

(English translation)

## DOCUMENT OF TRADEMARK OFFICE

THE STATE ADMINISTRATION  
FOR INDUSTRY & COMMERCE

DECISION OF OPPOSITION OF THE TRADEMARK “” Under the  
App. No. 18315333


[2018] SHANGBIAOYIZI NO. 0000013063

The Opponent: Ergo Chef, LLC



Agent of the Opponent: Kangxin Partners, P.C.

The Opposed Party: C & A International (China) Company Limited


Agent of the Opposed Party: Guangzhou Hui Dao Intellectual Property Office Co., Ltd

Kangxin Partners, P.C., as the agent of Ergo Chef, LLC (“the opponent” hereunder), filed an opposition against the trademark “” under the application No.18315333, which was preliminarily approved and published on the Trademark Gazette No. 1520 in the name of C & A International (China) Company Limited (“the opposed party” hereunder). According to the relevant Articles of the China Trademark Law, this Office has accepted the case. The opposed party filed a response within the prescribed time limit.

After examination, this Office holds that:

The opposed trademark “” designated goods of “Glass flasks [containers]; birdcages” etc in Class 21. In this case, the Opponent provided the evidence, “*Licensing and distribution contract*” which was signed with the Opposed Party, ; the printed copy of Opposed Party’s enterprise information and the delivery materials such as the copies of the bill of packing, etc. The above evidence could prove that the opposed party was the products manufacturer and distributor of the opponent, and was authorized by the opponent to use the opponent’s marks through license; but the opponent never authorized the opposed party to apply for the mark, . The word part and the device part applied by the Opposed Party in several Classes are exactly the same as the Opponent’s mark used on their products. Obviously, it has subjective intention of plagiarism and imitation of the Opponent’s trademark. The Opposed Party’s behavior violates the principle of honesty and disrupts the market order of fair competition.

Pursuant to Articles 7, 30 and 35 of China Trademark Law, this Office has made the decision as below:

The opposed trademark “  ” under No. 18315333 should be rejected for registration.

According to Article 35 of China Trademark Law, if the opposed party is dissatisfied with the decision, he may apply for review of opposition to the Trademark Review and Adjudication Board (TRAB) within fifteen days from receipt of the Decision.

Trademark Office  
of  
State Administration for Industry & Commerce

March 14, 2018

*Date of Receipt: March 30, 2018*