

# **ATTACHMENT A**

## Evidence List

**(Submitted by the Plaintiff) The Plaintiff: Tencent Technology (Shenzhen) Co, Ltd**

No.	Name	Source	Fact to be proved	Copy	Page
1	Objection against the new gTLD <.微博>	The Defendant	The Defendant filed an objection against the registration of the new gTLD <.微博>, on the ground that the Plaintiff infringed No. 7649615 trademark “微博”	1	1-18
2	Chinese translation of the Objection against the new gTLD <.微博>	Shenzhen Bowwin Translation Co., Ltd.	The Defendant filed an objection against the registration of the new gTLD <.微博>, on the ground that the Plaintiff infringed No. 7649615 trademark “微博”	1	19-31
3	Objection against the new gTLD <.weibo>	The Defendant	The Defendant filed an objection against the registration of the new gTLD <.weibo>, on the ground that the Plaintiff infringed No. 7649615 trademark “微博”	1	32-50
4	Chinese translation of the Objection against the new gTLD <.weibo>	Shenzhen Bowwin Translation Co., Ltd.	The Defendant filed an objection against the registration of the new gTLD <.weibo>, on the ground that the Plaintiff infringed No. 7649615 trademark “微博”	1	51-63
5	Notarial deed for Case No. LRO2013-0040 and No. LRO2013-0041 expert determinations (2013 YG Guangzhou No. 196018)	Guangzhou Notary Public Office	The Panel determined that the Plaintiff infringed No. 7649615 trademark “微博” and sustained the objection	1	64-92
6	Chinese translation of Case No. LRO2013-0040 and No. LRO2013-0041 expert determinations	Shenzhen Bowwin Translation Co., Ltd	The Panel determined that the Plaintiff infringed No. 7649615 trademark “微博” and sustained the objection	1	93-113

7	Press releases on the origin and history of micro blog	www.netease.com, www.gmw.cn, etc.	The origin and history of micro blog	1	114-118
8	Printed copies of the websites of multiple micro blog platforms in China	Sohu Weibo, Netease Weibo, etc.	微博 is shared and used by multiple micro blog service providers in China	1	119-124
9	Press releases on the development of Tencent Weibo	www.Xinhuanet.com, Reuters, www.people.com.cn, etc.	The development of Tencent Weibo	1	125-132
10	The 32nd Statistics Report of China Internet Development	China Internet Network Information Center	The development of micro blog in China (number of Chinese netizens using micro blog and the usage rate)	1	133-192
11	Search result of trademarks with keyword “微博”	Official website of China Trademark Office	Multiple right owners hold trademarks consisting of “微博” in China	1	193-207
12	No. 7649615 trademark registration certificate	China Trademark Office	The registration information of the Defendant's trademark “微博” and its protection scope	1	208
13	Search result of No. 7649637 trademark	Official website of China Trademark Office	The No. 7649637 application filed by the Defendant for trademark “微博” is invalid	1	209
14	No. 9532113 trademark registration certificate	China Trademark Office	The Plaintiff holds exclusive rights to the trademark “腾讯微博” (Tencent Weibo)	1	210
15	No. 9532126 trademark registration certificate	China Trademark Office	The Plaintiff holds exclusive rights to the trademark “腾讯微博” (Tencent Weibo)	1	211
16	No. 9532146 trademark registration certificate	China Trademark Office	The Plaintiff holds exclusive rights to the trademark “腾讯微博” (Tencent Weibo)	1	212
17	No. 9213744 trademark registration certificate	China Trademark Office	The Plaintiff holds exclusive rights to the trademark “Qweibo”	1	213
18	No. 9210498 trademark registration certificate	China Trademark Office	The Plaintiff holds exclusive rights to the trademark “iWeibo”	1	214
19	No. 9213712 trademark registration certificate	China Trademark Office	The Plaintiff holds exclusive rights to the trademark “Qweibo”	1	215

20	gTLD Applicant Guidebook, Module 1-Introduction to the gTLD Application Process	Internet Corporation for Assigned Names and Numbers	Resources invested by the Plaintiff for applying <.微博> and <.weibo>; and the sustained objection hindered the Plaintiff from acquiring the authorization of the gTLDs	1	216-251
----	---	---	---	---	---------

The Plaintiff confirms the above evidences as photocopies.

Signature of the submitter, telephone number and date

Signature of receiver of the other party and date

Signature of receiver of this court and date

# 证据目录

(原告提供) 原告: 腾讯科技(深圳)有限公司

序号	证据名称	证据来源	证明事实	份数	页码
1	<.微博>新通用顶级域名异议申请书	被告	被告以原告侵犯其第7649615号“微博”商标为由, 对原告<.微博>新通用顶级域名注册提起异议	1	1-18
2	<.微博>新通用顶级域名异议申请书中文翻译件	深圳市博文翻译有限公司	被告以原告侵犯其第7649615号“微博”商标为由, 对原告<.微博>新通用顶级域名注册提起异议	1	19-31
3	<.weibo>新通用顶级域名异议申请书	被告	被告以原告侵犯其第7649615号“微博”商标为由, 对原告<.weibo>新通用顶级域名注册提起异议	1	32-50
4	<.weibo>新通用顶级域名异议申请书中文翻译件	深圳市博文翻译有限公司	被告以原告侵犯其第7649615号“微博”商标为由, 对原告<.weibo>新通用顶级域名注册提起异议	1	51-63
5	第LRO2013-0040号和第LRO2013-0041号裁决公证书(2013粤广广州第196018号)	广州市公证处	专家组认定原告侵犯被告第7649615号“微博”商标, 裁定异议成立	1	64-92
6	第LRO2013-0040号和第LRO2013-0041号裁决中文翻译件	深圳市博文翻译有限公司	专家组认定原告侵犯被告第7649615号“微博”商标, 裁定异议成立	1	93-113
7	有关微博起源和历史的系列新闻报道	网易、光明网等	微博的起源和历史	1	114-118
8	多个中国微博平台网站首页打印件	搜狐微博、网易微博等	微博在中国为多个微博服务提供商共享和使用	1	119-124
9	有关腾讯微博发展状况的系列新闻报道	新华网、路透社、人民网等	腾讯微博的发展状况	1	125-132
10	《第32次中国互联网络发展状况统计报告》	中国互联网络信息中心	微博在中国的发展状况(中国微博网民数及使用率)	1	133-192
11	“微博”商标查询记录	中国商标网	多个权利人在中国拥有“微博”商标	1	193-207
12	第7649615号商标证	中国商标局	被告“微博”商标的注册情况及保护范围	1	208
13	第7649637号商标查询信息	中国商标网	被告第7649637号“微博”商标申请已无效	1	209

14	第 9532113 号商标证	中国商标局	原告享有“腾讯微博”商标专用权	1	210
15	第 9532126 号商标证	中国商标局	原告享有“腾讯微博”商标专用权	1	211
16	第 9532146 号商标证	中国商标局	原告享有“腾讯微博”商标专用权	1	212
17	第 9213744 号商标证	中国商标局	原告享有“Qweibo”商标专用权	1	213
18	第 9210498 号商标证	中国商标局	原告享有“iWeibo”商标专用权	1	214
19	第 9213712 号商标证	中国商标局	原告享有“Qweibo”商标专用权	1	215
20	《gTLD 申请人指导手册》模块 1-通用顶级 (gTLD) 申请流程简介	互联网名称与数字地址分配机构	原告为申请<.微博>、<.weibo>所投入的资源;以及成立的异议将阻却原告获得通用顶级域名授权	1	216-251

提交人确认以上证据均为复印件。

对方当事人签收及签收日期:

提交人签名、电话及提交日期:

本院签收人及签收日期:

# **ATTACHMENT B**

## Civil Complaint Statement

**Plaintiff:** Tencent Technology (Shenzhen) Co, Ltd

Legal representative: Ma Huateng

Address: Tencent Building, Kejizhongyi Avenue, Hi-Tech Park, Nanshan District, Shenzhen City

**Defendant:** Sina.com Technology (China) Co., Ltd

Legal representative: Cao Guowei

Address: 1506 Ideal International Plaza, 58 Northwest Forth Ring Road, Haidian District, Beijing

**Cause of Action:** To confirm non-infringement of trademark rights

### Claims

1. A declaration that the use of trademarks “微博” and “weibo” by the Plaintiff in micro blog and other Internet information services, including using “微博” and “weibo” to register new gTLDs <.微博> and <.weibo>, does not infringe the Defendant's exclusive rights to No. 7649615 registered trademark “微博”.
2. Damages of CNY500,000 for the Plaintiff's economic loss, including attorney fee, notarization fee and translation fee paid by the Plaintiff.
3. Litigation fee of this action.

### Facts and Grounds

Tencent Technology (Shenzhen) Co, Ltd (the “Plaintiff”) was founded in November 1998 in Shenzhen, China, and has grown into one of the largest integrated Internet service providers in China. The Plaintiff provides Internet value-added services, value-added services for China Mobile and China Telecom, online advertising services and so forth. It has successfully established the largest Internet community in China through leading Internet platforms such as instant messenger QQ, Tencent Weibo, Wechat. The Plaintiff is one of the Internet companies in China that have the most users.

The Internet Corporation for Assigned Names and Numbers (“ICANN”) is an international non-profit organization which administrates Generic Top-level Domains



---

("gTLD") such as <.com>, <.net> and <.gov>. In June 2011, ICANN adopts the New Generic Top-level Domain ("New gTLD") Program, which allows any companies or organizations which satisfy the criteria to apply for new gTLDs using any suffixes, and become the registry of such new gTLDs after the approval of ICANN. Also, if any third party believes that an applied-for new gTLD infringes any of its existing legal rights (including rights to registered or unregistered trademarks), it may file an objection to the World Intellectual Property Organization Arbitration and Mediation Center ("WIPO Center") designated by ICANN.

In order to further promote its micro blog service, the Plaintiff applied for new gTLDs <.微博> and <.weibo> with ICANN in June 2012, and has passed the preliminary assessment and entered the advanced assessment phase. In March 2013, the Defendant filed objections with the WIPO Center on the ground that the Plaintiff's applications for registration of <.微博> and <.weibo> infringed its No. 7649615 trademark "微博" registered in Class 35 in China, aiming at preventing the Plaintiff from registering the above-mentioned two gTLDs. In August 2013, an administrative panel consisting of three experts (the "Panel") sustained the objections. In the determinations, the Panel holds that the Weibo service provided by the Plaintiff falls under the extent of protection of No. 7649615 registered trademark, and therefore the Plaintiff's registration applications of <.微博> and <.weibo> constitute infringement of the Defendant's exclusive rights to No. 7649615 registered trademark "微博".

The Plaintiff holds that, there is no factual or legal ground to support the Defendant's assertions that the Plaintiff's registration and use of <.微博> and <.weibo> would cause confusion and mislead the public, harm the Defendant's exclusive trademark rights, and bad faith could be inferred. The Panel's determinations did not properly apply Chinese laws. In accordance with the *Trademark Law of PRC*, the use of "微博" and "weibo" by the Plaintiff in its Weibo service, including using "微博" and "weibo" to register <.微博> and <.weibo>, does not constitute infringement of the exclusive rights to No. 7649615 trademark "微博".

First of all, "微博" is the abbreviation of "微型博客" (micro blog), which refers to a new type of broadcasting Internet social media service. Micro blog was initiated by Twitter, an American website in 2006, providing a platform for users to share, spread and acquire information based on relations. It allows users to send their updates to personalized groups on the website, and share brief real-time messages through the

mechanism of “Following”. The features of micro blog such as prompt release and rapid spreading of information earned it a good reputation soon after it was launched.

Micro blog emerged in China in 2007, when several local micro blogs were launched one after another, including Fanfou, Jiwai, Digu, and Tencent Taotao which was officially put online on 13 August 2007 by the Plaintiff for public beta. In 2009, several portal websites in China including the Plaintiff started to vigorously promote micro blog services. On 1 April 2010, Tencent Weibo was open for public beta; in May 2010, Tencent Weibo was open for registration; in October, Tencent officially terminated its Taotao service. At 20:53 10 December 2010, the followers of Liu Xiang, a famous athlete on Tencent Weibo, exceeded 8 million, ranking No. 1 in the world, nearly 700 thousand more than the followers of Lady Gaga, who had the most followers on Twitter. On 5 February 2011, the registered users of Tencent Weibo reached 100 million. By the end of 2012, the number of registered users of Tencent Weibo reached 540 million, with more than 100 million daily active users. Tencent Weibo has become one of the most influential micro blogs in China.

According to the 32<sup>nd</sup> Statistics Report of China Internet Development, by the end of June 2013, the amount of micro blog netizens in China is 331 million, 56% of the netizens use micro blog services. Today, micro blog has become an important channel for Chinese netizens to acquire information, and is gradually evolving into a medium of public opinion. The word “微博” is widely used by micro blog service providers as a general name for Internet services of the type of micro blogs, such as Tencent Weibo, Sina Weibo, Sohu Weibo, Netease Weibo, Ifeng Weibo, etc.

Second, the Defendant’s No. 7649615 trademark “微博” was granted for use in Class 35, advertising services. Its registration information is as follows:

<b>Trademark No.</b>	<b>Class</b>	<b>Service</b>	<b>Date of Registration</b>
7649615	35	Advertising; Online advertisement on data communication network; Presentation of goods on communication media, for retail purpose; Marketing studies; Opinion polling; Data search in computer files for others; Compilation of information	28 December, 2010

		into computer databases; Categorization of information in computer databases; Systemization of information into computer database	
--	--	--	--

The protection of the Defendant's No. 7649615 registered trademark “微博” does not cover micro blog service (Class 38), for which the Plaintiff applied the new gTLDs. The Plaintiff's use of “微博” and “weibo” trademarks in micro blog service and using “微博” and “weibo” to register <.微博> and <.weibo>, does not infringe the Defendant's exclusive rights to the trademark “微博” registered in Class 35.

Moreover, since “微博” is the abbreviation of open Internet social media service micro blog and has become a general name known to the public, any parties (including the Defendant) have no right to monopolise it. The fact that China Trademark Office rejected the Defendant's application for registration of the trademark “微博” in Internet information service including micro blog in Class 38 fully proves that the Defendant does not enjoy exclusive rights to the trademark “微博” in Internet information service including micro blog in Class 38:

<b>Trademark No.</b>	<b>Class</b>	<b>Service</b>	<b>Date of Application</b>	<b>Status</b>
7649637	38	Electric bulletin board services (communication services); Message sending; Email; Computer-aided transmission of message and images; Communications by computer terminals; Cellular telephone communication; Providing Internet chat rooms; Providing access to databases; Providing user access to global computer networks (service providers); News agency	26 August, 2009	invalid

The Plaintiff's multiple applications of trademarks that consist of “微博” and “weibo” filed with China Trademark Office have been approved, including but not limited to:

Trademark No.	Trademark	Class	Validation Period
9532113	腾讯微博 T.QQ.COM	38	14 Aug 2012 to 13 Aug 2022
9532126	腾讯微博 T.QQ.COM	41	14 Aug 2012 to 13 Aug 2022
9532146	腾讯微博 T.QQ.COM	42	21 Jun 2012 to 20 Jun 2022
9213744	Qweibo	38	21 Mar 2012 to 20 Mar 2022
9210498	iWeibo	9	21 Mar 2012 to 20 Mar 2022
9213712	Qweibo	9	21 Mar 2012 to 20 Mar 2022

Obviously, the use of trademarks “微博” and “weibo” by the Plaintiff in micro blog service is fair use.

Since the launch of its micro blog service, the Plaintiff has been openly and legally using trademarks “微博”, “weibo” and “腾讯微博” in its micro blog service. By far there have been hundreds of millions of Chinese netizens registered as user of the Plaintiff’s micro blog service. The Defendant accused the Plaintiff of infringing No. 7649615 registered trademark “微博”, but so far never brought up any legal actions against the Plaintiff for infringement of trademark. The Plaintiff has invested a huge amount of resources in the registration of new gTLDs <.微博> and <.weibo>. If the registration and authorization of <.微博> and <.weibo> failed to be granted, the Plaintiff would suffer severe economic loss. Take the application fees as an example, the Plaintiff has paid as much as USD 185,000 as assessment fee to ICANN for a single new gTLD. In accordance with the rules, if the objections cannot be eliminated, the Plaintiff’s application will not be able to enter the next phase and the process will terminate. The Plaintiff will not be able to get full refund. The objections filed by the Defendant against the Plaintiff’s applications on the ground of trademark infringement directly hindered the Plaintiff from acquiring the authorization of the new gTLDs, and has caused severe loss to the Plaintiff.

Based on the above facts and grounds, in order to eliminate the objections and the threat of infringement brought by the Defendant against the Plaintiff, the Plaintiff files this complaint in accordance with the *Trademark Law of PRC*, relevant legal interpretations and other laws. The Plaintiff pleads the court to consider the Defendant’s grounds in its objections, and adjudicate that the use of <.微博> and <.weibo> by the Plaintiff in micro blog and other Internet information services, including using “微博” and “weibo” to register new gTLDs of <.微博> and <.weibo>, is fair use out of good faith, and will not cause confusion and mislead the public, and

does not infringe the Defendant's exclusive trademark rights, and will not harm its trademark. The Plaintiff also pleads the court to endorse all of the Plaintiff's claims.

To

The People's Court of Nanshan District

The Plaintiff: Tencent Technology (Shenzhen) Co, Ltd  
Agent *ad litem*: Jacob (Changjie) Chen

22 October 2013

# 民事起诉状

原告：腾讯科技（深圳）有限公司

法定代表人：马化腾

地址：深圳市南山区高新科技园科技中一路腾讯大厦

被告：新浪网技术（中国）有限公司

法定代表人：曹国伟

地址：北京市海淀区北四环西路 58 号理想国际大厦 1506 室

案由：确认不侵害商标权

## 诉讼请求

一、判令确认原告在微博等互联网信息服务上使用“微博”、“weibo”商标的行为，包括使用“微博”、“weibo”注册新通用顶级域名<.微博>、<.weibo>，不侵犯被告第 7649615 号“微博”注册商标专用权。

二、判令被告赔偿原告经济损失人民币伍拾万元，包括原告支付的律师费、公证费、翻译费等。

三、判令被告承担本案诉讼费用。

## 事实和理由

原告腾讯科技（深圳）有限公司于 1998 年 11 月成立于中国深圳，是中国最大的互联网综合服务提供商之一。原告主要提供互联网增值服务、移动及电信增值服务和网络广告服务等，并通过即时通信 QQ、腾讯微博、微信等领先网络平台，成功打造了中国最大的网络社区，是中国服务用户最多的互联网企业之一。

互联网名称与数字地址分配机构(The Internet Corporation for Assigned Names and Numbers, “ICANN”)是一个非营利性国际组织,负责<.com>、<.net>、<.gov>等通用顶级域名(Generic Top-level Domain, “gTLD”)的管理。2011年6月,ICANN通过新通用顶级域名(New Generic Top-level Domain, “New gTLD”)计划,任何符合申请条件的公司、机构均可将任意后缀申请作为新的通用顶级域名,并经ICANN批准后成为该新顶级域名的注册局。同时,任何第三方如认为申请的新通用顶级域名侵犯其现有法定权利(包括注册或未注册商标),可向ICANN指定的争议解决服务机构世界知识产权组织仲裁与调解中心提起异议。

为进一步推广微型博客服务,原告于2012年6月向ICANN申请注册新通用顶级域名<.微博>、<.weibo>并通过初始评估,进入进一步评估阶段。2013年3月,被告以原告注册<.微博>和<.weibo>的行为侵犯其第7649615号“微博”中国注册商标(第35类)为由,向世界知识产权组织仲裁与调解中心提起异议,以阻止原告注册前述两通用顶级域名。2013年8月,由三名专家组成的行政专家组根据多数意见裁定异议成立。在裁决中,专家组认为原告提供的微博服务落入被告第7649615号注册商标的保护范围,进而认定原告注册<.微博>、<.weibo>的行为侵犯被告第7649615号注册商标专用权,构成商标侵权。

原告认为,被告在异议程序中主张原告商标侵权,包括原告注册、使用<.微博>、<.weibo>的行为会造成混淆及误导公众、损害被告的商标专用权及具有恶意等,缺乏事实和法律依据。专家组亦没有正确适用中国法律作出适当裁决。原告在微博服务上使用“微博”、“weibo”的行为,包括使用“微博”、“weibo”注册<.微博>、<.weibo>,根据中国《商标法》根本不侵犯被告第7649615号“微博”注册商标专用权。

首先,微博系“微型博客”(或“微博客”,“MicroBlog”)的简称,是一类新兴的广播式互联网社交服务。微博最早由美国twitter网站于2006年推出,是一个基于用户关系分享、传播及获取信息的平台,允许用户将自己的最新动态等发送到个性化网站群,并通过关注机制实现简短实时信息的分享。因为其具有信息发布及时和传播迅速等特点,微博一经推出即受到好评。

2007年,微博在中国悄然兴起,本土化微博产品随之相继推出,包括饭否、叽歪、嘀咕,以及原告于2007年8月13日正式上线公测的腾讯滔滔等微博。2009年,包括原告在内的几大中国门户网站开始大力推广微博服务。2010年4月1日,

腾讯微博对外测试；2010年5月，腾讯微博开放用户注册；同年10月，腾讯滔滔业务正式停止。2010年12月10日20时53分，著名体育运动员刘翔的腾讯微博听众人数突破800万，超过twitter网站第一名LadyGaga近70万人，成为全球第一微博；2011年2月5日，腾讯微博注册用户突破1亿大关。截至2012年年底，腾讯微博注册账户数达到5.4亿，日均活跃用户数超1亿，成为中国极具影响力的微博之一。

根据《第32次中国互联网络发展状况统计报告》，截至2013年6月底，中国微博网民规模为3.31亿，网民的微博使用率达到56%。目前，微博已成为中国网民获取信息的重要途径，并逐渐演变成为大众化的舆论平台。“微博”一词作为微型博客类互联网服务的通用名称，亦为微博服务提供商普遍使用，例如腾讯微博、新浪微博、搜狐微博、网易微博、凤凰网微博等。

其次，被告第7649615号“微博”商标被核准使用在第35类广告 services 上，其注册信息如下：

商标号	类别	服务	核准日期
7649615	35	广告；数据通讯网络上的在线广告；为零售目的在通讯媒体上展示商品；市场分析；民意测验；在计算机档案中进行数据检索（替他人）；计算机数据库信息编入；计算机数据库信息分类；计算机数据库系统化	2010年12月28日

被告第7649615号“微博”注册商标的保护范围并未覆盖原告注册新顶级域名所提供的微博服务（第38类）。原告在微博服务上使用“微博”、“weibo”商标，以及使用“微博”、“weibo”注册<.微博>、<.weibo>的行为，根本不侵犯被告注册在第35类的“微博”注册商标专用权。

另外，由于“博客”系开放性互联网社交服务“微型博客”（“微博客”）的简称，属于约定俗成的通用名称，任何一方（包括被告）皆无权独占。中国商标局驳回被告“微博”商标在第38类微博等互联网信息服务上的申请这一事实，亦充分证明被告在第38类微博等互联网信息服务上对“微博”商标不享有专用权：



商标号	类别	服务	申请日期	状态
7649637	38	电子公告牌服务（通讯服务）；信息传送；电子邮件；计算机辅助信息和图像传送；计算机终端通讯；移动电话通讯；提供因特网聊天室；提供数据库介入服务；提供全球计算机网络用户接入服务（服务商）；新闻社	2009年8月26日	无效

此外，原告向中国商标局提交的多个包含“微博”、“weibo”的商标注册申请均获得核准，包括但不限于：

商标号	商标	类别	有效期
9532113	腾讯微博 T.QQ.COM	38	2012-8-14 至 2022-8-13
9532126	腾讯微博 T.QQ.COM	41	2012-8-14 至 2022-8-13
9532146	腾讯微博 T.QQ.COM	42	2012-6-21 至 2022-6-20
9213744	Qweibo	38	2012-3-21 至 2022-3-20
9210498	iWeibo	9	2012-3-21 至 2022-3-20
9213712	Qweibo	9	2012-3-21 至 2022-3-20

显然，原告对“微博”、“weibo”商标在微博服务方面的使用属于合理使用。

自推出微博服务以来，原告均公开、合法在其微博服务上使用“微博”、“weibo”、“腾讯微博”等商标，至今已有数亿中国网民注册成为原告微博服务的用户。被告主张原告侵犯第 7649615 号“微博”注册商标，但被告至今并未就所谓商标侵权对原告提起任何主张侵权的法律行动。鉴于原告为注册新通用顶级域名<微博>、<weibo>所作的巨额投入，如果不能获得<微博>、<weibo>的注册和授权，原告将遭受严重的经济损失。仅以申请费用投入为例，原告仅单个域名申请就已向 ICANN 缴纳高达 18.5 万美元的评估费。根据规定，如不能顺利消除异议，原告的申请将无法进入下一阶段流程并终止，且无法获得全额退款。而被告针对原告的申请以商标侵权为由提起异议，直接妨碍了原告获得新通用顶级域名


的授权，并将对原告造成极为严重的损失。

根据以上事实和理由，为消除被告对原告提起的异议和侵权威胁，原告根据中国《商标法》等法律法规以及有关司法解释的规定，特向贵院起诉。原告请求贵院根据被告的异议理由，依法认定原告在微博等互联网信息服务上使用“微博”、“weibo”商标的行为，包括使用“微博”、“weibo”注册新通用顶级域名<.微博>、<.weibo>，属于合理和善意使用，不会造成混淆和误导公众，且没有侵犯被告的注册商标专用权，不会对其商标造成任何损害，并支持原告的全部诉讼请求。

此致

南山区人民法院

原告：腾讯科技（深圳）有限公司

代理人：

二〇一三年十月二十二日

# **ATTACHMENT C**

**Nanshan District People's Court, Shenzhen, Guangdong Province**  
**Litigation Acceptance Notice**

No.0014702

Tencent Technology (Shenzhen) Co, Ltd.,

This Court, upon review, finds that the lawsuit brought by you against Sina.com Technology (China) Co., Ltd regarding confirmation of non-infringement of trademark rights dispute conforms to legal acceptance requirements and therefore decides to accept this case. The case No. is (2013) SNFZMCZ No.1186. Relevant issues are notified as follows:

You are required to pay in advance the case acceptance fee within seven days since the date next to receipt of this Notice.

Case acceptance fee: RMB8,800, Preservation fee:

Bank account name: Shenzhen Finance Commission

Bank: Shenzhen Branch of the Agricultural Bank of China

Bank account number: 41000 5000 4000 4821

Attention: 1. Please directly go to the cashier window in this Court set up by or any branch network of Shenzhen Branch of the Agricultural Bank of China for payment of the case acceptance fee;

2. Should you have any difficulty in paying the fee in advance, please apply to this Court within the designated payment time limit for postponing, lessening or exempting the payment; where you failed to make payment or file application for postponement, lessening or exemption within the time limit, this Court would take it as automatic withdrawal of the case.

3. Where the case acceptance fee is paid via bank transfer, please indicate the case No. on the bank transfer note and request a receipt from the bank where payment

is made when the fee arrives, and submit the receipt to this Court within three days.

4. Where the case acceptance fee is paid by one other than a party to the case, please indicate "payment made on behalf of a party" on the bank transfer note with the name of the party and the case No..

Remark:

Contact No. of Judicial Affairs Office: (0755)86608154

Contact No. of court clerk: 26839932

16 December, 2013

Stamp of Nanshan District People's Court, Shenzhen, Guangdong Province

# 广东省深圳市南山区人民法院

## 受理案件通知书

腾讯科技（深圳）有限公司

No: 0014702

新浪网技术（中国）有限公司确认不侵害商标权纠纷

你/你单位诉 一 的 一

案，经审查，符合诉讼法规定的受理条件，我院决定立案审查，案号为：

（ 2013 ） 深 南 法 知 民 初 第 1486 号。

现将有关事宜通知如下：

你 / 你单位应在接到本通知书次日起七日内向本院预交案件受理费

受理费人民币： 8800 元，保全费人民币： 元

单位名称： 深圳市财政委员会

开户行： 农行深圳分行

账号： 41000 5000 4000 4821

请注意：1、请直接到农行深圳分行在本院设的收费窗口或该行的任何营业网点交纳。

2、如预交确有困难的，可在预交期限内向本院申请缓交、减交或免交受理费。在预交期内未预交又不提出缓、减或免交申请的，本院将按自动撤回起诉处理。

3、凡向银行转账交纳受理费的，应在转账汇款单上注明案号，在到帐之日自行到交费银行索取缴费费用收据，并于三日内提交给我院。

4、代当事人交纳案件受理费的，应在汇款单凭证上注明“代缴”字样并写明当事人的名称、案号。

备注：

司法事务室联系电话：（0755）86608154

书记员联系电话：26839932

