

Comparison table between the Trademark Law of China PRC in force (2019 version) and the Draft published by Standing Committee of National People Congress on 2025 December 27th.

NOTE: *LAW IN FORCE*: the words in the box are deleted in the Revised Draft. *REVISED DRAFT*: the words in bold are amended or newly added content.

LAW IN FORCE (2019)	REVISED DRAFT (2025)
Chapter I General Provisions	Chapter I General Provisions
Article 1: This Law is enacted for the purpose of improving the administration of trademarks, protecting the exclusive right to the use of a trademark , and encouraging producers and dealers to guarantee the quality of their goods and services and preserve the credibility of trademarks, so as to protect the interests of consumers, producers and dealers and promote the development of the socialist market economy.	Article 1: This Law is enacted to protect trademark rights, strengthen trademark administration , encourage producers and operators to guarantee the quality of goods and services, maintain trademark reputation, safeguard the interests of consumers and producers and operators, and promote the development of the socialist market economy.
	Article 2: Trademark work shall implement the strategic deployment of the Party and the State on intellectual property rights, and improve the country's level of trademark protection, utilization, management, and services.
Article 2: The trademark office of the administrative department for industry and commerce under the State Council shall be in charge of the work of trademark registration and administration throughout the country. The administrative department for industry and commerce under the State Council shall establish a trademark review and adjudication board to be responsible for handling trademark disputes.	Article 3: The Trademark Administration Department of the State Council is responsible for trademark registration and administration work nationwide. The departments of local people's governments at or above the county level responsible for trademark administration work are responsible for trademark administration work within their respective administrative regions. The departments of people's governments at or above the county level that undertake trademark enforcement functions shall be responsible for trademark enforcement work according to their respective responsibilities and powers The departments responsible for trademark registration and administration work and the departments responsible for trademark enforcement shall establish a working mechanism to strengthen

	information sharing and work coordination.
Paragraph 2 of Article 4: Provisions regarding the goods trademarks in this Law shall be applicable to service trademarks.	Article 4: The term “trademark” as used in this Law refers to a mark used to identify and distinguish the source of goods or services, including goods trademarks and service trademarks. The provisions of this Law concerning goods trademarks shall apply to service trademarks.
Paragraph 1 of Article 3: Registered trademarks refer to trademarks that are registered with the approval of <u>the trademark office</u>, including trademarks for goods and services, collective trademarks and certification trademarks. The owner of a registered trademark shall enjoy the exclusive right to the use of the trademark, which shall be protected by law. Paragraph 2 of Article 9: A trademark registrant shall have the right to indicate the wording "Registered Trademark" or the sign showing that the trademark is registered. Paragraph 1 of Article 4: Any natural person, legal person or <u>other</u> organization that needs to obtain the exclusive right to use a trademark for its goods or services during production and business operations shall apply for trademark registration with <u>the trademark office</u>. <u>A mala fide trademark registration application not made for the purpose of using the trademark shall be rejected.</u>	Article 5: A trademark registered with the approval of the Trademark Administration Department of the State Council is a registered trademark. The trademark registrant has the right to indicate “registered trademark” or a registration mark, enjoys exclusive trademark rights, and is protected by law. Natural persons, legal persons, or unincorporated organizations that need to obtain exclusive trademark rights for their goods or services in their production and business activities shall apply to the Trademark Administration Department of the State Council for trademark registration.
Paragraphs 2-4 of Article 3: <u>For purposes of this Law</u>, a collective trademark refers to one that is registered in the name of a <u>group</u>, association, or any other organization for use in business by its members to indicate membership. <u>For purposes of this Law</u>, a certification trademark refers to one that is controlled by an organization which is capable of exercising supervision over a particular kind of goods or services and that is used by a unit other than the organization or by an individual for its or his goods or services, and is designed to certify the indications of the place of origin, raw materials, mode of manufacture, quality, or other specified properties of the said goods or services. Particulars pertaining to the registration and administration of collective trademarks and certification	Article 6: A collective trademark refers to a mark registered in the name of a trade association or other social organization, for use by members of that organization in commercial activities to indicate their membership in that organization. A certification trademark refers to a mark controlled by an organization with the ability to supervise a certain type of goods or services, and used by units or individuals other than that organization on their goods or services to certify the origin of the goods or services, A mark indicating the raw materials, manufacturing method, quality, or other specific characteristics. Special matters concerning the registration and management of collective trademarks and certification trademarks shall be stipulated by the Trademark Administration Department of the State Council.

trademarks shall be formulated by the <u>administrative department for industry and commerce under the State Council</u> .	
Article 5: Two or more natural persons, legal persons, <u>or other</u> organizations may jointly file an application with the <u>trademark office</u> for the registration of one and the same trademark and jointly enjoy and exercise the exclusive right to the use of the trademark.	Article 7: Two or more natural persons, legal persons, or unincorporated organizations may jointly apply to the Trademark Administration Department of the State Council for the registration of the same trademark, and jointly enjoy and exercise the exclusive right to that trademark.
Article 6: Where a registered trademark is required to be used for some goods by laws or administrative regulations, an application for trademark registration shall be made. No such goods may be marketed without an approved and registered trademark.	Article 8: For goods that are required by laws and administrative regulations to use registered trademarks, trademark registration must be applied for. Goods that have not been approved for registration shall not be sold on the market.
Article 7: The principle of good faith shall be upheld in the application for trademark registration and in the use of trademarks. The user of a trademark shall be responsible for the quality of the goods on which the trademark is used. The <u>administrative departments for industry and commerce</u> at all levels shall, through the administration of trademarks, put an end to any practice that deceives consumers.	Article 9: When applying for and using trademarks, the principle of honesty and good faith shall be followed. Rights shall not be abused to harm national interests, public interests, or the legitimate rights and interests of others. Trademark users shall be responsible for the quality of the goods bearing their trademarks. Departments at all levels responsible for trademark administration and enforcement shall, through trademark management, prevent acts that deceive consumers.
Article 17: Where a foreigner <u>or</u> foreign enterprise applies for trademark registration in China, the matter shall be handled in accordance with any agreement concluded between the country to which the applicant belongs and the People's Republic of China, or any international treaty to which both countries are parties, or on the basis of the principle of reciprocity.	Article 10: Foreigners, foreign enterprises, or other foreign organizations applying for trademark registration in China shall do so in accordance with the agreements concluded between their respective countries and the People's Republic of China, or the international treaties to which both countries are parties, or on the principle of reciprocity.
Article 18: A party may apply for trademark registration or handle trademark-related matters on its own or by entrusting a trademark agency established according to the law. A foreigner <u>or</u> foreign enterprise shall entrust a trademark agency established according to the law for applying for trademark registration and handling other trademark-related matters in China.	Article 11: Applications for trademark registration or other trademark matters may be handled independently or through a legally established trademark agency. Foreigners, foreign enterprises, or other foreign organizations without a habitual residence or business establishment in China shall entrust a legally established trademark agency to handle trademark registration and other trademark matters in China.
Article 21: International trademark registration shall be governed by the systems established by relevant	Article 12: International trademark registration shall follow the system established by relevant international

international treaties concluded or acceded to by the People's Republic of China. The specific measures in this regard shall be formulated by the State Council.	treaties concluded or acceded to by the People's Republic of China. Specific measures shall be stipulated by the State Council.
	Article 13: The Trademark Administration Department of the State Council shall strengthen the construction of an information-based and intelligent trademark public service system, improve the convenience of trademark business processing, and publish trademark information completely, accurately, and promptly, thereby improving the level of trademark information services and management.
	Chapter II Conditions for Trademark Registration
Article 8: Any signs, including words, graphs, letters, numbers, three-dimensional symbols, color combinations <u>and</u> sound, or any combination thereof, that are capable of distinguishing the goods of a natural person, legal person or <u>other</u> organization from those of others may be applied for registration as trademarks.	Article 14: Any sign capable of distinguishing the goods of a natural person, legal entity, or unincorporated organization from those of others, including words, graphics, letters, numbers, three-dimensional signs, color combinations, sounds, dynamic signs , etc., and combinations of the above elements, may be applied for registration as a trademark.
Article 10 None of the following signs may be used as trademarks: (1) Those identical with or similar to the State name, the national flag, emblem or anthem, the military flag, emblem or songs, or medals of the People's Republic of China; or those identical with the names or emblems of Central State organs, the names of the specific locations where the Central State organs are seated; or those identical with the names or designs of landmark buildings; (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 of an international inter-governmental organization, except with the consent of that organization or except where it is unlikely to mislead the public; (4) those identical with or similar to an official mark or inspection stamp that indicates control and guarantee, except where authorized; (5) those identical with or similar to the symbol or name of the Red Cross or the Red Crescent;	Article 10 None of the following signs may be used as trademarks: (1) Those identical with or similar to the name, flag, emblem and medal of the Communist Party of China, the State name, the national flag, emblem or anthem, the military flag, emblem or songs, or medals of the People's Republic of China; or those identical with the names or emblems of Central State organs, the names of the specific locations where the Central and State organs are seated; or those identical with the names or designs 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 of an international inter-governmental organization, except with the consent of that organization or except where it is unlikely to mislead the public; (4) those identical with or similar to an official mark or inspection stamp that indicates control and guarantee, except where authorized; (5) those identical with or similar to the symbol or name

(6) those having the nature of discrimination against any nationality; (7) Those that are deceptive and are likely to mislead the public in terms of the quality, place of production or other characteristics of the goods; and (8) those detrimental to socialist ethics or customs, or having other unwholesome influences. No geographical names of administrative divisions at or above the county level or foreign geographical names known to the public may be used as trademarks, except where geographical names have other meanings or constitute part of a collective trademark or certification trademark. Registered trademarks in which geographical names are sued shall remain valid.	of the Red Cross or the Red Crescent; (6) those having the nature of discrimination against any nationality; (7) Those that are deceptive and are likely to mislead the public in terms of the quality, place of production or other characteristics of the goods; and (8) those detrimental to socialist ethics or customs, or having other unwholesome influences. No names of administrative divisions at or above the county level or foreign geographical names known to the public may be used as trademarks, except where geographical names have other meanings or constitute part of a collective trademark or certification trademark. Registered trademarks in which geographical names are sued shall remain valid.
Paragraph 1 of Article 9: A trademark submitted for registration shall bear noticeable characteristics and be readily distinguishable, and it may not conflict with the legitimate rights obtained by others earlier. Article 11: None of the following signs may be registered as trademarks: (1) where the mark bears only the generic name, design, or model number of the goods concerned; (2) where it only directly indicates the quality, principal raw materials, function, use, weight, quantity or other features of the goods; and (3) Signs that otherwise lack any distinctive character. Any mark mentioned in the preceding paragraph may be registered as a trademark if it has acquired distinctive features through use and is readily distinguishable.	Article 16: A trademark submitted for registration shall bear noticeable characteristics and be readily distinguishable. None of the following signs may be registered as trademarks: (1) where the mark bears only the generic name, design, or model number of the goods concerned; (2) where it only directly indicates the quality, principal raw materials, function, use, weight, quantity or other features of the goods; and (3) Signs that otherwise lack any distinctive character. Any mark mentioned in the preceding paragraph may be registered as a trademark if it has acquired distinctive features through use and is readily distinguishable.
Article 12: No application for registration of a three-dimensional sign as a trademark may be granted, where the sign merely indicates the shape inherent in the nature of the goods concerned, or the goods shape is only dictated by the need to achieve technical effects or the need to give the goods substantive value.	Article 17 Where a trademark is applied for registration by means of a three-dimensional mark, a combination of colors, a sound, a dynamic mark, etc., the shape, color combination, sound or dynamic effect that arises only from the nature of the goods concerned, or only dictated by the need to achieve technical effects or the need to give the goods substantive value, shall not be registered as a trademark.
Paragraph 1 of Article 4: Any natural person, legal person or other organization that needs to obtain the	Article 18: Applications for trademark registration that are not for the purpose of use and clearly exceed

exclusive right to use a trademark for its goods or services during production and business operations shall apply for trademark registration with the trademark office. A mala fide trademark registration application not made for the purpose of using the trademark shall be rejected. Paragraph 1 of Article 44: A registered trademark shall be declared invalid by the trademark office if it is in violation of Article 4, Article 10, Article 11, Article 12 or the fourth paragraph of Article 19 of this Law, or its registration is obtained by fraudulent means or other illegitimate means. Other entities or individuals may request the trademark review and adjudication board to declare the aforesaid registered trademark invalid.	normal production and business needs shall be rejected. Applications for trademark registration shall not be made through deception or other improper means.
Article 30: Where a trademark, for the registration of which an application is made, that does not conform to the relevant provisions of this Law or that is identical with or similar to the trademark already registered by another person or is given preliminary examination and approval for use on the same kind of goods or similar goods, the trademark office shall reject the application and shall not announce that trademark.	Article 19: A trademark applied for registration shall not be identical or similar to a trademark that has already been registered or previously applied for by another person on the same or similar goods.
Paragraphs 2-3 of Article 13: Where the trademark of an identical or similar kind of goods is a reproduction, imitation, or translation of another person's well-known trademark not registered in China and is liable to cause public confusion, no application for its registration may be granted and its use shall be prohibited. Where the trademark of a different or dissimilar kind of goods is a reproduction, imitation, or translation of another person's well-known trademark already registered in China and it misleads the public so that the interests of the registrant of the registered well-known trademark are likely to be impaired, no application for its registration may be granted and its use shall be prohibited.	Article 20: Where the trademark of an identical or similar kind of goods is a reproduction, imitation, or translation of another person's well-known trademark not registered in China and is liable to cause public confusion, no application for its registration may be granted and its use shall be prohibited. Where the trademark of a different or dissimilar kind of goods is a reproduction, imitation, or translation of another person's well-known trademark and it misleads the public so that the interests of the holder of the registered well-known trademark are likely to be impaired, no application for its registration may be granted and its use shall be prohibited.
Article 15: Where an agent or representative, without authorization of the client, seeks to register in its own name the client's trademark and the client objects, the trademark shall not be registered and its use shall be prohibited. An application for registering a trademark for the same	Article 21: Where an agent or representative, without authorization of the client, seeks to register in its own name the client's trademark and the client objects, the trademark shall not be registered and its use shall be prohibited. An application for registering a trademark for the same

kind of goods, or similar goods shall not be approved if the trademark under application is identical with or similar to an unregistered trademark already used by another party, the applicant is clearly aware of the existence of the trademark of such another party due to contractual, business or other relationships with the latter other than those prescribed in the preceding paragraph, and such another party raises objections to the trademark registration application in question.	kind of goods, or similar goods shall not be approved if the trademark under application is identical with or similar to an unregistered trademark already used by another party, the applicant is clearly aware of the existence of the trademark of such another party due to contractual, business or other relationships with the latter other than those prescribed in the preceding paragraph, and such another party raises objections to the trademark registration application in question.
Article 16: Where a trademark bears a geographical indication of the goods when the place indicated is not the origin of the goods in question, thus misleading the public, the trademark shall not be registered and its use shall be prohibited. However, where the registration is obtained in goodwill, it shall remain valid. The geographical indication mentioned in the preceding paragraph means the origin of the goods the special qualities, credibility or other characteristics of the goods and it is primarily determined by the natural factors or other humanistic factors of the place indicated.	Article 22: Where a trademark bears a geographical indication of the goods when the place indicated is not the origin of the goods in question, thus misleading the public, the trademark shall not be registered and its use shall be prohibited. However, where the registration is obtained in goodwill, it shall remain valid. The geographical indication mentioned in the preceding paragraph means the origin of the goods the special qualities, credibility or other characteristics of the goods and it is primarily determined by the natural factors or other humanistic factors of the place indicated.
Article 32: No applicant for trademark application may infringe upon another person's existing prior rights , nor may he, by illegitimate means , rush to register a trademark that is already in use by another person and has certain influence.	Article 23: Applications for trademark registration shall not infringe upon the existing legitimate rights and interests of others, nor shall they intentionally preemptively register trademarks that others have already used and have a certain influence.
Paragraph 4 of Article 19: A trademark agency shall not apply for registration of trademarks other than the ones entrusted to it.	Article 24: A trademark agency shall not apply for registration of trademarks other than the ones entrusted to it.
Chapter II Application for Trademark Registration	Chapter III Application for Trademark Registration
Article 22: A trademark registration applicant shall make an application and, according to the prescribed categories of goods, indicate in the application the types and the names of goods for which the trademark is to be used. A trademark registration applicant may apply for registration of the same trademark for multiple types of goods in one application. A trademark registration application and other relevant documents may be submitted in writing or by way of data message .	Article 25: Applicants for trademark registration shall fill in the categories and names of goods on which the trademark is used according to the prescribed classification of goods, and submit an application for registration. A trademark registration applicant may apply for registration of the same trademark for goods in multiple categories through a single application. Trademark registration applications and other relevant documents shall be submitted in written form. Data messages that can tangibly represent their content through electronic data interchange or other means

	and can be retrieved and accessed at any time shall be considered as written form.
Article 23: For obtaining the exclusive right to use a registered trademark on goods beyond the approved scope of use, a new registration application shall be made.	Article 26: For obtaining the exclusive right to use a registered trademark on goods beyond the approved scope of use, a new registration application shall be made.
Article 24: If a change needs to be made in the signs of a registered trademark, an application shall be filed anew.	Article 27: If a change needs to be made in the signs of a registered trademark, an application shall be filed anew.
Article 25: Where an applicant, within six months from the date he applies for registration of his trademark for the first time in a foreign country, again applies in China for registration of one and the same trademark for the same kind of goods, he may, in accordance with any agreement concluded between the foreign country concerned and the People's Republic of China or any international treaty to which both countries are parties, or on the basis of the priority principle mutually accepted, enjoy priority. Where, in accordance with the preceding paragraph, an applicant claims priority, he shall so state in writing at the time when he files the application for trademark registration and shall, within three months, submit a copy of the original application he files for the first time. Failure on the part of the applicant to make the statement in writing or to submit a copy of the original application before the expiration of the time limit shall be regarded as not claiming priority.	Article 28: Where an applicant, within six months from the date he applies for registration of his trademark for the first time in a foreign country, again applies in China for registration of one and the same trademark for the same kind of goods, he may, in accordance with any agreement concluded between the foreign country concerned and the People's Republic of China or any international treaty to which both countries are parties, or on the basis of the priority principle mutually accepted, enjoy priority. Where, in accordance with the preceding paragraph, an applicant claims priority, he shall so state in writing at the time when he files the application for trademark registration and shall, within three months, submit a copy of the original application he files for the first time. Failure on the part of the applicant to make the statement in writing or to submit a copy of the original application before the expiration of the time limit shall be regarded as not claiming priority.
Article 26: The applicant for registration of a trademark that is used for the first time on goods displayed at an international exhibition organized or recognized by the Chinese Government may, within six months from the date the said goods are placed on exhibition, enjoy priority. Where, in accordance with the preceding paragraph, an applicant claims priority, he shall so state in writing at the time when he files the application for trademark registration and shall, within three months, submit the name of the exhibition, evidence supporting the use of the trademark on the goods displayed, documents proving the date the exhibition, etc. failure to make the statement in writing or to submit the documents before the	Article 29: The applicant for registration of a trademark that is used for the first time on goods displayed at an international exhibition organized or recognized by the Chinese Government may, within six months from the date the said goods are placed on exhibition, enjoy priority. Where, in accordance with the preceding paragraph, an applicant claims priority, he shall so state in writing at the time when he files the application for trademark registration and shall, within three months, submit the name of the exhibition, evidence supporting the use of the trademark on the goods displayed, documents proving the date the exhibition, etc. failure to make the statement in writing or to submit the documents before the

expiration of the time limit shall be regarded as not claiming priority.	expiration of the time limit shall be regarded as not claiming priority.
Article 27: Matters stated in the application for trademark registration and all information provided shall be truthful, accurate and complete.	Article 30: Matters stated in the application for trademark registration and all information provided shall be truthful, accurate and complete.
Chapter III Examination and Approval of Trademark Registration	Chapter IV Examination and Approval of Trademark Registration
Article 28: The <u>trademark office</u> shall complete the examination of a trademark under registration application within nine months from the date of receiving the application documents for trademark registration, and shall issue a preliminary review announcement if the said application is in compliance with the relevant provisions of this Law.	Article 31: The Trademark Administration Department of the State Council shall complete the examination of a trademark under registration application within nine months from the date of receiving the application documents for trademark registration, and shall issue a preliminary review announcement if the said application is in compliance with the relevant provisions of this Law.
Article 29: If during the review, the <u>trademark office</u> is of the opinion that the contents of the trademark registration application need to be explained or corrected, it may require the applicant to do so. The failure of the applicant to provide explanations or make corrections shall not affect the <u>trademark office</u> in making a decision upon review.	Article 32: If during the review, The Trademark Administration Department of the State Council is of the opinion that the contents of the trademark registration application need to be explained or corrected, it may require the applicant to do so. The failure of the applicant to provide explanations or make corrections shall not affect The Trademark Administration Department of the State Council in making a decision upon review.
Article 30: Where a trademark, for the registration of which an application is made, that does not conform to the relevant provisions of this Law <u>or that is identical with or similar to the trademark already registered by another person or is given preliminary examination and approval for use on the same kind of goods or similar goods</u> , the <u>trademark office</u> shall reject the application and shall not announce that trademark.	Article 33: Where a trademark, for the registration of which an application is made, that does not conform to the relevant provisions of this Law, The Trademark Administration Department of the State Council shall reject the application and shall not announce that trademark.
Article 31: Where two or more applicants apply to register identical or similar trademarks for use on the same kind of goods or similar goods, the trademark office shall first conduct examination of, give approval to and announce the trademark whose registration is applied for earlier than the rest. Where the applications are filed on the same day, the trademark office shall first examine, give approval to and announce the trademark which is used earlier than the rest, and it shall reject the applications for registration of the other trademarks and	Article 34: Where two or more applicants apply to register identical or similar trademarks for use on the same kind of goods or similar goods, the trademark office shall first conduct examination of, give approval to and announce the trademark whose registration is applied for earlier than the rest. Where the applications are filed on the same day, the trademark office shall first examine, give approval to and announce the trademark which is used earlier than the rest, and it shall reject the applications for registration of the other trademarks and

shall not announce them.	shall not announce them.
Article 33: If a holder of prior rights or an interested party holds that the trademark announced upon preliminary review is in violation of <u>the second or third paragraph of Article 13, Article 15, the first paragraph of Article 16, Article 30, Article 31, or Article 32</u> of this Law, he may, within <u>three</u> months from the date of the preliminary review announcement, raise objections to the trademark office. Any party that is of the opinion that the aforesaid trademark is in violation of <u>Article 4, Article 10, Article 11, Article 12 or the fourth paragraph of Article 19</u> of this Law may raise objections to the <u>trademark office</u> within the same three-month period. If no objection is raised upon expiry of the announcement period, the trademark office shall approve the registration application, issue the certificate of trademark registration, and make an announcement thereon.	Article 35: If a holder of prior rights or an interested party holds that the trademark announced upon preliminary review is in violation of Article 19, Article 20, Article 21, the first paragraph of Article 22, or Article 23 of this Law, he may, within two months from the date of the preliminary review announcement, raise objections to the trademark office. Any party that is of the opinion that the aforesaid trademark is in violation of Article 15, Article 16, Article 17, Article 18 or Article 24 of this Law may raise objections to The Trademark Administration Department of the State Council within the same two-month period. If no objection is raised upon expiry of the announcement period, the trademark office shall approve the registration application, issue the certificate of trademark registration, and make an announcement thereon.
Article 34: Where an application for trademark is rejected and no preliminary review announcement is to be made, the <u>trademark office</u> shall so notify the trademark registration applicant concerned in writing. Where the applicant disagrees to the result, he may, within 15 days from the date he receives the notice, apply to the <u>trademark review and adjudication board</u> for a second review. The <u>trademark review and adjudication board</u> shall, within nine months upon receipt of the application, make a decision and notify the applicant in writing. Where it is necessary under special circumstance, an extension of three months may be granted upon approval by the <u>administrative department for industry and commerce of the State Council</u> . Where the applicant disagrees to the decision of the <u>trademark review and adjudication board</u> , he may, within 30 days from the date he receives the notice, bring a lawsuit to a people's court.	Article 36: Where an application for trademark is rejected and no preliminary review announcement is to be made, The Trademark Administration Department of the State Council shall so notify the trademark registration applicant concerned in writing. Where the applicant disagrees to the result, he may, within 15 days from the date he receives the notice, apply to The Trademark Administration Department of the State Council for a second review. The Trademark Administration Department of the State Council shall, within nine months upon receipt of the application, make a decision and notify the applicant in writing. Where it is necessary under special circumstance, an extension of three months may be granted upon approval by The Trademark Administration Department of the State Council . Where the applicant disagrees to the review decision, he may, within 30 days from the date he receives the notice, bring a lawsuit to a people's court.
Paragraphs 1-3 of Article 35: Where objections are raised against a trademark for which a preliminary review announcement has been made, the <u>trademark office</u> shall listen to the facts and grounds stated by both the opponent and the opposed, and after investigation	Article 37: Where objections are raised against a trademark for which a preliminary review announcement has been made, The Trademark Administration Department of the State Council shall listen to the facts and grounds stated by both the opponent and the

and verification make a decision on whether or not to approve the registration of the trademark within 12 months from the expiry date of the announcement period and shall notify the opponent and the opposed of the decision in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by the administrative department for industry and commerce of the State Council. Where the trademark office decides to approve a trademark registration, it shall issue the certificate of trademark registration to the applicant and make an announcement thereon. Where the opponent is dissatisfied with the decision, he may request the trademark review and adjudication board to declare the said registered trademark invalid in accordance with Article 44 or Article 45 of this Law. Where the trademark office decides not to approve a trademark registration, the opposed party disagreeing to the decision may apply for a second review to the trademark review and adjudication board within 15 days upon receipt of the relevant notice. The trademark review and adjudication board shall make a decision after review, and notify both the opponent and the opposed parties of such a decision in writing within 12 months from the date of the receipt of the application for review. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by the administrative department for industry and commerce of the State Council. If the opposed is dissatisfied with the decision made by the trademark review and adjudication board, he may bring a lawsuit to the People's Court within 30 days from the date he receives the notice, in which case the People's Court shall notify the opponent to participate in the litigation proceedings as a third party	opposed, and after investigation and verification make a decision on whether or not to approve the registration of the trademark within 12 months from the expiry date of the announcement period and shall notify the opponent and the opposed of the decision in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by The Trademark Administration Department of the State Council. Where The Trademark Administration Department of the State Council decides to approve a trademark registration, it shall issue the certificate of trademark registration to the applicant and make an announcement thereon. Where the opponent is dissatisfied with the decision, he may request The Trademark Administration Department of the State Council to declare the said registered trademark invalid in accordance with Article 49 or Article 50 of this Law. Where The Trademark Administration Department of the State Council decides not to approve a trademark registration, the opposed party disagreeing to the decision may apply for a second review to The Trademark Administration Department of the State Council within 15 days upon receipt of the relevant notice. The Trademark Administration Department of the State Council shall make a decision after review, and notify both the opponent and the opposed parties of such a decision in writing within 12 months from the date of the receipt of the application for review. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by The Trademark Administration Department of the State Council. If the opposed is dissatisfied with the review decision, he may bring a lawsuit to the People's Court within 30 days from the date he receives the notice, in which case the People's Court shall notify the opponent to participate in the litigation proceedings as a third party
Article 36: Where, upon the expiry of the statutory time limit, a party concerned fails to apply for review of the decision on rejection of a registration application or decision on denial of registration made by the trademark	Article 38: Where, upon the expiry of the statutory time limit, a party concerned fails to apply for review of the decision on rejection of a registration application or decision on denial of registration made by The

<u>office</u>, or fails to bring a lawsuit to the people's court against the decision of review made by the trademark review and adjudication board, the decision on rejection of a registration application, the decision on denial of registration or the decision of review shall become effective. Where the registration of a trademark is approved after the objection to its registration is found to be unsubstantiated upon examination, the time when the trademark registration applicant obtains the exclusive right to use the trademark shall commence from the date of the expiry of the <u>three</u>-month period of the preliminary examination announcement. During the period from the date of the expiry of the said announcement period to the time when decision is made to approve the registration of the trademark, the trademark shall have no retroactive effect on the use of an identical or similar mark by another party on the same kind of goods or similar goods. However, such other party shall be liable for compensating any losses caused, mala fide, to the trademark registrant.	Trademark Administration Department of the State Council, or fails to bring a lawsuit to the people's court against the decision of review made by the trademark review and adjudication board, the decision on rejection of a registration application, the decision on denial of registration or the decision of review shall become effective. Where the registration of a trademark is approved after the objection to its registration is found to be unsubstantiated upon examination, the time when the trademark registration applicant obtains the exclusive right to use the trademark shall commence from the date of the expiry of the two-month period of the preliminary examination announcement. During the period from the date of the expiry of the said announcement period to the time when decision is made to approve the registration of the trademark, the trademark shall have no retroactive effect on the use of an identical or similar mark by another party on the same kind of goods or similar goods. However, such other party shall be liable for compensating any losses caused, mala fide, to the trademark registrant.
Article 37: Applications for trademark registration and for review shall be examined without delay.	The Trademark Administration Department of the State Council shall examine the applications for trademark registration and for review without delay. The applicant may apply for withdrawal of the matters specified in the preceding paragraph.
Paragraph 4 of Article 35: When carrying out review <u>in accordance with the preceding paragraph</u>, the <u>trademark review and adjudication board</u> <u>may</u> suspend the review if the prior <u>rights</u> involved can only be ascertained based on the outcomes of another case currently under the hearing by a people's court or under the handling by an administrative organ. The trademark review and adjudication board shall resume the review procedure once the circumstances for suspension are eliminated. Paragraph 3 of Article 45: In reviewing an application for declaring a registered trademark invalid pursuant to the preceding paragraph, the <u>trademark review and adjudication board</u> <u>may</u> suspend the review if the prior <u>rights</u> involved can only be ascertained based on the	Article 40: When carrying out the trial of the trademark opposition examination, refusal review, review of disapproval for registration and invalidation cases, trademark administration department under the State Council generally should suspend the review and trial if the prior rights and interests involved can only be ascertained based on the outcomes of another case currently under the hearing by a people's court or under the handling by an administrative organ. The review and trial procedure shall be resumed without delay once the circumstances for suspension are eliminated. The people's court shall hear the decision of refusal review, the decision of review of disapproval for registration or the ruling of invalidation cases made by

outcomes of another case currently under the hearing by a people's court or under the handling by an administrative organ. The review procedure shall be resumed once the circumstances for suspension are eliminated.	The Trademark Administration Department of the State Council in accordance with Article 19 of this Law on the basis of the factual state at the time when the decision or ruling is made.
Article 38: Where an applicant for trademark registration or a registrant discovers an obvious error in the trademark application or registration documents, he may apply for its correction. The <u>trademark office</u> shall, in accordance with law and within the limits of its functions and powers, make the correction and shall notify the party of the matter. The correction of errors mentioned in the preceding paragraph shall not involve substantive matters in the application or registration documents.	Article 41: Where an applicant for trademark registration or a registrant discovers an obvious error in the trademark application or registration documents, he may apply for its correction. The Trademark Administration Department of the State Council shall, in accordance with law and within the limits of its functions and powers, make the correction and shall notify the party of the matter. The correction of errors mentioned in the preceding paragraph shall not involve substantive matters in the application or registration documents.
Chapter IV Renewal, Alteration, Transfer and <u>Li-</u> <u>censing</u> of Registered Trademarks	Chapter V Renewal, Alteration, Transfer and De- registration of Registered Trademarks
Article 39: The period of validity of a registered trademark shall be 10 years, counted from the day the registration is approved.	Article 42: The period of validity of a registered trademark shall be 10 years, counted from the day the registration is approved.
Article 40: Where a trademark registrant intends to continue using the registered trademark upon expiry of the validity period of registration, the trademark registrant shall go through the renewal procedure within 12 months prior to the expiry date in accordance with relevant provisions; where the registrant fails to do so during the said time limit, an extension of six months may be granted. Each renewal of registration shall be valid for ten years calculating from the date immediately following the expiry date of the last validity period of the trademark. If no application for renewal is filed upon expiry of the extension period, the registered trademark shall be cancelled. The <u>trademark office</u> shall announce the trademarks whose registration has been renewed.	Article 43: Where a trademark registrant intends to continue using the registered trademark upon expiry of the validity period of registration, the trademark registrant shall go through the renewal procedure within 12 months prior to the expiry date in accordance with relevant provisions; where the registrant fails to do so during the said time limit, an extension of six months may be granted. Each renewal of registration shall be valid for ten years calculating from the date immediately following the expiry date of the last validity period of the trademark. If no application for renewal is filed upon expiry of the extension period, the registered trademark shall be cancelled. The Trademark Administration Department of the State Council shall announce the trademarks whose registration has been renewed.
Article 41: If a change needs to be made in the name or address of the owner of a registered trademark or in any other registered matter, an application for the change shall be filed.	Article 44: If a change needs to be made in the name or address of the owner of a registered trademark or in any other registered matter, an application for the change shall be filed.
Article 42: To assign a registered trademark, the assignor and assignee shall sign an assignment agreement	Article 45: To assign a registered trademark, the assignor and assignee shall sign an assignment agreement

and jointly file an application with the trademark office. The assignee shall guarantee the quality of the goods on which the registered trademark is used. When transferring a registered trademark, the trademark registrant shall transfer, along with it, other similar trademarks he has registered for the same kind of goods, and other identical and similar trademarks he has registered for similar goods. The trademark office shall not approve the transfer of a registered trademark that is likely to cause confusion or result in other unfavorable effects and shall notify the applicant concerned in writing and explain the reasons therefor. After the assignment of a registered trademark is approved, it shall be announced. The assignee shall enjoy the exclusive right to the use of the trademark starting from the date the announcement is made.	and jointly file an application with The Trademark Administration Department of the State Council. The assignee shall guarantee the quality of the goods on which the registered trademark is used. When transferring a registered trademark, the trademark registrant shall transfer, along with it, other similar trademarks he has registered for the same kind of goods, and other identical and similar trademarks he has registered for similar goods. The Trademark Administration Department of the State Council shall not approve the transfer of a registered trademark that is likely to cause confusion or result in other unfavorable effects and shall notify the applicant concerned in writing and explain the reasons therefor. After the assignment of a registered trademark is approved, it shall be announced. The assignee shall enjoy the exclusive right to the use of the trademark starting from the date the announcement is made.
	Article 46: When transferring a collective trademark or a certification trademark, the transferee shall possess the corresponding qualifications and supervisory capabilities.
	Article 47: If a trademark registrant applies to cancel their registered trademark or the registration of their trademark on some designated goods, and the cancellation is approved by the trademark administrative department of the State Council, it shall be announced; the exclusive right to the registered trademark or the validity of the exclusive right to the registered trademark on those designated goods shall terminate from the date of the announcement.
Article 50: Within one year from the time where a registered trademark is cancelled or declared invalid, or is not renewed upon the expiry of its validity period, the trademark office shall not approve any application for registration of a trademark identical with or similar to the aforesaid trademark.	Article 48: If a trademark registrant applies to cancel their registered trademark, within one year from the date of the cancellation announcement, the trademark administrative department of the State Council shall not approve trademark registration applications from other parties for trademarks that are identical or similar to that trademark on the same or similar goods.
Chapter V Declaration of the Invalidity of Registered Trademarks	Chapter VI Declaration of the Invalidity of Registered Trademarks

Article 44: A registered trademark shall be declared invalid by the <u>trademark office</u> if it is in violation of <u>Article 4, Article 10, Article 11, Article 12 or the fourth paragraph of Article 19</u> of this Law, <u>or its registration is obtained by fraudulent or other illegitimate means</u>. Other entities or individuals may request the <u>trademark review and adjudication board</u> to declare the aforesaid registered trademark invalid. Where the <u>trademark office</u> makes a decision on declaring a registered trademark invalid, it shall notify the party concerned in writing of the decision. If a party concerned is dissatisfied with <u>the decision made by the trademark office</u>, he may apply for a review with the <u>trademark review and adjudication board</u> within 15 days upon the receipt of the notice from the trademark office. The <u>trademark review and adjudication board</u> shall make a decision and notify the party concerned in writing within nine months upon the receipt of the application for review. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by <u>the administrative department for industry and commerce of the State Council</u>. If a party concerned is dissatisfied with the decision made by the <u>Trademark Review and Adjudication Board</u>, he may bring a lawsuit to the people's court within 30 days upon the receipt of the notice from the Trademark Review and Adjudication Board. Where other entities or individuals request the <u>trademark review and adjudication board</u> to declare a registered trademark invalid, the <u>trademark review and adjudication board</u> latter shall, upon receipt of the application, notify the party concerned in writing, and require the party concerned to respond within a time limit. The <u>trademark review and adjudication board</u> shall, within nine months upon the receipt of the application, render a ruling on either maintaining the validity of the registered trademark or declaring the registered trademark invalid, and notify the party concerned in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the <u>administrative department for industry and commerce of the State Council</u>. If the party	Article 49: A registered trademark shall be declared invalid by The Trademark Administration Department of the State Council if it is in violation of Article 15, Article 16, Article 17, Article 18 or Article 24 of this Law. Other entities or individuals may request The Trademark Administration Department of the State Council to declare the aforesaid registered trademark invalid. Where The Trademark Administration Department of the State Council makes a decision on declaring a registered trademark invalid, it shall notify the party concerned in writing of the decision. If a party concerned is dissatisfied, he may apply for a review with The Trademark Administration Department of the State Council within 15 days upon the receipt of the notice from the trademark office. The Trademark Administration Department of the State Council shall make a decision and notify the party concerned in writing within nine months upon the receipt of the application for review. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the person in charge of The Trademark Administration Department of the State Council. If a party concerned is dissatisfied with the review decision, he may bring a lawsuit to the people's court within 30 days upon the receipt of the notice from the Trademark Review and Adjudication Board. Where other entities or individuals request The Trademark Administration Department of the State Council to declare this registered trademark invalid, The Trademark Administration Department of the State Council latter shall, upon receipt of the application, notify the party concerned in writing, and require the party concerned to respond within a time limit. The Trademark Administration Department of the State Council shall, within nine months upon the receipt of the application, render a ruling on either maintaining the validity of the registered trademark or declaring the registered trademark invalid, and notify the party concerned in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the person in charge of The
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concerned is dissatisfied with the ruling made by the <u>Trademark Review and Adjudication Board</u>, he may bring a lawsuit to the people's court within 30 days upon the receipt of the notice, in which case the people's court shall notify the counterparty to the trademark ruling procedures to participate in the litigation proceedings as a third party.	Trademark Administration Department of the State Council. If the party concerned is dissatisfied with the ruling made by The Trademark Administration Department of the State Council, he may bring a lawsuit to the people's court within 30 days upon the receipt of the notice, in which case the people's court shall notify the counterparty to the trademark ruling procedures to participate in the litigation proceedings as a third party.
Paragraphs 1-2 of Article 45: Where a registered trademark is in violation of the second and third paragraph of <u>Article 13, Article 15, the first paragraph of Article 16, Article 30, Article 31 or Article 32</u> of this Law, the holder of prior rights or an interested party may, within five years upon the registration of the trademark, request the <u>trademark review and adjudication board</u> to declare the registered trademark invalid. Where the aforesaid registration is obtained mala fide, the <u>owner</u> of a well-known trademark is not bound by the five-year restriction. The <u>Trademark Review and Adjudication Board</u> shall, after receiving an application for declaring the registered trademark invalid, notify the party concerned as such in writing, and require the party concerned to respond within a time limit. The <u>trademark review and adjudication board</u> shall, within 12 months upon the receipt of the application, render a ruling on either maintaining the validity of the registered trademark or declaring the registered trademark invalid, and notify the party concerned as such in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by the <u>administrative department for industry and commerce of the State Council</u>. If the party concerned is dissatisfied of the ruling made by the <u>Trademark Review and Adjudication Board</u>, he may bring a lawsuit to the people's court within 30 days upon the receipt of the notice, in which case the people's court shall notify the counterparty to the trademark ruling procedures to participate in the litigation proceedings as a third party.	Article 50: Where a registered trademark is in violation of the second and third paragraph of Article 19, Article 20, the first paragraph of Article 21, the first paragraph of Article 22, or Article 23 of this Law, the holder of prior rights or an interested party may, within five years upon the registration of the trademark, request The Trademark Administration Department of the State Council to declare the registered trademark invalid. Where the aforesaid registration is obtained mala fide, the holder of a well-known trademark is not bound by the five-year restriction. The Trademark Administration Department of the State Council shall, after receiving an application for declaring the registered trademark invalid, notify the party concerned as such in writing, and require the party concerned to respond within a time limit. The Trademark Administration Department of the State Council shall, within 12 months upon the receipt of the application, render a ruling on either maintaining the validity of the registered trademark or declaring the registered trademark invalid, and notify the party concerned as such in writing. Where it is necessary under special circumstances, an extension of six months may be granted upon approval by the person in charge of The Trademark Administration Department of the State Council. If the party concerned is dissatisfied of the ruling made by The Trademark Administration Department of the State Council, he may bring a lawsuit to the people's court within 30 days upon the receipt of the notice, in which case the people's court shall notify the counterparty to the trademark ruling procedures to participate in the litigation proceedings as a third party.
Article 46: Upon the expiry of the statutory time limit,	Article 51: Upon the expiry of the statutory time limit,

if the party concerned fails to apply for review of the trademark office's decision on declaring a registered trademark invalid, or fails to bring a lawsuit to the people's court against the trademark review and adjudication board's review decision or its ruling on maintaining the validity of a registered trademark or declaring a registered trademark invalid, the trademark office's decision or the trademark review and adjudication board's review decision or ruling shall become effective.	if the party concerned fails to apply for review of The Trademark Administration Department of the State Council's decision on declaring a registered trademark invalid, or fails to bring a lawsuit to the people's court against the review decision or its ruling on maintaining the validity of a registered trademark or declaring a registered trademark invalid, The Trademark Administration Department of the State Council's decision or ruling shall become effective.
Article 47 A registered trademark that is declared invalid in accordance with Article 44 or Article 45 of this Law shall be announced by the trademark office, and the exclusive right to use the registered trademark thereof shall be deemed as non-existent ab initio. The decision or ruling on declaring a registered trademark invalid shall have no retroactive effect on a judgment, ruling or mediation statement on a trademark infringement case already rendered and enforced by a people's court, a decision on handling a trademark infringement case already made and enforced by an administrative department for industry and commerce as well as a trademark transfer or licensing contract already performed prior to such declaration. However, the trademark registrant shall be liable for compensation where losses are caused, mala fide, to another party. Trademark infringement damages, trademark transfer fees or trademark royalties shall be refunded fully or partially if the non-refund thereof pursuant to the preceding paragraph is in obvious violation of the principle of fairness.	Article 52: A registered trademark that is declared invalid in accordance with Article 49 or Article 50 of this Law shall be announced by The Trademark Administration Department of the State Council, and the exclusive right to use the registered trademark thereof shall be deemed as non-existent ab initio. The decision or ruling on declaring a registered trademark invalid shall have no retroactive effect on a judgment, ruling or mediation statement on a trademark infringement case already rendered and enforced by a people's court, a decision on handling a trademark infringement case already made and enforced by the department responsible for trademark enforcement as well as a trademark transfer or licensing contract already performed prior to such declaration. However, the trademark registrant shall be liable for compensation where losses are caused, mala fide, to another party. Trademark infringement damages, trademark transfer fees or trademark royalties shall be refunded fully or partially if the non-refund thereof pursuant to the preceding paragraph is in obvious violation of the principle of fairness.
Chapter VI Administrative Control of the Use of Trademarks	Chapter VII Administrative Control of Trademarks
Paragraph 4 of Article 68: Where the trademark is applied for registration with bad faith, administrative punishment including a warning or fine shall be imposed based on the circumstances; where a trademark lawsuit is maliciously brought, the people's court shall impose punishment in accordance with the law.	Article 53: Where an applicant of trademark registration commits any of the following acts of maliciously applying for trademark registration, thus causing adverse effects, the department responsible for trademark enforcement shall give a warning, and may impose a fine of up to RMB 100,000 yuan: (1) Applying for trademark registration with a sign

	knowing that it violates the provisions of Article 15 of this Law; (2) Applying for trademark registration in violation of the provisions of Article 18 of this Law; (3) Intentionally applying for trademark registration in violation of the provisions of Articles 20, 21 and 23 of this Law.
Article 48: For the purpose of this Law, the use of trademarks shall refer to the use of trademarks on goods, the packaging or containers of goods and the transaction documents of goods, as well as the use of trademarks for advertising, exhibition and other commercial activities for the purpose of identifying the sources of goods.	Article 54: For the purpose of this Law, the use of trademarks shall refer to the use of trademarks on goods, the packaging or containers of goods and the transaction documents of goods, as well as the use of trademarks for advertising, exhibition and other commercial activities for the purpose of identifying the sources of goods.
Article 43: The owner of a registered trademark may, by concluding a trademark licensing contract, authorize another person to use his registered trademark. The licensor shall supervise the quality of the goods on which the licensee uses his registered trademark, and the licensee shall guarantee the quality of the goods on which the registered trademark is to be used. If any person is authorized to use the registered trademark of another person, the name of the licensee and the origin of the goods shall be indicated on the goods that bear the registered trademark. A licensor who licenses others to use his registered trademark shall submit the trademark licensing to the <u>trademark office</u> for file, and the <u>trademark office</u> shall announce the trademark licensing. Without filing, the trademark licensing shall not be used against a bona fide third party.	Article 55: The owner of a registered trademark may use the trademark by himself, or by concluding a trademark licensing contract, authorize another person to use his registered trademark. The licensor shall supervise the quality of the goods on which the licensee uses his registered trademark, and the licensee shall guarantee the quality of the goods on which the registered trademark is to be used. If the licensee fails to fulfill the obligation of quality assurance, the licensor shall have the right to terminate the trademark license contract. If any person is authorized to use the registered trademark of another person, the name of the licensee and the origin of the goods shall be indicated on the goods that bear the registered trademark. A licensor who licenses others to use his registered trademark shall submit the trademark licensing to The Trademark Administration Department of the State Council for file, and The Trademark Administration Department of the State Council shall announce the trademark licensing. Without filing, the trademark licensing shall not be used against a bona fide third party.
Article 49: A trademark registrant that, without authorization, makes alternations with respect to the registered trademark, the name or address of the registrant or other registration items during the use of the registered trademark shall be ordered to make correction within a time limit by the <u>relevant local administrative department for industry and commerce</u> ; if it fails to	Article 56: A trademark registrant that, without authorization, makes alternations with respect to the registered trademark, the name or address of the registrant or other registration items, or uses a registered trademark in a way that misleads the public during the use of the registered trademark shall be ordered to make correction within a time limit by the department

make correction <u>within the prescribed time limit</u>, the <u>trademark office</u> shall cancel the registered trademark thereof. Where a registered trademark has become the generic name of the goods for which its use is approved or a registered trademark has not been put in use for three consecutive years without a justifiable reason, any entity or individual may apply to the <u>trademark office</u> for revocation of the registered trademark, and the <u>trademark office</u> shall make a decision within nine months upon the receipt of the application. Where it is necessary under special circumstances, an extension of three months may be granted for making a decision upon approval by the <u>administrative department for industry and commerce of the State Council</u>.	responsible for trademark enforcement; if it fails to make correction overdue, it shall be fined up to RMB 50,000 yuan; If the circumstances are serious, the Trademark Administration Department of the State Council shall cancel the registered trademark thereof. Where a registered trademark has become the generic name of the goods for which its use is approved or a registered trademark has not been put in use for three consecutive years without a justifiable reason, any entity or individual may apply to The Trademark Administration Department of the State Council for revocation of the registered trademark, and The Trademark Administration Department of the State Council shall make a decision within nine months upon the receipt of the application. Where it is necessary under special circumstances, an extension of three months may be granted for making a decision upon approval by the person in charge of The Trademark Administration Department of the State Council. Where a registered trademark falls under any of the circumstances specified in the preceding paragraph, The Trademark Administration Department of the State Council may revoke the registered trademark.
Article 54: A party concerned who has objection to the decision made by the <u>trademark office</u> on revoking or not revoking a registered trademark may apply for review to the <u>trademark review and adjudication board</u> within 15 days upon receipt of the notification of the decision. The <u>trademark review and adjudication board</u> shall, within nine months upon the receipt of the application, make a decision and notify the party concerned in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the <u>administrative department for industry and commerce under the State Council</u>. The party concerned who has an objection to the decision <u>made by the trademark review and adjudication board</u> may bring a lawsuit to the people's court within 30 days from the date the notification is reviewed	Article 57: A party concerned who has objection to the decision made by The Trademark Administration Department of the State Council on revoking or not revoking a registered trademark may apply for review to The Trademark Administration Department of the State Council within 15 days upon receipt of the notification of the decision. The Trademark Administration Department of the State Council shall, within nine months upon the receipt of the application, make a decision and notify the party concerned in writing. Where it is necessary under special circumstances, an extension of three months may be granted upon approval by the person in charge of The Trademark Administration Department of the State Council. The party concerned who has an objection to the review decision may bring a lawsuit to the people's court within 30 days from the date the notification is reviewed
Article 55: Upon expiry of the statutory time limit, if	Article 58: Upon expiry of the statutory time limit, if

the party concerned fails to apply for review of the trademark office's decision on revoking a registered trademark, or fails to bring a lawsuit to the people's court against a review decision made by the trademark review and adjudication board, such a decision or review decision shall become effective. The trademark office shall make an announcement on the registered trademark that is revoked. The exclusive right to use the aforesaid registered trademark shall terminate as of the date of announcement.	the party concerned fails to apply for review of the Trademark Administration Department of the State Council's decision on revoking a registered trademark, or fails to bring a lawsuit to the people's court against a review decision, such a decision or review decision shall become effective. The Trademark Administration Department of the State Council shall make an announcement on the registered trademark that is revoked. The exclusive right to use the aforesaid registered trademark shall terminate as of the date of announcement.
	Article 59 Where a registrant of a collective trademark or a certification trademark commits any of the following acts, the department responsible for trademark enforcement shall order it to make corrections within a specified time limit; Those who refuse to make corrections shall be fined up to RMB 10,000 yuan; If the circumstances are serious, a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan shall be imposed: (1) Those who are negligent in exercising the duties of trademark administration and cause damage to consumers; (2) Where a collective trademark registrant, without justified reasons, does not permit a member of its organization to use a collective trademark or a certification trademark registrant, without justified reasons, does not permit an applicant who meets the requirements to use a certification trademark; (3) Exercising the exclusive right to use a registered trademark in violation of this Law, the relevant administrative regulations and the relevant provisions of the State, thus causing adverse effects.
Article 51: In the event of a violation of the provisions of Article 6 of this Law, the local administrative department for industry and commerce shall order the violator to file an application for registration within a time limit and if the illegal business revenue is RMB 50,000 yuan or more, a fine of up to 20% of the illegal business revenue may be imposed; if there is no illegal business revenue or the illegal revenue is less than RMB 50,000 yuan, a fine of up to RMB 10,000 yuan	Article 60: In the event of a violation of the provisions of Article 8 of this Law, the department responsible for trademark enforcement shall order the violator to file an application for registration within a time limit and if the illegal business revenue is RMB 50,000 yuan or more, a fine of up to 20% of the illegal business revenue may be imposed; if there is no illegal business revenue or the illegal revenue is less than RMB 50,000 yuan, a fine of up to RMB 10,000 yuan may be

may be imposed.	imposed.
Article 52: Where a party passes off an unregistered trademark as a registered trademark or uses an unregistered trademark in violation of Article 10 of this Law, the relevant local administrative department for industry and commerce shall stop such acts, order the party to make correction within a time limit, and may circulate a notice on the matter . If the illegal business revenue is RMB 50,000 yuan or more, a fine of up to 20% of the illegal business revenue may be imposed; if there is no illegal business revenue or the illegal business revenue is less than RMB 50,000 yuan, a fine of up to RMB 10,000 yuan may be imposed.	Article 61: Where a party passes off an unregistered trademark as a registered trademark or uses an unregistered trademark in violation of Article 15 of this Law, the department responsible for trademark enforcement shall stop such acts, order the party to make correction within a time limit. If the illegal business revenue is RMB 50,000 yuan or more, a fine of up to 20% of the illegal business revenue may be imposed; if there is no illegal business revenue or the illegal business revenue is less than RMB 50,000 yuan, a fine of up to RMB 10,000 yuan may be imposed.
Paragraph 1 of Article 13: A holder of a trademark that is well known by the relevant public may, if he holds that his rights have been infringed upon, request for well-known trademark protection in accordance with this Law. Paragraphs 1-4 of Article 14: A well-known trademark shall be recognized as a fact that needs to be ascertained in dealing with a trademark-related case upon request by the party concerned. The following factors shall be taken into consideration in the recognition of a well-known trademark : (1) the recognition degree of the trademark among the relevant public; (2) the duration in which the trademark has been in use; (3) the duration, extent and geographic scope of all publicity operations carried out for the trademark; (4) the records of protection of a well-known trademark provided for the trademark and; (5) Other factors making the trademark well-known. Where the party concerned claims rights according to Article 13 of this Law in a trademark registration review or during the process whereby the administrative department for industry and commerce investigates and deals with a case involving trademark infringement, the trademark office concerned may, based on the need for reviewing or dealing with the case, decide whether or not to recognize the relevant trademark as a well-known one.	Article 62: A holder of a trademark that is well known by the relevant public may, if he holds that his rights have been infringed upon, request for well-known trademark protection in accordance with this Law. In the process of trademark registration examination, trial , investigation and handling of trademark violation cases or unfair competition cases , if the parties claim their rights according to law, The Trademark Administration Department of the State Council may confirm the well-known situation of the trademark according to the needs of handling the case. Where the party concerned claims rights according to the Law during the hearing of a civil, administrative or unfair competition case involving a trademark, the people's court designated by the Supreme People's Court may, based on the need for trying the case, decide whether or not to confirm well-known situation of the trademark. The well-known situation of the trademark shall be confirmed as a fact that needs to be ascertained in dealing with a trademark-related case upon request by the party concerned. The following factors shall be taken into consideration in the confirm of the well-known situation of the trademark : (1) the recognition degree of the trademark among the relevant public; (2) the duration, manner, and geographical scope in which the trademark has been in use; (3) the duration, extent and geographical scope of all

Where the party concerned claims rights according to Article 13 of this Law, during the handling of a trademark dispute, the trademark review and adjudication board may, based on the need for handling the cases, decide whether or not to recognize the relevant trademark as a well-known one. Where the party concerned claims rights according to Article 13 of this Law during the hearing of a civil or administrative case involving a trademark, the people's court designated by the Supreme People's Court may, based on the need for trying the case, decide whether or not to recognize the well-known situation of the trademark.	publicity operations carried out for the trademark; (4) the records of protection of the trademark, especially the records of protection of a well-known trademark provided for the trademark and; (5) Other factors making the trademark well-known.
Paragraph 5 of Article 14: No manufacturers and business operators may indicate the words “well-known trademark” upon the goods, the packaging or the containers of the goods, nor may they use the same for advertising, exhibition or other commercial activities. Article 53: Whoever violates the fifth paragraph of Article 14 of this Law shall be ordered to make correction by the relevant local administrative department for industry and commerce, and be imposed with a fine of RMB 100,000 yuan.	Article 63: No manufacturers and business operators may indicate the words “well-known trademark” upon the goods, the packaging or the containers of the goods, nor may they use the same for advertising, exhibition or other commercial activities. Whoever violates the provisions of the preceding paragraph shall be ordered to make correction by the department responsible for trademark enforcement, and be imposed with a fine of up to RMB 100,000 yuan.
Paragraphs 1-2 of Article 19: Trademark agencies shall uphold the principle of good faith, comply with laws and administrative regulations, apply for trademark registration or deal with other trademark-related matters as entrusted by the principals, and keep confidential the principals' trade secrets that come to their knowledge during the agency process. Where a trademark entrusted by a principal for registration application may fall under the circumstances prescribed by this Law under which registration is not allowed, the trademark agency shall explicitly so inform the principal.	Article 64: Trademark agencies and trademark agency practitioners shall uphold the principle of good faith, comply with laws and administrative regulations, abide by laws and administrative regulations, strictly abide by professional ethics and practice disciplines, safeguard the lawful rights and interests of their clients, and shall not commit or assist their clients in committing acts that harm the interests of the State, the social and public interests or the lawful rights and interests of others. Trademark agencies shall apply for trademark registration or deal with other trademark-related matters as entrusted by the principals, and keep confidential the principals' trade secrets that come to their knowledge during the agency process; Where a trademark entrusted by a principal for registration application may fall under the circumstances prescribed by this Law under which registration is not allowed, the trademark

	agency shall explicitly so inform the principal. Trademark agency practitioners shall undertake trademark agency business according to the appointment of trademark agencies, and shall not accept entrustment on their own. Trademark agency practitioners shall not engage in trademark agency business in two or more trademark agencies at the same time. Trademark agency practitioners shall be responsible for the trademark agency business handled by their signatures.
Article 20: The industry association of trademark agencies shall, pursuant to its articles of association, strictly enforce the conditions for admitting members, and mete out sanctions against the members violating industry self-disciplinary standards. The industry association of trademark agencies shall publish in time information on the members admitted and the disciplinary sanctions <u>against its members</u>.	Article 65: Trademark agency industry organizations are self-regulatory organizations of the trademark agency industry. Trademark agency industry organizations shall, in accordance with their articles of association, strictly enforce the conditions for admitting members, strengthen industry self-regulation, and formulate industry self-regulatory rules. The organization shall establish rules and disciplinary regulations, conduct business training and education on professional ethics and practice discipline, organize and guide members to engage in trademark agency business in accordance with laws and regulations, continuously improve the industry's service level, and impose disciplinary measures on members who violate industry self-regulatory norms. The trademark agency industry organization shall promptly disclose to the public information regarding its membership and disciplinary actions.
Paragraphs 1-3 of Article 68: A trademark agency that commits any of the following acts shall be ordered to make corrections within a time limit by the <u>administrative department for industry and commerce</u>, <u>be given a warning</u>, and be fined not less than RMB 10,000 yuan but not more than RMB 100,000 yuan; the persons in charge who are directly responsible and other persons directly responsible shall be given a warning and be fined not less than RMB 5,000 yuan but not more than RMB 50,000 yuan; <u>where a crime is constituted, criminal liabilities shall be investigated in accordance with the law</u>: (1) Fabricating or tampering with legal documents,	Article 66: A trademark agency that commits any of the following acts shall be ordered to make corrections within a time limit by the department responsible for trademark enforcement, and be fined not less than RMB 10,000 yuan but not more than RMB 100,000 yuan, and, if the circumstances are serious, impose a fine of not less than 100,000 yuan but not more than 200,000 yuan; the persons in charge who are directly responsible and other persons directly responsible shall be given a warning and be fined not less than RMB 5,000 yuan but not more than RMB 50,000 yuan, and, if the circumstances are serious, a fine of not less than 50,000 yuan but not more than 100,000

seals or signatures, or using fabricated or tempered legal documents, seals or signatures during the handling of trademark-related matters; (2) Soliciting trademark agency business by defaming other trademark agencies, <u>or</u> disrupting the order of the trademark agency market by other unjust means; (3) Violating the provisions of <u>Article 4, and the third and fourth paragraph of Article 19</u> of this Law. Where a trademark agency commits an act prescribed in the preceding paragraph, the <u>administrative department for industry and commerce</u> shall record such matters in the credit files; if the circumstances are serious, the <u>trademark office or the trademark review and adjudication board</u> may concurrently decide to cease the acceptance and handling the trademark agency business submitted by the trademark agency, and shall make an announcement thereon. The trademark agency shall bear civil liabilities in accordance with the law if it violates the principle of good faith and infringes the legitimate rights and interests of a principal, and shall be given sanctions by the trade association of the trademark agencies pursuant to its articles of association. Paragraph 3 of Article 19: <u>A trademark agency shall not accept the entrustment of a principal if it knows or should have known that the trademark entrusted by the principal for registration application falls under any of the circumstances prescribed by Article 4, Article 15 and Article 32</u> of this Law.	yuan: (1) Fabricating or tampering with legal documents, seals or signatures, or using fabricated or tempered legal documents, seals or signatures during the handling of trademark-related matters; (2) Soliciting trademark agency business by fraud, enticement, or defaming other trademark agencies, (3) Accepting the representation of both parties with conflicting interests in the same trademark case; (4) Accepting entrustment of a principal despite knowing or should have known that the trademark entrusted by the principal for registration application falls under any of the circumstances prescribed by Article 15, Article 18, Article 20, Article 21, or Article 23 of this Law; (5) Violating the provisions of Article 24, or falling under the circumstances specified in Article 53 of this Law; (6) Disrupting the order of the trademark agency market by other unjust means. Where a trademark agency, by means of fraud or other improper methods, handles overseas trademark registration applications or other matters on behalf of a domestic client, thereby harming the principle's interests, it shall be dealt with in accordance with the provisions of the preceding paragraph. Where a trademark agency commits an act prescribed in the preceding two paragraphs, if the circumstances are serious, The Trademark Administration Department of the State Council may concurrently decide to cease the acceptance and handling the trademark agency business submitted by the trademark agency, and shall make an announcement thereon. The trademark agency shall bear civil liabilities in accordance with the law if it violates the principle of good faith and infringes the legitimate rights and interests of a principal, and shall be given sanctions by the trade association of the trademark agencies pursuant to its articles of association.
	Article 67: Where a trademark agency practitioner commits any of the following acts, the department

	responsible for trademark enforcement shall order him to make corrections within a time limit, give him a warning and impose a fine of not less than RMB 5,000 yuan but not more than RMB 50,000 yuan; If the circumstances are serious, a fine of not less than RMB 50,000 yuan but not more than RMB 100,000 yuan shall be imposed: (1) Accepting entrustment to handle trademark agency business on his own; (2) Engaging in trademark agency business in two or more trademark agencies at the same time; (3) Having other acts that seriously disrupt the order of the trademark agency market.
Chapter VII Protection of Exclusive Rights to Use Registered Trademarks	Chapter VIII Protection of Exclusive Rights to Use Registered Trademarks
Article 56 The exclusive right to the use of a registered trademark shall be limited to the approved trademarks and to the approved scope of goods.	Article 68: The exclusive right to the use of a registered trademark shall be limited to the approved trademarks and to the approved scope of goods.
Article 57 Any of the following acts shall constitute an infringement on the exclusive rights to the use of a registered trademark: (1) using a trademark that is identical with a registered trademark on the same kind of goods without obtaining licensing from the registrant of the registered trademark; (2) using a trademark that is similar to a registered trademark on the same kind of goods, or using a trademark that is identical with or similar to the registered trademark on similar goods without licensing from the registrant of the registered trademark, and is likely to cause confusion; (3) selling goods that infringe on the exclusive right to the use of a registered trademark; (4) counterfeiting, or making without authorization, representations of another person's registered trademark, or selling such representations; (5) altering a registered trademark without permission of its registrant and selling goods bearing such an altered trademark on the market; (6) providing, intentionally, convenience for such acts as infringe upon others' exclusive right to the use of a trademark, to facilitate the commitment of infringement on the exclusive right by others; and (7) impairing in other manners another person's exclusive right to the use of its registered trademark.	Article 69: Any of the following acts shall constitute an infringement on the exclusive rights to the use of a registered trademark: (1) using a trademark that is identical with a registered trademark on the same kind of goods without obtaining licensing from the registrant of the registered trademark; (2) using a trademark that is similar to a registered trademark on the same kind of goods, or using a trademark that is identical with or similar to the registered trademark on similar goods without licensing from the registrant of the registered trademark, and is likely to cause confusion; (3) selling goods that infringe on the exclusive right to the use of a registered trademark; (4) counterfeiting, or making without authorization, representations of another person's registered trademark, or selling such representations; (5) altering a registered trademark without permission of its registrant and selling goods bearing such an altered trademark on the market; (6) providing, intentionally, convenience for such acts as infringe upon others' exclusive right to the use of a trademark, to facilitate the commitment of infringement on the exclusive right by others; and (7) impairing in other manners another person's exclusive right to the use of its registered trademark.

Article 58 Whoever uses a registered trademark or an unregistered well-known trademark of another party as the trade name in its enterprise name and misleads the public, which constitutes unfair competition, shall be dealt with in accordance with the Anti-Unfair Competition Law of the People's Republic of China.	
Article 59 The holder of the exclusive right to the use of a registered trademark shall have no right to prohibit others from properly using the generic name, graphics or models of a commodity contained in the registered trademark, or such information as directly indicates the quality, main raw materials, functions, purposes, weight, quantity or other features of the commodity, or the names of the geographical locations as contained therein. In the case of a shape arising from the characteristics of the commodities in a registered three-dimensional trademark or a shape of commodities required to obtain technical results in a registered three-dimensional trademark or a shape which gives the commodities substantial value in a registered three-dimensional trademark, the holder of exclusive rights to use trademarks shall have no right to prohibit proper use by others. Where, before a trademark registrant applies for registration of a trademark, another party has used a trademark that is of certain influence and is identical with or similar to the registered trademark on the same kind of goods or similar goods, the holder of the exclusive right to the use of the registered trademark shall have no right to prohibit the said party from continued use of the trademark within the original scope of use; however,	Article 70: The holder of the exclusive right to the use of a registered trademark shall have no right to prohibit others from properly using the generic name, graphics or models of a commodity contained in the registered trademark, or such information as directly indicates the type, nature, quality, main raw materials, functions, purposes, weight, quantity, value, geographic origin or other features of the commodity, or the names of the geographical locations as contained therein. In the case of a registered trademark that is three-dimensional, a combination of color, a sound, a dynamic signage, etc. that has a shape, combination of color, sound, dynamic signage, etc that was aroused from the characteristics of the commodities or exists from the essential for achieving the technical effect or imparting substantive value to the commodities, the holder of exclusive rights to use trademarks shall have no right to prohibit proper use by others. Where a registered trademark is used solely to indicate the purpose, intended users, or application scenarios of the goods provided, or to indicate the genuine source, the owner of the exclusive right to the registered trademark shall not prohibit others from using it in a legitimate manner, except where such use is likely to cause confusion. Where, before a trademark registrant applies for registration of a trademark, another party has used a trademark that is of certain influence and is identical with or similar to the registered trademark on the same kind of goods or similar goods, the holder of the exclusive right to the use of the registered trademark shall have no right to prohibit the said party from continued use of the trademark within the original scope of use; however,

the holder may require the latter to add a proper mark for distinguishment.	the holder may require the latter to add a proper mark for distinguishment.
Article 60 In the event of a dispute arising from any of the acts of infringement of exclusive rights to use registered trademarks mentioned in Article 57 of this Law, the parties concerned shall negotiate for resolution; where the parties concerned are unwilling to negotiate or where negotiation is unsuccessful, the trademark registrant or a stakeholder may file a lawsuit with a People's Court or request that the Administration for industry and commerce handles the dispute. Where the Administration for industry and commerce handling the dispute held that there is infringement, the infringer shall be ordered to stop the infringing act, the infringing commodities and the tools mainly used for manufacturing of the infringing commodities and forgery of registered trademark labels shall be confiscated and destroyed; for persons whose illegal turnover is RMB50,000 or more, a fine of not more than five times the amount of illegal turnover may be imposed; where there is no illegal turnover or the illegal turnover is below RMB50,000, a fine of not more than RMB250,000 may be imposed. Persons who have committed trademark infringement on two or more occasions within five years or persons who have committed other serious offences shall be subject to severe punishment. In the case of persons who engage in sale of commodities which infringe upon exclusive rights to use registered trademarks without knowledge of the infringement, where it can be proven that the commodities are obtained legitimately and the supplier of the said commodities can be stated, the offender shall be ordered by the Administration for industry and commerce to stop selling the infringing commodities. In the case of a dispute over the compensation amount for infringement of exclusive rights to use trademarks, the party concerned may request for mediation by the Administration for industry and commerce handling the matter, and may file a lawsuit with a People's Court	Article 71: In the event of a dispute arising from any of the acts of infringement of exclusive rights to use registered trademarks mentioned in Article 69 of this Law, the parties concerned shall negotiate for resolution; where the parties concerned are unwilling to negotiate or where negotiation is unsuccessful, the trademark registrant or a stakeholder may file a lawsuit with a People's Court or request that the department responsible for trademark enforcement handles the dispute. Where the department responsible for trademark enforcement handling the dispute held that there is infringement, the infringer shall be ordered to stop the infringing act, the infringing commodities and the tools mainly used for manufacturing of the infringing commodities and forgery of registered trademark labels shall be confiscated; for persons whose illegal turnover is RMB50,000 or more, a fine of not more than five times the amount of illegal turnover may be imposed; where there is no illegal turnover or the illegal turnover is below RMB50,000, a fine of not more than RMB250,000 may be imposed. Persons who have committed trademark infringement on two or more occasions within five years or persons who have committed other serious offences shall be subject to severe punishment. In the case of persons who engage in sale of commodities which infringe upon exclusive rights to use registered trademarks without knowledge of the infringement, where it can be proven that the commodities are obtained legitimately and the supplier of the said commodities can be stated, the offender shall be ordered by the department responsible for trademark enforcement to stop selling the infringing commodities. In the case of a dispute over the compensation amount for infringement of exclusive rights to use trademarks, the party concerned may request for mediation by the department responsible for trademark enforcement handling the matter, and may file a lawsuit with a

pursuant to the Civil Procedure Law of the People's Republic of China. Upon mediation by the Administration for industry and commerce, where the parties concerned are unable to conclude an agreement or the mediation letter which has taken effect is not performed, the parties concerned may file a lawsuit with a People's Court pursuant to the Civil Procedure Law of the People's Republic of China.	People's Court pursuant to the Civil Procedure Law of the People's Republic of China. Upon mediation by the department responsible for trademark enforcement, where the parties concerned are unable to conclude an agreement or the mediation letter which has taken effect is not performed, the parties concerned may file a lawsuit with a People's Court pursuant to the Civil Procedure Law of the People's Republic of China.
Article 61 The Administration for industry and commerce shall have the right to investigate infringement of exclusive rights to use registered trademarks pursuant to the law; where the case constitutes a criminal offence, the case shall be promptly forwarded to the judicial authorities for handling pursuant to the law.	Article 72: The department responsible for trademark enforcement shall have the right to investigate infringement of exclusive rights to use registered trademarks pursuant to the law, any person may file a complaint or report with the department responsible for trademark enforcement. Where infringement of exclusive rights to a registered trademark constitutes a suspected criminal offense, the department responsible for trademark enforcement shall promptly transfer the case to the public security authorities for handling in accordance with the law; Where criminal liability need not be pursued or criminal punishment need not be imposed in accordance with the law, but administrative penalties should be imposed, the public security authorities, people's procuratorates, and people's courts shall promptly transfer the case to the department responsible for trademark enforcement for handling in accordance with the law. Where the public security authorities, people's procuratorates, or people's courts request the department responsible for trademark enforcement and the department responsible for trademark registration and management to provide professional support, expert opinions, or assistance in the harmless disposal of infringing goods, the relevant departments shall promptly provide such assistance.
Article 62 Administration for industry and commerce of county level and above may exercise the following powers in the investigation of an alleged infringement of other's exclusive rights to use registered trademarks based on the evidence or reporting of an illegal act or a suspect: (1) interview the relevant party(ies) concerned,	Article 73: The department responsible for trademark enforcement may exercise the following powers in the investigation of an alleged infringement of other's exclusive rights to use registered trademarks based on the evidence or reporting and complaint of an illegal act or a suspect: (1) interview the relevant party(ies) concerned,

investigate into information pertaining to infringement of other's exclusive rights to use registered trademarks; (2) read or make copies of contracts, invoices, accounts books and other relevant materials of the party(ies) concerned which relate to the infringement activities; (3) conduct onsite inspection of the premises of the party(ies) concerned where the infringement of other's exclusive rights to use registered trademarks is allegedly committed; or (4) inspect articles which relate to the infringement activities; may seize or confiscate articles for which there is evidence to prove infringement of other's exclusive rights to use registered trademarks.] When <u>the Administration for industry and commerce</u> exercises the powers stipulated in the preceding paragraph pursuant to the law, the party(ies) concerned shall assist or render cooperation, and shall not refuse or hinder. In the course of investigation of a trademark infringement case, where there is dispute over the ownership of trademark rights or the right holder has simultaneously filed a trademark infringement lawsuit with a People's Court, <u>the Administration for industry and commerce</u> may suspend investigation of the case. Upon elimination of the reason(s) for suspension, the investigation procedures shall be resumed or terminated.	investigate into information pertaining to infringement of other's exclusive rights to use registered trademarks; (2) read or make copies of contracts, invoices, accounts books, documents, files, records, business correspondence, audiovisual materials, electronic data and other relevant materials of the party(ies) concerned which relate to the infringement activities; (3) conduct onsite inspection of the premises of the party(ies) concerned where the infringement of other's exclusive rights to use registered trademarks is allegedly committed; or (4) inspect articles which relate to the infringement activities; may seize or confiscate articles for which there is evidence to prove infringement of other's exclusive rights to use registered trademarks. (5) where evidence may be lost or become difficult to obtain in the future, provisional registration and preservation may be conducted. When the department responsible for trademark enforcement exercises the powers stipulated in the preceding paragraph pursuant to the law, the party(ies) concerned shall assist or render cooperation, and shall not refuse or hinder. In the course of investigation of a trademark infringement case, where there is dispute over the ownership of trademark rights or the right holder has simultaneously filed a trademark infringement lawsuit with a People's Court, the department responsible for trademark enforcement may suspend investigation of the case. Upon elimination of the reason(s) for suspension, the investigation procedures shall be resumed or terminated.
Article 63 The compensation amount for infringement of exclusive rights to use trademarks shall be determined in accordance with the actual losses suffered by the right holder due to the infringement; <u>where it is difficult to determine the actual losses,</u> the compensation amount may be determined in accordance with the	Article 74: The compensation amount for infringement of exclusive rights to use trademarks shall be determined in accordance with the actual losses suffered by the right holder due to the infringement or in accordance with the gains derived by the infringer from the infringement; where it is difficult to determine the

gains derived by the infringer from the infringement; where it is difficult to determine the losses of the right holder or the gains derived by the infringer, the compensation amount shall be determined reasonably with reference to the multiples of the licensing fee of the said trademark. For malicious infringement of exclusive rights to use trademarks, in serious cases, the compensation amount shall be determined in accordance with the aforesaid method based on one to five times of the determined amount. The compensation amount shall include reasonable expenses incurred by the right holder to curb the infringement. Where the right holder has exhausted its efforts in discharging the burden of proof, while the account books and materials related to the infringing act are mainly controlled by the infringer, the people's court may, for the purpose of determining the amount of damages, order the infringer to submit account books and materials related to the infringing act. Where the infringer fails to provide such account books or materials or provides false account books or materials, the people's court may render a judgment on the amount of damages in reference to the claims of the right holder and the evidence furnished thereby. Where it is difficult to determine the actual loss suffered by the right holder as a result of the infringement, the profits gained by the infringer from the infringement or the trademark licensing royalties, the people's court shall render a judgment on a compensation not more than RMB 5 million yuan based on the circumstances of the infringing act. When trying trademark disputes, the people's court shall, at the request of the right holder, order the destruction of the goods bearing counterfeit registered trademarks, except in special circumstances; shall order	losses of the right holder or the gains derived by the infringer, the compensation amount shall be determined reasonably with reference to the multiples of the licensing fee of the said trademark. For intentional infringement of exclusive rights to use trademarks, in serious cases, the compensation amount shall be determined in accordance with the aforesaid method based on one to five times of the determined amount. Where the right holder has exhausted its efforts in discharging the burden of proof, while the account books and materials related to the infringing act are mainly controlled by the infringer, the people's court may, for the purpose of determining the amount of damages, order the infringer to submit account books and materials related to the infringing act. Where the infringer fails to provide such account books or materials or provides false account books or materials, the people's court may render a judgment on the amount of damages in reference to the claims of the right holder and the evidence furnished thereby. Where it is difficult to determine the actual loss suffered by the right holder as a result of the infringement, the profits gained by the infringer from the infringement or the trademark licensing royalties, the people's court shall render a judgment on a compensation not more than RMB 5 million yuan based on the circumstances of the infringing act. The compensation amount shall also include reasonable expenses incurred by the right holder to curb the infringement. When trying trademark disputes, the people's court shall, at the request of the right holder, order the destruction of the goods bearing counterfeit registered
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the destruction without any compensation of materials and tools that are primarily used to manufacture such goods; or shall, under special circumstances, order to ban without any compensation the aforementioned materials and tools from entering into commercial channels. Goods bearing counterfeit registered trademarks shall not be allowed to enter into commercial channels after merely removing the counterfeit registered trademarks.	trademarks, except in special circumstances; shall order the destruction without any compensation of materials and tools that are primarily used to manufacture such goods; or shall, under special circumstances, order to ban without any compensation the aforementioned materials and tools from entering into commercial channels. Goods bearing counterfeit registered trademarks shall not be allowed to enter into commercial channels after merely removing the counterfeit registered trademarks.
Article 64 Where a holder of exclusive rights to use registered trademarks seeks compensation, the alleged infringer pleaded 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 during the <u>preceding</u> three-year period. Where the holder of exclusive rights to use registered trademark cannot prove that it has actually used the said 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 bear compensation liability. Where a party is unaware that the goods he sells infringe upon another party's exclusive right to the use of a registered trademark, and the party is able to prove that the goods are obtained by legitimate means and provide information on the suppliers of the goods, it shall not be liable for compensation.	Article 75: Where a holder of exclusive rights to use registered trademarks seeks compensation, the alleged infringer pleaded 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 during the three-year period preceding the filing of the lawsuit. Where the holder of exclusive rights to use registered trademark cannot prove that it has actually used the said 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 bear compensation liability. Where a party is unaware that the goods he sells infringe upon another party's exclusive right to the use of a registered trademark, and the party is able to prove that the goods are obtained by legitimate means and provide information on the suppliers of the goods, it shall not be liable for compensation.
Article 65 Where a trademark registrant or an interested party has evidence proving that another party is committing or will soon commit an act that infringes upon the former's exclusive right to the use of the registered trademark and that such an act, unless promptly stopped, will cause irreparable damage to its legitimate rights and interests, the trademark registrant or interested party may, in accordance with law, apply to the people's court for ordering the stop of the act and taking asset preservation measures before filing a lawsuit.	Article 76: Where a trademark registrant or an interested party has evidence proving that another party is committing or will soon commit an act that infringes upon the former's exclusive right to the use of the registered trademark and that such an act, unless promptly stopped, will cause irreparable damage to its legitimate rights and interests, the trademark registrant or interested party may, in accordance with law, apply to the people's court for ordering the stop of the act and taking asset preservation measures before filing a lawsuit.

Article 66 In order to stop an infringing act, and where evidence may be lost or may become unobtainable in the future, the relevant trademark registrant or interested party may, in accordance with law, apply to the people's court for evidence preservation before filing a lawsuit.	Article 77: In order to stop an infringing act, and where evidence may be lost or may become unobtainable in the future, the relevant trademark registrant or interested party may, in accordance with law, apply to the people's court for evidence preservation before filing a lawsuit.
Paragraph 4 of Article 68: Whoever maliciously applies for trademark registration shall be subject to subject to a warning, a fine or any other administrative punishments, as the case may be; and whoever maliciously lodges a trademark lawsuit shall be penalized by the People's Court according to law.	Article 78: Whoever maliciously lodges a trademark lawsuit shall be penalized by the People's Court according to law. Where losses are caused to the other party, civil liability shall be borne in accordance with the law.
Article 69 Employees of state organs engaging in trademark registration, administration and review shall carry out law enforcement impartially, exercise probity and self-discipline, act with dedication, and provide services in a civilized manner. Trademark bureaux and the trademark review and adjudication board and State agency officers engaging in trademark registration, administration and review shall not engage in trademark agency business and manufacturing and business activities of commodities.	Article 79: Public officials engaging in trademark registration, administration and enforcement shall carry out law enforcement impartially, exercise probity and self-discipline, act with dedication, and provide services in a civilized manner. Departments responsible for trademark registration, management and enforcement, and public officials engaged in trademark registration, management and enforcement shall not engage in trademark agency business and manufacturing and business activities of commodities.
Article 70 Administration for industry and commerce shall establish and improve upon an internal supervision system, carry out supervision and inspection of implementation of laws, administrative regulations and discipline by State agency officers responsible for trademark registration, administration and review.	Article 80: Departments responsible for trademark registration and management and departments responsible for trademark enforcement shall establish and improve upon an internal supervision system, carry out supervision and inspection of implementation of laws, administrative regulations and discipline by public officials responsible for trademark registration, administration and enforcement, etc.
Article 71 In the case of State agency officers engaging in trademark registration, administration and review guilty of dereliction of duty, abusing official powers or corruption, handling trademark registration, administration and review matters in an illegal manner, receiving monies from a party concerned, or seeking improper gains, where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law; where the case does not constitute a criminal offence, punishment shall be imposed pursuant to	Article 81: In the case of public officials engaging in trademark registration, administration and enforcement guilty of dereliction of duty, abusing official powers or corruption, handling trademark registration, administration and enforcement and other matters in an illegal manner, punishment shall be imposed pursuant to the law.

the law.	
Article 67 Where the use of a trademark identical to a registered trademark on the same type of commodities without licensing by the trademark registrant constitutes a criminal offence, in addition to compensation of the losses of the infringed party, criminal liability shall be pursued in accordance with the law.	Article 82: Where a violation of the provisions of this Law constitutes a crime , criminal liability shall be pursued in accordance with the law.
Where the forgery or unauthorised manufacturing of other's registered trademark labels or sale of forged or unauthorised registered trademark labels constitutes a criminal offence, in addition to compensation of the losses of the infringed party, criminal liability shall be pursued in accordance with the law.	
Where the sale of commodities bearing a counterfeited registered trademark when the seller is aware of the counterfeit constitutes a criminal offence, in addition to compensation of the losses of the infringed party, criminal liability shall be pursued in accordance with the law.	
Chapter VIII Supplementary Provisions	Chapter IX Supplementary Provisions
Article 72: The applicant for trademark registration and the party dealing with other trademark matters shall pay a fee. The specific fee standards shall be prescribed separately.	Article 83: Fees shall be paid for applying for trademark registration and handling other trademark matters; the specific fee standards shall be stipulated separately.
Article 73: This Law shall go into effect on March 1, 1983. The Regulations on Trademark Administration promulgated by the State Council on April 10, 1963 shall be annulled therefrom, and other provisions concerning trademark administration contravening this Law shall cease to be effective at the same time. Trademarks registered before this Law goes into effect shall remain valid.	Article 84: This Law shall come into effect on [Date] [Month] [Year]. Trademarks registered before the implementation of this Law shall remain valid.

Date: 2025-01-07 (#V001).

The present Comparison Table between the China Trademark Law 2019 and the 2025 Revised Draft has been realized for studying purposes by Allasya staff and namely by April Fan, Fabio Giacomello, Eileen (Bo) Hui, Elena WU, and Fredrick (Junda) Xie.

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