

# WORLD TRADE ORGANIZATION

IP/C/W/411  
7 November 2003

(03-5959)

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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

Original: English

## TRANSITIONAL REVIEW MECHANISM OF CHINA

### Communication from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu

By means of a communication from the delegation of the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, dated 5 November 2003, the Secretariat has received the following questions that Chinese Taipei has posed to China in the context of the transitional review mechanism under Section 18 of its Protocol on Accession.

1. We note that provisions relating to the right of priority have been added to China's "Trademark Law" and "Patent Law", in accordance with Article 2 of the TRIPS Agreement and Article 4 of the Paris Convention. We would appreciate it if China could explain how it ensures that these provisions are carried out on a most-favoured-nation basis to all WTO Members, as stipulated in paragraph 256 of China's Working Party Report (WT/ACC/CHN/49).

2. We welcome China's notification of "Regulations for the Implementation of the Trademark Law", as circulated on 13 October 2003. Regarding the protection of well-known trademarks and the factors determining a well-known trademark, as stipulated in Article 5 of the above-mentioned Regulations and Article 14 of the Trademark Law, we would be grateful if China could define the specific procedure for requesting that a trademark be considered a well-known mark, and would indicate the time-scale involved. Please also provide details of the latest status on its revision of the "Rules on the Determination and Protection of Well-Known Marks".