <input type="checkbox"/> MY Malaysia ² | <input type="checkbox"/> TJ Tajikistan |
| <input type="checkbox"/> BY Belarus | <input type="checkbox"/> IN India ² | <input type="checkbox"/> MZ Mozambique ² | <input type="checkbox"/> TM Turkmenistan |
| <input type="checkbox"/> CA Canada | <input type="checkbox"/> IR Iran (Islamic Republic of) | <input type="checkbox"/> NA Namibia | <input type="checkbox"/> TN Tunisia |
| <input type="checkbox"/> CH Switzerland | <input type="checkbox"/> IS Iceland | <input type="checkbox"/> NO Norway | <input type="checkbox"/> TR Turkey |
| <input type="checkbox"/> CN China | <input type="checkbox"/> IT Italy | <input type="checkbox"/> NZ New Zealand ² | <input type="checkbox"/> UA Ukraine |
| <input type="checkbox"/> CO Colombia | <input type="checkbox"/> JP Japan ⁵ | <input type="checkbox"/> OA African Intellectual Property Organization (OAPI) ³ | <input type="checkbox"/> US United States of America ⁴ |
| <input type="checkbox"/> CU Cuba ⁵ | <input type="checkbox"/> KE Kenya | <input type="checkbox"/> OM Oman | <input type="checkbox"/> UZ Uzbekistan |
| <input type="checkbox"/> CW Curacao ⁶ | <input type="checkbox"/> KG Kyrgyzstan | <input type="checkbox"/> PH Philippines | <input type="checkbox"/> VN Viet Nam |
| <input type="checkbox"/> CY Cyprus | <input type="checkbox"/> KH Cambodia | <input type="checkbox"/> PL Poland | <input type="checkbox"/> WS Samoa |
| <input type="checkbox"/> CZ Czech Republic | <input type="checkbox"/> KP Democratic People's Republic of Korea | <input type="checkbox"/> PT Portugal | <input type="checkbox"/> ZM Zambia |
| <input type="checkbox"/> DE Germany | <input type="checkbox"/> KR Republic of Korea | <input type="checkbox"/> RO Romania | <input type="checkbox"/> ZW Zimbabwe |
| <input type="checkbox"/> DK Denmark | <input type="checkbox"/> KZ Kazakhstan | | |
| <input type="checkbox"/> DZ Algeria | | | |

某些指定缔约方的特殊要求

■ 欧盟：

- 必须在申请语言之外，向欧盟知识产权局指定第二语言：
英语、法语、德语、意大利语或西班牙语

- 可以基于在先注册或申请提出先有权（MM17表格）

■ 指定某些缔约方即被视为有使用商标的意向

■ 美国：MM18表格，商标使用意向声明

MM18

MM18(E)

**DECLARATION OF INTENTION TO USE THE MARK:
UNITED STATES OF AMERICA**

By designating the United States in the international application/subsequent designation, the person signing below declares that:

- (1) the applicant/holder has a *bona fide* intention to use the mark in commerce that the United States Congress can regulate on or in connection with the goods/services identified in the international application/subsequent designation;
- (2) he/she is properly authorized to execute this declaration on behalf of the applicant/holder;
- (3) he/she believes applicant/holder to be entitled to use the mark in commerce that the United States Congress can regulate on or in connection with the goods/services identified in the international application/subsequent designation; and
- (4) to the best of his/her knowledge and belief no other person, firm, corporation, association, or other legal entity has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive;
- (5) to the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

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 _____

20/04/2018

Date of execution (dd/mm/yyyy)

Zhang Xiaoming
Signatory's Name (Printed)

必填

Signatory's Title

INSTRUCTION

This declaration must be signed by:

- (1) the applicant/holder or a person with legal authority to bind the applicant/holder; or
- (2) a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant/holder; or
- (3) an attorney who is authorized to practice before the United States Patent and Trademark Office under 37 C.F.R. §10.1(c), who has an actual written or verbal power of attorney or an implied power of attorney from the applicant/holder.

原属局的证明和签字

■ 原属局证明

- 国际申请的收文日期

- 申请人和基础商标的申请人/持有人一致

- 商标与基础商标一致

- 申请的商品和服务在基础商标的商品和服务范围之内

费用计算

■ 需以瑞士法郎向产权组织支付费用

- 基础费：653瑞士法郎（黑白）或 903瑞士法郎（彩色）

- 指定费

- 标准费

- 每个被指定缔约方100瑞士法郎

- 超过3个类，每增加一个类别需缴纳100瑞士法郎

- 单独规费

- 部分缔约方单独规费分两部分支付

费用计算器

■ <https://www.wipo.int/madrid/feescalculator/>

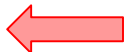
FEE CALCULATOR

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

MARK INFORMATION

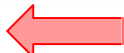
Please select which transaction you wish to estimate the cost of:

Type of transaction *
New application



业务类型

Date *
2020/04/16



注意选择日期

Your office of origin *
China



原属局

Number of classes covered by the mark *

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

Is your mark in colour or colours?

付费方式

- 原属局代收规费并向产权组织转交

- 直接向产权组织缴纳规费
 - 选择一：通过在产权组织开设的账户
 - 选择二：通过信用卡支付
 - 选择三：通过银行或邮局转账

国际申请不规范 - 类型

- 商品和服务分类不规范（依据实施细则第12条）
- 商品和服务名称不规范（依据实施细则第13条）
- 其他不规范（依据实施细则第11条）：

申请人资格、**优先权信息**、MM18表格、**商标图样**、**商标音译**、**未缴纳规费**等

不规范通知 - 回复方式

■ 必须通过**原属局**回复：

依据实施细则第12和13条，关于**商品和服务的不规范**必须通过原属局回复国际局

依据实施细则第11条，其它**须由原属局证明的内容**，例如：原属局收文日期 等

■ 可由申请人直接回复国际局（Contact Madrid）

依据实施细则第11条， 例如：**商标音译，商标图样不清晰**等

互动问题3:

■ 回复国际局不规范通知的期限为，国际局通知之日起：

A. 1个月

B. 4个月

C. 3个月

不规范通知 - 回复期限

■ 国际局不规范通知之日起3个月内提交

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 13 July 2020.** 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.**

不规范通知 — 逾期未回复的后果

- 国际申请**被放弃**，并扣除基本费（黑白图样）一半的款额：
例如：未填写必要的商标音译、商标图样不清晰等
- 国际申请继续登记：
例如：商品和服务名称不规范却逾期未回复，国际局将在该商品和服务名称后面增加说明，**表示国际局认为该词过于含混、不便分类，费解，或用词不准确。**

Covid-19: 与产权组织的通信

- 产权组织无法通过邮政发送或接收用户通信，直至进一步通知(由于瑞士同一些国家间的邮政服务暂停，且须遵守当地政府公共卫生部门有关规定)
 - 尚未提供电子邮件地址的申请人、注册人或代理人也可通过[Contact Madrid](#)提供，用以接收马德里体系下的电子通信。
 - 持续关注不断更新新闻页面——[新冠肺炎疫情有关更新 - 马德里用户重要通知](#)

疫情期间如何应对：添加电子邮箱

■ <https://www3.wipo.int/contact/en/madrid/>

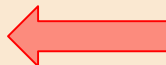
Contact Madrid

Use this form to make an enquiry or to submit a form/response to WIPO.
To get started, tell us who you are.

COVID-19 UPDATE: SUSPENSION OF POSTAL COMMUNICATION BY WIPO

We urge users who have not already done so to provide an e-mail address to receive electronic communications under the Madrid System.

Please enter your email address in our dedicated form.



■ 问答环节

戴晓丹 审查员

马德里运营司审查三组

吴亚丽 审查员

马德里运营司审查三组

谢谢!

Contact Madrid

