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Comparison between Current PRC Trademark Law and Draft for Public Comment

January 29, 2023 - Draft

Current Law	Draft for Comment
Chapter I General Provisions	Chapter I General Provisions
Article 1 This Law is enacted for the purpose of improving the administration of trademarks, protecting the exclusive right to the use of a trademark, and encouraging producers and business operators to guarantee the quality of their goods and services and preserve the credibility of trademarks, so as to protect the interests of consumers, producers and business operators and promote the development of the socialist market economy.	Article 1 This Law is enacted for the purposes of protecting the legitimate rights and interests of trademark owners, safeguarding the rights and interests of consumers, the public, producers, and business operators , encouraging producers and business operators to guarantee the quality of their goods and services and preserve the credibility of trademarks, improving the administration and use of trademarks and brand building , and promoting the development of a high-quality socialist market economy.
N/A	Article 2 Trademark work adheres to the leadership of the Chinese Communist Party. This nation strives to build its strength in intellectual property rights, promotes comprehensive improvement with respect to the creation, application, protection, administration and services for intellectual property rights, promotes full utilization of the trademark system to optimize the business environment, and promotes the transformation of Chinese products into Chinese brands.
Article 2 <u>The Trademark Office of the administrative department for industry and commerce</u> under the State Council shall be in charge of the work of trademark registration and administration throughout the country. The administrative department for industry and commerce under the State Council shall establish the Trademark Review and Adjudication Board to be responsible for handling trademark disputes.	Article 3 The administrative department for intellectual property under the State Council shall oversee national trademark registration, administration and brand-related work , and shall be responsible for handling trademark disputes. Intellectual property administration departments at or above the county level shall be responsible for trademark administration



<p>Article 8 Any signs, including words, graphs, letters, numerals, three-dimensional symbols, color combinations, sound or any combination thereof, that are capable of distinguishing the goods of a natural person, legal person or other organizations from those of others may be applied for registration as trademarks.</p> <p>Article 4.2 Provisions regarding the trademarks for goods in this Law shall be applicable to service trademarks.</p>	<p>within their own jurisdictions.</p> <p>Article 4 In this Law, the term “trademark” refers to any sign that can be used to identify and distinguish the sources of goods or services, including words, graphs, letters, numerals, three-dimensional symbols, color combinations, sounds or other elements, as well as combinations of the above. Such signs may be applied for registration as trademarks in accordance with the law.</p> <p>Unless otherwise specified, provisions in this Law regarding trademarks for goods shall also be applicable to trademarks for services.</p>
<p>Article 4.1 Any natural person, legal person or any other organization that needs to obtain the exclusive right to use a trademark for its goods or services during production and business operations shall apply for trademark registration with the Trademark Office. Applications made in bad faith for trademark registrations which are not intended for use shall be rejected.</p>	<p>Article 5 Any natural person, legal person, or unincorporated organization that needs to obtain the exclusive right to a trademark that it uses or undertakes to use on its goods or services during production and business operations shall apply for trademark registration with the administrative department for intellectual property under the State Council.</p>
<p>Article 3.1 Registered trademarks refer to trademarks that are registered with the approval of the Trademark Office, including trademarks for goods and services, collective trademarks and certification trademarks. The owner of a registered trademark shall enjoy the exclusive right to the use of the trademark, which shall be protected by law.</p>	<p>Registered trademarks refer to trademarks that are registered with the approval of the administrative department for intellectual property under the State Council. The owner of a registered trademark shall enjoy the exclusive right to the use of the trademark, which shall be protected by law.</p>
<p>Article 3.2, 3.3 & 3.4 For purposes of this Law, a collective trademark refers to one that is registered in the name of a group, association, or any other organization for use in business by its members to indicate membership.</p> <p>For purposes of this Law, a certification trademark refers to one that is controlled by an organization which is capable of exercising supervision over a particular kind of goods or services and that is used by an entity other than the organization or by an individual for its or his/her goods or services, and is designed to certify the indications of the place of</p>	<p>Article 6 A collective trademark refers to one that is registered in the name of an industry association or any other social or unincorporated organization for use in business by its members to indicate membership.</p> <p>A certification trademark refers to one that is controlled by an organization which is capable of exercising supervision over a particular kind of goods or services and that is used by an entity other than the organization or by an individual for its or his/her goods or services, and is designed to certify the indications of the place of origin, raw</p>



<p>origin, raw materials, mode of manufacture, quality, or other specified properties of the said goods or services.</p> <p>Particulars pertaining to the registration and administration of collective trademarks and certification trademarks shall be formulated by the administrative department for industry and commerce under the State Council.</p>	<p>materials, mode of manufacture, quality, or other specified properties of the said goods or services.</p> <p>Geographical indications may be registered as certification trademarks or collective trademarks.</p>
<p>Article 5 Two or more natural persons, legal persons, or <u>other</u> organizations may jointly file an application with <u>the Trademark Office</u> for the registration of the same trademark and jointly enjoy and exercise the exclusive right to the use of the said trademark.</p>	<p>Article 7 Two or more natural persons, legal persons, or unincorporated organizations may jointly file an application with the administrative department for intellectual property under the State Council for the registration of the same trademark and jointly enjoy and exercise the exclusive right to the use of the said trademark.</p>
<p>Article 6 Where a registered trademark is required to be used for some goods by laws or administrative regulations, an application for trademark registration shall be made. No such goods may be sold in the market prior to trademark approval and registration.</p>	<p>Article 8 Where a registered trademark is required to be used for some goods by laws or administrative regulations, an application for trademark registration shall be made. No such goods may be sold in the market prior to trademark approval and registration.</p>
<p>Article 7 The principle of good faith shall be upheld in the application for trademark registration and <u>in the use</u> of trademarks.</p> <p>The user of a trademark shall be responsible for the quality of the goods on which the trademark is used. <u>The administrative departments for industry and commerce</u> at all levels shall, through the administration of trademarks, halt any practices that deceive consumers.</p>	<p>Article 9 The principle of good faith shall be upheld in the application for trademark registration and in the exercise of trademark rights.</p> <p>Trademark owners shall not abuse trademark rights to the detriment of national interests, public interests, or the legitimate rights and interests of others.</p> <p>The user of a trademark shall be responsible for the quality of the goods or services on which the trademark is used. The administrative department for intellectual property at all levels shall, through the administration of trademarks, halt any practices that deceive consumers.</p>
<p>Article 13.1 If the holder of a trademark that is well known by the relevant public believes their rights have been infringed, they may request well-known trademark protection in accordance with</p>	<p>Article 10 If the holder of a trademark that is well known by the relevant public believes their rights have been infringed, they may request well-known trademark protection in accordance with this Law.</p>



<p>this Law.</p> <p>Article 14.1 A well-known trademark shall be recognized as a fact that needs to be ascertained in dealing with a trademark-related case upon request by the party concerned. The following factors shall be considered in the recognition of a well-known trademark:</p> <p>(1) the extent of the relevant public's familiarity with the said trademark;</p> <p>(2) the duration in which the trademark has been constantly in use;</p> <p>(3) the duration, extent and geographical scope of any promotional campaign carried out for the said trademark;</p> <p>(4) the records of protection of a well-known trademark provided for the trademark; and</p> <p>(5) other factors making the trademark well-known.</p>	<p>The protection of well-known trademarks follows the principles of case-by-case examination, passive protection, and confirmation upon application.</p> <p>The scope and strength of protection of a well-known trademark shall be appropriate to the trademark's distinctive features and reputation.</p> <p>The well-known status of a trademark shall be confirmed as a fact that must be ascertained in dealing with a trademark-related case upon request by a concerned party. The following factors shall be comprehensively considered when confirming the well-known status of a trademark:</p> <p>(1) the extent of the relevant public's familiarity with the trademark;</p> <p>(2) the duration, manner, and geographical scope of ongoing use of the use;</p> <p>(3) the duration, extent, and geographical scope of any promotional campaigns concerning the trademark;</p> <p>(4) the status of the trademark's domestic and foreign applications and registrations;</p> <p>(5) the record of protection of the trademark, especially its protection as a well-known trademark;</p> <p>(6) the value of the trademark; and</p> <p>(7) other factors making the trademark well-known.</p>
<p>Article 17 Where a foreigner or foreign enterprise applies for trademark registration in China, the matter shall be handled in accordance with any agreement concluded between the country to which the applicant belongs and the People's Republic of China, or any international treaty to which both countries are parties, or pursuant to the principle of reciprocity.</p>	<p>Article 11 Where a foreigner or foreign enterprise applies for trademark registration in China, the matter shall be handled in accordance with any agreement concluded between the country to which the applicant belongs and the People's Republic of China, or any international treaty to which both countries are parties, or pursuant to the principle of reciprocity.</p>
<p>Article 18 A party may apply for trademark registration or handle trademark-related matters</p>	<p>Article 12 A party may apply for trademark registration or handle trademark-related matters</p>

<p>on its own or by entrusting a trademark agency established pursuant to the law.</p> <p>A foreigner or foreign enterprise shall entrust a trademark agency established pursuant to the law for applying for trademark registration and handling other trademark-related matters in China.</p>	<p>on its own or by entrusting a trademark agency established pursuant to the law.</p> <p>A foreigner, foreign legal person, or foreign unincorporated organization that does not have a habitual residence or place of business in China shall entrust a trademark agency established pursuant to the law for applying for trademark registration and handling other trademark-related matters in China.</p>
<p>Article 21 International trademark registration shall be governed by the systems established by relevant international treaties concluded or acceded to by the People's Republic of China. The specific measures in this regard shall be formulated by the State Council.</p>	<p>Article 13 International trademark registration shall be governed by the systems established by relevant international treaties concluded or acceded to by the People's Republic of China. The specific measures in this regard shall be formulated by the State Council.</p>
<p>N/A</p>	<p>Chapter II Conditions for Trademark Registration</p>
<p>Article 9.1 A trademark submitted for registration shall have distinctive characteristics and be readily distinguishable, and it may not conflict with the legitimate prior rights of other parties.</p>	<p>Article 14 A trademark submitted for registration shall have distinctive characteristics and be readily distinguishable, and it may not violate public order or morality, or conflict with legitimate prior rights or interests of other parties.</p> <p>Unless otherwise specified, an applicant shall register only one identical trademark covering the same goods or services.</p>
<p>Article 10 The following signs may not be used as trademarks:</p> <p>(1) those identical with or similar to the State name, the national flag, emblem or anthem, the military flag, emblem or songs, or medals of the People's Republic of China; or those identical with the names or emblems of Central State organs, the names of the specific locations where the Central State organs are seated; or those identical with the names or designs of landmark buildings;</p> <p>(2) those identical with or similar to the State name, national flag, national emblem or military flag etc., of a foreign country, except with the consent of the government of that country;</p> <p>(3) those identical with or similar to the name, flag or emblem of an international inter-governmental</p>	<p>Article 15 The following signs may not be used as trademarks:</p> <p>(1) those identical with or similar to the State name, the national flag, emblem or anthem, the military flag, emblem or songs, or medals of the People's Republic of China; or those identical with the names or emblems of Central State organs, the names of the specific locations where the Central State organs are seated; or those identical with the names or designs of landmark buildings;</p> <p>(2) those identical with or similar to the State name, national flag, national emblem or military flag etc., of a foreign country, except with the consent of the government of that country;</p> <p>(3) those identical with or similar to the name, flag or emblem of an international inter-governmental</p>



<p>organization, except with the consent of that organization or except where the public is unlikely to be misled;</p> <p>(4) those identical with or similar to an official mark or inspection stamp that indicates control and guarantee, except where duly authorized;</p> <p>(5) those identical with or similar to the symbol or name of the Red Cross or the Red Crescent;</p> <p>(6) those having the nature of discrimination against any nationality;</p> <p>(7) those that are deceptive and likely to mislead the public in terms of the quality, place of production or other characteristics of the goods; and</p> <p>(8) those detrimental to socialist ethics or customs, or having other unwholesome impacts.</p> <p><u>Geographical names</u> of administrative regions at or above the county level or <u>foreign</u> geographical names known to the public may not be used as trademarks, except where geographical names have other meanings or constitute part of a collective trademark or certification trademark. Registered trademarks in which geographical names are used shall remain valid.</p>	<p>organization, except with the consent of that organization or except where the public is unlikely to be misled;</p> <p>(4) those identical with or similar to an official mark or inspection stamp that indicates control and guarantee, except where duly authorized;</p> <p>(5) those identical with or similar to the names and signs of important traditional cultural symbols, unless authorized.</p> <p>(6) those identical with or similar to the symbol or name of the Red Cross or the Red Crescent;</p> <p>(7) those having the nature of discrimination against any nationality;</p> <p>(8) those that are deceptive and likely to mislead the public in terms of the quality, place of production or other characteristics of the goods; and</p> <p>(9) those contrary to core socialist values, detrimental to socialist ethics or customs or excellent Chinese traditional culture, or having other unhealthy effects.</p> <p>Names of administrative regions at or above the county level or domestic and foreign geographical names known to the public may not be used as trademarks, except where geographical names have other meanings or constitute part of a collective trademark or certification trademark. Registered trademarks in which geographical names are used shall remain valid.</p>
<p>Article 11 The following signs may not be registered as trademarks:</p> <p>(1) those consisting of only the generic name, design, or model number of the goods concerned;</p> <p>(2) those which merely directly indicate the quality, main raw materials, function, use, weight, quantity or other features of the goods; and</p> <p>(3) those that are otherwise lacking distinctiveness.</p> <p>Signs referred to in the preceding paragraph may be registered as trademarks if they have acquired distinctiveness through use and are readily distinguishable.</p>	<p>Article 16 The following signs may not be registered as trademarks:</p> <p>(1) those consisting of only the generic name, design, model number or technical name of the goods concerned;</p> <p>(2) those which merely directly indicate the quality, main raw materials, function, use, weight, quantity or other features of the goods; and</p> <p>(3) those that are otherwise lacking distinctive features.</p> <p>Signs referred to in the preceding paragraphs (2) or (3) may be registered as trademarks if they have acquired distinctiveness through use and are readily distinguishable.</p>



<p>Article 12 An application for registration of a three-dimensional symbol as a trademark shall not be granted where the symbol merely indicates the shape inherent in the nature of the goods concerned, or it is only dictated by the need to achieve technical effects or the need to give the goods substantive value.</p>	<p>Article 17 An application for registration of a three-dimensional symbol as a trademark shall not be granted where the symbol merely indicates the shape inherent in the nature of the goods concerned, or it is only dictated by the need to achieve technical effects or the need to give the goods substantive value.</p>
<p>Article 13.2, 13.3 Where a trademark is a reproduction, imitation, or translation of another party's well-known trademark not registered in China, and it covers identical or similar goods and would easily cause public confusion, <u>an application to register the trademark shall be refused and its use prohibited.</u></p> <p><u>Where</u> a trademark is a reproduction, imitation, or translation of another person's well-known trademark already registered in China and it covers dissimilar goods and misleads the public so that the interests of the registered well-known trademark <u>registrant</u> are likely to be impaired, <u>an application to register the trademark shall be refused and its use prohibited.</u></p>	<p>Article 18 Where a trademark is a reproduction, imitation, or translation of another party's well-known trademark not registered in China, and it covers identical or similar goods and would easily cause public confusion, use of the trademark shall be prohibited, and an application to register the trademark shall be refused.</p> <p>Where a trademark is a reproduction, imitation, or translation of another party's well-known trademark, and it covers dissimilar goods and misleads the public so that the interests of the well-known trademark holder are likely to be impaired, its use shall be prohibited, and an application to register the trademark shall be refused.</p> <p>Where a trademark is a reproduction, imitation, or translation of another party's well-known trademark known to the general public, and is likely to cause the relevant public to believe that the trademark is closely connected with the well-known trademark, thus diminishing the distinctive features of the well-known trademark, or disparaging or improperly free-riding on the market reputation of the well-known trademark, its use shall be prohibited, and an application to register the trademark shall be refused.</p>
<p>Article 15 Where an agent or representative, without authorization of the principal or the entrusting party, seeks to register in its own name the principal or the entrusting party's trademark, the trademark shall not be registered and its use shall be prohibited if the principal or the entrusting</p>	<p>Article 19 Where an agent or representative, without authorization of the principal or the entrusting party, seeks to register in its own name the principal or the entrusting party's trademark, the trademark shall not be registered and its use shall be prohibited if the principal or the</p>



<p>party raises an objection.</p> <p>An application to register a trademark on identical or similar goods shall not be approved if the trademark under application is identical with or similar to an unregistered trademark already used by another party, the applicant is clearly aware of the existence of the other party's trademark due to contractual, business, or other relationships with the latter, other than those prescribed in the preceding paragraph, and the other party objects to the registration of the trademark application in question.</p>	<p>entrusting party raises an objection.</p> <p>An application to register a trademark on identical or similar goods shall not be approved if the trademark under application is identical with or similar to an unregistered trademark already used by another party, the applicant is clearly aware of the existence of the other party's trademark due to contractual, business, or other relationships with the latter, other than those prescribed in the preceding paragraph, and the other party objects to the registration of the trademark application in question.</p>
<p>Article 16 Where a trademark incorporates a geographical indication and the goods offered by the applicant do not originate from the place indicated by the geographical indication, thus misleading the public, the trademark shall not be registered and its use shall be prohibited. However, where the registration was obtained in good faith, it shall remain valid.</p> <p>The term "geographical indication" as used in the preceding paragraph refers to a mark indicating the geographical origin of the goods, the special qualities, reputation, or other characteristics of the goods, which are primarily determined by the natural or human qualities of the place indicated.</p>	<p>Article 20 Where a trademark incorporates a geographical indication, and the goods offered by the applicant do not originate from the place indicated by the geographical indication, thus misleading the public, the trademark shall not be registered and its use shall be prohibited. However, where the registration was obtained in good faith, it shall remain valid.</p> <p>The term "geographical indication" as used in the preceding paragraph refers to a mark indicating the geographical origin of the goods, the special qualities, reputation, or other characteristics of the goods, which are primarily determined by the natural or human qualities of the place indicated.</p>
<p>N/A</p>	<p>Article 21 A trademark that is applied for shall not be identical to the applicant's previous applications, registered trademarks, or trademarks that have been deregistered, cancelled or declared invalid within the prior year for the same kind of goods, except in the following circumstances or where the applicant agrees to deregister the prior registered trademark:</p> <p>(1) due to production and operational needs, the trademark applicant makes minor modifications to the prior trademark which has been in actual use, and the applicant can illustrate the differences;</p>



	<p>(2) for reasons not attributable to the applicant, the prior registered trademark was not renewed;</p> <p>(3) due to the failure to timely submit a trademark use statement, the prior registered trademark that has been in actual use was cancelled;</p> <p>(4) for reasons not attributable to the applicant, the prior registered trademark that has been in actual use was cancelled due to failure to provide evidence of use in response to an application to cancel the trademark on grounds of non-use for a consecutive three-year period;</p> <p>(5) the prior trademark was declared invalid due to conflicts with prior rights or interests of others, but the prior rights or interests in question no longer exist;</p> <p>(6) there are other legitimate reasons to justify repeated applications for trademark registration.</p>
N/A	<p>Article 22 Applicants shall not apply to register trademarks in bad faith, including:</p> <p>(1) applying with no intent to use, or filing applications in bulk, thereby disrupting the management and order of trademark registration;</p> <p>(2) applying using fraudulent or other improper means;</p> <p>(3) applying for registration of a trademark that is detrimental to the national interest, the public interest, or that has other significant unhealthy effects;</p> <p>(4) applying with the intention of harming the legitimate rights or interests of others, or seeking improper benefits, and in violation of Article 18, Article 19, or Article 23 of this Law;</p> <p>(5) engaging in other bad faith behavior in the course of filing trademark applications.</p>
<p>Article 32 Applicants for trademark registration may not infringe upon another party's existing prior rights, nor may they use illegitimate means to preemptively register a trademark that is already in</p>	<p>Article 23 Applicants for trademark registration may not infringe upon another party's existing prior rights or interests, nor may they use illegitimate means to preemptively register a</p>



<p>use by another party and that has a certain degree of influence.</p>	<p>trademark that is already in use by another party and that has a certain degree of influence.</p> <p>Existing prior rights or interests in the preceding paragraph include business names (abbreviations, trade names, groups names, etc.) and names of social organizations that are already registered and in use by another and that have a certain degree of influence.</p>
<p>Article 30, An application for trademark registration that does not conform to the relevant provisions hereof or that is identical or similar to a trademark already registered by another party, or a trademark that has been preliminarily approval for use on identical or similar goods, the Trademark Office shall reject the application and shall not announce that trademark.</p>	<p>Article 24 An application for trademark registration shall not be identical or similar to a trademark already registered by another party, or a trademark that has been preliminarily approved for use on identical or similar goods.</p>
<p>Article 31 Where two or more applicants apply to register identical or similar trademarks for use on the same kind of goods or similar goods, the Trademark Office shall first conduct an examination of, give approval to and announce the trademark whose registration is applied for earlier than the rest. Where the applications are filed on the same day, the Trademark Office shall first examine, give approval to and announce the trademark which is used earlier, and it shall reject the applications for registration of the other trademarks and shall not publish them.</p>	<p>Article 25 Where two or more applicants apply to register identical or similar trademarks for use on the same kind of goods or similar goods, the Trademark Office shall first conduct an examination of, give approval to and announce the trademark whose registration is applied for earlier than the rest. Where the applications are filed on the same day and the order of application cannot be determined, the Trademark Office shall first examine, give approval to and announce the trademark which is used earlier, and it shall reject the applications for registration of the other trademarks and shall not publish them.</p>
<p>Article 19.4 A trademark agency shall not apply for registration of trademarks other than in relation to the agency services it provides.</p>	<p>Article 26 A trademark agency shall not apply for registration of trademarks other than in relation to the agency services it provides, nor shall it use other means to covertly engage in the aforementioned behavior.</p>
<p style="text-align: center;">Chapter III Application for Trademark Registration</p>	<p style="text-align: center;">Chapter III Application for Trademark Registration</p>
<p>Article 22 A trademark registration applicant shall make an application and, according to the prescribed categories of goods, indicate in the application the types and the names of goods for which the trademark is to be used.</p>	<p>Article 27 A trademark registration applicant shall make an application and, according to the prescribed categories of goods, indicate in the application the types and the names of goods for which the trademark is to be used.</p>



<p>A trademark registration applicant may apply for registration of the same trademark for multiple types of goods in one application.</p> <p>A trademark registration application and other relevant documents <u>may</u> be submitted in writing or electronically.</p>	<p>A trademark registration applicant may apply for registration of the same trademark for multiple types of goods in one application.</p> <p>An application for trademark registration shall be deemed to have not been submitted if the official fees are not paid.</p> <p>A trademark registration application and other relevant documents shall be submitted in writing or electronically.</p> <p>Where trademark application formalities have been completed in accordance with the regulations, the administrative department for intellectual property under the State Council shall accept the application and notify the applicant; an application shall not be accepted where the administrative department for intellectual property determines that the trademark in question has clear and significant unhealthy effects.</p>
<p>Article 23 To obtain the exclusive right to use a registered trademark on goods beyond the approved scope of use, a new registration application shall be made.</p>	<p>Article 28 To obtain the exclusive right to use a registered trademark on goods beyond the approved scope of use, a new registration application shall be made.</p>
<p>Article 24 If changes need to be made to a registered trademark, the registrant shall file a new application.</p>	<p>Article 29 If changes need to be made to a registered trademark, the registrant shall file a new application.</p>
<p>Article 25 Where an applicant, within six months from the date he or she applies for registration of his or her trademark for the first time in a foreign country, again applies in China for registration of the same trademark for the same kind of goods, he or she may, in accordance with any agreement concluded between the foreign country concerned and the People's Republic of China or any international treaty to which both countries are parties, or pursuant to the principle of mutual recognition of priority, enjoy such priority.</p> <p>Where, in accordance with the preceding paragraph, an applicant claims priority, he or she</p>	<p>Article 30 Where an applicant, within six months from the date he or she applies for registration of his or her trademark for the first time in a foreign country, again applies in China for registration of the same trademark for the same kind of goods, he or she may, in accordance with any agreement concluded between the foreign country concerned and the People's Republic of China or any international treaty to which both countries are parties, or pursuant to the principle of mutual recognition of priority, enjoy such priority.</p> <p>Where, in accordance with the preceding paragraph, an applicant claims priority, he or she</p>



<p>shall so state in writing at the time when he or she files the application for trademark registration and shall, within three months, submit a copy of the original application he or she files for the first time. Failure on the part of the applicant to make the statement in writing or to submit a copy of the original application before the expiration of the time limit shall be regarded as not claiming priority.</p>	<p>shall so state in writing at the time when he or she files the application for trademark registration and shall, within three months, submit a copy of the original application he or she files for the first time. Failure on the part of the applicant to make the statement in writing or to submit a copy of the original application before the expiration of the time limit shall be regarded as not claiming priority.</p>
<p>Article 26 An applicant for registration of a trademark that is used for the first time on goods displayed at an international exhibition organized or recognized by the Chinese Government may, within six months from the date the said goods are placed on exhibition, enjoy priority.</p> <p>Where, in accordance with the preceding paragraph, an applicant claims priority, he shall so state in writing at the time when he files the application for trademark registration and shall, within three months, submit the name of the exhibition, evidence supporting the use of the trademark on the goods displayed, documents proving the date the exhibition, etc. Failure to make the statement in writing or to submit the proof documents before the expiration of the time limit shall be regarded as abandonment of the priority claim.</p>	<p>Article 31 An applicant for registration of a trademark that is used for the first time on goods displayed at an international exhibition organized or recognized by the Chinese Government may, within six months from the date the said goods are placed on exhibition, enjoy priority.</p> <p>Where, in accordance with the preceding paragraph, an applicant claims priority, he shall so state in writing at the time when he files the application for trademark registration and shall, within three months, submit the name of the exhibition, evidence supporting the use of the trademark on the goods displayed, documents proving the date the exhibition, etc. Failure to make the statement in writing or to submit the proof documents before the expiration of the time limit shall be regarded as abandonment of the priority claim.</p>
<p>Article 27 Matters declared in the application for trademark registration and all materials provided shall be truthful, accurate and complete.</p>	<p>Article 32 Matters declared in the application for trademark registration and in other trademark matters and all materials provided shall be truthful, accurate and complete.</p> <p>Where a party violates the preceding paragraph by fabricating or concealing important facts or deliberately submitting false materials, it shall bear the adverse consequences in the corresponding procedures; the department in charge of trademark enforcement may issue a warning and impose a fine of up to CNY 100,000 according to the circumstances; the party shall be liable for compensation if its actions cause</p>



Chapter III Examination and Approval of Trademark Registration	Chapter IV Examination and Approval of Trademark Registration
<p>Article 28 <u>The Trademark Office</u> shall complete the examination of a trademark registration application within nine months from the date of receiving the application documents for trademark registration, and shall issue a preliminary examination announcement if the said application is in compliance with the relevant provisions hereof.</p>	<p>Article 33 The administrative department for intellectual property under the State Council shall complete the examination of a trademark registration application within nine months from the date of receiving the application documents for trademark registration, and shall issue a preliminary examination announcement if the said application is in compliance with the relevant provisions hereof.</p>
<p>Article 29 If during the examination procedures, <u>the Trademark Office</u> is of the opinion that the content of the trademark registration application must be explained or corrected, it may require the applicant to do so. The failure of the applicant to provide explanations or make corrections shall not affect <u>the Trademark Office's</u> decision upon completing the examination.</p>	<p>Article 34 If during the examination procedures, the administrative department for intellectual property under the State Council is of the opinion that the content of the trademark registration application requires explanation or correction, it may issue an examination opinion requiring the applicant to do so. The failure of the applicant to provide explanations or make corrections shall not affect the administrative department for intellectual property under the State Council's decision upon completing the examination.</p>
<p>N/A</p>	<p>Article 35 Where an application for trademark registration does not conform to the relevant provisions of this Law, or an accepted trademark application is found to be unacceptable upon examination, the administrative department for intellectual property under the State Council shall reject the application and shall not publish it.</p>
<p>Article 33 If a holder of prior rights or an interested party believes that a preliminarily approved trademark violates <u>the second or third paragraph of Article 13, Article 15, the first paragraph of Article 16, Article 30, Article 31, or Article 32</u> of this Law, they may, <u>within three months</u> from the date of the preliminary examination announcement, raise objections to the Trademark Office. Any party that believes a preliminarily approved trademark violates <u>Article 4, Article10, Article11, Article12, and the fourth paragraph of Article 19</u> of this Law</p>	<p>Article 36 If a holder of prior rights or an interested party believes that a preliminarily approved trademark violates Article 18, Article 19, the first paragraph of Article 20, Article 23, Article 24 or Article 25 of this law, they may, within two months from the date of the preliminary examination announcement, raise objections to the administrative department for intellectual property under the State Council. Any party that believes a preliminarily approved trademark violates Article 15, Article 16, Article</p>



<p>may raise objections to <u>the Trademark Office</u> within the same three-month period. If no objections are raised upon expiry of the opposition period, <u>the Trademark Office</u> shall approve the registration application, issue a certificate of trademark registration, and publish details of the registration.</p>	<p>17, Article 21, the first and second paragraph of Article 22 or Article 26 of this Law may raise objections to the administrative department for intellectual property under the State Council within the same two-month period. If no objections are raised upon expiry of the opposition period, the administrative department for intellectual property under the State Council shall approve the registration application, issue a certificate of trademark registration, and publish details of the registration.</p>
<p>N/A</p>	<p>Article 37 Before a trademark is approved for registration, if the administrative department for intellectual property under the State Council discovers that the application for trademark registration that has been preliminarily approved and published violates Article 15 of this Law, it may revoke the approval and conduct a new examination.</p>
<p>Article 34 Where an application for trademark is rejected and no preliminary examination announcement is to be made, <u>the Trademark Office</u> shall so notify the concerned applicant in writing. Where the applicant disagrees over the result, he or she may, within 15 days from the date he receives the notice, apply to <u>the Trademark Review and Adjudication Board</u> for a second review. <u>The Trademark Review and Adjudication Board</u> shall make a decision within nine months upon receipt of the application, and notify the applicant in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and commerce of the State Council. Where the applicant disagrees with the decision of the trademark review and adjudication board, they may file suit with a People’s Court within 30 days from the date the notice was received.</p>	<p>Article 38 Where an application for trademark is rejected and no preliminary examination announcement is to be made, the administrative department for intellectual property under the State Council shall so notify the concerned applicant in writing. Where the applicant disagrees over the result, he or she may, within 15 days from the date he receives the notice, apply to the administrative department for intellectual property under the State Council for a second review. The administrative department for intellectual property under the State Council shall make a decision within nine months upon receipt of the application, and notify the applicant in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval. Where the applicant disagrees with the decision of the second review, they may file suit with a People’s Court within 30 days from the date the notice was received.</p>
<p>Article 35 Where objections are raised against a preliminarily approved trademark, <u>the Trademark Office</u> shall review the facts and grounds stated by both the opponent and the opposed party, and after</p>	<p>Article 39 Where objections are raised against a preliminarily approved trademark, the administrative department for intellectual property under the State Council shall review</p>

investigation and verification, decide whether to approve the registration within 12 months from the expiry date of the announcement period, and shall notify the opponent and the opposed party of the decision in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by ~~the administrative department for industry and commerce of the State Council.~~

Where the Trademark Office decides to approve an application for trademark registration, it shall issue a certificate of trademark registration to the applicant and publish details of the registration. Where the opponent is dissatisfied with the decision, they may request the Trademark Review and Adjudication Board to declare the said registered trademark invalid in accordance with Article 44 or Article 45 of this Law.

Where the Trademark Office decides not to approve a trademark registration, the opposed party disagreeing to the decision may apply for a second review ~~to the Trademark Review and Adjudication Board within 15 days upon receipt of the relevant notice. The Trademark Review and Adjudication Board shall make a decision after review, and notify both the opponent and the opposed parties of such a decision in writing within 12 months from the date of the receipt of the application for review. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by the administrative department for industry and commerce of the State Council. If the opposed is dissatisfied with the decision made by the Trademark Review and Adjudication Board, he or she may bring a lawsuit to the People's Court within 30 days from the date he or she receives the notice, in which case the People's Court shall notify the opponent of its right to participate in the litigation proceedings as a third party.~~

~~When carrying out the second review in accordance~~

the facts and grounds stated by both the opponent and the opposed party, and after investigation and verification, decide whether to approve the registration within 12 months from the expiry date of the announcement period, and shall notify the opponent and the opposed party of the decision in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval.

Where **the administrative department for intellectual property under the State Council** decides to approve an application for trademark registration, it shall issue a certificate of trademark registration to the applicant and publish details of the registration. Where the opponent is dissatisfied with the decision, they may request **the administrative department for intellectual property under the State Council** to declare the said registered trademark invalid in accordance with Article 44 or Article 45 of this Law.

Where **the administrative department for intellectual property under the State Council** decides not to approve a trademark registration, the opposed party disagreeing to the decision may bring a lawsuit to the People's Court within 30 days from the date he or she receives the notice, in which case the People's Court shall notify the opponent of its right to participate in the litigation proceedings as a third party.

<p>with the preceding paragraph, the Trademark Review and Adjudication Board may suspend the review if the prior rights involved can only be ascertained based on the outcomes of another case currently under the trial by a People's Court or under the handling by an administrative organ. The Trademark Review and Adjudication Board shall resume the second review procedure once the circumstances for suspension are eliminated.</p>	
<p>Article 36 Where, upon the expiry of the statutory time limit, a party concerned fails to apply for review of a decision on rejection of a registration application or decision on denial of registration made by <u>the Trademark Office</u>, or fails to bring a lawsuit to the People's Court against the decision of review made by <u>the Trademark Review and Adjudication Board</u>, the decision on rejection of a registration application, the decision on denial of registration or the decision of review shall become effective.</p> <p>Where the registration of a trademark is approved after the objection to its registration is found to be unsubstantiated upon examination, the time when the trademark registration applicant obtains the exclusive right to use the trademark shall commence from the date of the expiry of the <u>three-month</u> period of the preliminary examination announcement. During the period from the date of the expiry of the said announcement period to the time when the decision is made to approve the registration of the trademark, the trademark shall have no retroactive effect on the use of an identical or similar mark by another party on the same kind of goods or similar goods. However, such other party shall be liable for compensating any losses caused, mala fide, to the trademark registrant.</p>	<p>Article 40 Where, upon the expiry of the statutory time limit, a concerned party fails to apply for review of a decision on rejection of an application made by the administrative department for intellectual property under the State Council, or fails to bring a lawsuit to the People's Court against a decision on the denial of registration, or a decision on the review of a refused trademark, , the decision on rejection of the application, the decision on the denial of registration or the decision on review of the refused trademark shall become effective.</p> <p>Where the registration of a trademark is approved after the objection to its registration is found to be unsubstantiated upon examination, the time when the trademark registration applicant obtains the exclusive right to use the trademark shall commence from the date of the expiry of the two-month period of the preliminary examination announcement. During the period from the date of the expiry of the said announcement period to the time when the decision is made to approve the registration of the trademark, the trademark shall have no retroactive effect on the use of an identical or similar mark by another party on the same kind of goods or similar goods. However, such other party shall be liable for compensating any losses caused, mala fide, to the trademark registrant.</p>
<p>Article 37 Applications for trademark registration and for review shall be examined without delay.</p>	<p>Article 41 Applications for trademark registration and review as well as other trademark matters filed by relevant parties shall be examined and handled without delay by the administrative department for intellectual property under the</p>



	<p>State Council.</p> <p>Concerned parties may apply to withdraw the applications specified in the preceding paragraph. The proceedings shall be terminated if, upon examination, the administrative department for intellectual property under the State Council finds that it is appropriate to withdraw the application.</p>
<p><u>Article 35.3</u>(sic - 35.4 is the correct provision) When carrying out the second review in accordance with the preceding paragraph, <u>the Trademark Review and Adjudication Board</u> may suspend the review if the prior rights involved can only be ascertained based on the outcomes of another case currently under the trial by a People's Court or under the handling by an administrative organ. <u>The Trademark Review and Adjudication Board</u> shall resume the second review procedures once the circumstances requiring suspension have been resolved.</p>	<p>Article 42 When carrying out trademark examination and review, the administrative department for intellectual property under the State Council may suspend the review or examination if the prior rights involved can only be ascertained based on the outcomes of another case currently under the trial by a People's Court or under the handling by an administrative organ. The administrative department for intellectual property under the State Council shall timely resume the review or examination procedures once the circumstances requiring suspension have been resolved.</p> <p>The People's Courts shall hear cases on review of refused trademarks, decisions on denial of registration, and invalidations made by the administrative department for intellectual property under the State Council in accordance with Article 24 and Article 25 of this Law, subject to the factual state at the time of the appealed decision or ruling being made. If the status of the relevant trademarks changes after a decision or ruling is made, it shall not affect the trial of the decision or ruling by the People's Court, except when the principle of fairness is clearly violated.</p>
<p>Article 38 Where an applicant for trademark registration or a registrant discovers an obvious error in the trademark application or registration documents, he or she may apply for its correction. <u>The Trademark Office</u> shall, in accordance with law and within the scope of its functions and powers, make the correction and shall notify the party</p>	<p>Article 43 Where an applicant for trademark registration or a registrant discovers an obvious error in the trademark application or registration documents, he or she may apply for its correction. The administrative department for intellectual property under the State Council shall, in accordance with law and within the scope of its</p>



<p>concerned.</p> <p>The correction of errors mentioned in the preceding paragraph shall not involve substantive matters in the application or registration documents.</p>	<p>functions and powers, make the correction and shall notify the party concerned.</p> <p>The correction of errors mentioned in the preceding paragraph shall not involve substantive matters in the application or registration documents.</p>
<p align="center">Chapter V Declaration of the Invalidity of Registered Trademarks</p>	<p align="center">Chapter V Declaration of the Invalidity and Cancellation of Registered Trademarks</p>
<p>Article 44 A registered trademark shall be declared invalid by <u>the trademark office</u> if it is in violation of <u>Article 4, Article 10, Article 11, Article 12, or the fourth paragraph of Article 19</u> hereof, or its registration is obtained by fraudulent or other illegitimate means. Other entities or individuals may request the Trademark Review and Adjudication Board to declare the aforesaid registered trademark invalid.</p> <p>Where <u>the Trademark Office</u> makes a decision on declaring a registered trademark invalid, it shall notify the concerned party of the decision in writing. If a concerned party is dissatisfied with the decision made by <u>the Trademark Office</u>, he or she may apply for a review with <u>the Trademark Review and Adjudication Board</u> within 15 days upon the receipt of the notice from <u>the Trademark Office</u>. <u>The Trademark Review and Adjudication Board</u> shall make a decision and notify the concerned party in writing within nine months of its receipt of the application for review. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and commerce of the State Council. If a party concerned is dissatisfied with the decision made by the Trademark Review and Adjudication Board, he or she may bring a lawsuit to the People's Court within 30 days upon the receipt of the notice from the Trademark Review and Adjudication Board.</p> <p>Where other <u>entities or individuals</u> request <u>the Trademark Review and Adjudication Board</u> to</p>	<p>Article 44 A registered trademark shall be declared invalid by the administrative department for intellectual property under the State Council if it is in violation of Article 15, Article 16, Article 17, Article 21, the first and second paragraphs of Article 22 or Article 26 hereof.</p> <p>Where the administrative department for intellectual property under the State Council decides to declare a registered trademark invalid, it shall notify the concerned party of the decision in writing. If a concerned party is dissatisfied with the decision, he or she may apply for a review with within 15 days upon the receipt of the notice. The administrative department for intellectual property under the State Council shall make a decision and notify the concerned party in writing within nine months of its receipt of the application for review. Where it is necessary under special circumstances, an extension of three months may be granted upon approval. If a party concerned is dissatisfied with the review decision made, he or she may bring a lawsuit to the People's Court within 30 days upon the receipt of the notice.</p> <p>Where the circumstances listed in the first paragraph of this Article apply, other natural persons, legal persons or unincorporated organizations may request the administrative department for intellectual property under the State Council to declare a registered trademark invalid, the latter shall, upon receipt of the application, notify the parties concerned in</p>



declare a registered trademark invalid, the latter shall, upon receipt of the application, notify the parties concerned in writing, and require the parties concerned to respond within a time limit. The Trademark Review and Adjudication Board shall, within nine months upon the receipt of the application, render a ruling on either maintaining the validity of the registered trademark or declaring the registered trademark invalid, and notify the parties concerned in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval ~~by the administrative department for industry and commerce of the State Council~~. If the party concerned is dissatisfied with the ruling made by the Trademark Review and Adjudication Board, he or she may bring a lawsuit to the People's Court within 30 days upon the receipt of the notice, in which case the People's Court shall notify the counterparty to the trademark ruling proceedings to participate in the litigation proceedings as a third party.

Article 45 Where a registered trademark is in violation of the second and third paragraph of Article 13, Article 15, the first paragraph of Article 16, Article 30, Article 31 or Article 32 of this Law, the holder of prior rights or an interested party may, within five years upon the registration of the trademark, request the Trademark Review and Adjudication Board to declare the registered trademark invalid. Where the aforementioned registration was obtained in bad faith, the owner of a well-known trademark is not bound by the five-year restriction.

Upon receiving an application for invalidation of a registered trademark, the Trademark Review and Adjudication Board shall notify the concerned party of the application in writing, and require the concerned party to respond within a time limit. The Trademark Review and Adjudication Board shall, within 12 months upon the receipt of the application, render a ruling on either maintaining

writing, and require the parties concerned to respond within a time limit. **The administrative department for intellectual property under the State Council** shall, within nine months upon the receipt of the application, render a ruling on either maintaining the validity of the registered trademark or declaring the registered trademark invalid, and notify the parties concerned in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval. If the party concerned is dissatisfied with the ruling made by **the administrative department for intellectual property under the State Council**, he or she may bring a lawsuit to the People's Court within 30 days upon the receipt of the notice, in which case the People's Court shall notify the counterparty to the trademark ruling proceedings to participate in the litigation proceedings as a third party.

Article 45 Where a registered trademark is in violation of **Article 18, Article 19, the first paragraph of Article 20, Article 23, Article 24 or Article 25** of this Law, the holder of prior rights or an interested party may, within five years upon the registration of the trademark, request **the administrative department for intellectual property under the State Council** to declare the registered trademark invalid. **Where the trademark is in violation of Article 18, or Article 19 of this Law, and where unfair means have been used to preemptively register a trademark that has been used by others and that has a certain degree of influence in violation of Article 23 of this Law, the prior rights holder may request that the registered trademark be transferred to their name.** Where the aforementioned registration was obtained in bad faith, the owner of a well-known trademark is not bound by the five-year restriction.



<p>the validity of the registered trademark or declaring the registered trademark invalid, and shall notify the concerned party of the ruling in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by the administrative department for industry and commerce of the State Council by <u>the Trademark Review and Adjudication Board</u>, he or she may file suit with the People's Court within 30 days upon the receipt of the notice, in which case the People's Court shall notify the counterparty to the trademark ruling proceedings of their right to participate in the litigation proceedings as an interested third party.</p>	<p>Upon receiving an application for invalidation or transfer of a registered trademark, the administrative department for intellectual property under the State Council shall notify the concerned party of the application in writing and require the concerned party to respond within a time limit. The administrative department for intellectual property under the State Council shall, within 12 months upon the receipt of the application, render a ruling maintaining the validity of the registered trademark, transferring the registered trademark, or declaring the registered trademark invalid, and shall notify the concerned party of the ruling in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval. If the concerned party is dissatisfied with the ruling made by the administrative department for intellectual property under the State Council, they may file a lawsuit with the People's Court within 30 days upon the receipt of the notice, in which case the People's Court shall notify the counterparty to the trademark ruling proceedings of their right to participate in the litigation proceedings as an interested third party.</p>
<p>N/A</p>	<p>Article 46 Where, after examination, the administrative department for intellectual property under the State Council, determines that a request for transfer of a registered trademark is justified, and if there is no other reason to declare the registered trademark invalid, and the transfer is not likely to lead to confusion or other adverse effects, the administrative department for intellectual property under the State Council shall approve the transfer of the registered trademark; if there are other reasons for determining that the trademark should be declared invalid, or if, despite the fact that the request for transfer of the registered trademark is justified, the transfer of the trademark is likely to cause confusion or other adverse effects, the administrative department for intellectual</p>



	<p>property under the State Council shall issue a decision declaring the registered trademark invalid.</p> <p>After a ruling approving the transfer of a registered trademark is made and before the ruling takes effect, the trademark registrant shall not dispose of the trademark, but shall take action to maintain the validity of the registered trademark.</p>
<p>Article 46 Upon the expiry of the statutory time limit, if a concerned party fails to apply for a review of <u>the trademark office's</u> decision on declaring a registered trademark invalid, or fails to bring a lawsuit to the People's Court against the Trademark Review and Adjudication Board's review decision or its ruling on maintaining the validity of a registered trademark or declaring a registered trademark invalid, <u>the Trademark Office's</u> decision or <u>the trademark review and adjudication board's</u> review decision or ruling shall become effective.</p>	<p>Article 47 Upon the expiry of the statutory time limit, if a concerned party fails to apply for a review of the administrative department for intellectual property under the State Council's decision on declaring a registered trademark invalid, or fails to bring a lawsuit to the People's Court against a review decision or a ruling on maintaining the validity of a registered trademark, transferring a registered trademark or declaring a registered trademark invalid, the administrative department for intellectual property under the State Council's decision or ruling shall become effective.</p> <p>A ruling approving transfer of a registered trademark shall be announced after it takes effect, and the applicant for transfer shall enjoy exclusive rights in the registered trademark from the date of announcement.</p>
<p>Article 47 A registered trademark that is declared invalid in accordance with Article 44 or Article 45 of this Law shall be announced by <u>the Trademark Office</u>, and the exclusive right to use the registered trademark shall be deemed as non-existent ab initio.</p> <p>A decision or ruling declaring a registered trademark invalid shall have no retroactive effect on a judgment, ruling or mediation statement on a trademark infringement case already rendered and enforced by a People's Court, a decision on handling a trademark infringement case already made and enforced by <u>an administrative department for</u></p>	<p>Article 48 A registered trademark that is declared invalid in accordance with Article 44 or Article 45 of this Law shall be announced by the administrative department for intellectual property under the State Council, and the exclusive right to use the registered trademark shall be deemed as non-existent ab initio.</p> <p>A decision or ruling declaring a registered trademark invalid shall have no retroactive effect on a judgment, ruling or mediation statement on a trademark infringement case already rendered and enforced by a People's Court, a decision on handling a trademark infringement case already</p>



<p><u>industry and commerce</u> as well as a trademark assignment or licensing contract already performed prior to such declaration. However, the trademark registrant shall be liable for compensation where losses are caused to another party due to acts of bad faith.</p> <p>Trademark infringement damages, trademark assignment fees or trademark royalties shall be refunded fully or partially if the non-refund thereof pursuant to <u>the preceding paragraph</u> is in obvious violation of the principle of fairness.</p>	<p>made and enforced by an administrative department responsible for trademark enforcement as well as a trademark assignment or licensing contract already performed prior to such declaration. However, the trademark registrant shall be liable for compensation where losses are caused to another party due to acts of bad faith.</p> <p>Between the time a trademark is registered and the time it is declared invalid, any trademark registrant or licensee using the trademark to infringe on the exclusive trademark right of others in bad faith shall be held liable in accordance with the second paragraph of Article 74 of this Law.</p> <p>Trademark infringement damages, trademark assignment fees or trademark royalties shall be refunded fully or partially if failure to do so would clearly violate the principle of fairness pursuant to the second paragraph of this Article</p>
<p>Article 49 A trademark registrant that, without authorization, makes alternations with respect to the registered trademark, the name or address of the registrant or other registration items during the use of the registered trademark shall be ordered to make correction within a time limit by the relevant local administrative department for industry and commerce; if he or she fails to make correction within the prescribed time limit, the Trademark Office shall cancel the registered trademark thereof.</p> <p>Where a registered trademark has become the generic name of the goods for which its use is approved or a registered trademark has not been put in use for three consecutive years without a justifiable reason, any <u>entity or individual</u> may apply to <u>the Trademark Office</u> for revocation of the registered trademark, and <u>the Trademark Office</u> shall issue a decision within nine months upon the receipt of the application. Where it is necessary under special circumstances, an extension of three</p>	<p>Article 49 Any natural person, legal person, or unincorporated organization may apply to the administrative department for intellectual property under the State Council for cancellation of a registered trademark if any of the following circumstances apply, but shall not damage the legitimate interests and rights of trademark registrants or disrupt the order of trademark registration:</p> <ol style="list-style-type: none">(1) a registered trademark has become the generic name of the goods for which its use is approved;(2) a registered trademark has not been used for three consecutive years without a justifiable reason;(3) use of a registered trademark causes confusion among the relevant public as to the features of the goods, such as the quality or origin of the goods;(4) the registrant of a collective trademark or certification trademark violates Article 63 hereof, and the circumstances are especially



<p>months may be granted for issuing a decision upon approval by the administrative department for industry and commerce of the State Council.</p>	<p>serious; or</p> <p>(5) the use and exercise of exclusive rights of a registered trademark seriously harms public interests and causes significant adverse effects.</p> <p>The administrative department for intellectual property under the State Council may cancel the registered trademark, ex officio, if the preceding fourth or fifth paragraph applies.</p> <p>The administrative department for intellectual property under the State Council shall issue a decision within nine months upon the receipt of the application for cancellation. Where it is necessary under special circumstances, an extension of three months may be granted for issuing a decision upon approval.</p>
<p>Article 50 Within one year from the time where a registered trademark is canceled or declared invalid, or is not renewed upon the expiry of its validity period, <u>the Trademark Office</u> shall not approve any application for registration of a trademark that is identical or similar to the aforementioned trademark.</p>	<p>Article 50 Where a registered trademark is cancelled in accordance with the third to fifth items of paragraph one of Article 49 or Article 64 of this Law, or is cancelled or deregistered in violation of Article 61 of this Law, or is not renewed upon the expiry of its validity period within one year from the announcement date where a registered trademark is canceled or deregistered, the administrative department for intellectual property under the State Council shall not approve any application for registration of a trademark that is identical or similar to the aforementioned trademark.</p>
<p>Article 54 A concerned party that objects to a decision by <u>the Trademark Office</u> to revoke or not revoke a registered trademark may apply for review to <u>the Trademark Review and Adjudication Board</u> within 15 days of its receipt of the decision. <u>The Trademark Review and Adjudication Board</u> shall, within nine months of its receipt of the application, make a decision and notify the concerned party in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and commerce under the State Council. A concerned party that is dissatisfied</p>	<p>Article 51 A concerned party that objects to a decision by the administrative department for intellectual property under the State Council to revoke or not revoke a registered trademark may apply for review to the administrative department for intellectual property under the State Council within 15 days of its receipt of the decision. The administrative department for intellectual property under the State Council shall, within nine months of its receipt of the application, make a decision and notify the concerned party in writing. Where it is necessary under special circumstances, an extension of three</p>



<p>with a decision made by the Trademark Review and Adjudication Board may file suit before a People's Court within 30 days of its receipt of the decision.</p>	<p>months may be granted upon approval. A concerned party that is dissatisfied with a review decision may file suit before a People's Court within 30 days of its receipt of the decision.</p>
<p>Article 55 Upon the expiry of the statutory time limit, if a concerned party fails to apply for review of <u>the Trademark Office's</u> decision cancelling a registered trademark, or fails to file suit with a People's Court against a review decision made by the Trademark Review and Adjudication Board, the decision shall become effective.</p> <p><u>The Trademark Office</u> shall make an announcement on the registered trademark that is cancelled. The registrant's exclusive right to use the registered trademark shall terminate as of the date of the announcement.</p>	<p>Article 52 Upon the expiry of the statutory time limit, if a concerned party fails to apply for review of the administrative department for intellectual property under the State Council's decision cancelling a registered trademark, or fails to file suit with a People's Court against a review decision, the decision shall become effective.</p> <p>The administrative department for intellectual property under the State Council shall publish a notice stating that a registered trademark has been cancelled. The registrant's exclusive right to use the registered trademark shall terminate as of the date of the announcement.</p>
<p>Chapter IV Renewal, Alteration, Assignment and Licensing of Registered Trademarks</p>	<p>Chapter VI Renewal, Alteration, Assignment and Licensing of Registered Trademarks</p>
<p>Article 39 The period of validity of a registered trademark shall be 10 years, commencing from the date the registration is approved.</p>	<p>Article 53 The period of validity of a registered trademark shall be 10 years, commencing from the date the registration is approved.</p>
<p>Article 40 Where a trademark registrant intends to continue using the registered trademark upon expiry of the validity period of registration, the trademark registrant shall go through the renewal procedure within 12 months prior to the expiry date in accordance with relevant provisions; where the registrant fails to do so during the said time limit, an extension of six months may be granted. Each renewal of registration shall be valid for ten years calculating from the date immediately following the expiry date of the last validity period of the trademark. If no application for renewal is filed upon the expiry of the extension period, the registered trademark shall be canceled.</p> <p><u>The Trademark Office</u> shall publish notice of the renewal of a registered trademark.</p>	<p>Article 54 Where a trademark registrant intends to continue using the registered trademark upon expiry of the validity period of registration, the trademark registrant shall go through the renewal procedure within 12 months prior to the expiry date in accordance with relevant provisions; where the registrant fails to do so during the said time limit, an extension of six months may be granted. Each renewal of registration shall be valid for ten years calculated from the date immediately following the expiry date of the last validity period of the trademark. If no application for renewal is filed upon the expiry of the extension period, the registered trademark shall be canceled.</p> <p>The administrative department for intellectual property under the State Council shall publish notice of the renewal of a registered trademark.</p>
<p>Article 41 If a change needs to be made to the name</p>	<p>Article 55 If a change needs to be made to the</p>



<p>or address of the registrant of a registered trademark or in any other registered matter, an application for the change shall be filed.</p>	<p>name or address of the registrant of a registered trademark or in any other registered matter, an application for the change shall be filed.</p>
<p>Article 42 To assign a registered trademark, the assignor and assignee shall sign an assignment agreement and jointly file an application with <u>the Trademark Office</u>. The assignee shall guarantee the quality of the goods on which the registered trademark is used.</p> <p>When assigning a registered trademark, the trademark registrant shall assign, along with it, other identical and similar trademarks designated for use on identical or similar goods.</p> <p><u>The Trademark Office</u> shall not approve the assignment of a registered trademark that is likely to cause confusion or result in other unhealthy effects, and shall notify the applicant concerned in writing and explain the reasons therefor.</p> <p>After the assignment of a registered trademark is approved, it shall be announced. The assignee shall enjoy the exclusive right to the use of the trademark starting from the date when the announcement is made.</p>	<p>Article 56 To assign a registered trademark, the assignor and assignee shall sign an assignment agreement and jointly file an application with the administrative department for intellectual property under the State Council. The assignee shall guarantee the quality of the goods on which the registered trademark is used.</p> <p>When assigning a registered trademark, the trademark registrant shall assign, along with it, other identical or similar trademarks designated for use on identical or similar goods.</p> <p>The administrative department for intellectual property under the State Council shall not approve the assignment of a registered trademark that is likely to cause confusion or result in other unhealthy effects, and shall notify the applicant concerned in writing and explain the reasons therefor.</p> <p>After the assignment of a registered trademark is approved, it shall be announced. The assignee shall enjoy the exclusive right to the use of the trademark starting from the date when the announcement is made.</p>
<p>N/A</p>	<p>Article 57 When applying for assignment or transfer of collective trademarks or certification trademarks, the transferee or successor of rights shall possess appropriate qualifications and supervision capabilities.</p>
<p>N/A</p>	<p>Article 58 Where a trademark registrant applies for deregistration of its registered trademark on all or some of the designated goods, the administrative department for intellectual property under the State Council shall publish a notice after the deregistration has been approved upon examination; the exclusive right to use the registered trademark or the exclusive right to use the registered</p>



	<p>trademark on the relevant designated goods shall be terminated from the date the notice is published.</p>
N/A	<p>Chapter VII Use and Management of Trademarks</p>
<p>Article 48 For the purposes of this Law, the use of trademarks shall refer to the use of trademarks on goods, the packaging or containers of goods and the transaction documents of goods, as well as the use of trademarks for advertising, exhibition, and other commercial activities for the purpose of identifying the sources of goods.</p>	<p>Article 59 For the purposes of this Law, the use of trademarks shall refer to the use of trademarks on goods, the packaging or containers of goods and the transaction documents of goods, places offering services or service-related items, as well as the use of trademarks for advertising, exhibition, and other commercial activities for the purpose of identifying the sources of goods or services.</p> <p>The forms of use listed in the preceding paragraph include those carried out through information networks such as the Internet.</p>
<p>Article 43 The trademark registrant may, by concluding a trademark licensing contract, authorize another person to use his or her registered trademark. The licensor shall supervise the quality of the goods on which the licensee uses his or her registered trademark, and the licensee shall guarantee the quality of the goods on which the registered trademark is to be used.</p> <p>If any person is authorized to use the registered trademark of another person, the name of the licensee and the geographical origin of the goods shall be indicated on the goods that bear the registered trademark.</p> <p>A licensor who licenses others to use his or her registered trademark should submit the trademark license to <u>the Trademark Office</u> for recordal, and <u>the Trademark Office</u> shall announce the trademark license. Without recordal, the trademark license shall not be enforceable against a bona fide third party.</p>	<p>Article 60 A trademark registrant may use the trademark, or by concluding a trademark licensing contract, may authorize another person to use the registered trademark. The licensor shall supervise the quality of the goods on which the licensee uses a registered trademark, and the licensee shall guarantee the quality of the goods on which the registered trademark is to be used.</p> <p>If any person is authorized to use a trademark registered to another party, the name of the licensee and the geographical origin of the goods shall be indicated on the goods that bear the registered trademark.</p> <p>A licensor who licenses others to use a registered trademark should submit a trademark license to the administrative department for intellectual property under the State Council for recordal, and the administrative department for intellectual property under the State Council shall publish notice of the trademark license. Without recordal, the trademark license shall not be enforceable against a bona fide third party.</p>



	<p>Where a licensor or licensee violates the first paragraph of this Article, thereby causing damage to consumers, the department responsible for trademark enforcement shall order correction within a specific period of time, where the illegal revenue exceeds CNY 50,000, a fine less than twenty percent of the illegal revenue can be imposed; where there is no illegal revenue or the illegal revenue is less than CNY 50,000, a fine of up to CNY 10,000 may be imposed.</p>
N/A	<p>Article 61 A trademark registrant shall, within 12 months after every five-year period from the date of approval of the registration, explain to the administrative department for intellectual property under the State Council how the registered trademark is in use on the approved goods, or provide justifiable reasons for non-use. The trademark registrant may provide a combined declaration on the use of multiple trademarks within the above period.</p> <p>If the trademark registrant does not provide an explanation prior to the expiration of the above period, the administrative department for intellectual property under the State Council shall notify the trademark registrant, and if the trademark registrant does not submit an explanation within six months from the date of receipt of the notice, the registered trademark shall be deemed abandoned and the administrative department for intellectual property under the State Council shall cancel the registration.</p> <p>The administrative department for intellectual property under the State Council shall conduct random checks to confirm the authenticity of such explanations, and if necessary, may require a trademark registrant to provide additional relevant evidence or entrust a local intellectual property management department to verify the authenticity of such evidence.</p>



	<p>Where, upon random inspection, a statement is found to be untrue, the administrative department for intellectual property under the State Council shall cancel the registered trademark.</p>
<p>Article 59 The holder of the exclusive right to use a registered trademark shall have no right to prohibit others from properly using the generic name, graphics or models of a commodity contained in the registered trademark, or such information as directly indicates the quality, main raw materials, functions, purposes, weight, quantity or other features of the goods, or the names of the geographical locations as contained therein.</p> <p>The holder of the exclusive right to use a registered trademark that is a three-dimensional symbol shall have no right to prohibit others from properly using such forms as contained in the registered trademark due to the inherent nature of a commodity or the goods forms necessary for achieving technological effects or the forms that bring substantive value to the goods as contained therein.</p> <p>Where, before a trademark registrant applies for registration of a trademark, another party has used a trademark that is of certain influence and is identical with or similar to the registered trademark on the same kind of goods or similar goods, the holder of the exclusive right to use the registered trademark shall have no right to prohibit the said party from continued use of the trademark within the original scope of use, however, the holder may require the latter to add a proper mark for distinguishment.</p>	<p>Article 62 The holder of the exclusive right to use a registered trademark shall have no right to prohibit others from performing the following acts that are consistent with business practices:</p> <p>(1) using one’s name and address in good faith;</p> <p>(2) for the purpose of indicating the kind, nature, quality, functions, purposes, weight, quantity, value, geographic origin or other features of the goods, using the geographical name, generic name, graphics, models, technical terms contained in the registered trademark, or other symbols relating to such indication of goods;</p> <p>(3) using its registered trademark for the sole purpose of indicating the purpose of use, or the applicable targets or scenarios for use of the goods, except where such use misleads the public.</p> <p>The holder of the exclusive right to use a registered trademark that is a three-dimensional symbol shall have no right to prohibit others from properly using such forms as contained in the registered trademark due to the inherent nature of a commodity or the goods forms necessary for achieving technological effects or the forms that bring substantive value to the goods as contained therein.</p> <p>Where, before a trademark registrant applies for registration of a trademark, another party has used a trademark that is of certain influence and is identical with or similar to the registered trademark on the same kind of goods or similar goods, the holder of the exclusive right to use the registered trademark shall have no right to prohibit the said party from continued use of the</p>



	<p>trademark within the original scope of use, however, the holder may require the latter to add a proper mark for distinguishment.</p>
<p>N/A</p>	<p>Article 63 Where the registrant of a collective trademark or certification trademark engages in one of the following acts, the department responsible for trademark enforcement shall order that corrections be made within a specific period of time, and confiscate any illegal gains; where the registrant refuses to make corrections, a fine of up to CNY 100,000 may be imposed if there are illegal gains; a fine of up to CNY 10,000 may be imposed if there are no illegal gains; where circumstances are especially serious, the administrative department for intellectual property under the State Council may cancel the trademark in accordance with Article 49 of this Law:</p> <p>(1) negligence in the exercise of trademark management responsibilities, resulting in the use of the trademark of the goods do not meet the requirements of regulations on trademark use, causing damage to consumers;</p> <p>(2) maliciously preventing others from the proper use of geographical names, names or kinds of goods contained within the trademark, disrupting trademark management;</p> <p>(3) causing other unhealthy effects on society.</p>
<p>Article 49.1 A trademark registrant that, without authorization, makes alterations with respect to the registered trademark, the name or address of the registrant, or other registration items during the use of the registered trademark shall be ordered to make correction within a time limit by the <u>relevant local administrative department for industry and commerce</u>; if the registrant fails to make the requested corrections within the prescribed time limit, <u>the Trademark Office</u> shall cancel the registered trademark.</p>	<p>Article 64 A trademark registrant that, without authorization, makes alterations with respect to the registered trademark, the name or address of the registrant, or other registration items during the use of the registered trademark shall be ordered to make corrections within a time limit by the department responsible for trademark enforcement, and a fine of up to CNY 100,000 may be imposed in parallel; if the registrant fails to make the requested corrections within the prescribed time limit, the administrative department for intellectual property under the State Council shall cancel the registered trademark.</p>





	<p>A trademark registrant who violates the preceding paragraph and infringes others' exclusive trademark rights shall be held liable in accordance with the second paragraph of Article 74 and the first paragraph of Article 85 of this Law.</p>
<p>Article 51 (<i>sic</i> – Article 52 is the correct provision) Where a party passes off an unregistered trademark as a registered trademark or uses an unregistered trademark in violation of <u>Article 10</u> of this Law, the <u>relevant local administrative department for industry and commerce</u> shall stop such acts, order the party to make corrections within a specified time limit, and may circulate a notice on the matter. If the illegal business revenue exceeds CNY 50,000, a fine of up to 20% of the illegal business revenue may be imposed; if there is no illegal business revenue or the illegal business revenue is less than CNY 50,000, a fine of up to CNY 10,000 may be imposed.</p>	<p>Article 65 Where a party passes off an unregistered trademark as a registered trademark or uses an unregistered trademark in violation of Article 15 or the first paragraph of Article 20 of this Law, the department responsible for trademark enforcement shall order the party to make corrections within a specified time limit. If the illegal business revenue exceeds CNY 50,000, a fine of up to 20% of the illegal business revenue may be imposed; if there is no illegal business revenue or the illegal business revenue is less than CNY 50,000, a fine of up to CNY 10,000 may be imposed.</p> <p>Where a party knowingly sells goods that are in violation of Article 15 or the first paragraph of Article 20 of this Law, or intentionally provides storage, transportation, mailing, printing, concealment, business premises, electronic commerce platforms, and other facilities in violation of Article 15 or the first paragraph of Article 20 of this Law, that party shall be held liable in accordance with the preceding paragraph.</p>
<p>Article 14.5 Manufacturers and business operators may not use the term “well-known trademark” upon goods, or the packaging or the containers of the goods, nor may they use the term for advertising, exhibition or other commercial activities.</p> <p>Article 53 A party violates that the fifth paragraph of Article 14 hereof shall be ordered to make corrections by the <u>relevant local administrative department for industry and commerce</u>, and shall receive a fine of CNY 100,000.</p>	<p>Article 66 Manufacturers and business operators may not use the term “well-known trademark” upon goods, or the packaging or the containers of the goods, nor may they use the term for advertising, exhibition or other commercial activities.</p> <p>A party that violates the preceding paragraph shall be ordered to make corrections by the department responsible for trademark enforcement, and shall receive a fine of CNY 100,000.</p>
<p>Article 68.4 Where an application for trademark</p>	<p>Article 67 Where an application for trademark</p>



<p>registration is filed in bad faith, administrative sanctions such as a warning or a fine may be imposed; and whoever files a trademark lawsuit in bad faith shall be imposed sanction by the People's Court pursuant to law.</p>	<p>registration is filed in bad faith in violation of Article 22 of this Law, administrative sanctions such as a warning or a fine up to CNY 50,000 may be imposed by the department responsible for trademark enforcement; where the circumstances are serious, a fine of more than CNY 50,000 but less than CNY 250,000 may be imposed, and any illegal gains shall be confiscated.</p>
<p>N/A</p>	<p>Article 68 Where a trademark agency is a company or partnership registered by market entity registration authorities in accordance with the law to engage in trademark agency business, over two-thirds of its shareholders or partners should be trademark practitioners with more than three years of experience, or have legal qualifications, or be qualified patent attorneys, or intermediate or higher level intellectual property attorneys, and their credentials should be recorded with the administrative department for intellectual property under the State Council. Where a trademark agency is a law firm, it should be registered with the administrative department for intellectual property under the State Council.</p> <p>Where a trademark agency violates the preceding paragraph, the administrative department for intellectual property under the State Council shall order corrections; if an agency refuses to make corrections and the circumstances are serious, the department responsible for trademark enforcement shall issue a warning and impose a fine in the range of CNY 10,000 to CNY 50,000, and the administrative department for intellectual property under the State Council may decide to stop accepting the trademark agency's business and publish notice of the decision.</p>
<p>Article 19.1-19.3 Trademark agencies shall uphold the principle of good faith, comply with laws and</p>	<p>Article 69 Trademark agencies shall uphold the principle of good faith, comply with laws and</p>



<p>administrative regulations, apply for trademark registration or deal with other trademark-related matters as entrusted by the principals, and keep confidential the principals' trade secrets that come to their knowledge in the course of acting as an agent.</p> <p>Where a trademark entrusted by a principal for registration application may fall under the circumstances prescribed hereby under which registration is not allowed, the trademark agency shall explicitly so inform the principal.</p> <p>A trademark agency shall not accept the entrustment of a principal if it knows or should have known that the trademark entrusted by the principal for registration application falls under any of the circumstances prescribed by <u>Article 4, Article 15 and Article 32 hereof</u>.</p>	<p>administrative regulations, apply for trademark registration or deal with other trademark-related matters as entrusted by the principals, and keep confidential the principals' trade secrets that come to their knowledge in the course of acting as an agent.</p> <p>Where a trademark entrusted by a principal for registration application may fall under the circumstances prescribed hereby under which registration is not allowed, the trademark agency shall explicitly so inform the principal.</p> <p>A trademark agency shall not accept the entrustment of a principal if it knows or should have known that the trademark entrusted by the principal for registration application falls under any of the circumstances prescribed by Article 22 hereof.</p> <p>Trademark agency practitioners shall comply with the law, have a good credit standing and good character, be familiar with trademark laws and regulations, and have the capability to engage in trademark agency business in accordance with the law. Trademark agency practitioners are not allowed to engage in trademark agency business in two or more trademark agencies at the same time.</p>
<p>Article 20 The trade association of trademark agencies shall, pursuant to its articles of association, strictly implement its member admission criteria, and impose sanctions against the <u>members</u> violating industry self-disciplinary standards. The trade association of trademark agencies shall promptly announce information pertaining to the members admitted and the disciplinary sanctions against its <u>members</u>.</p>	<p>Article 70 The trade association of trademark agencies is a self-disciplining association of the trademark agency industry.</p> <p>The trade association of trademark agencies shall, pursuant to its articles of association, strictly implement its membership admission criteria, tighten industry self-discipline, formulate industry self-discipline norms and disciplinary rules, strengthen business training, professional ethics, and professional discipline education, organize and guide trademark agencies and trademark agency practitioners to engage in trademark agency business in</p>

	<p>accordance with the law, and continuously improve services, and impose sanctions against the trademark agencies and trademark agency practitioners violating industry self-disciplinary standards. The trade association of trademark agencies shall promptly announce information pertaining to the members admitted and the disciplinary sanctions imposed.</p>
<p>Chapter VIII Protection of the Exclusive Right to the Use of a Registered Trademark</p>	<p>Chapter VIII Protection of the Exclusive Right to the Use of a Registered Trademark</p>
<p>Article 56 The exclusive right to the use of a registered trademark shall be limited to trademarks which are registered upon approval and to goods the use of a trademark on which is approved.</p> <p>Article 9.2 A trademark registrant shall have the right to indicate the wording "Registered Trademark" or the sign showing that the trademark is registered.</p>	<p>Article 56 The exclusive right to the use of a registered trademark shall be limited to trademarks which are registered upon approval and to goods the use of a trademark on which is approved.</p> <p>A trademark registrant shall have the right to indicate the wording "Registered Trademark" or the signs  and  showing that the trademark is registered in the upper right or lower right corner of the trademark.</p>
<p>Article 57 Any of the following acts shall constitute an infringement on the exclusive rights to the use of a registered trademark:</p> <ol style="list-style-type: none"> (1) using a trademark that is identical with a registered trademark on the same kind of goods without authorization from the registrant of the registered trademark; (2) using a trademark that is similar to a registered trademark on the same kind of goods, or using a trademark that is identical with or similar to the registered trademark on similar goods without authorization from the registrant of the registered trademark, and is likely to cause confusion; (3) selling goods that infringe on the exclusive right to the use of a registered trademark; (4) counterfeiting, or manufacturing without authorization, labels of another person's registered trademark, or selling such labels; (5) altering a registered trademark without permission of the trademark registrant and selling goods bearing such an altered trademark on the 	<p>Article 72 Any of the following acts shall constitute an infringement on the exclusive rights to the use of a registered trademark:</p> <ol style="list-style-type: none"> (1) using a trademark that is identical with a registered trademark on the same kind of goods without authorization from the registrant of the registered trademark; (2) using a trademark that is similar to a registered trademark on the same kind of goods, or using a trademark that is identical with or similar to the registered trademark on similar goods without authorization from the registrant of the registered trademark, and is likely to cause confusion; (3) using a trademark in e-commerce that is identical with or similar to the registered trademark on the same kind of or similar goods without authorization from the registrant of the registered trademark, and is likely to mislead the public; (4) selling goods that infringe on the exclusive right to the use of a registered trademark;

<p>market;</p> <p>(6) providing, intentionally, convenience for such acts as infringing upon others' exclusive right of trademark use, to facilitate others to commit infringement on the exclusive right of trademark use; and</p> <p>(7) impairing in other manners another person's exclusive right to the use of its registered trademark.</p>	<p>(5) counterfeiting, or manufacturing without authorization, labels of another person's registered trademark, or selling such labels;</p> <p>(6) altering a registered trademark without permission of the trademark registrant and selling goods bearing such an altered trademark on the market;</p> <p>(7) providing, intentionally, convenience for such acts as infringing upon others' exclusive right of trademark use, to facilitate others to commit infringement on the exclusive right of trademark use; and</p> <p>(8) impairing in other manners another person's exclusive right to the use of its registered trademark.</p>
<p>Article 58 Whoever uses a registered trademark or an unregistered well-known trademark of another party as the trade name in its enterprise name and misleads the public, which constitutes unfair competition, shall be dealt with in accordance with the Anti-unfair Competition Law of the People's Republic of China.</p>	<p>Article 73 Whoever uses a registered trademark or an unregistered well-known trademark of another party as the trade name in its enterprise name and misleads the public, which constitutes unfair competition, shall be dealt with in accordance with the Anti-unfair Competition Law of the People's Republic of China.</p>
<p>Article 60 A dispute that arises from an act infringing upon the exclusive right to use a registered trademark prescribed in <u>Article 57</u> hereof is to be settled by the concerned parties through negotiations. Where the parties concerned are unwilling to engage in negotiations or the negotiations have failed, the trademark registrant or an interested party may bring a lawsuit to the People's Court, or request <u>the relevant administrative department for industry and commerce</u> to solve the dispute.</p> <p>When addressing the dispute, if <u>the administrative department for industry and commerce</u> is of the opinion that infringement has been established, it shall order the relevant party to immediately cease the infringing acts, and shall confiscate and destroy the infringing goods and instruments mainly used for manufacturing the infringing goods and forging the registered trademark. Where the illegal business revenue is CNY 50,000 or more, a fine of</p>	<p>Article 74 A dispute that arises from an act infringing upon the exclusive right to use a registered trademark prescribed in Article 72 hereof is to be settled by the concerned parties through negotiations; the parties can also apply to an arbitration institution for arbitration in accordance with the written arbitration agreement concluded by the parties; where the parties concerned are unwilling to engage in negotiations or the negotiations have failed or no written arbitration agreement has been concluded, the trademark registrant or an interested party may bring a lawsuit to the People's Court, or request the department responsible for trademark enforcement to resolve the dispute.</p> <p>When addressing the dispute, if the department responsible for trademark enforcement is of the opinion that infringement has been established, it shall order the relevant party to</p>

up to five times the illegal business revenue may be imposed on the infringer; where there is no illegal business revenue or the illegal business revenue is less than CNY 50,000, a fine of up to CNY 250,000 may be imposed on the infringer. If a party has committed trademark infringement on two or more occasions within five years or falls under any other serious circumstances, it shall be subject to heavier sanctions. If a party is unaware of the infringing nature of such goods and is able to prove that the products are obtained by legitimate means and can provide information on the suppliers of the goods, it shall be ordered to stop selling the goods by the administrative department for industry and commerce.

As to a dispute over the amount of damages for infringement on the exclusive right to use a trademark, the parties concerned may apply for mediation to the administrative department for industry and commerce that is addressing the infringing dispute, or may bring a lawsuit to the People's Court in accordance with the Civil Procedure Law of the People's Republic of China. Where the parties concerned fail to reach any agreement upon mediation by the administrative department for industry and commerce, or fail to perform the mediation order after it becomes effective, the parties may bring a lawsuit to the People's Court in accordance with the Civil Procedure Law of the People's Republic of China.

immediately cease the infringing acts, and shall confiscate and destroy the infringing goods and instruments mainly used for manufacturing the infringing goods and forging the registered trademark, **and shall confiscate the illegal gains.** Where the illegal business revenue is CNY 50,000 or more, a fine of up to five times the illegal business revenue may be imposed on the infringer; where there is no illegal business revenue or the illegal business revenue is less than CNY 50,000, a fine of up to CNY 250,000 may be imposed on the infringer. If a party is unaware of the infringing nature of such goods and is able to prove that the products are obtained by legitimate means and can provide information on the suppliers of the goods, it shall be ordered to stop selling the goods by **the department responsible for trademark enforcement, and the infringing goods shall be confiscated.** **The department responsible for trademark enforcement may also inform the department responsible for trademark enforcement at the location of provider of infringing goods for said department to handle the case.**

If a party has committed trademark infringement **or other trademark violations, refused to comply with the law or obstructed the enforcement of the law** on two or more occasions within five years or falls under any other serious circumstances, it shall be subject to heavier sanctions by **the department responsible for trademark enforcement.**

As to a **dispute over whether an act constitutes an infringement of exclusive trademark rights** or over the amount of damages for infringement of the exclusive right to use a trademark, the parties concerned may apply for an **administrative ruling or mediation to the administrative department for intellectual property,** or may bring a lawsuit to the People's Court in accordance with the Civil Procedure Law of the People's



	<p>Republic of China.</p> <p>Where an agreement is reached upon mediation by the administrative department for intellectual property, parties may apply to the People's Court for judicial confirmation; where the parties concerned fail to reach any agreement, the administrative department for intellectual property may make an administrative ruling on whether infringement has been established. If either party is dissatisfied with the administrative ruling, they may bring a lawsuit to the People's Court in accordance with the Administrative Procedure Law of the People's Republic of China.</p> <p>Where a dispute arises between the relevant party and the trademark registrant or interested party over the exclusive right to use the registered trademark, the parties may file suit with a People's Court for a judgment on whether the registrant's exclusive trademark rights have been infringed.</p>
<p><u>Article 61</u> The administrative department for industry and commerce shall have the power to investigate any act <u>infringing upon the exclusive right to the use of a registered trademark</u>. Where a crime is suspected to have been committed, the case shall be promptly transferred to a judicial department for handling in accordance with law.</p>	<p><u>Article 75</u> The department responsible for trademark enforcement shall have the power to investigate any act in violation of this Law. Where a crime of infringing exclusive trademark rights is suspected to have been committed, the case shall be promptly transferred to a judicial department for handling in accordance with law.</p> <p>Where the above act does not warrant criminal prosecution or criminal punishment under the law, but warrants administrative punishment, the relevant judicial organs shall promptly transfer the case to the department responsible for trademark enforcement.</p>
<p><u>Article 62</u> When an administrative department for industry and commerce at or above the county level, on the basis of the evidence or report, obtained for a suspected violation of law, conducts an investigation into a suspected infringement of another person's <u>exclusive right to the use of a</u></p>	<p><u>Article 76</u> When an administrative department responsible for trademark enforcement, on the basis of the evidence or report or complaint, obtained for a suspected violation of law, conducts an investigation into a suspected trademark violation, it may exercise the following functions</p>

<p><u>registered trademark</u>, it may exercise the following functions and powers:</p> <p>(1) questioning the parties concerned to find out the <u>facts regarding the infringement of another person's exclusive right to the use of a registered trademark</u>;</p> <p>(2) checking and reproducing the parties' contracts, invoices, account books, <u>and other materials relating to the infringement</u>;</p> <p>(3) conducting an on-site inspection of the premises where the party carries out <u>activities infringing upon another person's exclusive right to the use of a registered trademark</u>; and</p> <p>(4) inspecting articles involved in the <u>infringement: sealing or seizing the articles that are proven to have been used for infringing upon another person's exclusive right to the use of a registered trademark</u>.</p> <p><u>When the administrative department for industry and commerce</u> exercises the functions and powers provided for in the <u>preceding</u> paragraph in accordance with law, the parties shall assist and cooperate with it and may not refuse to do so or stand in its way.</p> <p>During the investigation and handling of a trademark infringement case, an <u>administrative department for industry and commerce</u> may suspend the investigation and handling of the case if disputes arise over the ownership of the trademark or if the right holders simultaneously bring a trademark infringement lawsuit before a People's Court. And the investigation and handling procedures shall be resumed or closed up after the circumstances for suspension are eliminated.</p>	<p>and powers:</p> <p>(1) questioning the parties concerned, requesting from them statements or information related to the matter under investigation;</p> <p>(2) checking and reproducing the parties' contracts, invoices, account books, bills, documents, records, business correspondence, audio-visual materials, electronic data and other materials relating to the suspected trademark violation;</p> <p>(3) conducting an on-site inspection of the premises where the party carries out activities related to the suspected trademark violation; and</p> <p>(4) inspecting articles involved in the suspected trademark violation;</p> <p>(5) recording and preserving evidence in advance if such evidence may be destroyed or vanished, or may become unobtainable in the future;</p> <p>(6) sealing or seizing the articles that are proved to have been used in connection with the suspected trademark violation;</p> <p>(7) checking the bank accounts of the parties involved in the suspected trademark violation.</p> <p>The measures specified in Items 5 to 7 of the preceding paragraph shall be approved by the person in charge of the department responsible for trademark law enforcement.</p> <p>When the department responsible for trademark enforcement exercises the functions and powers provided for in the first paragraph of this Article in accordance with law, the parties shall assist and cooperate with it and may not refuse to do so or engage in obstruction.</p> <p>During the investigation and handling of a trademark infringement case, a department responsible for trademark enforcement may suspend its investigation and handling of the case if disputes arise over the ownership of the</p>
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	<p>trademark or if the right holders simultaneously bring a trademark infringement lawsuit before a People's Court. The investigation and handling procedures shall be resumed or concluded after the circumstances for suspension are eliminated.</p>
<p>Article 63 The amount of damages for infringement on the exclusive right to use a trademark shall be determined based on the <u>actual loss suffered by the right holder</u> as a result of the infringement; <u>if it is difficult to determine the actual loss</u>, the amount of damages may be determined according to the profits gained therefrom by the infringer; if it is difficult to determine both the loss of the right holder and the profits gained by the infringing party, the amount of damages may be reasonably determined as a multiple of the royalties for use of the trademark. Where an infringer infringes upon another party's exclusive right to use a trademark in bad faith and falls under serious circumstances, the amount of damages may be determined as not less than one time but not more than five times the amount that is determined according to the aforementioned methods. The amount of damages shall cover the reasonable expenses paid by the right holder for stopping the infringing act.</p> <p>Where the right holder has exhausted its efforts in discharging the obligation of burden of proof, but the account books and materials related to the infringing acts are mainly controlled by the infringer, the People's Court may, for the purpose of determining the amount of damages, order the infringer to submit account books and materials related to the infringing acts. Where the infringer fails to provide such account books or materials or provides false account books or materials, the People's Court may render a judgment on the amount of damages in reference to the claims of the right holder and the evidence furnished thereby.</p> <p>Where it is difficult to determine the actual loss suffered by the right holder as a result of the infringement, the profits gained by the infringer</p>	<p>Article 77 The amount of damages for infringement of the exclusive right to use a trademark shall be determined based on the actual loss suffered by the right holder or profits gained therefrom by the infringer as a result of the infringement; if it is difficult to determine both the loss of the right holder and the profits gained by the infringing party, the amount of damages may be reasonably determined as a multiple of the royalties for use of the trademark. Where an infringer intentionally infringes upon another party's exclusive right to use a trademark and the circumstances are serious, the amount of damages may be determined as not less than one but not more than five times the amount that is determined according to the aforementioned methods.</p> <p>Where the right holder has exhausted its efforts in discharging the obligation of burden of proof, but the account books and materials related to the infringing acts are mainly controlled by the infringer, the People's Court may, for the purpose of determining the amount of damages, order the infringer to submit account books and materials related to the infringing acts. Where the infringer fails to provide such account books or materials or provides false account books or materials, the People's Court may render a judgment on the amount of damages in reference to the claims of the right holder and the evidence furnished thereby.</p> <p>Where it is difficult to determine the actual loss suffered by the right holder as a result of the infringement, the profits gained by the infringer from the infringement or the royalties of the registered trademark concerned, the People's Court shall render a judgment awarding damages</p>



<p>from the infringement or the royalties of the registered trademark concerned, the People's Court shall render a judgment awarding damages in an amount not more than CNY five million based on the circumstances of the infringing acts.</p> <p>In hearing cases involving trademark disputes, the People's Court shall, at the request of the right holder, order the destruction of goods bearing counterfeit registered trademarks, except under special circumstances; order the destruction of materials and instruments mainly used to manufacture goods bearing counterfeit registered trademarks, without any compensation; or, under special circumstances, order the prohibition of the aforementioned materials and instruments from entering into commercial markets, without any compensation.</p> <p>Goods bearing counterfeit registered trademarks shall not enter commercial markets merely after removal of the counterfeit registered trademarks.</p>	<p>in an amount not more than CNY five million based on the circumstances of the infringing acts.</p> <p>The amount of damages shall also cover the reasonable expenses paid by the right holder for stopping the infringing act.</p> <p>In hearing cases involving trademark disputes, the People's Court shall, at the request of the right holder, order the destruction of goods bearing counterfeit registered trademarks, except under special circumstances; order the destruction of materials and instruments mainly used to manufacture goods bearing counterfeit registered trademarks, without any compensation; or, under special circumstances, order the prohibition of the aforementioned materials and instruments from entering into commercial markets, without any compensation.</p> <p>Goods bearing counterfeit registered trademarks shall not enter commercial markets merely after removal of the counterfeit registered trademarks.</p>
<p style="text-align: center;">N/A</p>	<p>Article 78 If the infringement of the right to exclusive use of a registered trademark harms national interests or social public interests, and the owner of the right to exclusive use of a registered trademark or interested parties does not file a lawsuit, and the department responsible for trademark enforcement does not deal with the infringement, the procuratorate may file suit before a People's Court in relation to the infringement of exclusive registered trademark rights.</p>
<p>Article 14.2-14.4 Where the party concerned claims rights pursuant to <u>Article 13</u> of this Law in a trademark registration review or during the process whereby the administrative department for industry and commerce investigates and deals with a case involving trademark infringement, the <u>Trademark Office</u> concerned may, based on the need for reviewing or dealing with the case, decide whether or not to <u>recognize</u> the relevant trademark</p>	<p>Article 79 Where the party concerned claims rights pursuant to Article 18 of this Law during a trademark registration review, handling or a trademark dispute or dealing of a case involving trademark infringement, the administrative department for intellectual property under the State Council may, based on the need for reviewing or dealing with the case, decide whether or not to confirm the relevant</p>



<p>as a well-known trademark.</p> <p>Where the party concerned claims rights pursuant to Article 13 hereof, during the handling of a trademark dispute, the Trademark Review and Adjudication Board may, based on the need for handling the cases, decide whether or not to recognize the relevant trademark as a well-known trademark.</p> <p>Where the party concerned claims rights pursuant to <u>Article 13</u> hereof during the trial of a civil or administrative case involving a trademark, the People's court designated by the Supreme People's Court may, based on the need for trying the case, decide whether or not to recognize the relevant trademark as a well-known trademark.</p>	<p>trademark as a well-known trademark.</p> <p>Where the party concerned claims rights pursuant to Article 18 hereof during the trial of a civil or administrative case involving a trademark, the people's court designated by the Supreme People's Court may, based on the need for trying the case, decide whether or not to confirm the relevant trademark as a well-known trademark.</p>
<p>Article 64 Where the holder of the exclusive right to use a registered trademark claims for damages, and the alleged infringer responds that the right holder has never used the registered trademark, the People's Court may require the holder of the exclusive right to use a registered trademark to provide evidence of its actual use of the registered trademark during the past three years prior to the lawsuit. The alleged infringer shall not be liable for compensation if the right holder is neither able to prove its actual use of the registered trademark during the past three years prior to the lawsuit, nor able to prove other losses suffered as a result of the infringement.</p> <p>Where a party is unaware that the goods he or she sells infringe upon another party's exclusive right to use a registered trademark, and the party is able to prove that the goods are obtained by legitimate means and provide information on the suppliers of the goods, it shall not be liable for compensation.</p>	<p>Article 80 Where the holder of the exclusive right to use a registered trademark claims for damages, and the alleged infringer responds that the right holder has never used the registered trademark, the People's Court may require the holder of the exclusive right to use a registered trademark to provide evidence of its actual use of the registered trademark during the past three years prior to the lawsuit. The alleged infringer shall not be liable for compensation if the right holder is neither able to prove its actual use of the registered trademark during the past three years prior to the lawsuit, nor able to prove other losses suffered as a result of the infringement.</p> <p>Where a party is unaware that the goods he or she sells infringe upon another party's exclusive right to use a registered trademark, and the party is able to prove that the goods are obtained by legitimate means and provide information on the suppliers of the goods, it shall not be liable for compensation.</p>
<p>Article 65 Where a trademark registrant or an interested party has evidence proving that another party is committing or is soon to commit an act that infringes upon the former's exclusive right to use the registered trademark and that such an act,</p>	<p>Article 81 Where a trademark registrant or an interested party has evidence proving that another party is committing or is soon to commit an act that infringes upon the former's exclusive right to use the registered trademark and that such an act,</p>



<p>unless promptly stopped, will cause irreparable damage to its legitimate rights and interests, the trademark registrant or interested party may, in accordance with the law, apply to the People's Court for an injunction and property preservation before filing a lawsuit.</p>	<p>unless promptly stopped, will cause irreparable damage to its legitimate rights and interests, the trademark registrant or interested party may, in accordance with the law, apply to the People's Court for an injunction and property preservation before filing a lawsuit.</p>
<p>Article 66 In order to stop an infringing act, and where evidence may be destroyed or vanished, or may become unobtainable in the future, the relevant trademark registrant or interested party may, in accordance with the law, apply to the People's Court for evidence preservation before filing a lawsuit.</p>	<p>Article 82 In order to stop an infringing act, and where evidence may be destroyed or vanished, or may become unobtainable in the future, the relevant trademark registrant or interested party may, in accordance with the law, apply to the People's Court for evidence preservation before filing a lawsuit.</p>
<p>N/A</p>	<p>Article 83 Where a malicious application for trademark registration causes losses to another party in violation of Item 4 of Article 22 of this Law, the other party may sue in a People's Court for compensation for its losses. The amount of compensation shall at least include the reasonable expenses paid by the other party to respond to the malicious application for trademark registration.</p> <p>Where, in violation of Item 3 of Article 22 hereof, a malicious application for trademark registration damages national interests, or social public interests, or causes major adverse effects, the procuratorate shall, in accordance with the law, file a suit in the People's Court against the malicious application for trademark registration.</p>
<p>Article 68.4 Where the application for trademark registration is filed in bad faith, administrative sanctions such as a warning or a fine shall be imposed; and whoever files a trademark lawsuit in bad faith shall be imposed sanction by the People's Court pursuant to the law.</p>	<p>Article 84 Whoever files a trademark lawsuit in bad faith shall be sanctioned by the People's Court pursuant to the law. Where the malicious trademark lawsuit causes losses to others, compensation shall be made. The amount of compensation shall at least include the reasonable expenses paid by the other party to respond to the malicious trademark lawsuit.</p>
<p>Article 67 Where a person, without permission of the owner of a registered trademark, uses a trademark that is identical with the owner's on the same kind of goods, which constitutes a crime, he or</p>	<p>Article 85 Where a person, without permission of the registrant of a registered trademark, uses a trademark that is identical with the registrant's on the same kind of goods, which constitutes a crime,</p>



<p>she shall, in addition to compensating losses suffered by the infringed, be investigated for criminal responsibility in accordance with law.</p> <p>Anyone who counterfeits or makes without permission labels of another person's registered trademark or sells such labels, which constitutes a crime, shall, in addition to compensating the losses suffered by the infringed, be investigated for criminal responsibility in accordance with law.</p> <p>Anyone who knowingly sells goods bearing counterfeit registered trademarks, which constitutes a crime, shall, in addition to compensating the losses suffered by the infringed, be investigated for criminal liability in accordance with law.</p>	<p>he or she shall, in addition to compensating losses suffered by the infringed, be investigated for criminal liability in accordance with law.</p> <p>Anyone who counterfeits or makes without permission labels of another person's registered trademark or sells such labels, which constitutes a crime, shall, in addition to compensating the losses suffered by the infringed, be investigated for criminal liability in accordance with law.</p> <p>Anyone who knowingly sells goods bearing counterfeit registered trademarks, which constitutes a crime, shall, in addition to compensating the losses suffered by the infringed, be investigated for criminal liability in accordance with law.</p>
<p>Article 68 A trademark agency that commits any of the following acts shall be ordered to make corrections within a time limit by <u>the administrative department for industry and commerce</u>, be given a warning, and be fined not less than CNY 10,000 but not more than CNY 100,000; the persons in charge who are directly responsible and other persons directly responsible shall be given a warning and be fined not less than CNY 5,000 but not more than CNY 50,000; where a crime is constituted, criminal liabilities shall be investigated in accordance with the law:</p> <p>(1) fabricating or tampering with legal documents, seals or signatures, or using fabricated or tempered legal documents, seals or signatures during the handling of trademark-related matters;</p> <p>(2) soliciting trademark agency business by defaming other trademark agencies, or disrupting the order of the trademark agency market by other unjust means; or</p> <p>(3) violating the provisions of <u>Article 4 and the third and fourth paragraphs of Article 19</u> of this Law.</p> <p>Where a trademark agency commits an act prescribed in the preceding paragraph, <u>the administrative department for industry and</u></p>	<p>Article 86 A trademark agency that commits any of the following acts shall be ordered to make corrections within a time limit by the department responsible for trademark enforcement, be given a warning, and be fined not less than CNY 10,000 but not more than CNY 100,000; the persons in charge who are directly responsible and other persons directly responsible shall be given a warning and be fined not less than CNY 5,000 but not more than CNY 50,000; where a crime is constituted, criminal liabilities shall be investigated in accordance with the law:</p> <p>(1) fabricating or tampering with legal documents, seals or signatures, or using fabricated or tempered legal documents, seals or signatures during the handling of trademark-related matters;</p> <p>(2) soliciting trademark agency business by defaming other trademark agencies, or disrupting the order of the trademark agency market by other unjust means; or</p> <p>(3) violating the provisions of Item 1 of Article 22, Article 26 and the third paragraph of Article 69 of this Law.</p> <p>Where a trademark agency commits an act prescribed in the preceding paragraph, the</p>



<p><u>commerce</u> shall record such matters in the credit files; if the circumstances are serious, <u>the Trademark Office or the Trademark Review and Adjudication Board</u> may concurrently decide to cease the acceptance and handling the trademark agency business submitted by the trademark agency, and shall make an announcement thereon. The trademark agency shall bear civil liabilities in accordance with the law if it violates the principle of good faith and infringes the legitimate rights and interests of a principal, and shall be given sanctions by the trade association of the trademark agencies pursuant to its articles of association.</p> <p>Where the application for trademark registration is filed in bad faith, administrative sanctions such as a warning or a fine shall be imposed; and whoever files a trademark lawsuit in bad faith shall be imposed sanction by the People's Court pursuant to law.</p>	<p>administrative department for intellectual property under the State Council shall record such matters in the credit files; if the circumstances are serious, the administrative department for intellectual property under the State Council may concurrently decide to cease the acceptance and handling the trademark agency business submitted by the trademark agency, and shall make an announcement thereon.</p> <p>The trademark agency shall bear civil liabilities in accordance with the law if it violates the principle of good faith and infringes the legitimate rights and interests of a principal and shall be given sanctions by the trade association of the trademark agencies pursuant to its articles of association.</p> <p>If a trademark agency is suspended from conducting trademark agency business, during the suspension period, or where there has been a failure to properly handle unfinished trademark agency business, the person in charge of the trademark agency, the directly responsible personnel, and the shareholders and partners responsible for management shall not become persons in charge, shareholders, or partners of a trademark agency.</p>
<p>N/A</p>	<p>Article 87 Where administrative penalties are imposed in violation of this law, the department that imposed the penalties shall record them in the credit record and publicize the record in accordance with the provisions of relevant laws and administrative regulations.</p>
<p>Article 69 <u>State organs officers</u> engaged in trademark registration, administration, <u>and</u> review shall be impartial in implementing the law, honest and self-disciplined, and devoted to their duties, and shall provide services with civility.</p> <p>No <u>State organs officers</u> working in <u>the Trademark Office and the Trademark Review and Adjudication Board</u> or engaged in trademark registration, administration, <u>and</u> review may work for trademark agencies or engage in the manufacture</p>	<p>Article 88 Public officials and relevant personnel engaged in trademark registration, administration, review, and examination shall be impartial in implementing the law, honest and self-disciplined, and devoted to their duties, and shall provide services with civility.</p> <p>No public officials and relevant personnel officers working in the administrative department for intellectual property under the State Council and judiciary or engaged in</p>



<p>or sale of goods.</p>	<p>trademark registration, administration, review, and examination may work for trademark agencies or engage in the manufacture or sale of goods.</p>
<p>Article 70 <u>The administrative department for industry and commerce</u> shall establish and improve the internal supervision system to supervise and inspect the implementation of laws and administrative regulations and the observance of discipline by <u>the state organ officers</u> responsible for trademark registration, administrative and review.</p>	<p>Article 89 <u>The administrative department for intellectual property under the State Council and judiciary</u> shall establish and improve the internal supervision system to supervise and inspect the implementation of laws and administrative regulations and the observance of discipline by the public officials and relevant personnel responsible for trademark registration, administrative, review, and examination.</p>
<p>Article 71 Where a <u>State organ officer</u> working in trademark registration, administration, <u>and</u> review neglects his or her duty, abuses his or her power, and engages in malpractice for personal gain, violates the law in trademark registration, administration, <u>and</u> review, accepts money or things of value from a party, or seeks illegitimate interests, and where the case is so serious as to constitute a crime, he or she shall be investigated for criminal liability in accordance with law. Where the case does not constitute a crime, he or she shall be sanctioned in accordance with law.</p>	<p>Article 90 Where public officials and relevant personnel working in trademark registration, administration, review, and examination neglect their duties, abuse their power, engage in malpractice for personal gain, violate the law in the course of trademark registration, administration, review and examination, or misuse the law to issue wrongful judgments, accept money or things of value from a party, or seek illegitimate interests, and where the case is so serious as to constitute a crime, the official or personnel in questions shall be investigated for criminal liability in accordance with law. Where the case does not constitute a crime, the official or personnel in question shall be sanctioned in accordance with law.</p>
<p>N/A</p>	<p>Chapter IX Promoting Use of Trademarks, Services and Trademark Brand Building</p>
<p>N/A</p>	<p>Article 91 The State shall implement a trademark and brand strategy, promote the establishment of trademarks and brands, promote the cultivation of famous trademarks and brands, and promote the development of a brand economy.</p> <p>The State shall strengthen the establishment of a trademark public service system, promote the dissemination and utilization of trademark information, and continuously improve public service capabilities with respect to trademarks.</p>



N/A	Article 92 People's governments at or above the county level should incorporate trademark and brand-related work into relevant plans for national economic and social development, formulate scientific and reasonable policies and measures, actively guide the cultivation, protection and use of trademarks and brands, and provide necessary guarantees.
N/A	Article 93 The State shall encourage trademark and brand entities to implement the following measures to promote trademark brand building: (1) enhance public awareness of trademark brands and strengthen trademark use orientation; (2) enhance trademark brand management capabilities and promote the realization of trademark brand value; (3) enhance brand cultural connotation, promotion and display of excellent trademark brands; (4) strengthen the training of trademark brand talents, improve the professional ability of brand service agencies and practitioners; (5) strengthen research, evaluation, and monitoring of trademark brands, and establish a scientific trademark brand evaluation system; and (6) organize and implement other measures to promote trademark and brand building.
N/A	Article 94 The state encourages the promotion of regional brand building, giving full play to the role of collective and certification trademark systems, the creation of regional brands with distinctive features, strong competitiveness, and good market reputation, and the promotion of regional and industrial economic development.
N/A	Article 95 The intellectual property administrative department under the State Council should strengthen the establishment of informatization and intelligence, promote the sharing of trademark information, improve

	rules relating to electronic applications, electronic services, electronic evidence, electronic registration certificates, electronic documents, electronic files (electronic registers), and improve the electronic handling and convenience of trademark business.
N/A	Article 96 The intellectual property administrative department under the State Council should strengthen the development of trademark public service platforms, release trademark information in a complete, accurate and timely manner, provide basic trademark data, and guide and promote the effective use of trademark information.
N/A	Article 97 The intellectual property administrative department under the State Council should strengthen the trademark registration archives, and continuously improve the standardized management of trademark registration archives.
Chapter VIII Supplementary Provisions	Chapter X Supplementary Provisions
Article 72 Applicants for trademark registration and persons having other trademark-related matters shall pay relevant fees, the specific rates for which shall be determined separately.	Article 98 Applicants for trademark registration and persons having other trademark-related matters shall pay relevant fees, the specific rates for which shall be determined separately.
N/A	Article 99 The following signs used by central state organs, armed forces, political parties, national people's organizations, etc., may be recorded with the intellectual property administrative department under the State Council for the record as official signs; an application to register a trademark that is identical or similar to an official sign that has been recorded shall be rejected and its use shall be prohibited in accordance with Article 15 of this Law: (1) the name of the agency, its logo, the name of a specific place where it is located, or the name and graphics of a landmark building, etc.; (2) official signs, inspection marks, etc. indicating the implementation of controls and guarantees.



	<p>The intellectual property administrative department under the State Council handles the protection of international official signs in accordance with relevant international treaties concluded or joined by the People's Republic of China.</p>
N/A	<p>Article 100 The intellectual property administrative department under the State Council shall formulate trademark review and examination guidelines in accordance with this Law and the Implementing Regulations to the Trademark Law.</p>
<p>Article 73 This Law shall go into effect as of March 1, 1983. The Regulations on Trademark Administration promulgated by the State Council on April 10, 1963, shall be annulled simultaneously, and any other provisions concerning trademark administration that conflict with the provisions hereof shall be nullified at the same time.</p> <p>Trademarks registered prior to the implementation of this Law shall remain valid.</p>	<p>Article 101 This Law entered into effect as of March 1, 1983. The Regulations on Trademark Administration promulgated by the State Council on April 10, 1963, shall be annulled simultaneously, and any other provisions concerning trademark administration that conflict with the provisions hereof shall be nullified at the same time.</p> <p>Trademarks registered prior to the implementation of this Law shall remain valid.</p>

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