

**TRADE MARKS ORDINANCE (Cap. 559)**

**APPLICATION NO. : 302521151**

**MARKS :**  
1. 惠靈頓  
2. 惠灵頓

**APPLICANT : THE WELLINGTON COLLEGE**

**CLASSES : 9, 16, 25, 35 and 41**

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**STATEMENT OF REASONS FOR DECISION**

**Background**

1. On 8 February 2013, The Wellington College (“the Applicant”) filed an application for registration of a series of two marks shown below (collectively referred to as “the subject marks”) under the Trade Marks Ordinance (Cap. 559) (“the Ordinance”) :-

1. 惠靈頓  
2. 惠灵頓

2. Registration of the subject marks is sought in respect of the goods and services as set out in Annex A hereto.
3. At the examination stage, objections were raised by the Registrar of Trade Marks (“the Registrar”) against the subject application under section 11(1)(b) and section 11(1)(c) of the Ordinance on the grounds that the subject marks are devoid of any distinctive character and that the subject marks consist exclusively of signs which may serve, in trade or business, to designate the geographical origin or characteristics of the goods and services applied for. Despite submissions made on behalf of the Applicant, the objections were maintained by the Registrar.

4. By its letter dated 17 May 2014, the agent of the Applicant, Twiggy M H Liu Law Office, requested a hearing on the registrability of the subject marks. The hearing took place before me on 28 April 2016, at which Mr. Poon Siu Bunn, counsel instructed by Twiggy M H Liu Law Office, appeared on behalf of the Applicant. I reserved my decision at the conclusion of the hearing.
5. A Form T5B was filed on the hearing day after the hearing was held. According to the Form, the Applicant sought to amend Mark 1 and Mark 2 of the subject marks to Mark A “惠靈頓書院” and Mark B “惠灵顿书院” respectively (collectively referred to as “the Amended Marks”). For the reasons I state in paragraphs 28 to 37 below, the Amended Marks do not become the subject marks for consideration in the present application for registration.
6. The Applicant did not file any evidence of use of the subject marks under section 11(2) of the Ordinance. I have, therefore, only the *prima facie* case to consider.

### **The Ordinance**

7. The absolute grounds for refusal of an application for registration of a trade mark are set out in section 11 of the Ordinance. The relevant provisions under section 11 read as follows:-

*“(1) Subject to subsection (2), the following shall not be registered –*

*(a) .....;*

*(b) trade marks which are devoid of any distinctive character;*

*(c) trade marks which consist exclusively of signs which may serve, in trade or business, to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or rendering of services, or other characteristics of goods or services; and*

*(d) .....”*

### **Decision**

#### *Section 11(1)(c) of the Ordinance*

8. Section 11(1)(c) of the Ordinance excludes from registration trade marks which

consist exclusively of signs which may serve, in trade or business, to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or rendering of services, or other characteristics of the goods or services in respect of which registration is sought.

9. The said provision is broadly similar to Article 7(1)(c) of the Council Regulation (EC) No. 40/94 of 20 December 1993 on the Community Trade Mark. In *Wm. Wrigley Jr Co v OHIM* [2004] R.P.C. 18, the European Court of Justice (“the ECJ”) discussed the approach to the said regulation and stated the following principles :-

*“29. Article 7(1)(c) of Regulation No. 40/94 provides that trade marks which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of the goods or of rendering of the service, or other characteristics of the goods or service are not to be registered.*

*30. Accordingly, signs and indications which may serve in trade to designate the characteristics of the goods or service in respect of which registration is sought are, by virtue of Regulation No. 40/94, deemed incapable, by their very nature, of fulfilling the indication-of-origin function of the trade mark, without prejudice to the possibility of their acquiring distinctive character through use under Article 7(3) of Regulation No. 40/94.*

*31. By prohibiting the registration as Community trade marks of such signs and indications, Article 7(1)(c) of Regulation No. 40/94 pursues an aim which is in the public interest, namely that descriptive signs or indications relating to the characteristics of goods or services in respect of which registration is sought may be freely used by all. That provision accordingly prevents such signs and indications from being reserved to one undertaking alone because they have been registered as trade marks (see, inter alia, in relation to the identical provisions of Article 3(1)(c) of First Council Directive 89/104/EEC of 21 December, 1988 to approximate the laws of the Member States relating to trade marks ( [1989] O.J. L40/1 ), *Windsurfing Chiemsee*, para.25, and *Joined Cases C-53/01 to C-55/01 Linde and Others* [2003] E.C.R. I-0000, para.73).*

*32. In order for OHIM to refuse to register a trade mark under Article 7(1)(c) of Regulation No. 40/94, it is not necessary that the signs and indications composing the*

*mark that are referred to in that article actually be in use at the time of the application for registration in a way that is descriptive of goods or services such as those in relation to which the application is filed, or of characteristics of those goods or services. It is sufficient, as the wording of that provision itself indicates, that such signs and indications could be used for such purposes. A sign must therefore be refused registration under that provision if at least one of its possible meanings designates a characteristic of the goods or services concerned.”*

10. In the light of these principles, for a mark to be precluded from registration under section 11(1)(c) of the Ordinance, it does not have to be the normal way of describing the goods or services in question. It is sufficient if the mark could be used for the purpose of designating the characteristics of such goods or services. The mark is therefore objectionable if at least one of its possible meanings designates a characteristic of the goods or services in question.
11. The goods applied for include a wide range of products such as scientific, nautical, surveying, photographic and cinematographic apparatus and instruments, digital recording media, computer software, electronic publications in Class 9; printed matter, stationery, instructional and teaching materials in Class 16; and clothing and footwear in Class 25. The services applied for also cover a wide range of services, including advertising, business management and consultancy services available from computer databases, the Internet or via other communications in Class 35 and educational and entertainment services in Class 41. Since the goods applied for include widely used consumer items as well as technological items and the services applied for cover services for ordinary members of the public as well as professional services, I consider that the relevant consumers would include members of the general public as well as merchants or businessmen who are interested in the more advanced or sophisticated technological goods or professional services in Hong Kong. Whilst members of the general public are reasonably well-informed, observant and circumspect and cannot be expected to exercise more than an average level of care and attention in selecting those goods and services, for those merchants or businessmen who are interested in those more advanced or sophisticated technological goods or professional services, in addition to being reasonably well-informed, observant and circumspect, they are expected to pay a higher level of attention in selecting those goods and services.
12. Each of the subject marks consists of three Chinese characters “惠靈頓” in plain font.

The Chinese characters in Mark 1 are traditional Chinese characters whilst those in Mark 2 are simplified Chinese characters. There are no additional elements or stylization in each of the subject marks that would affect the identity of the trade mark, they may therefore be filed for registration as a series in a single registration. From various internet reference materials provided to the Applicant during the examination stage and set out in Annex B hereto, “惠靈頓” can be the Chinese equivalent of Wellington, which is the financial, commercial and transportation centre of New Zealand (Merriam Webster’s Geographical Dictionary). Hence, “惠靈頓” can be a geographical name.

13. Some guiding principles regarding registrability of geographical names as trade marks can be found in the judgment of the ECJ in *Windsurfing Chiemsee Produktions Und Vertriebs GmbH v. Boots-Und Segelzubehor Walter Huber and Franz Attenberger* (Joined Cases C-108/97 and C-109/97), [2000] Ch. 523:-

*“37. In view of the foregoing, the answer to the questions on article 3(1)(c) of the Directive<sup>1</sup> must be that article 3(1)(c) is to be interpreted as meaning that (i) it does not prohibit the registration of geographical names as trade marks solely where the names designate places which are, in the mind of the relevant class of persons, currently associated with the category of goods in question—it also applies to geographical names which are liable to be used in future by the undertakings concerned as an indication of the geographical origin of that category of goods; (ii) where there is currently no association in the mind of the relevant class of persons between the geographical name and the category of goods in question, the competent authority must assess whether it is reasonable to assume that such a name is, in the mind of the relevant class of persons, capable of designating the geographical origin of that category of goods; (iii) in making that assessment, particular consideration should be given to the degree of familiarity amongst the relevant class of persons with the geographical name in question, with the characteristics of the place designated by that name, and with the category of goods concerned; (iv) it is not necessary for the goods to be manufactured in the geographical location in order for them to be associated with it.”*

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<sup>1</sup> This refers to Article 3(1)(c) of the First Council Directive 89/104/EEC, which has been replaced by Directive 2008/95/EC. Article 3(1)(c) of the First Council Directive is broadly similar to section 11(1)(c) of the Ordinance.

14. At the hearing, Mr. Poon claimed that “惠靈頓” could be the possible Chinese transliteration of at least 2 cities, namely Wellington in the United Kingdom and Wellington in New Zealand and that “惠靈頓” could also refer and relate to a surname or Arthur Wellesley.<sup>2</sup> He thus submitted that the term “惠靈頓” was not automatically and exclusively indicative of a specific geographical origin.
15. Mr. Poon also directed his criticism on one of the internet reference materials cited by the Registrar during the examination stage (which is the internet material reproduced in paragraph no. 1 of Annex B hereto) and contended that such reference material, which showed that “惠靈頓” had been used as the Chinese equivalent of Wellington in New Zealand, was from a PRC website and was not prevalently accessed by Hong Kong consumers. He further relied on the Chinese Wikipedia webpage accessible in Hong Kong about Wellington of New Zealand and submitted that “威靈頓” was far more commonly used and known to the members of public in Hong Kong as the Chinese transliteration of Wellington. He claimed that the term “惠靈頓” consisted of a largely Hanyu Pinyin origin and might be designative of a geographical location in Putonghua-speaking nations and markets, rather than in Hong Kong. It was his submission that the term “惠靈頓” was not and could not realistically designate only geographical origin in the mind of an average consumer for the various classes of products and services in Hong Kong.
16. Further, Mr. Poon referred me to the Chapter of “Geographical origins” of the Trade Marks Registry Work Manual. He drew my attention to the principles that the phrase “geographical name” must be interpreted so as to be in accordance in some degree with the general and popular meaning of the words, and a word does not become a geographical name simply because some place upon the earth’s surface has been called by it, as stated in the case *Magnolia Metal Company* [1897] 2 Ch 371; and that if there is no connection, or only a tenuous connection between the place and the goods or services, so that the mark (which is the name of the place) cannot realistically designate geographical origin (because consumers would not believe that the product or service originates from the place named in the mark), the mark is registrable without evidence of distinctiveness. He claimed that there was no connection, or only a tenuous connection, between the alleged geographical origin, namely

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<sup>2</sup> At the examination stage, the Applicant submitted internet materials to show that Arthur Wellesley was the first Duke of Wellington and that the city of Wellington in New Zealand took its name from Arthur Wellesley.

Wellington in New Zealand, and the goods and services applied for.

17. Mr. Poon's criticisms on the internet reference materials, even if part of them may be factually true, do not displace the argument of the term being capable of designating geographical origin. The internet materials cited at the examination stage as set out in Annex B, which include some materials from a PRC website, merely illustrate that "惠靈頓" is the Chinese transliteration of the city of Wellington in New Zealand. Given that Hong Kong is an international city, it is not uncommon for the relevant consumers in Hong Kong to have access to internet materials originating from websites other than Hong Kong websites. I take the view that the internet reference material from the PRC website should not be entirely excluded from consideration. On the other hand, I am of the view that both the Putonghua and Cantonese transliteration of "Wellington" can be "惠靈頓". In the repealed Securities (Recognition of Stock Markets) (Consolidation) Notice (Cap. 333H) (repealed in 2003), "Wellington Stock Exchange" was translated as "惠靈頓證券交易所". This, together with the internet reference materials, are examples showing that "惠靈頓" can be and is being used in Hong Kong as transliteration of the city of "Wellington" in New Zealand. Whilst the English word "Wellington" could refer to a surname or the famous General Arthur Wellesley, having considered the popularity of the English word "Wellington" as surname and that of "惠靈頓" as Chinese transliteration of the surname "Wellington" in Hong Kong, the familiarity of the relevant consumers in Hong Kong with General Arthur Wellesley (or Duke of Wellington) and their familiarity with the country of New Zealand, I come to the view that the relevant consumers in Hong Kong are more likely to understand the Chinese term "惠靈頓" as the Chinese name of the city of Wellington, which is the capital of New Zealand.
18. "惠靈頓" as the capital of New Zealand is apt to indicate the geographical origin of various goods and services befitting to come from such a place. When each of the subject marks is used in respect of the goods applied for, which include scientific, nautical, surveying, photographic and cinematographic apparatus, digital recording media, computer software, electronic publications, printed matter, stationery, instructional and teaching materials, clothing and footwear, each of the subject marks will directly convey to the relevant consumers the message that those goods are manufactured or designed in or are related to the city of Wellington. When each of the subject marks is used in relation to the services applied for, which include advertising, business management, consultancy services available from computer

databases, the Internet or via other communications and educational and entertainment services, the immediate message conveyed by each of the subject marks to the relevant consumers is that those services originate from, or are provided in or related to Wellington.

19. Therefore, I consider that in the minds of the relevant consumers, “惠靈頓”, being the Chinese transliteration of the city of Wellington, is currently associated with the goods and services applied for. I am not convinced by Mr. Poon’s argument that there is no connection, or only a tenuous connection, between Wellington and the goods and services applied for. In particular, given that Wellington is the financial, commercial and transportation centre of New Zealand, the relevant consumers will clearly associate “惠靈頓” (being the Chinese name of the city of Wellington in New Zealand) with goods applied for such as scientific and nautical apparatus (which are related to transport), electronic publications and printed matter (which can be publications about the city), clothing and footwear (which can be souvenirs of the city), and the services applied for such as business management, accountancy and trade fairs available from computer databases, the Internet or via other communications (which are commercial or financial services) and educational and entertainment services (which are usually provided in a commercial or financial centre).
20. Having considered the principles as stated in the *Windsurfing* case, and since each of the subject marks consists only of the Chinese term “惠靈頓”, which can be perceived by the relevant consumers as an indication of the geographical origin or characteristics of the goods and services applied for, namely that those goods are manufactured or designed in or are related to the city of Wellington or that those services originate from, or are provided in or related to Wellington, each of the subject marks consists exclusively of a sign which may serve, in trade or business, to designate the geographical origin or characteristics of the goods and services applied for within the meaning of section 11(1)(c) of the Ordinance. The subject marks therefore do not meet the requirements of registration under section 11(1)(c) of the Ordinance.

*Section 11(1)(b) of the Ordinance*

21. Section 11(1)(b) of the Ordinance precludes registration of trade marks which are devoid of any distinctive character.

22. In *Host Hotels & Resorts LP v Registrar of Trade Marks* [2010] 1 HKLRD 541, the Honourable Mr. Justice Sakhrani cited with approval the following cases (paragraphs 17-18):-

*“17. In British Sugar Plc v James Robertson & Sons Ltd [1996] RPC 281, Jacob J (as he then was) said at page 306 :*

*“What does devoid of any distinctive character mean? I think the phrase requires consideration of the mark on its own, assuming no use. Is it the sort of word (or other sign) which cannot do the job of distinguishing without first educating the public that it is a trade mark?”*

*18. In Nestle SA’s Trade Mark Application (Have A Break) [2004] FSR 2 Sir Andrew Morritt VC (as he then was) said at paragraph 23 :*

*“The distinctiveness to be considered is that which identifies a product as originating from a particular undertaking. Such distinctiveness is to be considered by reference to goods of the class for which registration is sought and consumers of those goods. In relation to the consumers of those goods the court is required to consider the presumed expectations of reasonably well informed, and circumspect consumers. For my part I would particularly emphasise that the relevant distinctiveness is that which identifies a product as originating from a particular undertaking ...”*

23. According to these principles, the distinctiveness of a mark has to be assessed by reference to the goods and services in respect of which registration is sought and the perception of the relevant consumers, who are presumed to be reasonably well-informed, circumspect and observant. A mark possesses a distinctive character under section 11(1)(b) of the Ordinance only if it, assuming no use, serves to identify the goods and services concerned as originating from a particular undertaking, and thus to distinguish those goods and services from those provided by other undertakings.

24. In the discussion above relating to section 11(1)(c) of the Ordinance, I have found that when each of the subject marks is used in relation to the goods and services applied for, the direct message conveyed by each of the subject marks is that those goods are manufactured or designed in or are related to Wellington; or that those services

originate from or are provided in or related to Wellington. The message conveyed by each of the subject marks is thus only a description of the geographical origin or characteristics of the goods and services applied for and is therefore origin neutral. Since the term “惠靈頓” is commonly perceived as the Chinese transliteration of the city of Wellington, although a higher level of attention is expected from those businessmen or merchants who are interested in the more advanced or sophisticated technological products or professional services, they will still regard each of the subject marks as a description of the geographical origin or characteristics of the goods and services applied for. Therefore, I come to view that it is unlikely that the relevant consumers, without having been first educated that the subject marks are indicators of trade source, will perceive the subject marks as a badge of trade origin of a particular undertaking.

25. In the light of my findings stated in paragraph 24 above, the subject marks fail to perform the essential function of a trade mark in guaranteeing the identity of the origin of the goods and services applied for. Hence, the subject marks are devoid of any distinctive character in relation to such goods and services. The subject marks are therefore debarred from registration under section 11(1)(b) of the Ordinance.

*Other registered marks*

26. Mr. Poon referred me to a number of prior marks which were mentioned by the agent on behalf of Applicant in its submissions at the examination stage and the mark No.



303015134 . These marks all consist of names of geographical locations. He argued that if the Registrar had taken a consistent approach in the examination of marks, the subject application should have been accepted for registration.

27. I have considered those prior registrations but do not find them comparable to the subject application. For example, the mark No. 303015134 contains a device in addition to the words. The distinctiveness of each mark should be considered on the basis of its own merits but not by reference to other registered marks. As stated in

*British Sugar Plc v James Robertson & Sons Ltd* [1996] R.P.C. 281, comparison with other marks on the register is in principle irrelevant when considering a particular mark tendered for registration. I thus do not find the registrations of those prior marks to be of assistance to the Applicant in overcoming the objections raised against the subject marks pursuant to the Ordinance.

*Amendment of the application*

28. With a view to overcoming the objections raised by the Registrar, the Applicant also sought to amend the subject application so that the subject marks will be amended to the Amended Marks. The proposal to amend the subject application was refused at the examination stage on the ground that the amendment would substantially affect the identity of each of the subject marks.
29. At the hearing, Mr. Poon argued that the amendment proposed by the Applicant would not substantially affect the identity of each of the subject marks for the following reasons:-
  - (a) The Applicant was only seeking to add the Chinese characters “書院” in Mark 1 of the subject marks and “书院” in Mark 2 of the subject marks. The term “書院” was a generic term and was not unique or grossly distinctive. The addition of such a generic term would only affect the identity of each of the subject marks to a minor visual extent only, but not substantially.
  - (b) Many examples of registered marks containing the term “書院” could be found on the register.
  - (c) The proposed amendments would not broaden the scope of the intellectual property rights sought to be protected but would in fact narrow the scope.
  - (d) In examining the subject marks, the Registrar must have considered how the subject marks have been used or perceived in all possible trades and walks of life, including how each of the subject marks is used in relation to the term “書院”. The consideration of the registrability of “惠靈頓” must have necessitated or included the consideration of “惠靈頓書院”.
  - (e) There was only one “Wellington College” or “惠靈頓書院” at present. The general targeted consumers would already have a strong association between the trade name “惠靈頓書院” and the Applicant. It would thus be inconceivable how the proposed amendment would affect the rights or interests of other

undertakings or entities.

- (f) The proposed amendment would actually serve to clarify the trade name for the members of the public and thus the amendment would be in the interest of the members of the public as well as that of the Applicant.
- (g) There were special and extenuating circumstances in the present case in that (i) the Applicant was the same applicant for the trade mark application No. 302521142<sup>3</sup> (“Wellington College Trade Marks Application”) and for the application No. 302521160<sup>4</sup> and that these applications all covered the same classes of goods and services; and (ii) the Registrar’s examination of the subject marks must have been broader in nature when compared to the Amended Marks.
- (h) If the proposed amendments were to be refused, the Applicant would need to take out a fresh application for registration of the Amended Marks. The delay and additional costs faced by the Applicant would be disproportionate and public resources would be incurred again for a similar examination exercise, which is entirely uncalled for.
- (i) Based on the Applicant’s understanding, in applications made under section 55 of the Ordinance<sup>5</sup> for alteration of a registered mark, the Registrar would usually allow alterations to be made to a trade or company name which forms a part or even the entirety of the registered trade mark and consider such alterations not having affected substantially affect the identity of the marks.

30. At the hearing, I asked Mr. Poon which provisions of the Ordinance the Applicant would rely on in seeking to amend the subject application. It was his reply that section 46(4)(a) or 46(4)(c) of the Ordinance would be relied on by the Applicant.

31. Section 46(4) of the Ordinance is as follows:-

*“(4) An application for registration of a trade mark may be amended in other respects but only*

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<sup>3</sup> The Wellington College Trade Marks Application is an application for registration of a series of 3 marks “WELLINGTON COLLEGE”, “Wellington College” and “wellington college”. The registrability hearing for the Wellington College Trade Marks Application took place together with that for the subject application.

<sup>4</sup> The trade mark application No. 302521160 involves application for registration of a series of 3 marks, each of which consists of a device and the words “WELLINGTON COLLEGE”.

<sup>5</sup> Under section 55(2) of the Ordinance, the Registrar may, at the request of any owner of a registered trade mark which contains or consists of the name or address of the owner or any previous owner, allow the alteration of that name or address but only to the extent that the alteration does not substantially affect the identity of the trade mark.

*for the purpose of correcting-*

- (a) the name or address of the applicant;*
- (b) errors of wording or of copying; or*
- (c) obvious mistakes,*

*and then only where the correction does not substantially affect the identity of the trade mark or extend the goods or services covered by the application.”*

32. Regarding section 46(4)(a) of the Ordinance, Mr. Poon submitted that the Chinese transliteration of the name of the Applicant should be “惠靈頓書院” and that the Applicant’s request to amend the subject marks should be allowed as each of the subject marks only contained an incomplete name of the Applicant.
33. I am not convinced by Mr. Poon’s submissions. The Applicant’s name in the subject application is “The Wellington College”. The Chinese term “惠靈頓書院” is not the name of the Applicant but is only one of the possible Chinese transliterations of the Applicant’s name. Also, each of the subject marks itself does not contain the name of the Applicant, namely “The Wellington College”. As such, the addition to each of the subject marks the Chinese characters “書院” in traditional Chinese or simplified Chinese cannot be regarded as correcting the name of the Applicant. But more basically, section 46(4)(a) amends the name or address of the applicant in an application for registration of a trade mark. It is not for the purpose of amending the representation of the trade mark. Section 46(4)(a) of the Ordinance is thus not applicable.
34. On the other hand, Mr. Poon relied on the fact that the Wellington College Trade Marks Application and the subject application were filed by the Applicant on the same day. He claimed that the subject application was the Chinese application corresponding to the Wellington College Trade Marks Application and that the Chinese component “書院” was missing in each of the subject marks whilst the word “college” could be found in each of the marks in the Wellington College Trade Marks Application. He suggested that the missing of the component “書院” in each of the subject marks should thus be regarded as an obvious mistake on the part of the Applicant under section 46(4)(c) of the Ordinance.
35. The fact that the subject application and the Wellington College Trade Marks Application were filed by the Applicant on the same day does not necessarily mean

that the marks in the subject application must be the Chinese marks corresponding to the English marks in the Wellington Trade Marks Applications. The Applicant is not restricted to make an application for registration of the Chinese transliterations of the marks in the Wellington College Trade Marks Application only. In fact, it may make applications for registration of any other terms as trade marks, be it on the same filing date as that of the Wellington Trade Marks Application or not. I thus cannot see the reason why the missing of the component “書院” in each of the subject marks should be regarded as an obvious mistake. Hence, I find that section 46(4)(c) of the Ordinance has no application here.

36. As a separate note, I cannot understand Mr. Poon’s submission on the Applicant’s understanding of section 55 of the Ordinance could have any relevance here. Section 55 of the Ordinance deals with alteration of a registered trade mark, which is not the scenario I have to deal with here.
37. To conclude, there is no basis for me to allow amendment of Mark 1 and Mark 2 of the subject marks.

### **Conclusion**

38. I have carefully considered all the documents filed by or on behalf of the Applicant together with all the oral and written submissions made in respect of the subject application. For the reasons given above, I find that the subject marks are precluded from registration under section 11(1)(b) and section 11(1)(c) of the Ordinance. The subject application is accordingly refused under section 42(4)(b) of the Ordinance.

Winnie Mak  
for Registrar of Trade Marks  
12 September 2016

## Annex A

### Class 9

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus; software, downloadable software, electronic dictionary; data processing apparatus; computer software [recorded]; electronic pocket translators; electronic publications [downloadable]; computer programs [downloadable software]; weighing apparatus and instruments; measures; electronic notice boards; network communication equipment; electronic learning machine; electronic sound production devices with books; projection apparatus; audio visual teaching apparatus; teaching apparatus; semi-conductors; life nets; alarms; eyeglasses; sunglasses; charges for electric batteries; galvanic cells; transparencies [photography].

### Class 16

Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks; printing paper (including offset paper, newsprinting paper, paper for books and periodicals, paper for gravure, paper for letterpress); plate making paper; tracing paper; handkerchiefs of paper; coasters of paper; cardboard articles; writing or drawing books; exercise book; posters; books; printed publications; pictures; photograph stands; packing materials; folders for papers; wrappers [stationery]; school supplies [stationery]; writing cases [sets]; ink; stamps [seals]; painters' brushes; writing instruments; adhesives [glues] for stationery or household purposes; adhesive bands for stationery or household purposes; drawing instruments; drawing materials; electrotypes; document folders and wallets; lever arch files; sculptural clay's models (original material for artist), parts and fittings for all the aforesaid.

### Class 25

Clothing, footwear, headgear; underclothing; ready-made clothing; uniforms; jackets [clothing]; underwear; pyjamas; bathing suits; waterproof clothing; theatrical costume; football shoes; shoes; sports shoes; hats; hosiery; gloves [clothing]; neckties; scarfs; pocket squares; belts [clothing]; girdles.

### Class 35

Advertising; business management; business administration; office functions; sponsorship business; demonstration of goods; publicity texts (publication of - ); radio advertising; television advertising; advertising agencies; on-line advertising on a computer network; demonstration of goods via electronic communications for retail; advertisement plan; business management and organization consultancy; industrial management assistance; consultancy (professional business - ); business information; organization of trade fairs for commercial or advertising purposes; exhibitions (organization of - ) for commercial or advertising purposes; import-export agencies; auctioneering; management consultancy (personnel - ); computer databases (compilation of information into - ); computer databases (systemization of information into - ); data search in computer files [for others]; accounting; search (sponsorship - ); organization, operation and management of consumer loyalty and incentive schemes; provision of office functions via computer databases, the internet or other electronic communication media; electronic data storage; operation and supervision of loyalty and incentive schemes; advertising services provided via the Internet; production of television and radio advertisements; accountancy; auctioneering; trade fairs; data processing; provision of business information; retail services connected with the sale of printed matter; career advisory services (other than education and training advice); all the foregoing services available from computer databases, the Internet or via other communications.

### Class 41

Education; providing of training; entertainment; sporting and cultural activities; academies [education]; correspondence courses; physical education; educational services; instruction services; boarding schools; arranging and conducting of colloquiums; organization of exhibitions for cultural or educational purposes; organization of sports competitions; arranging and conducting of workshops [training]; organization of shows [impresario services]; publication of books; publication of electronic books and journals on-line; providing on-line electronic publications [not downloadable]; radio entertainment; shows (production of - ); translation; amusements; club services [entertainment or education];

party planning [entertainment]; game services provided on-line [from a computer network]; ticket agent services [entertainment]; providing sports facilities; lottery services; providing on-line entertainment services; organization of sports activities, on-line entertainment; sporting and cultural activities; electronic games services provided by means of the Internet; the provision of on-line electronic publications; school services; physical and sporting training and educational services; school services, physical and sporting training and educational services, all available from computer databases, the Internet or via other communications.

## **Annex B**

1. 新西蘭首都惠靈頓（Wellington）位於新西蘭北島的最南端，扼庫克海峽咽喉。她三面青山環繞，一面臨海，懷抱著尼科爾遜港。整個城市滿目蒼翠，空氣清新，四季如春。惠靈頓地處斷層地帶，除臨海有一片平地外，整個城市依山建築。1855年一次大地震曾使港口受到嚴重破壞。現在的惠靈頓是1948年後重建的。人口42.4萬（2001年12月）。惠靈頓是新西蘭全國政治、工業、金融中心。

[http://big5.xinhuanet.com/gate/big5/news.xinhuanet.com/ziliao/2003-07/03/content\\_952685.htm](http://big5.xinhuanet.com/gate/big5/news.xinhuanet.com/ziliao/2003-07/03/content_952685.htm)

2. 惠靈頓(Wellington)

惠靈頓是新西蘭的首都，同時還享有“藝術與文化之都”的美譽。坐落於海港邊緣，周圍群山環繞，城市佈局緊湊簡潔，整個城市以咖啡店、購物、晚上娛樂最為著名。

<http://www.newzealand.com/travel/zhs/media/topic-index/nz-regions/wellington.cfm>

3. 自1865年起，惠靈頓就成為新西蘭首都，是新西蘭的政治、文化和藝術中心。它不僅是新西蘭的首都，而且是世界上最南的首都城市。惠靈頓人口45萬。它位於北島的西南端，三面環山，一面臨海，地勢起伏。

<http://www.kiwidragon.com/New-Zealand-Holidays/North-Island/Wellington/wellington.html>