

**Reg. No. 7331857**

**Certificate of Registration for Trademark**

**(Certification Mark)**



**(Color Claimed)**

**Class: 5**

**Goods: Ginseng**

**Proprietor: Jilin Ginseng Association**

**Address: No. 23 Hongqi Street, Changchun City, Jilin Province, P. R.**

**China**

**Registration Date: October 28, 2009**

**Expiration Date: October 27, 2019**

**Signature: LI, JIANCHANG**

**Seal**



# “长白山人参”证明商标使用管理规则

## 第一章 总 则

第一条 为促进“长白山人参”的规范化种植、加工、经营，加快人参产业的发展，维护和提高“长白山人参”在国内外的信誉，保护使用者和消费者的合法权益，根据《中华人民共和国商标法》、《中华人民共和国商标法实施条例》和国家工商行政管理总局《集体商标、证明商标和管理办法》制定本规则。

第二条 “长白山人参”是经国家工商行政管理总局商标局注册的证明商标，用于证明“长白山人参”的特定品质。

第三条 吉林省参业协会是“长白山人参”商标的注册人，对该商标享有专用权。

第四条 申请使用“长白山人参”证明商标，应当按照本规则的规定，经吉林省参业协会审核批准。

## 第二章 “长白山人参”证明商标的使用条件

第五条 “长白山人参”证明商标产品的生产地域范围：北纬 $40^{\circ}51'55''$ — $44^{\circ}30'02''$ ，东经 $125^{\circ}16'57''$ — $131^{\circ}19'12''$ 之间。分布在吉林省境内的抚松县、靖宇县、长白县、临江市、江源县、集安市、通化县、辉南县、安图县、敦化市、汪清县、珲春市、蛟河市、桦甸市，共4个地区、14个主产县(市)。

该区域属北温带大陆季节气候，四季分明，雨量充沛，日照充足。该地域海拔400m—1000m，平均海拔600米左右，年平均气温 $6.3^{\circ}\text{C}$ ，年平均降水量为900mm左右，无霜期在140—150d， $\geq 10^{\circ}\text{C}$ 的活动积温年均均为2600—2700 $^{\circ}\text{C}$ 。土壤全部为森林原始土，大都为白浆土和灰棕壤土，土层较厚，土质肥

沃。土壤有机质含量平均达到6%，全氮0.156%，全磷0.105%，全钾2.287%，水量丰富。

第六条 使用“长白山人参”证明商标的产品品质特征是：

由于长白山人参生长的环境优越，其主根肉质肥大，呈圆柱形，表面淡黄色，上面有断续的横纹，根状茎（芦头）长2-6厘米，直径0.5-1.5厘米，有稀疏的碗状茎痕（芦碗）及一—数条不定根，支根2-6条，末端多分支，有许多细小的须状根。长白山人参气微香，味微苦且甘及有效成份含量较高闻名遐尔。

**具体量化技术指标：**

（以下指标均以干燥品计算；Rb<sub>1</sub>、Re、Rg<sub>1</sub>薄层鉴别应符合《中华人民共和国药典》2005年版一部的规定。）

一、生晒野山参：

水分% ≤ 12.00；总灰分% ≤ 4.00；酸不溶灰分% ≤ 0.90；人参皂苷 Rb<sub>1</sub>% ≥ 0.60；人参皂苷（Re+Rg<sub>1</sub>）% ≥ 0.40；人参总皂苷% ≥ 4.40。

二、生晒移山参：

水分% ≤ 12.00；总灰分% ≤ 4.00；酸不溶灰分% ≤ 0.90；人参皂苷 Rb<sub>1</sub>% ≥ 0.40；人参皂苷（Re+Rg<sub>1</sub>）% ≥ 0.30；人参总皂苷% ≥ 3.50。

三、鲜园参：

人参皂苷 Rb<sub>1</sub>% ≥ 0.20；人参皂苷（Re+Rg<sub>1</sub>）% ≥ 0.30；  
人参总皂苷% ≥ 2.50。

四、红参：

水分% ≤ 12.00；总灰分% ≤ 5.00；酸不溶灰分% ≤ 0.50；

人参皂苷 Rb1%  $\geq$  0.20; 人参皂苷 (Re+Rg1) %  $\geq$  0.25;

人参总皂苷%  $\geq$  2.50。

五、生晒参:

水分%  $\leq$  12.00; 总灰分%  $\leq$  5.00; 酸不溶灰分%  $\leq$  0.50;

人参皂苷 Rb1%  $\geq$  0.20; 人参皂苷 (Re+Rg1) %  $\geq$  0.30;

人参总皂苷%  $\geq$  2.50。

第七条 同时符合上述使用条件的生产、经营者和企业，可以申请使用“长白山人参”证明商标。

### 第三章 “长白山人参”证明商标的使用申请程序

第八条 申请使用“长白山人参”证明商标的使用者应向吉林省参业协会递交《“长白山人参”证明商标使用申请书》，同时提交产品样品。

第九条 吉林省参业协会自收到申请人提交的申请书后，在20个工作日内完成下列审核工作：

(一) 吉林省参业协会派人对申请人的产品产地进行实地考察，并对产品进行检测；

(二) 检测和综合审查后，做出书面审核意见。

第十条 符合“长白山人参”证明商标使用条件的，应办理如下事项：

(一) 双方签订《“长白山人参”证明商标使用许可合同》；

(二) 申请人领取《“长白山人参”证明商标准用证》；

(三) 申请人领取“长白山人参”证明商标标识；

(四) 申请人交纳管理费。

第十一条 申请人未获准使用“长白山人参”证明商标的，可以自收到审核意见通知60天内，向省工商行政管理部门申诉，吉林省参业协会将尊重省工商行政管理部门的裁定意见。

第十二条 “长白山人参”证明商标使用许可合同有效期为

2年，到期继续使用者，须在合同有效期届满前60天内向吉林省参业协会提出续签合同的申请，逾期不申请者，合同有效期届满后不得使用该商标。

#### **第四章 “长白山人参”证明商标被许可使用者的权利、义务**

第十三条 “长白山人参”证明商标被许可使用者的权利：

（一）在其产品或包装上使用“长白山人参”证明商标和地理标志产品专用标志；

（二）用“长白山人参”证明商标进行产品广告宣传；

（三）优先参加吉林省参业协会组织或协办的技术培训、贸易洽谈、信息交流活动等；

（四）对“长白山人参”证明商标管理使用进行监督。

第十四条 “长白山人参”证明商标被许可使用者的义务：

（一）维护“长白山人参”证明商标产品的特有品质和市场声誉，保证产品质量稳定；

（二）接受吉林省参业协会对产品品质的不定期检测和商标使用的监督，支持质量检测、监督人员的工作；

（三）“长白山人参”证明商标的使用者，应有专人负责该证明商标标识的管理和使用工作，确保“长白山人参”证明商标标识不失控、不挪用、不流失。不得向他人转让、出售、馈赠“长白山人参”证明商标标识；

（四）产品在生产和销售过程中，如发生重大异议或问题，须立即向吉林省参业协会报告，并立即采取有效措施予以补救。

#### **第五章 “长白山人参”证明商标的管理**

第十五条 吉林省参业协会是“长白山人参”证明商标的管理机构，负责《证明商标使用管理规则》的制订和实施，负责对使用该证明商标产品进行全方位的跟踪管理，做好产品质量的监督检查工作，并协助工商行政管理部门调查处理侵权、假冒案件。

第十六条 吉林省参业协会是“长白山人参”证明商标的所有人和许可人，与“长白山人参”证明商标被许可使用人签订的许可使用合同，送交吉林省工商行政管理局存查，并报送国家工商行政管理总局商标局备案。

第十七条 吉林省参业协会为保证“长白山人参”证明商标许可使用工作的科学性、严肃性、公正性、权威性，诚请各有关部门和社会团体进行监督，同时也接受和处理使用“长白山人参”证明商标产品的消费者的投诉。

## **第六章 “长白山人参”证明商标的保护**

第十八条 “长白山人参”证明商标受有关法律保护，未经吉林省参业协会许可，擅自在人参产品及其包装上使用与“长白山人参”证明商标相同或近似商标的，吉林省参业协会将依法提请工商行政管理部门查处或向人民法院起诉；对情节严重、构成犯罪的，报请司法机关依法追究侵权者的刑事责任。

第十九条 “长白山人参”证明商标的使用者如违反本规则，吉林省参业协会有权收回其《证明商标用证》和已领取的证明商标标识，终止与使用者的商标使用许可证合同。必要时将提请工商行政管理机关调查处理或寻求司法途径解决。

## **第七章 附 则**

第二十条 “长白山人参”证明商标的管理费专款专用，主要用于技术服务、质量监控、印制商标标识，检测产品，受理商标投诉、进行证明商标宣传等工作，以保障“长白山人参”证明商标产品的信誉，维护使用者和消费者的合法权益。

第二十一条 本规则自国家工商行政管理总局商标局核准注册该证明商标之日起生效。

第二十二条 本规则由吉林省参业协会负责解释。

# Regulations Governing the Use of the Certification Mark



## "Changbai Mountain Ginseng in Chinese & Device"

### Chapter I General Provisions

#### Article 1

The present regulations are made according to the *"Trademark Law of the People's Republic of China"*, *"Implementing Regulations of Trademark Law of the People's Republic of China"* and *"Provisions for the Registration and Administration of Collective and Certification Marks"* formulated by the State Administration for Industry and Commerce, to promote the standardized planting, processing and management of the "Changbai Mountain Ginseng", accelerate the development of the ginseng industry, maintain and enhance the reputation of "Changbai Mountain Ginseng" in the domestic and overseas markets, and protect the legitimate rights and interests of users and consumers.

#### Article 2

"Changbai Mountain Ginseng & device" is a certification trademark registered with the Trademark Office under the State Administration for Industry and Commerce, and it's used to certificate the specific quality of "Changbai Mountain Ginseng".

#### Article 3

Jilin Ginseng Association is the owner of the trademark "Changbai Mountain Ginseng & device" and is entitled to the exclusive right to use the trademark.

#### Article 4

According to the provisions of the regulations, the use of the certification mark "Changbai Mountain Ginseng & device" shall be subject to the examination and approval of Jilin Ginseng Association.

### Chapter II Requirements for the Use of the Certification Mark "Changbai Mountain Ginseng & device"

#### Article 5

The geographical area for producing the products bearing the certification mark "Changbai Mountain Ginseng & device" lies at latitude between 40° 51'

55 " and 44° 30' 02" north and at longitude between 125° 16' 57 " and 131° 19' 12" east, distributing in 14 main production cities and counties within 4 regions of the Jilin Province, including Fusong, Jingyu, Changbai, Jiangyuan, Tonghua, Huinan, Antu, Wangqing counties and Linjiang, Ji'an, Dunhua, Huichun, Jiaohe, Huadian cities.

The said area has a continental seasonal climate of the North Temperate Zone featuring four distinct seasons, sufficient rainfall and sunshine. The area is at an elevation of 400 to 1000 meters, with an average altitude of about 600 meters, annual average temperature of 6.3°C, annual average rainfall of 900mm, a frost-free period of 140 to 150 days, an annual average active accumulated temperature above or equal to 10°C of 2600 to 2700°C. All the soil in the said area is primitive forest soil, most of which is albic soil and gray brown soil characterized by thickness and fertility. The content of the organic matter in the soil averages 6%, with a total nitrogen content of 0.156%, a total phosphorus content of 0.105%, a total potassium content of 2.287%, and has plenty of water.

#### **Article 6**

The qualities of the products bearing the certification mark "Changbai Mountain Ginseng & device" are as follows:

Due to its advantageous growing environment, the Changbai Mountain Ginseng has a cylindrical fleshy taproot with spicato cross striations thereon and a pale yellow surface. Its rhizome is 2-6 cm long and 0.5-1.5 cm in diameter and has sparsely bowl-shaped stem scars, one or more adventitious roots and 2 to 6 rootlets. The bottom of the Changbai Mountain Ginseng is multi-branched and has numerous tiny fringed roots. Changbai Mountain Ginseng is known for its slight fragrance, slight bitterness and sweetness in taste, and high level of active ingredient.

#### **Specific technical indicators are listed as follows:**

(The following indicators are calculated on the basis of dried material; Rb<sub>1</sub>, Re, Rg<sub>1</sub> thin-layer identification shall comply with the provisions of the 2005 edition of "*Pharmacopoeia of the People's Republic of China*",.)

##### **1. Sun-cured Wild Ginseng**

Moisture content (%) ≤ 12.00; total ash (%) ≤ 4.00; acid insoluble ash (%) ≤ 0.90; ginsenoside Rb<sub>1</sub> (%) ≥ 0.60; ginsenoside (Re + Rg<sub>1</sub>) (%) ≥ 0.40; total ginsenoside (%) ≥ 4.40.



2. Sun-cured Transplanted Ginseng

Moisture content (%)  $\leq$  12.00; total ash (%)  $\leq$  4.00; acid insoluble ash (%)  $\leq$  0.90; ginsenoside Rb1 (%)  $\geq$  0.40; ginsenoside (Re + Rg1) (%)  $\geq$  0.30; total ginsenoside (%)  $\geq$  3.50.

3. Fresh Ginseng

ginsenoside Rb1 (%)  $\geq$  0.20; ginsenoside (Re + Rg1) (%)  $\geq$  0.30; total ginsenoside (%)  $\geq$  2.50

4. Red Ginseng

Moisture content (%)  $\leq$  12.00; total ash (%)  $\leq$  5.00; acid insoluble ash (%)  $\leq$  0.50; ginsenoside Rb1 (%)  $\geq$  0.20; ginsenoside (Re + Rg1) (%)  $\geq$  0.25; total ginsenoside (%)  $\geq$  2.50.

5. Suncured Ginseng

Moisture content (%)  $\leq$  12.00; total ash (%)  $\leq$  5.00; acid insoluble ash (%)  $\leq$  0.50; ginsenoside Rb1 (%)  $\geq$  0.20; ginsenoside (Re + Rg1) (%)  $\geq$  0.30; total ginsenoside (%)  $\geq$  2.50.

**Article 7**

Any manufacturer, operator and enterprise that meet the above requirements may apply for the use of the certification mark "Changbai Mountain Ginseng & device".

**Chapter III**

**Application Procedures for the Use of the Certification Mark "Changbai Mountain Ginseng & device"**

**Article 8**

Any applicant applying for the use of the certification mark "Changbai Mountain Ginseng & device" shall submit to the Jilin Ginseng Association an application for use of the certification mark "Changbai Mountain Ginseng & device" and a sample of the product.

**Article 9**

The Jilin Ginseng Association shall complete the following examination procedures within 20 working days from the date of receipt of the application.

(I) The Jilin Ginseng Association shall send its staff to visit and inspect the place of origin and the products.

(II) The Jilin Ginseng Association shall make a written examination report after the test and comprehensive examination.

#### **Article 10**

For those applicants that meet the requirements for using the certification mark "Changbai Mountain Ginseng & device", the following proceedings shall be handled:

(I) Both parties shall sign the *license contract for the use of the certification mark "Changbai Mountain Ginseng & device"*;

(II) The applicants shall receive the *Certificate of approval for the use of the certification mark "Changbai Mountain Ginseng & device"*;

(III) The applicants shall receive the logo of the mark;

(IV) The applicants shall pay the management fees.

#### **Article 11**

Where the applicant is not granted to use the certification mark "Changbai Mountain Ginseng & device", he may, within sixty days from the date of receipt of the examination report, file an appeal before the Administrative Authority for Industry and Commerce at the provincial level. The Jilin Ginseng Association shall respect the ruling of the provincial Administrative Authority for Industry and Commerce.

#### **Article 12**

The license contract of the certification mark "Changbai Mountain Ginseng & device" is valid for two years, and if the applicant needs to continue to use the mark after the period of validity expires, an application for renewal shall be made with the Jilin Ginseng Association within sixty days before the expiration. If no application is filed before the expiration date, the applicant shall not be permitted to use the mark.

### **Chapter IV**

#### **Rights and Obligations of the Licensed user of the Certification Mark "Changbai Mountain Ginseng & device"**

#### **Article 13**

Rights of the licensed user of the Certification Mark "Changbai Mountain Ginseng & device";

(I) to use the representations of the certification mark "Changbai Mountain Ginseng & device" and the geographical indications on the products and packages;

(II) to popularize and advertise products bearing the certification mark

“Changbai Mountain Ginseng & device”;

(III) to enjoy the priority to participate in technical training, trade negotiations and information exchange activities organized or co-organized by Jilin Ginseng Association; and

(IV) to supervise the management and use of the certification mark “Changbai Mountain Ginseng & device”.

#### **Article 14**

The obligations of the licensed user of the certification mark “Changbai Mountain Ginseng & device”:

(I) to maintain the specific quality and market reputation of the products bearing the certification mark “Changbai Mountain Ginseng & device” and ensure quality of the products;

(II) to subject quality of the products and use of the mark to the irregular inspection and supervision of Jilin Ginseng Association and support the work of the quality inspector and supervisor;

(III) to ensure that the representation of the mark is not out of control, appropriated and lost, specified personnel shall be assigned to be in charge of the management and use of the representation of the certification mark. The assignment, selling and donate of the representation of the certification mark is also not permitted;

(IV) to report to the Jilin Ginseng Association and take effective measures to remedy the deficiency immediately if any major objection and problem arise during the production and marketing process of products.

### **Chapter V**

#### **Management of the certification mark "Changbai Mountain Ginseng & device"**

#### **Article 15**

The Jilin Ginseng Association is the administrative organization of the certification mark "Changbai Mountain Ginseng & device" who will be responsible for the formulation and implementation of “*Regulations Governing the Use of the Certification Mark*”, all-round track and management of the products bearing the certification mark, supervision and testing of the quality of the products, and assisting the Administrative Authority for Industry and Commerce with the investigation and handling of the infringements and counterfeits.

#### **Article 16**

The Jilin Ginseng Association acts as the owner and licensor of the certification mark "Changbai Mountain Ginseng & device" and signs with the licensee a license contract which shall be submitted to the Jilin Administration for Industry and Commerce for file as well as to the Trademark Office under the State Administration for Industry and Commerce for record.

#### **Article 17**

To ensure the scientificity, seriousness, fairness and authority in licensing for the use of the certification mark "Changbai Mountain Ginseng & device", the Jilin Ginseng Association shall voluntarily subject itself to public scrutiny of the relevant sections and social groups while at the same time accept and handle the complaints of the relevant consumers.

### **Chapter VI**

#### **Protection of the Certification Mark "Changbai Mountain Ginseng & device"**

#### **Article 18**

The certification mark "Changbai Mountain Ginseng & device" is subject to the protection of relevant laws, where anyone uses a trademark that is identical with or similar to the "Changbai Mountain Ginseng & device" in respect of Ginseng products and their packages without the authorization of Jilin Ginseng Association, Jilin Ginseng Association may request the Administrative Authority for Industry and Commerce for actions or institute legal proceedings with the People's Court; In case of serious cases that constitute a crime, the infringer shall be prosecuted, according to law, for his criminal liabilities.

#### **Article 19**

If the users of the certification mark "Changbai Mountain Ginseng & device" violate the regulations, Jilin Ginseng Association has the right to withdraw its "*Certificate of approval for the use of the certification mark*" and representation of the mark, and terminate the trademark license contract. It may also request the Administrative Authority for Industry and Commerce for actions or seek judicial relief.

### **Chapter VII**

#### **Supplementary Provisions**

#### **Article 20**

The management fees of the certification mark "Changbai Mountain Ginseng & device" shall be used exclusively for technical services, quality monitoring, printing and production of trademark, product testing, trademark complaints,

publicity, etc. This is done to ensure the credibility of the products bearing the mark "Changbai Mountain Ginseng & device" and safeguard the legitimate rights and interests of the users and consumers.

**Article 21**

The regulations shall take effect from the day when the certification mark has been approved and registered by the Trademark Office under the State Administration for Industry and Commerce.

**Article 22**

The right to interpret the Regulations resides in the Jilin Ginseng Association.