

English Translation
The Trademark Law of the People's Republic of China
(Draft for Comments)
Modification Comparison Table

*Translated by GEN Law Firm

Current Regulations	Draft for Comments
Chapter I General Provisions	Chapter I General Provisions
Article 1 [Purpose of Legislation] This Law is enacted for the purpose of strengthening the administration of trademarks, protecting the exclusive right to use trademarks, encouraging producers and operators to guarantee the quality of goods and services and maintain the reputation of trademarks so as to safeguard the interests of consumers, producers and operators and promote the development of the socialist market economy.	Article 1 [Purpose of Legislation] This Law is enacted for the purpose of protecting the legitimate rights and interests of trademark owners, safeguarding the rights and interests of consumers and social public interests, safeguarding the interests of producers and operators , encouraging them to guarantee the quality of goods and services and maintain the reputation of trademarks, strengthening the administration, use and brand building of trademarks , and promoting the high-quality development of the socialist market economy.
Add	<p>Article 2 [Leadership of the Party] Trademark work shall adhere to the leadership of the Communist Party of China.</p> <p>China promotes the construction of a country with strong intellectual property rights, comprehensively improves the level of creation, application, protection, administration, and service of intellectual property rights, gives full play to the important role of the trademark system in optimizing the business environment, and promotes the transformation of Chinese products into Chinese brands.</p>
Article 2 [Competent Authority] The trademark office of the administrative department for industry and commerce under the State Council shall take charge of matters concerning trademark registration <u>and</u> administration throughout the country.	Article 3 [Competent Authority] The intellectual property administrative department of the State Council shall take charge of matters concerning trademark registration, administration, and trademark branding throughout the country, and shall take charge of handling trademark disputes.
The administrative department for industry and commerce under the State Council has established the Trademark Review and Adjudication Board to take charge of handling trademark disputes.	The intellectual property administrative departments at or above the county level shall take charge of the administration of trademarks within their respective administrative regions.
Article 8 [Composition Elements of Trademarks] Any sign that can distinguish the goods of a natural person, legal person, or other organizations from those of others, including any word, graphic, letter, number, three-dimensional sign, color combination and sound etc., as well as the combination thereof, may all be applied for registration as a trademark.	Article 4 [Trademarks] For purposes of this Law, the term "trademark" refers to a mark that can be used to identify and distinguish the source of goods or services, including any word, graphic, letter, number, three-dimensional sign, color combination and sound or other elements, as well as the combination thereof, may be applied for registration as a trademark according to law.
Paragraph 2 of Article 4 Provisions of this Law regarding goods trademarks apply to service marks.	Provisions of this Law regarding goods trademarks apply to service trademarks unless otherwise specified.

<p>Paragraph 1 of Article 4 Any natural person, legal person or <u>other</u> organizations that need to acquire the exclusive right to use a trademark for its goods or services in the production and operation activities shall apply to <u>the Trademark Office</u> for trademark registration. The application for trademark registration that is malicious and not filed for the purpose of use shall be refused.</p>	<p>Article 5 [Application for Trademark Registration] Any natural person, legal person or unincorporated organization that needs to acquire the exclusive right to use a trademark for the trademark used or committed to use in its goods or services in the production and operation activities shall apply to the intellectual property administrative department of the State Council for trademark registration.</p>
<p>Paragraph 1 of Article 3 Registered trademark refers to trademarks that have been approved by and registered with <u>the Trademark Office</u>, including goods trademarks, service trademarks, collective trademarks, and certification trademarks. The trademark registrant shall enjoy the exclusive right to use the trademark, which shall be protected by law.</p>	<p>Registered trademark refers to trademarks that have been approved by and registered with the intellectual property administrative department of the State Council. The trademark registrant shall enjoy the exclusive right to use the trademark, which shall be protected by law.</p>
<p>Paragraph 2-4 of Article 3 The term "collective trademark" in this Law refers to a mark registered in the name of <u>a group</u>, association or any <u>other</u> organization and used by its members in commercial activities to indicate their membership.</p> <p>Certification trademark in this Law refers to a trademark that is controlled by an organization capable of supervising particular types of goods or services and is used by an entity or individual other than this organization for its goods or services to certify the origin, raw material, mode of manufacture, quality, or other specific characteristics.</p> <p>The special matters concerning the registration and administration of collective trademarks and certification trademarks shall be regulated by the administrative department for industry and commerce under the State Council.</p>	<p>Article 6 [Collective Trademark and Certification Trademark] collective trademark refers to a mark registered in the name of an industry association or any other social organization or unincorporated organization and used by its members in commercial activities to indicate their membership.</p> <p>Certification trademark refers to a trademark that is controlled by an organization capable of supervising particular types of goods or services and is used by an entity or individual other than this organization for its goods or services to certify the origin, raw material, mode of manufacture, quality, or other specific characteristics.</p> <p>Geographical indications may be registered as certification trademarks or collective trademarks.</p>
<p>Article 5 [Joint Application] Two or more natural persons, legal persons or <u>other</u> organizations may jointly file an application for the registration of the same trademark with <u>the Trademark Office</u>, jointly enjoying and exercising the exclusive right to use the trademark.</p>	<p>Article 7 [Joint Application] Two or more natural persons, legal persons or unincorporated organizations may jointly file an application for the registration of the same trademark with the intellectual property administrative department of the State Council, jointly enjoying and exercising the exclusive right to use the trademark.</p>
<p>Article 6 [Compulsory Registration] With respect to goods requiring the use of a registered trademark according to the laws and administrative laws and regulations, an application for trademark registration must be filed. the goods cannot be sold on the market before the registration thereof is approved.</p>	<p>Article 8 [Compulsory Registration] With respect to goods requiring the use of a registered trademark according to the laws and administrative laws and regulations, an application for trademark registration must be filed. the goods cannot be sold on the market before the registration thereof is approved.</p>
<p>Article 7 [Principle of Good Faith] The application for registration <u>and use of</u> a trademark shall comply with the principle of good faith.</p> <p>The users 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, prohibit any practice that defrauds the consumers.</p>	<p>Article 9 [Principle of Good Faith and Prohibition of Abuse of Rights] The application for registration of a trademark <u>and the exercise of trademark rights</u> shall comply with the principle of good faith.</p> <p>Trademark owners shall not abuse their trademark rights to damage the national interests, the public interest or the legitimate rights and interests of others.</p> <p>The users of a trademark shall be responsible for the quality of the goods or the services on which the trademark is</p>

	used. The intellectual property administrative departments at all levels shall, through the administration of trademarks, prohibit any practice that defrauds the consumers.
<u>Paragraph 1 of Article 13</u> Holders of trademarks well known to the public may seek for protection of well-known trademarks in accordance with the provisions hereof, when they believe that their rights have been infringed.	Article 10 [Well-known Trademarks and Their Protection Principles] Holders of trademarks well known to the public may seek for protection of well-known trademarks in accordance with the provisions hereof, when they believe that their rights have been infringed.
<u>Paragraph 1 of Article 14</u> Well-known trademarks shall, at the request of the parties concerned, be determined as the facts required to be determined in dealing with trademark-related cases. The following factors shall be taken into consideration in the determination of a well-known trademark:	The protection of well-known trademarks shall follow the principles of case-by-case confirmation, passive protection, and confirmation on-demand.
<ol style="list-style-type: none"> 1. the degree of awareness of the trademark by the relevant public; 2. the duration of the use of the trademark; 3. the duration, extent and geographical scope of any advertising of the trademark; 4. the records of the trademark being protected as a well-known trademark; 5. <u>other factors concerning the well-known status of the trademark.</u> 	The scope and intensity of protection of a well-known trademark shall be commensurate with its distinctive features and popularity. The well-known status of a trademark shall, at the request of the parties concerned, be confirmed as the facts required to be determined in dealing with trademark-related cases. The following factors shall be taken into consideration comprehensively in the confirmation of well-known status of a trademark : <ol style="list-style-type: none"> 1. the degree of awareness of the trademark by the relevant public; 2. the duration, manner and territorial scope of the use of the trademark; 3. the duration, extent and geographical scope of any advertising of the trademark; 4. information on the domestic and foreign applications and registrations of the trademark; 5. the record of the trademark being protected, especially protected as a well-known trademark; 6. the value of the trademark; 7. <u>other factors concerning the well-known status of the trademark.</u>
<u>Article 17</u> [Principle of Reciprocity] Any foreigner or foreign enterprise applying for the registration of a trademark in China shall file an application in accordance with any agreement concluded between the People's Republic of China and the country to which the applicant belongs, or according to the international treaty to which both countries are parties, or on the basis of the principle of reciprocity.	Article 11 [Principle of Reciprocity] Any foreigner or foreign enterprise applying for the registration of a trademark in China shall file an application in accordance with any agreement concluded between the People's Republic of China and the country to which the applicant belongs, or according to the international treaty to which both countries are parties, or on the basis of the principle of reciprocity.
<u>Article 18</u> [Entrusted Agency] The application for trademark registration or other trademark matters may be handled independently or may entrust a trademark agency established according to law to handle them. Any foreigner or foreign enterprise applying for the registration of a	Article 12 [Entrusted Agency] The application for trademark registration or other trademark matters may be handled independently or may entrust a trademark agency established according to law to handle them.

<p>trademark or handling other matters concerning trademark in China shall entrust a trademark agency established in accordance with the law to handle such matters.</p>	<p>Any foreign natural person, legal person or unincorporated organization without a habitual residence or place of business in China applying for the registration of a trademark or handling other matters concerning trademark in China shall entrust a trademark agency established in accordance with the law to handle such matters.</p>
<p><u>Article 21</u> [International Registration] The international registration of trademarks shall follow the system established by the relevant international treaties concluded or participated by the People's Republic of China. The specific measures shall be formulated by the State Council.</p>	<p>Article 13 [International Registration] The international registration of trademarks shall follow the system established by the relevant international treaties concluded or participated by the People's Republic of China. The specific measures shall be formulated by the State Council.</p>
<p>Add</p>	<p>Chapter II Conditions for Trademark Registration</p>
<p><u>Paragraph 1 of Article 9</u> The trademark applied for registration shall have distinctive characteristics for identification and shall not conflict with any prior legitimate rights acquired by others.</p>	<p>Article 14 [Conditions for Registration] The trademark applied for registration shall have distinctive characteristics for identification, shall not violate public order and good customs, and shall not conflict with any prior legitimate rights or interests acquired by others.</p> <p>Except as otherwise provided, the same applicant shall register only one identical trademark for the same goods or services.</p>
<p><u>Article 10</u> [Prohibited Sign] The following signs shall not be used as trademarks:</p> <ol style="list-style-type: none"> 1. those identical with or similar to the State name, national flag, national emblem, national anthem, military flag, military emblem, military song and medals, etc. of the People's Republic of China, as well as those identical with the names and symbols of central state organs, the names of specific places where they are located or the names and graphics of landmark buildings; 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; 3. those identical with or similar to the name, flag or emblem, etc. of an international intergovernmental organization, except with the consent of the organization or those that are unlikely to mislead the public; 4. those identical with or similar to the official marks and inspection seals indicating the implementation of control and guarantee, except those authorized; <u>5.</u> those identical with or similar to the names or signs of the Red Cross or the Red Crescent; <u>6.</u> those with ethnic discrimination; <u>7.</u> those of fraud that may easily mislead the public about the characteristics of the goods such as quality, or the place of origin; 	<p>Article 15 [Prohibited Sign] The following signs shall not be used as trademarks:</p> <ol style="list-style-type: none"> 1. those identical with or similar to the State name, national flag, national emblem, national anthem, military flag, military emblem, military song and medals, etc. of the People's Republic of China, as well as those identical with the names and symbols of central state organs, the names of specific places where they are located or the names and graphics of landmark buildings; 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; 3. those identical with or similar to the name, flag or emblem, etc. of an international intergovernmental organization, except with the consent of the organization or those that are unlikely to mislead the public; 4. those identical with or similar to the official marks and inspection seals indicating the implementation of control and guarantee, except those authorized; 5. those identical or similar to the name and sign of important traditional cultural symbols, except those authorized; 6. those identical with or similar to the names or signs of the Red Cross or the Red Crescent; 7. those with ethnic discrimination;

<p>8. those detrimental to socialist morals or customs, or having other unhealthy influences.</p> <p>The <u>geographical names</u> of administrative divisions at or above the county level or <u>foreign</u> geographical names well-known to the public shall not be used as trademarks, except for geographical names that contain other meanings or constitute parts of a collective trademark or certification trademark. Where a trademark bearing any of the above-mentioned geographical names has been registered, it shall continue to be valid.</p>	<p>8. those of fraud that may easily mislead the public about the characteristics of the goods such as quality, or the place of origin;</p> <p>9. those contrary to the core values of socialism, harmful to socialist morality, detrimental to socialist morals or customs, excellent traditional Chinese culture, or having other unhealthy influences.</p> <p>The names of administrative divisions at or above the county level or domestic and foreign geographical names well-known to the public shall not be used as trademarks, except for geographical names that contain other meanings or constitute parts of a collective trademark or certification trademark. Where a trademark bearing any of the above-mentioned geographical names has been registered, it shall continue to be valid.</p>
<p><u>Article 11</u> [Distinctive Characteristic] The following signs shall not be registered as trademarks:</p> <ol style="list-style-type: none"> 1. those merely have the generic name, graphics and model of the goods; 2. those merely directly indicate the quality, main raw materials, functions, uses, weight, quantity and other characteristics of the goods; 3. others lack distinctive characteristics. <p>The signs listed in the preceding paragraphs may be registered as trademarks if they have acquired distinctive characteristics through use and are easy to distinguish.</p>	<p><u>Article 16</u> [Distinctive Characteristic] The following signs shall not be registered as trademarks:</p> <ol style="list-style-type: none"> 1. those merely have the generic name, graphics, technical terms and model of the goods; 2. those merely directly indicate the quality, main raw materials, functions, uses, weight, quantity and other characteristics of the goods; 3. others lack distinctive characteristics. <p>The signs listed in Item 2 and 3 of the preceding paragraphs may be registered as trademarks if they have acquired distinctive characteristics through use and are easy to distinguish.</p>
<p><u>Article 12</u> [Non-Functionality of Three-Dimensional Marks] Where a three-dimensional sign is applied for registration as a trademark, application shall be refused if the three-dimensional sign merely indicates the shape inherent in the nature of the goods concerned or if the three-dimensional sign is only dictated by the need to achieve technical effects or the need to give the goods substantive value.</p>	<p><u>Article 17</u> [Non-Functionality of Three-Dimensional Marks] Where a three-dimensional sign is applied for registration as a trademark, application shall be refused if the three-dimensional sign merely indicates the shape inherent in the nature of the goods concerned or if the three-dimensional sign is only dictated by the need to achieve technical effects or the need to give the goods substantive value.</p>
<p><u>Paragraph 2 and 3 of Article 13</u> Where a mark applied for registration is a reproduction, imitation, or translation of a third party's well-known trademark that has not been registered in China in respect of identical or similar goods, which is likely to lead to confusion, such mark <u>shall not be registered and shall be prohibited from being used</u>.</p> <p>Where a mark applied for registration is a reproduction, imitation, or translation of a third party's well-known trademark that has been registered in China in respect of different or dissimilar types of goods, which may mislead the public and possibly damage the interests of the <u>registrant</u> of the well-known trademark, such mark <u>shall not be registered and shall be prohibited from being used</u>.</p>	<p><u>Article 18</u> [Protection of Well-known Trademarks] Where a mark being used or applied for registration is a reproduction, imitation, or translation of a third party's well-known trademark that has not been registered in China in respect of identical or similar goods, which is likely to lead to confusion, such mark shall be prohibited from being used and shall not be registered.</p> <p>Where a mark being used or applied for registration is a reproduction, imitation, or translation of a third party's well-known trademark in respect of dissimilar types of goods, which may mislead the public and possibly damage the interests of the holder of the well-known trademark, such mark shall be prohibited from being used and shall not be registered.</p>

	<p>Where a mark being used or applied for registration is a reproduction, imitation or translation of a third party's well-known trademark widely well known to the public, which is sufficient to make the relevant public believe that there is a certain degree of connection between the mark and the well-known trademark, thus weakening the distinctiveness of the well-known trademark, or damaging the reputation of the well-known trademark, or unfairly exploiting the reputation of the well-known trademark, such mark shall be prohibited from being used and shall not be registered.</p>
<p>Article 15 [Bad-faith Application by Agent, Representative and All Interested Parties] In the event that an agent or a representative seeks to register the client's trademark in its own name without the authorization of the client and faces objection from the client, such trademark shall not be registered and shall be prohibited from being used.</p> <p>Where a trademark that the applicant applies for registration with respect to the same or similar goods is the same as or similar to an unregistered trademark that has been used by others, and there is contractual, business or any other relation between the applicant and others in addition to previous provisions, such trademark shall not be registered when the others raise objections.</p>	<p>Article 19 [Bad-faith Application by Agent, Representative and All Interested Parties] In the event that an agent or a representative seeks to register the client's trademark in its own name without the authorization of the client and faces objection from the client, such trademark shall not be registered and shall be prohibited from being used.</p> <p>Where a trademark that the applicant applies for registration with respect to the same or similar goods is the same as or similar to an unregistered trademark that has been used by others, and there is contractual, business or any other relation between the applicant and others in addition to previous provisions, such trademark shall not be registered when the others raise objections.</p>
<p>Article 16 [Protection of Geographical Indications] In the event that a trademark containing a geographical indication of goods misleads the public for the goods does not come from the location as stated in the indication, such trademark shall not be registered and shall be prohibited from being used. However, if the registration has been obtained in goodwill, such registration shall continue to be valid.</p> <p>The geographical indication set forth in the preceding paragraph refers to a sign indicating the place of origin of the goods of which the special quality, reputation or other characteristics are primarily determined by the natural conditions or other humanistic conditions of the location involved.</p>	<p>Article 20 [Protection of Geographical Indications] In the event that a trademark containing a geographical indication of goods misleads the public for the goods does not come from the location as stated in the indication, such trademark shall not be registered and shall be prohibited from being used. However, if the registration has been obtained in goodwill, such registration shall continue to be valid.</p> <p>The geographical indication set forth in the preceding paragraph refers to a sign indicating the place of origin of the goods of which the special quality, reputation or other characteristics are primarily determined by the natural conditions or other humanistic conditions of the location involved.</p>
<p>Add</p>	<p>Article 21 [Prohibition of Repeated Registration] The mark applied for registration shall not be the same as any prior trademarks of the applicant that have been applied for or registered upon the same goods, or such prior trademark that have been announced for cancellation, revocation, or invalidation within one year before the date of application. However, the following circumstances or the applicant's consent to the cancellation of the prior registered trademark are excluded:</p> <ol style="list-style-type: none"> 1. where minor improvements have been made on the basis of the prior trademark that has been used before, for the needs of production and operation, and the applicant can explain the differences; 2. where the prior trademark failed to renew due

	<p>to reasons not attributable to the applicant;</p> <p>3. where the prior trademark was cancelled due to the failure to submit explanation of use in time, but the prior trademark has been actually used;</p> <p>4. where the prior trademark was revoked due to the failure to provide evidence of use in the revocation procedure of non-use in three consecutive years, the reasons of which are not attributable to the applicant, but the prior trademark has been actually used;</p> <p>5. where the prior trademark was invalidated due to conflict with any prior existing rights or interests of others, but the prior existing rights or interests have no longer existed;</p> <p>6. where there are other legitimate reasons for repeated application or reapplication for registration of the mark.</p>
Add	<p>Article 22 [Malicious Application for Trademark Registration] The applicant shall not apply for a trademark registration with maliciousness, including:</p> <p>1. applying for a large number of trademark registrations, not for the purpose of use, disrupting the order of trademark registration;</p> <p>2. applying for trademark registrations by fraud or any other improper means;</p> <p>3. applying for trademark registration of which the trademark is detrimental to the interests of the State or the public interest or has other significant unhealthy effects;</p> <p>4. violating Articles 18, 19 or 23 hereof, intentionally damaging the legitimate rights or interests of others, or seeking improper interests;</p> <p>5. with other malicious behaviors of applying for trademark registration.</p>
<p><u>Article 32</u> [Protection of Prior Rights] The trademark application shall neither infringe upon prior existing rights of others, nor be an improper means to register a trademark that has been already used by others with certain influence.</p>	<p>Article 23 [Protection of Prior Rights] The trademark application shall neither infringe upon prior existing rights or interests of others, nor be an improper means to register a trademark that has been already used by others with certain influence.</p> <p>The names of enterprises (including abbreviations, trade names, group names, etc.) and social organizations that have been registered and used by others with certain influence belong to the prior existing rights or interests of others referred in the preceding paragraph.</p>
<p><u>Article 30</u> [Prior Registration] Where a trademark applied for registration is not in conformity with the relevant provisions hereof, or is identical with or similar to the trademark of others that has been registered or preliminarily approved in respect of the same or similar goods, the Trademark Office shall refuse the application without</p>	<p>Article 24 [Prior Registration] The trademark applied for registration shall not be identical with or similar to the trademark of others that has been registered or preliminarily approved in respect of the same or similar goods.</p>

announcement.	
<u>Article 31</u> [Prior Application] Where two or more applicants apply for the registration of identical or similar trademarks for the same or similar goods, the preliminary approval and the announcement shall be made for the trademark that was first filed. Where applications are filed on the same day, the preliminary approval and the announcement shall be made for the trademark that is used the earliest, and the applications of the others shall be refused without announcement.	Article 25 [Prior Application] Where two or more applicants apply for the registration of identical or similar trademarks for the same or similar goods, the preliminary approval and the announcement shall be made for the trademark that was first filed. Where applications are filed on the same day and it is impossible to distinguish the time sequence of the applications , the preliminary approval and the announcement shall be made for the trademark that is used the earliest, and the applications of the others shall be refused without announcement.
<u>Paragraph 4 of Article 19</u> Except for the registration of trademarks for its agent service, the trademark agency shall not apply for the registration of any other trademarks.	Article 26 [Restriction on the Trademark Application by Trademark Agency] Except for the registration of trademarks for its agent service, the trademark agency shall not apply for the registration of any other trademarks, nor shall the agency otherwise engage in the above-mentioned acts disguisedly.
Chapter III Application for Trademark Registration	Chapter III Application for Trademark Registration
<u>Article 22</u> [Requirements for Application] An applicant for trademark registration shall fill in the class and the designation of the goods on which the trademark is to be used in accordance with the prescribed classification of goods and file the registration application. An applicant for trademark registration may apply for registering the same trademark for several classes of goods through one application. Documents concerning application for trademark registration <u>may</u> be filed in writing or via data message.	Article 27 [Requirements for Application] An applicant for trademark registration shall fill in the class and the designation of the goods on which the trademark is to be used in accordance with the prescribed classification of goods and file the registration application. An applicant for trademark registration may apply for registering the same trademark for several classes of goods through one application. The application for trademark registration of which the fee is not paid shall be deemed not submitted. Documents concerning application for trademark registration shall be filed in writing or via data message. The intellectual property administrative department of the State Council shall accept the application for trademark registration and notify the applicant if the application formalities are complete and the application documents are filled in accordance with the provisions. Where the intellectual property administrative department of the State Council finds that the trademark applied for registration obviously has significant unhealthy effects, it shall not accept the application.
<u>Article 23</u> [Separate Application] Where a registered trademark seeks the exclusive rights to use the trademark on goods beyond the approved range of use, a separate application for registration shall be filed.	Article 28 [Separate Application] Where a registered trademark seeks the exclusive rights to use the trademark on goods beyond the approved range of use, a separate application for registration shall be filed.
<u>Article 24</u> [Re-application] Where the sign of a registered trademark needs to be changed, a new application for registration shall be filed.	Article 29 [Re-application] Where the sign of a registered trademark needs to be changed, a new application for registration shall be filed.
<u>Article 25</u> [Priority] Where an applicant for trademark registration files an application for trademark registration in	Article 30 [Priority] Where an applicant for trademark registration files an application for trademark registration in

<p>China within six months of filing the first application for registering the same trademark for the same goods in a foreign country, the applicant may have priority in accordance with any agreement concluded by and between the People's Republic of China and the foreign country concerned, or with the international treaty to which both countries are parties, or on the basis of the principle of reciprocity.</p> <p>An applicant claiming priority in accordance with the preceding paragraph shall state in writing at the time of filing the trademark registration application and shall submit a copy of the first-filed trademark registration application within three months. An applicant who neither claims priority in writing nor submits a copy of the said trademark registration application shall be deemed as not claiming priority.</p>	<p>China within six months of filing the first application for registering the same trademark for the same goods in a foreign country, the applicant may have priority in accordance with any agreement concluded by and between the People's Republic of China and the foreign country concerned, or with the international treaty to which both countries are parties, or on the basis of the principle of reciprocity.</p> <p>An applicant claiming priority in accordance with the preceding paragraph shall state in writing at the time of filing the trademark registration application and shall submit a copy of the first-filed trademark registration application within three months. An applicant who neither claims priority in writing nor submits a copy of the said trademark registration application shall be deemed as not claiming priority.</p>
<p><u>Article 26</u> [Priority of Exhibition] Where an applicant uses a trademark for the first time on goods exhibited at an international exhibition sponsored or recognized by the Chinese Government, the applicant may be entitled to priority provided that it files an application to register the trademark within six months from the date of exhibition.</p> <p>An applicant claiming priority in accordance with the preceding paragraph shall state in writing at the time of filing the trademark registration application and shall submit the name of the exhibition within three months, evidence showing the use of the mark on the goods displayed, and documents validating the date of the exhibition. An applicant who neither claims priority in writing nor submit the necessary documents shall be deemed as not claiming priority.</p>	<p>Article 31 [Priority of Exhibition] Where an applicant uses a trademark for the first time on goods exhibited at an international exhibition sponsored or recognized by the Chinese Government, the applicant may be entitled to priority provided that it files an application to register the trademark within six months from the date of exhibition.</p> <p>An applicant claiming priority in accordance with the preceding paragraph shall state in writing at the time of filing the trademark registration application and shall submit the name of the exhibition within three months, evidence showing the use of the mark on the goods displayed, and documents validating the date of the exhibition. An applicant who neither claims priority in writing nor submit the necessary documents shall be deemed as not claiming priority.</p>
<p><u>Article 27</u> [Documents Requirement] Matters and all the information submitted for trademark application shall be authentic, accurate, and complete.</p>	<p>Article 32 [Documents Requirement] Matters and all the information submitted for trademark application or handling other trademark matters shall be authentic, accurate, and complete.</p> <p>Where a party violates the preceding paragraph, fabricates, or conceals important facts or intentionally submits false materials, such party shall bear the adverse consequences in the corresponding procedure. The department in charge of trademark law enforcement may give a warning and impose a fine of not more than 100,000 RMB in light of the circumstance. If any damages is caused to others, compensation shall be made by such party.</p>
<p>Chapter III Examination and Approval of Trademark Registration</p>	<p>Chapter IV Examination and Approval of Trademark Registration</p>
<p><u>Article 28</u> [Examination Period] For a trademark applied for registration, <u>the Trademark Office</u> shall, within nine months upon receipt of application documents for trademark registration, complete the examination. Where the provisions hereof have been complied with, an announcement on preliminary approval shall be made.</p>	<p>Article 33 [Examination Period] For a trademark applied for registration, the intellectual property administrative department of the State Council shall, within nine months upon receipt of application documents for trademark registration, complete the examination. Where the provisions of the Law have been complied with, an</p>

	announcement on preliminary approval shall be made.
<u>Article 29</u> [Examination Opinions] During the process of examination, where <u>the Trademark Office</u> considers that the contents of the application for trademark registration are required to be explained or revised, it may ask the applicant to make explanation or correction; the failure of the applicant to make such explanation or correction will exert no effort on the decision made by <u>the Trademark Office</u> .	Article 34 [Examination Opinions] During the process of examination, where the intellectual property administrative department of the State Council considers that the contents of the application for trademark registration are required to be explained or revised, it may send the examination opinions , asking the applicant to make explanation or correction; the failure of the applicant to make such explanation or correction will exert no effort on the decision made by the intellectual property administrative department of the State Council .
Add	Article 35 [Refusal of Application] Where a trademark applied for registration is not in conformity with this Law, or it is found after examination that the application that has been accepted does not meet the requirements for acceptance, the intellectual property administrative department of the State Council shall refuse the application without announcement.
<u>Article 33</u> [Trademark Opposition] Where any prior owner or interested party considers that the provisions of <u>Paragraphs 2 and 3 of Article 13, Article 15, Paragraph 1 of Article 16, Article 30, Article 31 and Article 32</u> have been breached, or any person believes that the provisions of <u>Article 4, Article 10, Article 11, Article 12 or Paragraph 4 of Article 19</u> hereof have been violated, it may file an opposition with the <u>Trademark Office</u> against a trademark that has been announced for preliminary approval within three months from the date of announcement. If no opposition is filed at the expiration of the said period, the registration shall be approved, a certificate of trademark registration shall be issued, and the registration shall be announced.	Article 36 [Trademark Opposition] Where any prior owner or interested party considers that the provisions of Article 18, Article 19, Paragraph 1 of Article 20, Article 23, Article 24 or Article 25 have been breached, or any person believes that the provisions of Article 15, Article 16, Article 17, Article 21, Subparagraph 1. and Subparagraph 2. of Article 22, and Article 26 hereof have been violated, it may file an opposition with the intellectual property administrative department of the State Council against a trademark that has been announced for preliminary approval within three months from the date of announcement. If no opposition is filed at the expiration of the said period, the registration shall be approved, a certificate of trademark registration shall be issued, and the registration shall be announced.
Add	Article 37 [Revocation of Preliminary Approval Announcement] Before the trademark registration is approved, if the intellectual property administrative department of the State Council finds that the application for trademark registration that has been announced for preliminary approval is in violation of Article 15 hereof, it may revoke the announcement and reexamine the application.
<u>Article 34</u> [Review of Refusal] Where the application for trademark registration is refused and no announcement is made, the <u>Trademark Office</u> shall notify the applicant in writing. Where the applicant is dissatisfied, it may, within 15 days upon receipt of the notice, apply to the <u>Trademark Review and Adjudication Board</u> for a 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. If the time limit needs to be extended under special circumstances, it may be extended for three months upon approval of the administrative department for industry and commerce under the State Council . Where a party is dissatisfied with the decision of the Trademark Review and Adjudication Board ,	Article 38 [Review of Refusal] Where the application for trademark registration is refused and no announcement is made, the intellectual property administrative department of the State Council shall notify the applicant in writing. Where the applicant is dissatisfied, it may, within 15 days upon receipt of the notice, apply to the intellectual property administrative department of the State Council for a review. The intellectual property administrative department of the State Council shall make a decision within nine months upon receipt of the application and notify the applicant in writing. If the time limit needs to be extended under special circumstances, it may be extended for three months with approval. Where a party is dissatisfied with the decision of refusing the application for review , it

<p>it may appeal to the people's court within 30 days upon receipt of the notice.</p>	<p>may appeal to the people's court within 30 days upon receipt of the notice.</p>
<p><u>Article 35</u> [Examination of Opposition] Where an opposition is filed against a trademark that has been announced for preliminary approval, the <u>Trademark Office</u> shall consider the facts and reasons stated by the opponent and the opposed party, and after investigation and verification, make a decision on whether to approve the registration within 12 months from the expiration of the announcement period, and notify the opponent and the opposed party in writing. If the said period needs to be extended under special circumstances, it may be extended for six months with approval of the administrative department for industry and commerce under the State Council.</p> <p>Where the <u>Trademark Office</u> makes a decision to approve the registration, a certificate of trademark registration and announcement shall be issued. Where the opponent is dissatisfied, it may request the <u>Trademark Review and Adjudication Board</u> to announce the registered trademark invalid in accordance with Articles 44 and 45 hereof.</p> <p>Where the opposed party is dissatisfied with the decision of disapproval made by the <u>Trademark Office</u>, it may apply to the Trademark Review and Adjudication Board for reexamination within 15 days from the date of receipt of the notification. The Trademark Review and Adjudication Board shall, within 12 months upon receipt of the application, make a decision on the review and notify the opponent and the opposed party in writing. If such period needs to be extended under special circumstances, it may be extended for six months with the approval of the administrative department for industry and commerce under the State Council. Where the opposed party is dissatisfied with the decision of the Trademark Review and Adjudication Board, it may appeal to the people's court within 30 days upon receipt of the notice. The people's court shall notify the opponent to participate in the proceedings as a third party.</p> <p>In the course of review by the Trademark Review and Adjudication Board in accordance with the preceding paragraph, if the determination of the prior existing rights involved must be based on the outcome of another case being tried by a people's court or being handled by an administrative organ, the examination may be suspended. After the reasons for suspension have been eliminated, the review procedure shall be resumed.</p>	<p>Article 39 [Examination of Opposition] Where an opposition is filed against a trademark that has been announced for preliminary approval, the intellectual property administrative department of the State Council shall consider the facts and reasons stated by the opponent and the opposed party, and after investigation and verification, make a decision on whether to approve the registration within 12 months from the expiration of the announcement period, and notify the opponent and the opposed party in writing. If the said period needs to be extended under special circumstances, it may be extended for six months with approval.</p> <p>Where the intellectual property administrative department of the State Council makes a decision to approve the registration, a certificate of trademark registration and announcement shall be issued. Where the opponent is dissatisfied, it may request the intellectual property administrative department of the State Council to announce the registered trademark invalid in accordance with Articles 44 and 45 hereof.</p> <p>Where the opposed party is dissatisfied with the decision of disapproval made by the intellectual property administrative department of the State Council, it may appeal to the people's court within 30 days upon receipt of the notice. The people's court shall notify the opponent to participate in the proceedings as a third party.</p>
<p><u>Article 36</u> [Validity of the Decision] At the expiration of the statutory period, if the party concerned does not apply for review on the refusal decision or disapproval decision made by the <u>Trademark Office</u>, or does not appeal to the people's court against the decision of review made by the <u>Trademark Review and Adjudication Board</u>, such decisions shall take effect.</p> <p>Where a trademark is approved for registration as the</p>	<p>Article 40 [Validity of the Decision] At the expiration of the statutory period, if the party concerned does not apply for review on the refusal decision made by the intellectual property administrative department of the State Council, or does not appeal to the people's court against the disapproval decision or the review decision of refusal made by the the intellectual property administrative department of the State Council, such decisions shall take</p>

<p>opposition is not supported after examination, the time for the applicant to obtain the exclusive right to use the trademark shall be calculated from the expiration of <u>three months</u> after the announcement of preliminary approval. From the expiration of the announcement to the date of the registration approval decision, it shall not have retroactive effect on other's use of the identical or similar trademark on the identical or similar goods. However, compensation shall be made for the losses caused to the trademark registrant by the maliciousness of the user.</p>	<p>effect.</p> <p>Where a trademark is approved for registration as the opposition is not supported after examination, the time for the applicant to obtain the exclusive right to use the trademark shall be calculated from the expiration of two months after the announcement of preliminary approval. From the expiration of the announcement to the date of the registration approval decision, it shall not have retroactive effect on other's use of the identical or similar trademark on the identical or similar goods. However, compensation shall be made for the losses caused to the trademark registrant by the maliciousness of the user.</p>
<p><u>Article 37</u> [Timely Examination] Applications for trademark registration and trademark review shall be examined in a timely manner.</p>	<p>Article 41 [Timely Examination and Withdrawal of Application] The intellectual property administrative department of the State Council shall examine and handle the application for trademark registration, trademark review and any other matters concerning trademarks a party has applied in a timely manner.</p> <p>The parties concerned may apply for withdrawal of the matters specified in the preceding paragraph. Where the intellectual property administrative department of the State Council finds it is appropriate to withdraw the application after examination, the procedure shall be terminated.</p>
<p><u>Paragraph 3 of Article 35</u> In the course of review by the <u>Trademark Review and Adjudication Board</u> in accordance with the preceding paragraph, if the determination of the prior existing rights involved must be based on the outcome of another case being tried by a people's court or being handled by an administrative organ, the examination may be suspended. After the reasons for suspension have been eliminated, the review procedure shall be resumed.</p>	<p>Article 42 [Suspension of Procedure] In the course of examination and hearing by the intellectual property administrative department of the State Council in accordance with the preceding paragraph, if the determination of the prior existing rights involved must be based on the outcome of another case being tried by a people's court or being handled by an administrative organ, the examination and hearing may be suspended. After the reasons for suspension have been eliminated, the examination and hearing procedure shall be promptly resumed.</p> <p>When the people's court hears the decision of refusal review or disapproval of registration, or the ruling of invalidation made by the intellectual property administrative department of the State Council in accordance with Articles 24 and 25 hereof, it shall be based on the facts at the time when the appealed decision or ruling is made. Where the status of the relevant trademark has changed after the appealed decision or ruling has been made, it shall not affect the trial by the people's court, except that the principle of fairness is obviously violated.</p>
<p><u>Article 38</u> [Correction of Obvious Errors] Where a trademark registration applicant or registrant finds that there are obvious errors in the application documents or registration documents, it may apply for correction. The <u>Trademark Office</u> shall make corrections within the power of authority and notify the party concerned.</p> <p>The correction of errors referred to in the preceding</p>	<p>Article 43 [Correction of Obvious Errors] Where a trademark registration applicant or registrant finds that there are obvious errors in the application documents or registration documents, it may apply for correction. The intellectual property administrative department of the State Council shall make corrections within the power of authority and notify the party concerned.</p>

<p>paragraph shall not involve the substantive contents of the trademark application documents or registration documents.</p>	<p>The correction of errors referred to in the preceding paragraph shall not involve the substantive contents of the trademark application documents or registration documents.</p>
<p>Chapter V Invalidation of Registered Trademarks</p>	<p>Chapter V Invalidation and <u>Revocation</u> of Registered Trademark</p>
<p>Article 44 [Invalidation on Absolute Grounds] Where a registered trademark violates <u>Article 4, Article 10, Article 11, Article 12 or Paragraph 4 of Article 19</u> hereof, or the registration was acquired by fraud or any other improper means, the <u>Trademark Office</u> shall declare the registered trademark invalid; <u>Any other unit or individual may request the Trademark Review and Adjudication Board to declare the registered trademark invalid.</u></p> <p>The <u>Trademark Office</u> shall notify the parties in writing of its decision to declare a registered trademark invalid. Where a party is dissatisfied with the decision of the <u>Trademark Office</u>, it may, within 15 days upon receipt of the notice, apply to the <u>Trademark Review and Adjudication Board</u> for a review. <u>The Trademark Review and Adjudication Board</u> shall, within nine months from the receipt of the application, make a decision and notify the party concerned in writing. If the said period needs to be extended under special circumstances, it may be extended for three months upon approval of the administrative department for industry and commerce under the State Council. Where a party is dissatisfied with the decision of the Trademark Review and Adjudication Board, it may appeal to the people's court within 30 days upon receipt of the notice.</p> <p>Where any other <u>unit or individual</u> requests the <u>Trademark Review and Adjudication Board</u> to declare a registered trademark invalid, <u>the Trademark Review and Adjudication Board</u> shall, after receiving the application, notify the relevant parties in writing and request them to submit defense within a time limit. <u>The Trademark Review and Adjudication Board</u> shall, within nine months from receipt of the application, make a ruling to maintain the registered trademark or to declare the registered trademark invalid, and notify the parties in writing. If the said period needs to be extended under special circumstances, it may be extended for three months upon approval of the administrative department for industry and commerce under the State Council. Where a party is dissatisfied with the ruling of <u>the Trademark Review and Adjudication Board</u>, it may, within 30 days from receipt of the notice, appeal to the people's court. The people's court shall notify the counterparty to the trademark adjudication proceeding to be a third party to the litigation.</p>	<p>Article 44 [Invalidation on Absolute Grounds] Where a registered trademark violates Articles 15, 16, 17, 21, paragraph 1 and 2 of Article 22, and Article 26 hereof, the intellectual property administrative department of the State Council shall declare the registered trademark invalid.</p> <p>The intellectual property administrative department of the State Council shall notify the parties in writing of its decision to declare a registered trademark invalid. Where a party is dissatisfied with the decision of the intellectual property administrative department of the State Council, it may, within 15 days upon receipt of the notice, apply to the intellectual property administrative department of the State Council for a review. The intellectual property administrative department under the State Council shall, within nine months from the receipt of the review application, make a decision and notify the party concerned in writing. If the said period needs to be extended under special circumstances, it may be extended for three months upon approval. Where a party is dissatisfied with the review decision, it may appeal to the people's court within 30 days upon receipt of the notice.</p> <p>For the circumstances listed in the first paragraph of this article, any other natural persons, legal persons or unincorporated organizations may request the intellectual property administrative department of the State Council to declare a registered trademark invalid, the intellectual property administrative department of the State Council shall, after receiving the application, notify the relevant parties in writing and request them to submit defense within a time limit. The intellectual property administrative department of the State Council shall, within nine months from receipt of the application, make a ruling to maintain the registered trademark or to declare the registered trademark invalid, and notify the parties in writing. If the said period needs to be extended under special circumstances, it may be extended for three months upon approval. Where a party is dissatisfied with the ruling of the intellectual property administrative department of the State Council, it may, within 30 days from receipt of the notice, appeal to the people's court. The people's court shall notify the counterparty to the trademark adjudication proceeding to be a third party to the litigation.</p>
<p>Article 45 [Invalidation on Relative Grounds] Where a registered trademark violates <u>Paragraphs 2 and 3 of Article 13, Article 15, Paragraph 1 of Article 16, Article 30, Article 31 and Article 32</u> hereof, the prior owner or interested party may, within five years from the trademark registration date, request the <u>Trademark Review and Adjudication Board</u> to declare the registered trademark invalid. In case of</p>	<p>Article 45 [Invalidation on Relative Grounds and Transfer of Trademark] Where a registered trademark violates Article 18, Article 19, Paragraph 1 of Article 20, Article 23, Article 24 or Article 25 hereof, the prior owner or interested party may, within five years from the trademark registration date, request the intellectual property administrative department of the State Council to</p>

<p>registration in bad faith, the owner of a well-known trademark shall not be subject to the time limit of five years.</p> <p>After receiving an application for declaring a registered trademark invalid, <u>the Trademark Review and Adjudication Board</u> shall notify the interested parties in writing and request them to submit defense within a specified time limit. <u>The Trademark Review and Adjudication Board</u> shall, within 12 months from the receipt of the application, make a ruling to maintain the registered trademark or to declare the registered trademark invalid, and notify the parties in writing. If the said period needs to be extended under special circumstances, it may be extended for six months upon approval of the administrative department for industry and commerce under the State Council. Where a party is dissatisfied with the ruling of <u>the Trademark Review and Adjudication Board</u>, it may, within 30 days from the receipt of the notice, appeal to the people's court. The people's court shall notify the counterparty to the trademark adjudication proceeding to be a third party to the litigation.</p>	<p>declare the registered trademark invalid. For violations of Articles 18 and 19 hereof, or for registrations of trademarks with certain influence which were already in use by others through improper means in violation of Article 23 hereof, the prior right holder may request that the registration be transferred to them. In case of registration in bad faith, the owner of a well-known trademark shall not be subject to the time limit of five years.</p> <p>After receiving an application for declaring a registered trademark invalid or transferring a registered trademark, the intellectual property administrative department of the State Council shall notify the interested parties in writing and request them to submit defense within a specified time limit. The intellectual property administrative department of the State Council shall, within 12 months from the receipt of the application, make a ruling to maintain the registered trademark or transfer the registered trademark, or to declare the registered trademark invalid, and notify the parties in writing. If the said period needs to be extended under special circumstances, it may be extended for six months upon approval. Where a party is dissatisfied with the ruling of the intellectual property administrative department of the State Council, it may, within 30 days from the receipt of the notice, appeal to the people's court. The people's court shall notify the counterparty to the trademark adjudication proceeding to be a third party to the litigation.</p>
<p>Add</p>	<p>Article 46 [Handling of Trademark Transfer] If the intellectual property administrative department of the State Council, after hearing the case, considers that the reasons for requesting the transfer of a registered trademark are justified, that there are no other reasons for declaring the registered trademark invalid, and that the transfer is not likely to cause confusion or other unhealthy effects, it shall rule to transfer the registered trademark. If it considers that there are other reasons that the registered trademark should be declared invalid, or that although the reasons for requesting the transfer of the registered trademark are established, the transfer of the trademark is likely to cause confusion or other unhealthy effects, it shall make a ruling declaring the registered trademark invalid.</p> <p>After a ruling on the transfer of a registered trademark is made and before it takes effect, the trademark registrant shall not dispose of the trademark, except for the disposition made to maintain the validity of the registered trademark.</p>
<p><u>Article 46</u> [Effectiveness of Invalidation Decision or Ruling] At the expiration of the statutory period, if the party concerned does not apply for review against the decision of the <u>Trademark Office</u> to declare the registered trademark invalid, or does not appeal to the people's court against the review decision of the Trademark Review and Adjudication Board, or the ruling to maintain the registered trademark or to declare the registered trademark invalid, the decision by the <u>Trademark Office</u> or the review decision or ruling by the</p>	<p>Article 47 [Effectiveness of Invalidation Decision or Ruling] At the expiration of the statutory period, if the party concerned does not apply for review against the decision of the intellectual property administrative department of the State Council to declare the registered trademark invalid, or does not appeal to the people's court against the review decision, or the ruling to maintain the registered trademark or to transfer the registered trademark or to declare the registered trademark invalid, the decision or</p>

<p><u>Trademark Review and Adjudication Board</u> shall take effect.</p>	<p>ruling by the intellectual property administrative department of the State Council shall take effect.</p> <p>After the ruling on the transfer of a registered trademark takes effect, it shall be announced, and the applicant for the transfer shall enjoy the exclusive right to use the trademark from the date of announcement.</p>
<p>Article 47 [Effectiveness of Declaration of Invalidation] The invalidation of a registered trademark declared in accordance with Articles 44 and 45 hereof shall be announced by the <u>Trademark Office</u>, and the exclusive right to use the registered trademark shall be deemed as inexistent ab initio.</p> <p>A decision or ruling declaring a registered trademark invalid shall have no retroactive effect on the judgments, rulings and conciliation statements of trademark infringement cases made and enforced by the people's court, the decisions made and enforced by <u>the administrative department for industry and commerce</u>, and the trademark assignment or license contracts that have been fulfilled before the declaration of invalidity. However, compensation shall be made for the losses caused to others by the bad faith of the trademark registrant.</p> <p>If the trademark infringement compensation, trademark transfer fee or trademark royalty fee is not returned in accordance with <u>the preceding</u> paragraph, and the principle of fairness is obviously violated, it shall be returned in whole or in part.</p>	<p>Article 48 [Effectiveness of Declaration of Invalidation] The invalidation of a registered trademark declared in accordance with Articles 44 and 45 hereof shall be announced by the intellectual property administrative department of the State Council, and the exclusive right to use the registered trademark shall be deemed as inexistent ab initio.</p> <p>A decision or ruling declaring a registered trademark invalid shall have no retroactive effect on the judgments, rulings and conciliation statements of trademark infringement cases made and enforced by the people's court, the decisions made and enforced by the department in charge of trademark law enforcement, and the trademark assignment or license contracts that have been fulfilled before the declaration of invalidity. However, compensation shall be made for the losses caused to others by the bad faith of the trademark registrant.</p> <p>Where, after a trademark has been approved for registration but before it has been declared invalid, its use infringes upon other's exclusive right to use a registered trademark, and the trademark registrant or the licensee is in bad faith, it shall be dealt with in accordance with paragraph 2 of Article 74 hereof.</p> <p>If the trademark infringement compensation, trademark transfer fee or trademark royalty fee is not returned in accordance with paragraph 2 of this article, and the principle of fairness is obviously violated, it shall be returned in whole or in part.</p>
<p>Article 49 [Revocation of Registered Trademark] Where a trademark registrant, in the course of using a registered trademark, changes the registered trademark, the name, address of the registrant or other registered matters without authorization, the local administrative department for industry and commerce shall order it to rectify the situation within a specified period; If no rectification is made at the expiration of the said period, the Trademark Office shall revoke the registered trademark.</p> <p>If a registered trademark has become the generic name of the goods, it has been approved to use or has not been used for three consecutive years without justified reasons, any <u>unit or individual</u> may apply to the <u>Trademark Office</u> for revoking the registered trademark. The <u>Trademark Office</u> shall make a decision within nine months from the receipt of the application. If the said period needs to be extended under special circumstances, it may be extended for three months upon approval of the administrative department for</p>	<p>Article 49 [Revocation of Registered Trademark] Any natural person, legal person or unincorporated organization may file an application with the intellectual property administrative department of the State Council for revoking a registered trademark under any of the following circumstances, provided that it does not damage the legitimate rights and interests of the trademark registrant or disturb the order of trademark registration:</p> <ol style="list-style-type: none"> 1. the registered trademark has become the generic name of the goods that it has been approved to use; 2. the registered trademark has not been used for three consecutive years without justified reasons; 3. the use of a registered trademark has caused the relevant public to misunderstand the quality and other characteristics of the goods or the place of origin;

<p>industry and commerce under the State Council.</p>	<p>4. the registrant of a collective trademark or certification trademark has violated Article 63 hereof, and the circumstances are especially serious;</p> <p>5. the use of a registered trademark or the exercise of the exclusive right to use a registered trademark has seriously impaired public interests and caused significant unhealthy effects.</p> <p>The intellectual property administrative department of the State Council may revoke a registered trademark within the power of authority under any of the circumstances set forth in Item 4 and 5 of the preceding paragraph.</p> <p>The intellectual property administrative department of the State Council shall make a decision within nine months from the receipt of the application for revocation. If the said period needs to be extended under special circumstances, it may be extended for three months upon approval.</p>
<p>Article 50 [Segregation Period of Trademark Registration] Where a registered trademark has been revoked, declared invalid or has not been renewed upon expiration, the Trademark Office shall, within one year from the date of the revocation, declaration of invalidation or cancellation, disapprove the application for registration of a trademark identical with or similar to the said trademark.</p>	<p>Article 50 [Segregation Period of Trademark Registration] Where a registered trademark has been revoked due to the existence of the circumstances listed in Items 3 to 5 of Paragraph 1 of Article 49 hereof or due to violation of Article 64 hereof, or has been revoked or cancelled due to violation of Article 61 hereof, or has not been renewed upon expiration, the intellectual property administrative department of the State Council shall disapprove the application for registration of a trademark identical with or similar to the said trademark filed within one year from the announcement date of the revocation or cancellation.</p>
<p>Article 54 [Review of Revocation] Any party dissatisfied with the decision of the Trademark Office to revoke or not to revoke a registered trademark may, within 15 days from receipt of the notice, apply to the Trademark Review and Adjudication Board for a review. The Trademark Review and Adjudication Board shall, within nine months from receipt of the application, make a decision and notify the party concerned in writing. If the said period needs to be extended under special circumstances, it may be extended for three months upon approval of the administrative department for industry and commerce under the State Council. Where a party is dissatisfied with the decision of the Trademark Review and Adjudication Board, it may appeal to the people's court within 30 days upon receipt of the notice.</p>	<p>Article 51 [Review of Revocation] Any party dissatisfied with the decision of the Trademark Office to revoke or not to revoke a registered trademark may, within 15 days from receipt of the notice, apply to the intellectual property administrative department of the State Council for a review. the intellectual property administrative department of the State Council shall, within nine months from receipt of the application, make a decision and notify the party concerned in writing. If the said period needs to be extended under special circumstances, it may be extended for three months upon approval. Where a party is dissatisfied with the review decision, it may appeal to the people's court within 30 days upon receipt of the notice.</p>
<p>Article 55 [Effectiveness of Revocation] Upon the expiration of the statutory period, if the party concerned does not apply for a review of the decision made by the Trademark Office to revoke a registered trademark or does not appeal to the people's court against the review decision made by the Trademark Review and Adjudication Board, the decision or review decision of registered trademark revocation shall become effective.</p>	<p>Article 52 [Effectiveness of Revocation] Upon the expiration of the statutory period, if the party concerned does not apply for a review of the decision made by the intellectual property administrative department of the State Council to revoke a registered trademark or does not appeal to the people's court against the review decision, the decision or review decision of registered trademark revocation shall become effective.</p>
<p>The revoked registered trademark shall be announced by the</p>	<p>The revoked registered trademark shall be announced by</p>

<p><u>Trademark Office</u>, and the exclusive right to use the registered trademark shall be terminated on the date of announcement.</p>	<p>the intellectual property administrative department of the State Council, and the exclusive right to use the registered trademark shall be terminated on the date of announcement.</p>
<p>Chapter IV Renewal, Modification, Assignment and Licensing of Registered Trademarks</p>	<p>Chapter VI Renewal, Modification, Assignment and Cancellation of Registered Trademarks</p>
<p><u>Article 39</u> [Validity Period of Registered Trademark] The period of validity of a registered trademark shall be ten years, counted from the date of approval of the registration.</p>	<p>Article 53 [Validity Period of Registered Trademark] The period of validity of a registered trademark shall be ten years, counted from the date of approval of the registration.</p>
<p><u>Article 40</u> [Renewal of Registered Trademark] Where the registrant needs to continue to use the registered trademark after the expiration of the period of validity, the registrant shall, within 12 months before the expiration of the period, carry out the renewal formalities in accordance with the provisions. If it fails to do so within this period, a grace period of six months may be granted. The period of validity of each renewal of registration shall be ten years, calculated from the next day after the expiration of the previous period of validity of the trademark. If, at the expiration of the said period, the trademark has not been renewed, the registered trademark shall be cancelled.</p> <p>The <u>Trademark Office</u> shall announce the renewed registration of trademark.</p>	<p>Article 54 [Renewal of Registered Trademark] Where the registrant needs to continue to use the registered trademark after the expiration of the period of validity, the registrant shall, within 12 months before the expiration of the period, carry out the renewal formalities in accordance with the provisions. If it fails to do so within this period, a grace period of six months may be granted. The period of validity of each renewal of registration shall be ten years, calculated from the next day after the expiration of the previous period of validity of the trademark. If, at the expiration of the said period, the trademark has not been renewed, the registered trademark shall be cancelled.</p> <p>The intellectual property administrative department of the State Council shall publish the renewed registration of trademark.</p>
<p><u>Article 41</u> [Modification Matters] Where a change needs to be made in the name, address or other registered matters concerning the registrant of a registered trademark, an application to make the change shall be filed.</p>	<p>Article 55 [Modification Matters] Where a change needs to be made in the name, address or other registered matters concerning the registrant of a registered trademark, an application to make the change shall be filed.</p>
<p><u>Article 42</u> [Assignment of Trademark] Where a registered trademark is assigned, the assignor and assignee shall sign an agreement for the assignment and jointly file an application with the <u>Trademark Office</u>. The assignee shall guarantee the quality of the goods in respect of which the registered trademark is used.</p> <p>Where a registered trademark is assigned, the trademark registrant shall assign its similar trademark registered for the same type of goods or its identical or similar trademark registered for similar goods.</p> <p>The <u>Trademark Office</u> shall not approve the assignment that is likely to cause confusion or other unhealthy effects, and shall notify the applicant in writing of the reasons therefor.</p> <p>The assignment of a registered trademark shall be announced after it has been approved. The assignee shall enjoy the exclusive right to use the trademark from the date of announcement.</p>	<p>Article 56 [Assignment of Trademark] Where a registered trademark is assigned, the assignor and assignee shall sign an assignment agreement and jointly file an application with the intellectual property administrative department of the State Council. The assignee shall guarantee the quality of the goods in respect of which the registered trademark is used.</p> <p>Where a registered trademark is assigned, the trademark registrant shall assign its similar trademark registered for the same type of goods or its identical or similar trademark registered for similar goods.</p> <p>The intellectual property administrative department of the State Council shall not approve any assignment that is likely to cause confusion or has other unhealthy effects, and shall notify the applicant in writing of the reasons therefor.</p> <p>The assignment of a registered trademark shall be announced after it has been approved. The assignee shall enjoy the exclusive right to use the trademark from the date of announcement.</p>
<p>Add</p>	<p>Article 57 [Restrictions on the Assignment of Collective Trademarks and Certification Trademarks] Where an application is made for the assignment of a collective</p>



	<p>trademark or a certification trademark, or the transfer of a collective trademark or a certification trademark, the assignee or the successor of the right shall have the corresponding standing qualification and supervision ability.</p>
Add	<p>Article 58 [Trademark Cancellation] Where a trademark registrant applies for the cancellation of its registered trademark or the cancellation of the registration of its trademark used on some of the designated goods, and the intellectual property administrative department of the State Council approves the cancellation, the cancellation shall be announced; the exclusive right to use the registered trademark or the validity of the exclusive right to use the registered trademark on the said designated goods shall be terminated on the date of announcement.</p>
Add	<p>Chapter VII Use and Administration of Trademarks</p>
<p><u>Article 48</u> [Use of Trademark] For the purpose hereof, the use of a trademark refers to such activities as using trademarks on goods, goods packaging or containers and goods transaction documents, or using trademarks in advertising, exhibits and other commercial events so as to identify the sources of the goods.</p>	<p>Article 59 [Use of Trademark] For the purpose hereof, the use of a trademark refers to such activities as using trademarks on goods, goods packaging or containers and goods transaction documents, on service places or carriers related to services, or using trademarks in advertising, exhibits and other commercial events so as to identify the sources of the goods or services.</p> <p>The acts set forth in the preceding paragraph include those conducted through the Internet and other information networks.</p>
<p><u>Article 43</u> [Use and License of Trademark] The trademark registrant may, by concluding a trademark licensing contract, authorize others to use the registered trademark. The licensor shall supervise the quality of the goods on which the licensee uses the licensor's registered trademark, and the licensee shall guarantee the quality of the goods on which the registered trademark is used.</p> <p>Where any party is authorized to use a registered trademark of another person, the name of the licensee and the origin of the goods must be indicated on the goods that bear the registered trademark.</p> <p>When granting others to use the registered trademarks, the licensor shall file the license of the trademarks with the <u>Trademark Office</u> for records, which shall be announced by the <u>Trademark Office</u>. Without putting the licensing of the trademark on records, the trademark license shall not be against a bona fide third party.</p>	<p>Article 60 [Use and License of Trademark] The trademark registrant may use a trademark itself, and may also, by concluding a trademark licensing contract, authorize others to use the registered trademark. The licensor shall supervise the quality of the goods on which the licensee uses the licensor's registered trademark, and the licensee shall guarantee the quality of the goods on which the registered trademark is used.</p> <p>Where any party is authorized to use a registered trademark of another person, the name of the licensee and the origin of the goods must be indicated on the goods that bear the registered trademark.</p> <p>When granting others to use the registered trademarks, the licensor shall file the license of the trademarks with the intellectual property administrative department of the State Council for records, which shall be announced by the intellectual property administrative department of the State Council. Without putting the licensing of the trademark on records, the trademark license shall not be against a bona fide third party.</p> <p>Where a licensor or licensee violates Paragraph 1 of this Article, causing damage to consumers, the department in charge of trademark law enforcement shall order the licensor or licensee to make a rectification within a specified period and, where the illegal turnover is more</p>

	<p>than RMB50,000, a fine of not more than 20% of the illegal turnover may be imposed; where there is no illegal turnover or the illegal turnover is less than RMB50,000, a fine of not more than RMB10,000 may be imposed.</p>
<p>Add</p>	<p>Article 61 [Explanation on Trademark Use] A trademark registrant shall, within 12 months after the expiry of every five years from the date of trademark registration approval, explain to the intellectual property administrative department of the State Council the use of the trademark on the designated goods or the justifiable reasons for non-use. A trademark registrant may make a combined explanation on the use of multiple trademarks within the foregoing period.</p> <p>If no explanation is given within the time limit, the intellectual property administrative department of the State Council shall notify the trademark registrant. If the trademark registrant still fails to give any explanation within six months from receipt of the notice, it shall be deemed to have abandoned such registered trademark. the intellectual property administrative department of the State Council shall cancel such registered trademark.</p> <p>The intellectual property administrative department of the State Council shall conduct random inspection of the authenticity of the explanation, and where necessary, may require the trademark registrant to supplement the relevant evidence or entrust the local intellectual property administrative authorities to conduct verification. Where the random inspection shows untrue explanation, the intellectual property administrative department of the State Council shall revoke such registered trademark.</p>
<p>Article 59 [Circumstances in Which There is No Right to Prohibit Trademark Use] The exclusive right owner of a registered trademark may not prohibit</p> <p>others from rightful use of the generic names, graphics or models of the goods, or direct reference to the quality, main raw materials, function, purpose, weight, quantity or other characteristics of the goods, or geographical names as included in the registered trademark.</p> <p>The exclusive right owner of a registered trademark of three-dimensional signs may not prohibit others from rightful use of the shapes generated from the nature of the goods in respect of which the trademark is used, or shapes of the goods to realize certain technical effects, or shapes to provide the goods with substantive values.</p> <p>Where an identical or similar trademark with certain influence has been used, prior to the use by the trademark registrant, with respect to the same goods or similar goods by others before the trademark registrant's application for trademark registration, the exclusive right owner may not prohibit the user of the aforesaid trademark from continuous</p>	<p>Article 62 [Circumstances in Which There is No Right to Prohibit Trademark Use] A holder of the exclusive right to use a registered trademark has no right to forbid another party from conducting the following acts in compliance with commercial practices:</p> <ol style="list-style-type: none"> 1. using one's own name or address in good faith; 2. using geographical names, generic names, graphics, models, technical terms of the goods, or other signs related to the foregoing description as included in the registered trademark for the purpose of describing the category, nature, quality, function, purpose, weight, quantity, value, geographical origin or other characteristics of the goods; 3. using a registered trademark for the sole purpose of indicating the use, object of application or application scenario of the goods, except that the trademark may mislead the public. <p>The exclusive right owner of a registered trademark of three-dimensional signs may not prohibit others from</p>

<p>use of such trademark within the original scope but may request its user for addition of proper logos for distinction purpose.</p>	<p>rightful use of the shapes generated from the nature of the goods in respect of which the trademark is used, or shapes of the goods to realize certain technical effects, or shapes to provide the goods with substantive values.</p> <p>Where an identical or similar trademark with certain influence has been used, prior to the use by the trademark registrant, with respect to the same goods or similar goods by others before the trademark registrant's application for trademark registration, the exclusive right owner may not prohibit the user of the aforesaid trademark from continuous use of such trademark within the original scope but may request its user for addition of proper logos for distinction purpose.</p>
<p>Add</p>	<p>Article 63 [Obligations of Registrants of Collective Trademarks and Certification Trademarks] Where a collective or certification trademark registrant commits any of the following acts, the department in charge of trademark law enforcement shall order it to make corrections within a specified period, and confiscate any illegal profits, if any. Where it refuses to make corrections, a fine of not more than RMB 100,000 shall be imposed if there are illegal profits, or a fine of not more than RMB 10,000 shall be imposed if there are no illegal profits. Where the circumstances are particularly serious, the intellectual property administrative department of the State Council may revoke such trademark in accordance with Article 49 hereof:</p> <ol style="list-style-type: none"> 1. being negligent in exercising the duties of trademark administration, resulting in the failure of the goods using the trademark to meet the requirements of the rules governing the use of the trademark and causing damage to consumers; 2. maliciously preventing others from properly using the geographical names, names or types of goods contained in trademarks, thus disrupting the order of trademark administration; 3. other circumstances which have unhealthy influence on the society.
<p><u>Paragraph 1 of Article 49</u> Where a trademark registrant, at his/her discretion, alters the registered trademark, name or address of the registrant or other information during use of the registered trademark, <u>the local administrative department for industry and commerce</u> shall order such registrant to rectify the same within a specified period. Where no rectification has been made upon expiration of the prescribed period, the <u>Trademark Office</u> may revoke such registered trademark.</p>	<p>Article 64 [Legal Liability for Unauthorized Alteration of a Registered Trademark] Where a trademark registrant, at his/her discretion, alters the registered trademark, name or address of the registrant or other information during use of the registered trademark, the department in charge of trademark law enforcement shall order such registrant to rectify the same within a specified period and may also impose a fine of not more than RMB100,000. Where no rectification has been made upon expiration of the prescribed period, the intellectual property administrative department of the State Council may revoke such registered trademark.</p> <p>Where a trademark registrant, in violation of the preceding paragraph, infringes upon another party's exclusive right to use a registered trademark, it shall be</p>

	<p>handled in accordance with Paragraph 2 of Article 74 and Paragraph 1 of Article 85 hereof.</p>
<p><u>Article 51</u> [Legal Liability for Counterfeiting a Registered Trademark and Violating the Prohibition of Use] If the unregistered trademark is falsely represented as a registered one, or use of an unregistered trademark is in violation of <u>Article 10</u> hereof, <u>the local administrative department for industry and commerce</u> shall stop such use, order rectification of the situation within a specified period, and may circulate a notice; in the event of illegal business revenue of over RMB50,000, a fine up to 20% of such revenue may be imposed; in the event of no illegal business revenue or business revenue of less than RMB50,000, a fine up to RMB10,000 may be imposed.</p>	<p>Article 65 [Legal Liability for Misleading the Public by Counterfeiting Registered Trademarks] Violating the Prohibition of Use and Using Trademarks Containing Geographical Indications] If the unregistered trademark is falsely represented as a registered one, or use of an unregistered trademark is in violation of Article 15 and Paragraph 1 of Article 20 hereof, the department in charge trademark law enforcement shall order rectification of the situation within a specified period; in the event of illegal business revenue of over RMB50,000, a fine up to 20% of such revenue may be imposed; in the event of no illegal business revenue or business revenue of less than RMB50,000, a fine up to RMB10,000 may be imposed.</p> <p>Whoever knowingly sells goods in violation of Article 15 and Paragraph 1 of Article 20 hereof, or intentionally facilitates any act that violates Article 15 and Paragraph 1 of Article 20 hereof by providing conveniences, such as warehousing, transportation, mailing, printing, concealment, business premises, and online commodity trading platforms, shall be punished in accordance with the preceding paragraph.</p>
<p><u>Paragraph 5 of Article 14.</u> Producers and operators shall neither use characters such as "Well-known Trademark" in the goods, on the packaging or vessels nor apply the same for advertising, exhibition, or other commercial activities.</p> <p><u>Article 53</u> In the event of a violation of <u>Paragraph 5 of Article 14</u> hereof, <u>the local administrative department for industry and commerce</u> shall order it to make corrections and impose a fine of RMB100,000.</p>	<p>Article 66 [Legal Liability for Illegal Use of Well-known Trademark Wordings] Producers and operators shall neither use characters such as "Well-known Trademark" in the goods, on the packaging or vessels nor apply the same for advertising, exhibition, or other commercial activities.</p> <p>In the event of a violation of the preceding paragraph, the department in charge of trademark law enforcement shall order it to make corrections and impose a fine of not more than RMB100,000.</p>
<p><u>Paragraph 4 of Article 68</u> In the event of any malicious application for trademark registration, the trademark agency shall be subject to administrative punishments such as warning and fine, depending on the specific circumstance; Anyone who maliciously files a trademark lawsuit shall be punished by the people's court according to law.</p>	<p>Article 67 [Punishment on Malicious Application for Trademark Registration] Where an applicant, in violation of Article 22 hereof, maliciously applies for trademark registration, the department in charge of trademark law enforcement shall give a warning or impose a fine of not more than RMB50,000; if the situation is serious, the applicant may be imposed a fine of not less than RMB50,000 but not more than RMB250,000. Illegal income, if any, shall be confiscated.</p>
<p>Add</p>	<p>Article 68 [Trademark Agency] Where a trademark agency is a company or partnership enterprise registered with the market entity registration authorities pursuant to the law to engage in trademark agency business, two-thirds or more of its shareholders or partners shall be trademark agency practitioners who possess three or more years of practice experience, or hold legal professional qualification, patent agent professional qualification or the professional title of intellectual property agent of intermediate level or above, and shall file record with the intellectual property administrative department of the State Council. Where the trademark agency is a law firm, it shall file record</p>

	<p>with the intellectual property administrative department of the State Council.</p> <p>Where a trademark agency violates the preceding paragraph, the intellectual property administrative department of the State Council shall order the trademark agency to make correction; where the trademark agency refuses to make correction and the situation is serious, the department in charge of trademark law enforcement shall give a warning and impose a fine ranging from RMB10,000 to RMB50,000, the intellectual property administrative department of the State Council may decide to cease accepting its agency business and make relevant announcement.</p>
<p><u>Paragraphs 1 to 3 of Article 19</u> The trademark agency shall apply for trademarks or handle any other trademark matters authorized by the clients based on the principle of good faith and in accordance with laws and administrative rules and regulations; and the trademark agency shall assume confidentiality obligations for trade secrets of the client obtained in the course of acting as agents.</p> <p>Where the trademark that the client applies for registration may not be registered in accordance with this Law, in which case the trademark agency shall explicitly notify the client.</p> <p>If the trademark agency knows or should know that the trademark applied for registration by the client falls under the circumstances provided for in <u>Articles 4, 15 and 32</u> hereof, it shall not accept such entrustment.</p>	<p>Article 69 [Obligations of Trademark Agencies] The trademark agency shall apply for trademarks or handle any other trademark matters authorized by the clients based on the principle of good faith and in accordance with laws and administrative rules and regulations; and the trademark agency shall assume confidentiality obligations for trade secrets of the client obtained in the course of acting as agents.</p> <p>Where the trademark that the client applies for registration may not be registered in accordance with this Law, in which case the trademark agency shall explicitly notify the client.</p> <p>If the trademark agency knows or should know that the trademark applied for registration by the client falls under the circumstances provided for in Article 22 hereof, it shall not accept such entrustment.</p> <p>Trademark agency practitioners shall comply with the law and discipline, have good credit status, behave properly, be familiar with trademark laws and regulations, and have the capacity to engage in trademark agency business according to law. Trademark agency practitioners shall not engage in trademark agency business in two or more trademark agencies concurrently.</p>
<p><u>Article 20</u> [Trademark Agency Industry Organizations] The industry organization of trademark agency shall implement their member admission criteria stringently pursuant to their articles of association and impose punishment on <u>members</u> who have violated the industry self-discipline norms. Trademark agency trade organizations shall announce the information concerning the recruitment and punishment of their <u>members</u> to the public in a timely manner.</p>	<p>Article 70 [Trademark Agency Industry Organization] The industry organization of trademark agency is a self-disciplinary organization of the trademark agency industry.</p> <p>The industry organization of trademark agency shall implement their member admission criteria stringently pursuant to their articles of association implement industry self-governance stringently, formulate industry self-governance norms and punishment rules, strengthen business training and education for professional ethics and professional discipline, organize and guide trademark agencies and trademark agency practitioners to engage in trademark agency business in a standardized manner pursuant to the law, continuously improve industry service standards, and impose punishment on the trademark agency and trademark agency practitioners who have violated the industry self-</p>

	discipline norms. Trademark agency trade organizations shall announce the information concerning the recruitment of members and implement of punishment to the public in a timely manner.
Chapter VIII Protection of the Exclusive Right to Use a Registered Trademark	Chapter VIII Protection of the Exclusive Right to Use a Registered Trademark
Article 56 [Exclusive Right to Use a Registered Trademark] The exclusive right to use a registered trademark shall be limited to trademarks that have been approved for registration and to goods on which the use of the trademark has been approved. Paragraph 2 of Article 9 The trademark registrant has the right to indicate the wording 'Registered Trademark' or a registration sign.	Article 71 [Exclusive Right to Use a Registered Trademark] The exclusive right to use a registered trademark shall be limited to trademarks that have been approved for registration and to goods on which the use of the trademark has been approved. The trademark registrant has the right to indicate the wording "registered trademark" or a registration sign  and  on the upper right corner or lower right corner of the trademark.
Article 57 [Infringement of the Right to Exclusive Use of a Registered Trademark] Any of the following conducts shall constitute an infringement of the exclusive right to use a registered trademark: 1. using a trademark that is identical with a registered trademark on the same goods without the licensing of the trademark registrant; 2. using a trademark that is similar to a registered trademark on the same goods, or using a trademark that is identical with or similar to a registered trademark on similar goods, which may be easily confusing, without the licensing of the trademark registrant; 3. selling goods that violate the exclusive right to use a registered trademark; 4. counterfeiting or arbitrarily forging others' registered trademark, or selling the counterfeited or arbitrarily forged trademarks; 5. replacing a registered trademark without the consent of the trademark registrant and putting the goods with the replaced trademark on the market; 6. intentionally facilitating the infringement of another person's exclusive right to use a trademark, assisting another person to infringe upon the exclusive right to use a trademark; 7. other conducts causing damages to others' exclusive right to use its registered trademark.	Article 72 [Infringement of the Right to Exclusive Use of a Registered Trademark] Any of the following conducts shall constitute an infringement of the exclusive right to use a registered trademark: 1. using a trademark that is identical with a registered trademark on the same goods without the licensing of the trademark registrant; 2. using a trademark that is similar to a registered trademark on the same goods, or using a trademark that is identical with or similar to a registered trademark on similar goods, which may be easily confusing, without the licensing of the trademark registrant; 3. using a mark identical with or similar to a registered trademark of others on electronic commerce related to the same or similar goods without the licensing of the trademark registrant, misleading the public; 4. selling goods that violate the exclusive right to use a registered trademark; 5. counterfeiting or arbitrarily forging others' registered trademark, or selling the counterfeited or arbitrarily forged trademarks; 6. replacing a registered trademark without the consent of the trademark registrant and putting the goods with the replaced trademark on the market; 7. intentionally facilitating the infringement of another person's exclusive right to use a trademark, assisting another person to infringe upon the exclusive right to use a trademark; 8. other conducts causing damages to others'

	exclusive right to use its registered trademark.
Article 58 [Acts of Unfair Competition] Using the registered or unregistered well-known trademarks of others as a trade name in the enterprise name to mislead the public that constitutes unfair competition shall be subject to the Anti-Unfair Competition Law of the People's Republic of China.	Article 73 [Acts of Unfair Competition] Using the registered or unregistered well-known trademarks of others as a trade name in the enterprise name to mislead the public that constitutes unfair competition shall be subject to the Anti-Unfair Competition Law of the People's Republic of China.
Article 60 [Handling of Disputes on Trademark Infringement] In the event of infringement of the registered trademark as specified in Article 57 hereof that leads to disputes, the parties concerned shall settle such disputes through negotiations; where the parties concerned are unwilling to negotiate or the negotiation has failed, the trademark registrant or the interested party may file a lawsuit before the people's court or request <u>the administrative department for industry and commerce</u> for handling. Where the foregoing infringement is confirmed, <u>the administrative department for industry and commerce</u> shall order the infringer to cease such infringement, confiscate and destroy the infringing goods and tools used in producing such goods or forging logos of the registered trademark. In the event of illegal business revenue of over RMB50,000, a fine up to five times of the revenue may be imposed; in the event of no illegal business revenue or illegal business revenue of less than RMB50,000, a fine up to RMB250,000 may be imposed; <u>in the event of trademark infringement of more than two times within five years or other serious circumstances, a heavier punishment shall be given.</u> Where a seller with no knowledge of its infringing goods can prove the legality of acquiring such goods and point out the provider, <u>the administrative department for industry and commerce</u> shall order the seller to cease selling its goods. <u>Where there is dispute over the amount of compensation for infringing the exclusive right to use the trademark, the party concerned may request the</u> <u>administrative department for industry and commerce</u> for mediation or file a lawsuit before the people's court pursuant to the Civil Procedure Law of the People's Republic of China; In case of absence of agreements or nonperformance of mediation agreement upon effectiveness after the mediation by <u>the administrative department for industry and commerce</u> , any party concerned may file a lawsuit before the people's court pursuant to the Civil Procedure Law of the People's Republic of China.	Article 74 [Handling of Disputes on Trademark Infringement] In the event of infringement of the registered trademark as specified in Article 72 hereof that leads to disputes, the parties concerned shall settle such disputes through negotiations; they may also, in accordance with a written arbitration agreement reached between them, apply for arbitration to an arbitration institution; where the parties concerned are unwilling to negotiate, or the negotiation has failed or there is no written arbitration agreement , the trademark registrant or the interested party may file a lawsuit before the people's court or request the department in charge of trademark law enforcement for handling. Where the foregoing infringement is confirmed, the department in charge of trademark law enforcement shall order the infringer to cease such infringement, confiscate and destroy the infringing goods and tools used in producing such goods or forging logos of the registered trademark, confiscate the illegal income. In the event of illegal business revenue of over RMB50,000, a fine up to five times of the revenue may be imposed; in the event of no illegal business revenue or illegal business revenue of less than RMB50,000, a fine up to RMB250,000 may be imposed. Where a seller with no knowledge of its infringing goods can prove the legality of acquiring such goods and point out the provider, the department in charge of trademark law enforcement shall order the seller to cease selling its goods, confiscate the infringing goods, and may notify the trademark law enforcement authority of the place where the supplier of the infringing commodities is located to handle the case. For those who commit two or more trademark infringements or other trademark violations within five years, refuse or obstruct law enforcement , or have other serious circumstances, the department in charge of trademark law enforcement shall impose heavier punishment. Where there is dispute over whether the infringement of the exclusive right to use a trademark is established or the amount of compensation for infringing the exclusive right to use the trademark, the party concerned may request the intellectual property administrative department for an administrative ruling or mediation, or may file a lawsuit before the people's court pursuant to the Civil Procedure Law of the People's Republic of China. Where an agreement is reached through mediation by the intellectual property administrative department, it may be judicially confirmed by a people's court; where no

	<p>agreement is reached, the intellectual property administrative department may make an administrative ruling as to whether the act of infringement is established. If a party refuses to accept the administrative ruling, it may file a lawsuit with a people's court in accordance with the Administrative Procedure Law of the People's Republic of China.</p> <p>Where there is a dispute over the exclusive right to use a registered trademark between the relevant party and the trademark registrant or interested party, the party concerned may bring a suit to the people's court and request for judgment as to whether the act has infringed upon the exclusive right to use the registered trademark.</p>
<p><u>Article 61 [Investigation of Trademark Infringement] The administrative department for industry and commerce has the power to investigate and handle any conduct that infringes the exclusive right to use a registered trademark according to the law; in the event that it is suspected to have committed a crime, the case shall be promptly transferred to the judicial department for handling in accordance with the law.</u></p>	<p>Article 75 [Investigation of Trademark Violations] The department in charge of trademark law enforcement has the power to investigate and handle trademark violations according to the law; in the event that the infringement of the exclusive right to use registered trademark is suspected to have committed a crime, the case shall be promptly transferred to the judicial department for handling in accordance with the law.</p> <p>For those who do not need to be investigated for criminal responsibility or exempted from criminal punishment according to law, but shall be subject to administrative punishment, the judicial department shall promptly transfer the case to the department in charge of trademark law enforcement for handling according to the law.</p>
<p><u>Article 62 [Trademark Enforcement Measures] The administrative department for industry and commerce at or above the county level may, based on the available evidence of illegal conduct or complaints, exercise the following power in investigating activities suspected of infringing upon others' exclusive right to use a registered trademark:</u></p> <ol style="list-style-type: none"> 1. to question the parties concerned and <u>investigate the circumstances in connection with the infringement of others' exclusive right to use a registered trademark;</u> 2. to look up and copy the contracts, invoices, account books, <u>and other materials pertaining to the trademark-infringing activities of the parties concerned;</u> 3. to conduct an on-site inspection of the premises where the party concerned is suspected of carrying out <u>activities that have infringed upon others' exclusive right to use a registered trademark;</u> 4. to inspect the articles involved in <u>trademark-infringing activities; Articles that are proven to have infringed upon others' exclusive right to use a registered trademark may be sealed up or taken into custody.</u> <p><u>The parties concerned shall assist in and cooperate with the administrative department for industry and commerce when the latter exercises the powers provided for in the preceding</u></p>	<p>Article 76 [Trademark Enforcement Measures] The department in charge of trademark law enforcement may, based on the available evidence of illegal conduct or complaints reported, exercise the following power in investigating suspected trademark violations:</p> <ol style="list-style-type: none"> 1. to question the parties concerned and request them to explain relevant situations or provide materials related to the acts under investigation; 2. to look up and copy the contracts, invoices, account books, vouchers, documents, records, business correspondence, audio-visual materials, electronic data and other materials pertaining to the suspected trademark violations; 3. to conduct an on-site inspection of the premises where the party concerned is suspected of carrying out trademark violations; 4. to inspect the articles involved in trademark violations; 5. to register the evidence for preservation in advance under the circumstance that the evidence is likely to be destroyed or lost, or is difficult to be obtained in the future; 6. to seal up or seize the articles that are proved to be involved in trademark violations;

<p>paragraph in accordance with the law and shall not refuse or obstruct.</p> <p>During the process of investigating and handling a trademark infringement case, in case that any dispute arises with respect to the trademark ownership or the right owner files a lawsuit regarding such infringement before the people's court, <u>the administrative department for industry and commerce</u> may suspend the aforesaid process. As the cause for suspension is eliminated, the process shall be restored or closed.</p>	<p>7. to inquire about the bank accounts of the parties suspected of trademark violations.</p> <p>The adoption of the measures prescribed in Item 5 to 7 of the preceding paragraph shall be approved by the person-in-charge of the department in charge of trademark law enforcement.</p> <p>The parties concerned shall assist in and cooperate with the department in charge of trademark law enforcement when the latter exercises the powers provided for in the first paragraph of this article in accordance with the law and shall not refuse or obstruct. During the process of investigating and handling a trademark infringement case, in case that any dispute arises with respect to the trademark ownership or the right owner files a lawsuit regarding such infringement before the people's court, the department in charge of trademark law enforcement may suspend the aforesaid process. As the cause for suspension is eliminated, the process shall be restored or closed.</p>
<p>Article 63 [Civil Liability for Trademark Infringement] The amount of compensation for infringing the exclusive right to use the trademark shall be determined based on the right owner's actual losses due to infringement; if the actual losses are hard to be determined, it may be determined based on the infringer's actual profits obtained due to the same; when both the losses or the infringer's actual profits obtained are hard to be determined, it may be determined based on times of the royalties of the registered trademark. For <u>malicious</u> infringement with serious circumstances, the amount of compensation may be between one time to five times the aforesaid amount determined in light of the foregoing regulations. The amount of compensation shall include reasonable expenses of the right owner to stop the infringement.</p> <p>For the purpose of determining the amount of compensation, where the account books and information regarding the infringement are held by the infringer while the right owner has provided evidence to its best effort, the people's court may order the infringer to submit such account books and information; in case the infringer refuses to submit the account books and information or submit a false version thereof, the people's court may determine the amount of compensation with reference to the right owner's claim and evidence.</p> <p>Where it is hard to determine the right owner's actual losses due to infringement, the infringer's actual profits obtained due to the same or the royalties of the registered trademark, the people's court shall, based on the actual circumstance of infringement, rule on a compensation of not more than RMB5 million.</p> <p>In hearing a case of trademark dispute, the people's court may, at the request of the right owner, order to destroy the goods bearing counterfeit registered trademark, unless under special circumstances; order to destroy the materials and tools mainly used to manufacture the goods bearing</p>	<p>Article 77 [Civil Liability for Trademark Infringement] The amount of compensation for infringing the exclusive right to use the trademark shall be determined based on the right owner's actual losses due to infringement or the infringer's actual profits obtained due to the same; when both the losses or the infringer's actual profits obtained are hard to be determined, it may be determined based on times of the royalties of the registered trademark. For intentional infringement with serious circumstances, the amount of compensation may be between one time to five times the aforesaid amount determined in light of the foregoing regulations.</p> <p>For the purpose of determining the amount of compensation, where the account books and information regarding the infringement are held by the infringer while the right owner has provided evidence to its best effort, the people's court may order the infringer to submit such account books and information; in case the infringer refuses to submit the account books and information or submit a false version thereof, the people's court may determine the amount of compensation with reference to the right owner's claim and evidence.</p> <p>Where it is hard to determine the right owner's actual losses due to infringement, the infringer's actual profits obtained due to the same or the royalties of the registered trademark, the people's court shall, based on the actual circumstance of infringement, rule on a compensation of not more than RMB5 million.</p> <p>The amount of compensation shall also include reasonable expenses of the right owner to stop the infringement.</p> <p>In hearing a case of trademark dispute, the people's court may, at the request of the right owner, order to destroy the goods bearing counterfeit registered trademark, unless under special circumstances; order to destroy the materials and tools mainly used to manufacture the goods bearing</p>

<p>counterfeit registered trademarks, without compensation; or, under special circumstances, order to prohibit the foregoing materials and tools from entering any commercial channel, without compensation.</p> <p>Goods bearing counterfeit registered trademarks shall not be put into any commercial channel by merely having their counterfeit registered trademarks removed.</p>	<p>counterfeit registered trademarks, without compensation; or, under special circumstances, order to prohibit the foregoing materials and tools from entering any commercial channel, without compensation.</p> <p>Goods bearing counterfeit registered trademarks shall not be put into any commercial channel by merely having their counterfeit registered trademarks removed.</p>
<p>Add</p>	<p>Article 78 [Public Interest Litigation against Trademark Infringement] Where the infringement upon the exclusive right to use a registered trademark harms the national interests or public interests, and neither the owner of the exclusive right to use a registered trademark nor interested party files a lawsuit, nor the department in charge of trademark law enforcement handles the case, the procuratorate organ may file a lawsuit with the people's court against the infringement upon the exclusive right to use a registered trademark in accordance with the law.</p>
<p>Paragraphs 2 to 4 of Article 14 During the process of registered trademark examination or investigation of cases in violation of laws concerning trademarks by the administrative department for industry and commerce, where the parties concerned claim their rights in accordance with Article 13 hereof, the Trademark Office may, as required for such examination or handling the case, determine the well-known status of the trademark.</p> <p>During the handling of trademark disputes, where the parties concerned claim their rights in accordance with Article 13 hereof, the Trademark Review and Adjudication Board may, as required for handling the case, determine the well-known status of the trademark.</p> <p>During the process of hearing civil or administrative cases concerning trademarks, where the parties concerned claim their rights in accordance with the provisions of Article 13 hereof, the people's court designated by the Supreme People's Court may, as required by case hearing, <u>determine</u> the well-known status of the trademark.</p>	<p>Article 79 [Confirmation of Well-known Trademarks] During the process of registered trademark examination, handling of trademark disputes or investigation of cases in violation of laws concerning trademarks, where the parties concerned claim their rights in accordance with Article 18 hereof, the intellectual property administrative department of the State Council may, as required for handling the case, confirm the well-known status of the trademark.</p> <p>During the process of hearing civil or administrative cases concerning trademarks, where the parties concerned claim their rights in accordance with the provisions of Article 18 hereof, the people's court designated by the Supreme People's Court may, as required by case hearing, confirm the well-known status of the trademark.</p>
<p><u>Article 64 [Compensation Exemption Defense]</u> Where a holder of exclusive rights to use registered trademarks seeks compensation, the alleged infringer argued that the holder of exclusive rights to use registered trademarks has not used the registered trademark, the people's court may require the holder of exclusive rights to use registered trademarks to provide evidence of actual use of the said registered trademark over the past three years. Where the holder of exclusive rights to use registered trademarks cannot prove that it has actually used the foregoing registered trademarks during the preceding three-year period, and cannot prove that it has suffered other losses due to the infringement, the alleged infringer shall not be liable for compensation.</p> <p>If the seller does not know that the goods infringe upon the exclusive right to use a registered trademark, it shall not be liable for compensation if it can prove that the goods are</p>	<p>Article 80 [Compensation Exemption Defense] Where a holder of exclusive rights to use registered trademarks seeks compensation, the alleged infringer argued that the holder of exclusive rights to use registered trademarks has not used the registered trademark, the people's court may require the holder of exclusive rights to use registered trademarks to provide evidence of actual use of the said registered trademark over the past three years. Where the holder of exclusive rights to use registered trademarks cannot prove that it has actually used the foregoing registered trademarks during the preceding three-year period, and cannot prove that it has suffered other losses due to the infringement, the alleged infringer shall not be liable for compensation.</p> <p>If the seller does not know that the goods infringe upon the exclusive right to use a registered trademark, it shall not be liable for compensation if it can prove that the goods are</p>

legally obtained by itself and specify the supplier.	legally obtained by itself and specify the supplier.
<u>Article 65</u> [Pre-litigation Preliminary Reliefs] Where a trademark registrant or interested person has evidence to prove that another person is committing or is going to commit an act that infringes upon its exclusive right to use a registered trademark and that if such act is not stopped promptly, it will cause irreparable damage to its legitimate rights and interests, the trademark registrant or interested person may, prior to filing a lawsuit, apply to the people's court in accordance with the law for an order to suspend relevant acts and for property preservation.	Article 81 [Pre-litigation Preliminary Reliefs] Where a trademark registrant or interested person has evidence to prove that another person is committing or is going to commit an act that infringes upon its exclusive right to use a registered trademark and that if such act is not stopped promptly, it will cause irreparable damage to its legitimate rights and interests, the trademark registrant or interested person may, prior to filing a lawsuit, apply to the people's court in accordance with the law for an order to suspend relevant acts and for property preservation.
<u>Article 66</u> [Pre-litigation Evidence Preservation] In order to stop trademark infringing activities, a trademark registrant or an interested party may, prior to filing a lawsuit, apply to the people's court for evidence preservation when such evidence may be destroyed or lost or become unobtainable in the future.	Article 82 [Pre-litigation Evidence Preservation] In order to stop trademark infringing activities, a trademark registrant or an interested party may, prior to filing a lawsuit, apply to the people's court for evidence preservation when such evidence may be destroyed or lost or become unobtainable in the future.
Add	Article 83 [Civil Compensation for Malicious Registration of Trademarks] Where any applicant, in violation of Item 4 of Article 22 hereof, maliciously applies for trademark registration and causes losses to another person, such person may file a lawsuit before the people's court to claim compensation for the losses. The amount of compensation shall at least include the reasonable expenses paid by such person for stopping the malicious application for trademark registration. Where an application for trademark registration harms national interests or public interests or causes significant unhealthy effects in violation of Item 3 of Article 22 hereof, the procuratorate organ shall institute legal proceedings before the people's court against the malicious application for trademark registration in accordance with the law.
<u>Paragraph 4 of Article 68</u> In the event of any malicious application for trademark registration, the trademark agency shall be subject to administrative punishments such as warning and fine, depending on the specific circumstance; Anyone who maliciously files a trademark lawsuit shall be punished by the people's court according to law.	Article 84 [Counterclaim for Malicious Litigation] Anyone who maliciously files a trademark lawsuit shall be punished by the people's court according to law. If losses are caused to the other party, compensation shall be made; The amount of compensation shall include the reasonable expenses paid by the other party to stop the malicious trademark litigation.
<u>Article 67</u> [Criminal Liability] Any person who, without the permission of trademark registrant, uses a trademark identical to the registrant's trademark for the same goods, where the case constitutes a crime, shall be prosecuted according to the law for its criminal liabilities, in addition to compensation of the losses suffered by the infringed party. Any person who forges or counterfeits others' registered trademark or sells registered trademarks that are forged or counterfeited shall, if the act constitutes a crime, be investigated for criminal responsibility according to the law, in addition to compensation of the losses suffered by the infringed party.	Article 85 [Criminal Liability] Any person who, without the permission of trademark registrant, uses a trademark identical to the registrant's trademark for the same goods, where the case constitutes a crime, shall be prosecuted according to the law for its criminal liabilities, in addition to compensation of the losses suffered by the infringed party. Any person who forges or counterfeits others' registered trademark or sells registered trademarks that are forged or counterfeited shall, if the act constitutes a crime, be investigated for criminal responsibility according to the law, in addition to compensation of the losses suffered by the infringed party.

<p>Any person who knowingly sells goods bearing counterfeit registered trademarks shall, if the act constitutes a crime, be investigated for criminal responsibility according to the law, in addition to compensation of the losses suffered by the infringed party.</p>	<p>Any person who knowingly sells goods bearing counterfeit registered trademarks shall, if the act constitutes a crime, be investigated for criminal responsibility according to the law, in addition to compensation of the losses suffered by the infringed party.</p>
<p>Article 68 [Illegal Activities of Trademark Agency and Legal Liabilities] If a trademark agency has any one of the following conducts, <u>the administrative department for industry and commerce</u> shall order the trademark agency to rectify the same within a specified period, give corresponding warning and impose a fine of more than RMB10,000 up to RMB100,000; and give warnings to management in direct charges and the other persons in direct charge and impose a fine of more than RMB5,000 up to RMB50,000; those who have committed crimes shall be held for criminal responsibilities:</p> <ol style="list-style-type: none"> 1. forging/altering legal documents, seals or signatures or using forged/altered legal documents, seals or signatures during the process of handling trademark-related matters; 2. soliciting agency business by slandering other trademark agencies or disturbing the trademark agency market order by other improper means; and 3. violating <u>Article 4, Paragraphs 3 and 4 of Article 19</u> hereof. <p>Where a trademark agency has had conducts stipulated in the previous paragraph, it will be recorded by <u>the administrative department for industry and commerce</u> in the files of credits; in case of serious circumstances, the <u>Trademark Office and the Trademark Review and Adjudication Board</u> may cease accepting its agency business and make relevant announcement.</p> <p>Where a trademark agency violates the principle of good faith and thus infringes the client's legal interests, such agency shall bear relevant civil liability according to the law and be punished by the industry organization of trademark agency in accordance with the articles of association.</p> <p>In the event of any malicious application for trademark registration, the trademark agency shall be subject to administrative punishments such as warning and fine, depending on the specific circumstance; Anyone who maliciously files a trademark lawsuit shall be punished by the people's court according to law.</p>	<p>Article 86 [Illegal Activities of Trademark Agency and Legal Liabilities] If a trademark agency has any one of the following conducts, the department in charge of trademark law enforcement shall order the trademark agency to rectify the same within a specified period, give corresponding warning and impose a fine of more than RMB10,000 up to RMB100,000; and give warnings to management in direct charges and the other persons in direct charge and impose a fine of more than RMB5,000 up to RMB50,000; those who have committed crimes shall be held for criminal responsibilities:</p> <ol style="list-style-type: none"> 1. forging/altering legal documents, seals or signatures or using forged/altered legal documents, seals or signatures during the process of handling trademark-related matters; 2. soliciting agency business by slandering other trademark agencies or disturbing the trademark agency market order by other improper means; and 3. violating Item 1 of Article 22, Article 26 and Paragraph 3 of Article 69 hereof. <p>Where a trademark agency has had conducts stipulated in the previous paragraph, it will be recorded by the intellectual property administrative department of the State Council in the files of credits; in case of serious circumstances, the intellectual property administrative department of the State Council may cease accepting its agency business and make relevant announcement.</p> <p>Where a trademark agency violates the principle of good faith and thus infringes the client's legal interests, such agency shall bear relevant civil liability according to the law and be punished by the industry organization of trademark agency in accordance with the articles of association.</p> <p>Where a trademark agency is ordered to suspend the acceptance of trademark agency businesses, the person-in-charge and directly responsible personnel of the trademark agency as well as the shareholders and partners responsible for management shall not be newly appointed as the person-in-charge, shareholder or partner of other trademark agencies during the period of suspension of acceptance of business or failure to properly handle the unfinished trademark agency business.</p>
<p>Add</p>	<p>Article 87 [Credit Supervision] Where a party is subject to administrative penalties due to violation of this Law, the department imposing the penalty shall include the same in its credit record and disclose the same to the public in accordance with the relevant laws and</p>

	administrative regulations.
<p><u>Article 69</u> [Requirements for the Conduct of State Personnel] <u>The state personnel</u> engaging in trademark registration, administration, and review shall be impartial in implementing the law, incorruptible and self-disciplined, and devoted to their duty, and shall provide civilized services.</p> <p>The State personnel of the Trademark Office, the Trademark Review and Adjudication Board, and those engaging in trademark registration, administration, <u>and</u> review shall not engage in trademark agency services, production, or the trading of goods.</p>	<p>Article 88 [Requirements for the Conduct of Relevant Personnel] Public officials and relevant personnel engaging in trademark registration, administration, review, and hearing shall be impartial in implementing the law, incorruptible and self-disciplined, and devoted to their duty, and shall provide civilized services.</p> <p>Public officials and relevant personnel in intellectual property administration department of the State Council, the judicial departments, and those engaging in trademark registration, administration, review and hearing shall not engage in trademark agency services, production, or the trading goods.</p>
<p><u>Article 70</u> [Internal Supervision and Inspection] <u>The administrative department for industry and commerce</u> shall establish a comprehensive internal supervisory system to supervise and inspect the implementation of laws and administrative regulations and the observance of disciplines by <u>the state personnel</u> in charge of trademark registration, administration, <u>and</u> review.</p>	<p>Article 89 [Internal Supervision and Inspection] The intellectual property administrative department of the State Council and the judicial departments shall establish a comprehensive internal supervisory system to supervise and inspect the implementation of laws and administrative regulations and the observance of disciplines by public officials and relevant personnel in charge of trademark registration, administration, review, and hearing.</p>
<p><u>Article 71</u> [Legal Liability of State Personnel] <u>The state personnel</u> engaging in trademark registration, administration, <u>and</u> review who neglect their duty, abuse their official power, commit fraud for personal considerations, handle matters on trademark registration, administration, <u>and</u> review in violation of laws, accept money or properties from a party concerned or seek improper gains, shall be prosecuted according to the law for their criminal liabilities if the case constitutes a crime. For the case that does not constitute a crime, the personnel involved shall be subject to sanctions.</p>	<p>Article 90 [Legal Liability of Relevant Personnel] The public officials and relevant personnel engaging in trademark registration, administration, review and hearing who neglect their duty, abuse their official power, commit fraud for personal considerations, handle matters on trademark registration, administration, review and hearing in violation of laws, or pervert the law in making a judgment, accept money or properties from a party concerned or seek improper gains, shall be prosecuted according to the law for their criminal liabilities if the case constitutes a crime. For the case that does not constitute a crime, the personnel involved shall be subject to sanctions.</p>
Add	Chapter IX Promotion of the Use and Services of Trademarks, and Building of Trademark Brands
	<p>Article 91 [Brand Strategy and Public Service] The State will implement the trademark brand strategy, promote trademark branding, the cultivation of reputed trademark brands, and the development of brand economy.</p> <p>The State will strengthen the building of trademark public service system, promote the dissemination and utilization of trademark information, and continuously improve the public service capacity for trademarks.</p>
Add	<p>Article 92 [Responsibilities of the Government] Governments at or above the county level shall include the work of trademark branding into relevant plans for national economy and social development, formulate scientific and reasonable policies and measures, actively guide the cultivation, protection, and use of trademark</p>

	brands, and provide necessary guarantees.
Add	<p>Article 93 [Trademark Brand Building Measures] The State encourages all parties concerned in trademark brands to implement the following measures to promote trademark brand building:</p> <ol style="list-style-type: none"> 1. to enhance the public's awareness of trademark brand and strengthen the orientation of trademark use; 2. to enhance trademark brand management capacity and promote the realization of trademark brand value. 3. to explore the cultural connotation of trademark brands and promote and display outstanding trademark brands; 4. to strengthen the training of trademark brand personnel and improve the professional capabilities of brand service agencies and practitioners; 5. to strengthen the research, evaluation and monitoring of trademark brands, and establish a scientific trademark brand evaluation system; 6. to organize and implement other measures to promote trademark brand building.
Add	<p>Article 94 [Regional Brands] The State encourages the development of regional brands, the utilization of collective trademark and certification trademark systems, the establishment of regional brands with distinctive characteristics, strong competitiveness and good market reputation, and the growth of regional and industrial economy.</p>
Add	<p>Article 95 [Strengthening Intellectualization and Trademark Information Sharing] The intellectual property administrative department of the State Council shall strengthen informatization and intellectualization, promote the sharing of trademark information, improve the relevant rules on electronic application, electronic service, electronic evidence, electronic registration certificates, electronic documents and electronic archives (electronic registration register), enhance the electronation and facilitation of handling trademark business.</p>
Add	<p>Article 96 [Information Disclosure Obligation] The intellectual property administrative department of the State Council shall strengthen the development of the trademark public service platform, publish trademark information in a complete, accurate and timely manner, provide basic trademark data, and guide and promote the effective use of trademark information.</p>
Add	<p>Article 97 [Trademark Archives] The intellectual property administrative department of the State Council shall strengthen the archiving of trademark registration,</p>

	and constantly improve the standardization of the administration of trademark registration archives.
Chapter VIII Supplementary Provisions	Chapter X Supplementary Provisions
<u>Article 72</u> [Payment of Fees] Any application for trademark registration and the handling of other trademark matters shall be subject to fee payment, the specific charging standards of which will be prescribed separately.	Article 98 [Payment of Fees] Any application for trademark registration and the handling of other trademark matters shall be subject to fee payment, the specific charging standards of which will be prescribed separately.
Add	<p>Article 99 [Record of Official Signs] The following marks used by central state organs, armed forces, political parties and national people's organizations may be filed with the intellectual property administrative department of the State Council for the record of official signs; where a trademark applied for registration is identical with or similar to an official sign that has been put on record, the application shall be refused and the use of such mark shall be prohibited in accordance with Article 15 hereof:</p> <ol style="list-style-type: none"> 1. the names and signs of organs, names of the specific locations thereof, or the names and graphics of landmark buildings, etc. 2. official signs and inspection seals indicating control and guarantee. <p>The intellectual property administrative department of the State Council shall handle matters concerning the protection of international official signs in accordance with the relevant international treaties concluded or participated by the People's Republic of China.</p>
Add	Article 100 [Formulation of Trademark Examination and Trial Guidelines] The intellectual property administrative department of the State Council shall formulate trademark examination and trial guidelines in accordance with this Law and the Implementation Regulations for the Trademark Law.
<u>Article 73</u> [Implementation and Effectiveness] This Law shall come into force as of March 1, 1983. The Administrative Regulations on Trademark promulgated by the State Council on April 10, 1963, shall simultaneously be repealed, and any other provisions concerning trademark administration that conflict with this Law shall be ineffective simultaneously.	Article 101 [Implementation and Effectiveness] This Law shall come into force as of March 1, 1983. The Administrative Regulations on Trademark promulgated by the State Council on April 10, 1963, shall simultaneously be repealed, and any other provisions concerning trademark administration that conflict with this Law shall be ineffective simultaneously.
Trademarks registered before the implementation of this Law shall continue to be valid.	Trademarks registered before the implementation of this Law shall continue to be valid.