

Examination Guidelines on "Trademark Distinctiveness"

1. Preamble

2. Meaning of Distinctiveness

2.1 Symbols inherently distinctive

2.1.1 Creative symbol

2.1.2 Arbitrary symbol

2.1.3 Suggestive symbol

2.2 Symbols not inherently distinctive

2.2.1 Descriptive symbol

2.2.2 Generic mark or name

2.2.3 other symbols not inherently distinctive

2.3 Symbols consequently distinctive

3. Determinant Elements for Distinctiveness

4. Examination on Distinctiveness

4.1 Words

4.1.1 Homonyms

4.1.2 Dialects

4.1.3 Foreign languages

4.2 Alphabets

4.2.1 Single alphabet

4.2.2 Two or more than 2 alphabets

4.2.3 Abbreviation

4.2.4 Combination of alphabets and numerals

4.3 Numerals

4.4 Devices

- 4.4.1 Simple lines or basic geometric devices
- 4.4.2 Decorative patterns
- 4.4.3 Figure of product
- 4.4.4 Devices relative to descriptiveness of products and commonly used

- 4.5 Geographic names or other symbols indicating geographic source
 - 4.5.1 Descriptive geographic names
 - 4.5.2 Arbitrary geographic names
 - 4.5.3 Old geographic names and rare geographic names
 - 4.5.4 word combination containing geographic names
 - 4.5.5 Certification marks or Collective marks for place of origin

- 4.6 Surnames, Name and Portraits
 - 4.6.1 Surnames
 - 4.6.2 Names
 - 4.6.3 Portraits
 - 4.6.4 Names of characters known for books, movies and dramas

- 4.7 Names known for books, stories, dramas, films, songs and music

- 4.8 Titles
 - 4.8.1 Titles not self-boosted
 - 4.8.2 Titles self-boosted
 - 4.8.3 Combination of titles and surnames

- 4.9 Names of company, trade name, group, organization, agency and domain name
 - 4.9.1 Name of company
 - 4.9.2 Name of Trade Name
 - 4.9.3 Names of group, organization and agency
 - 4.9.4 Domain name

- 4.10 Religious gods, terms and signs commonly seen

- 4.11 Slogan, common terms, new words and terminology
 - 4.11.1 Slogan

4.11.2 congratulations, blessing words, popular terms and idioms

4.11.3 New Product, technology name and terminology

4.12 Names of places

4.13 Trademarks in special forms

5. Measure and Judgement for evidences

5.1 Relevant evidences showing distinctiveness consequently acquired

5.2 Judgement on distinctiveness consequently acquired

6. Others

6.1 Application of provisions for rejection

6.2 Disclaimer

6.3 Chinese translation for evidences/materials in foreign languages

6.4 Notes for distinctiveness consequently acquired