

Comparison of the PRC Trademark Law 2001 and 2013 (May 2014)

This document compares the amended PRC Trademark Law with the 2001 version of the law.

English translation is provided for new or amended articles in the most recent draft, with changes in **red text**.

2013 年修改后商标法 TRADEMARK LAW (REVISED IN AUGUST 2013)	2001 年商标法 TRADEMARK LAW (2001)	修改备注 (NOTES)
第一章 总则 Chapter I General Provisions	第一章 总则 Chapter I General Provisions	
第一条 Article 1 为了加强商标管理，保护商标专用权，促使生产、经营者保证商品和服务质量，维护商标信誉，以保障消费者和生产、经营者的利益，促进社会主义市场经济的发展，特制定本法。 This Law is enacted for the purposes of improving the administration of trademarks, protecting the exclusive right to use trademarks, and of encouraging producers and operators to guarantee the quality of their goods and services and maintaining the reputation of their trademarks, with a view to protecting the interests of consumers, producers and operators and to promoting the development of the socialist market economy.	第一条 Article 1 为了加强商标管理，保护商标专用权，促使生产、经营者保证商品和服务质量，维护商标信誉，以保障消费者和生产、经营者的利益，促进社会主义市场经济的发展，特制定本法。 This Law is enacted for the purposes of improving the administration of trademarks, protecting the exclusive right to use of trademarks, and of encouraging producers and operators to guarantee the quality of their goods and services and maintaining the reputation of their trademarks, with a view to protecting the interests of consumers, producers and operators and to promoting the development of the socialist market economy.	
第二条 Article 2 国务院工商行政管理部门商标局主管全国商标注册和管理的工作。 The Trademark Office of the administrative department for industry and commerce under the State Council shall be responsible for the registration and administration of trademarks throughout the country. 国务院工商行政管理部门设立商标评审委员会，负责处理商标争议事宜。 The Trademark Review and Adjudication Board, established under the administrative department for industry and commerce under the State Council, shall be responsible for handling trademark disputes	第二条 Article 2 国务院工商行政管理部门商标局主管全国商标注册和管理的工作。 The Trademark Office of the administrative department for industry and commerce under the State Council shall be responsible for the registration and administration of trademarks throughout the country. 国务院工商行政管理部门设立商标评审委员会，负责处理商标争议事宜。 The Trademark Review and Adjudication Board, established under the administrative department for industry and commerce under the State Council, shall be responsible for handling trademark disputes.	
第三条 Article 3 经商标局核准注册的商标为注册商标，包括商品商标、服务商标和集体商标、证明商标；商标注册人享有商标专用权，受法律保护。 Registered trademarks mean trademarks that have been approved and registered by the Trademark Office, including trademarks, service marks,	第三条 Article 3 经商标局核准注册的商标为注册商标，包括商品商标、服务商标和集体商标、证明商标；商标注册人享有商标专用权，受法律保护。 Registered trademarks mean trademarks that have been approved and registered by the Trademark Office, including trademarks, service marks,	

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<p>collective marks and certification marks; the trademark registrants shall enjoy the exclusive right to use the trademarks, and be protected by law.</p> <p>本法所称集体商标，是指以团体、协会或者其他组织名义注册，供该组织成员在商事活动中使用，以表明使用者在该组织中的成员资格的标志。</p> <p>For the purpose of this Law the expression “collective mark” shall mean any mark registered in the name of an entity, association or other organization for being used by the members thereof in their commercial activities to indicate their membership of such organization.</p> <p>本法所称证明商标，是指由对某种商品或者服务具有监督能力的组织所控制，而由该组织以外的单位或者个人使用于其商品或者服务，用以证明该商品或者服务的原产地、原料、制造方法、质量或者其他特定品质的标志。</p> <p>For the purpose of this Law the expression “certification mark” shall mean any mark controlled by an organization in charge of the supervision over certain goods or services and used by the entity or individual outside this organization in respect of its goods or service to certify the origin, raw material, manufacturing method, quality or other specific qualities of said goods or services.</p> <p>集体商标、证明商标注册和管理的特殊事项，由国务院工商行政管理部门规定。</p> <p>Regulations for the particular matters of registration and administration of collective marks and certification marks shall be established by the administrative department for industry and commerce under the State Council.</p>	<p>collective marks and certification marks; the trademark registrants shall enjoy the exclusive right to use the trademarks, and be protected by law.</p> <p>本法所称集体商标，是指以团体、协会或者其他组织名义注册，供该组织成员在商事活动中使用，以表明使用者在该组织中的成员资格的标志。</p> <p>For the purpose of this Law the expression “collective mark” shall mean any mark registered in the name of an entity, association or other organization for being used by the members thereof in their commercial activities to indicate their membership of such organization.</p> <p>本法所称证明商标，是指由对某种商品或者服务具有监督能力的组织所控制，而由该组织以外的单位或者个人使用于其商品或者服务，用以证明该商品或者服务的原产地、原料、制造方法、质量或者其他特定品质的标志。</p> <p>For the purpose of this Law the expression “certification mark” shall mean any mark controlled by an organization in charge of the supervision over certain goods or services and used by the entity or individual outside this organization in respect of its goods or service to certify the origin, raw material, manufacturing method, quality or other specific qualities of said goods or services.</p> <p>集体商标、证明商标注册和管理的特殊事项，由国务院工商行政管理部门规定。</p> <p>Regulations for the particular matters of registration and administration of collective marks and certification marks shall be established by the administrative department for industry and commerce under the State Council.</p>	
<p>第四条 Article 4</p> <p>自然人、法人或者其他组织在生产经营活动中，对其商品或者服务需要取得商标专用权的，应当向商标局申请商标注册。</p> <p>Any natural person, legal person or other organization intending to acquire the exclusive right to use a trademark for goods or services during its production and operation activities shall file an application for trademark registration with the Trademark Office.</p>	<p>第四条 Article 4</p> <p>自然人、法人或者其他组织对其生产、制造、加工、拣选或者经销的商品，需要取得商标专用权的，应当向商标局申请商品商标注册。</p> <p>Any natural person, legal person or other organization intending to acquire the exclusive right to use a trademark for the goods it produces, manufactures, processes, selects or markets shall file an application for trademark registration with the Trademark Office.</p>	<p>将第四条第一款、第二款合并，修改为：“自然人、法人或者其他组织在生产经营活动中，对其商品或者服务需要取得商标专用权的，应当向商标局申请商标注册。”</p> <p>The first and second paragraphs of Article 4 shall be combined and revised as: Any natural person, legal person or other organization intending to acquire the exclusive right to use a trademark for goods or services during its production and operation activities shall file an application for trademark registration with the Trademark Office."</p>

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<p>本法有关商品商标的规定，适用于服务商标。</p> <p>The provisions made in this Law concerning goods trademarks shall apply to service marks.</p>	<p>自然人、法人或者其他组织对其提供的服务项目，需要取得商标专用权的，应当向商标局申请服务商标注册。</p> <p>Any natural person, legal person or other organization intending to acquire the exclusive right to use a service mark for the services it provides shall file an application for trademark registration with the Trademark Office.</p> <p>本法有关商品商标的规定，适用于服务商标。</p> <p>The provisions made in this Law concerning goods trademarks shall apply to service marks.</p>	
<p>第五条 Article 5</p>	<p>第五条 Article 5</p>	
<p>两个以上的自然人、法人或者其他组织可以共同向商标局申请注册同一商标，共同享有和行使该商标专用权。</p> <p>Two or more natural persons, legal persons or other organizations may jointly file an application for registration of a trademark with the Trademark Office and shall jointly enjoy the exclusive right to use this registered trademark.</p>	<p>两个以上的自然人、法人或者其他组织可以共同向商标局申请注册同一商标，共同享有和行使该商标专用权。</p> <p>Two or more natural persons, legal persons or other organizations may jointly file an application for registration of a trademark with the Trademark Office and shall jointly enjoy the exclusive right to use this registered trademark.</p>	
<p>第六条 Article 6</p>	<p>第六条 Article 6</p>	<p>将第六条修改为：“法律、行政法规规定必须使用注册商标的商品，必须申请商标注册，未经核准注册的，不得在市场销售。”</p>
<p>法律、行政法规规定必须使用注册商标的商品，必须申请商标注册，未经核准注册的，不得在市场销售。</p> <p>With respect to goods that must bear a registered trademark, as prescribed by laws and administrative regulations, an application for registration must be filed. Where no trademark registration has been granted, such goods shall not be sold on the market.</p>	<p>国家规定必须使用注册商标的商品，必须申请商标注册，未经核准注册的，不得在市场销售。</p> <p>With respect to goods, as prescribed by the State, that must bear a registered trademark, an application for registration must be filed. Where no trademark registration has been granted, such goods shall not be sold on the market.</p>	<p>Article 6 shall be amended as: "With respect to goods, as prescribed by laws and administrative regulations, that must bear a registered trademark, an application for registration must be filed. Where no trademark registration has been granted, such goods shall not be sold on the market."</p>
<p>第七条 Article 7</p>	<p>第七条 Article 7</p>	<p>在第七条中增加一款，作为第一款：“申请注册和使用商标，应当遵循诚实信用原则。”</p>
<p>申请注册和使用商标，应当遵循诚实信用原则。</p> <p>The principle of good faith shall be abided by in the application for trademark registration and in the use of a trademark.</p> <p>商标使用人应当对其使用商标的商品质量负责。各级工商行政管理部门应当通过商标管理，制止欺骗消费者的行为。</p>	<p>商标使用人应当对其使用商标的商品质量负责。各级工商行政管理部门应当通过商标管理，制止欺骗消费者的行为。</p> <p>Any user of a trademark shall be responsible for the quality of the goods in respect of which the trademark is used. The administrative departments for industry and commerce at different levels shall, through the administration of trademarks, exercise supervision over the quality of the</p>	<p>The following paragraph shall be added to Article 7 as the first paragraph: "The principle of good faith shall be abided by in the application for trademark registration and in the use of a trademark."</p>

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Any user of a trademark shall be responsible for the quality of the goods in respect of which the trademark is used. The administrative departments for industry and commerce at different levels shall, through the administration of trademarks, exercise supervision over the quality of the goods and shall stop any practice that deceives consumers.	goods and shall stop any practice that deceives consumers.	
第八条 Article 8	第八条 Article 8	将第八条修改为：“任何能够将自然人、法人或者其他组织的商品与他人的商品区别开的标志，包括文字、图形、字母、数字、三维标志、颜色组合和声音等，以及上述要素的组合，均可以作为商标申请注册。 Article 8 shall be amended as: "An application for trademark registration may be filed for any symbol including text, a figurative device, alphabetic letter, numeral, three-dimensional mark, colour combination, and sound or the like, as well as the combination of these elements, which can distinguish the goods of a natural person, legal person or other organization from those of others."
第九条 Article 9	第九条 Article 9	
申请注册的商标，应当有显著特征，便于识别，并不得与他人在先取得的合法权利相冲突。 Any trademark for which registration is applied for shall be distinctive so as to be easily discernible, and shall not conflict with any prior right acquired by another person. 商标注册人有权标明“注册商标”或者注册标记。 The trademark registrant shall have the right to mark the indication “Registered Trademark” or a sign of trademark registration.	申请注册的商标，应当有显著特征，便于识别，并不得与他人在先取得的合法权利相冲突。 Any trademark for which registration is applied for shall be distinctive so as to be easily discernible, and shall not conflict with any prior right acquired by another person. 商标注册人有权标明“注册商标”或者注册标记。 The trademark registrant shall have the right to mark the indication “Registered Trademark” or a sign of trademark registration.	
第十条 Article 10	第十条 Article 10	将第十条第一款第一项至第三项修改为：“（一）同中华人民共和国的国家名称、国旗、国徽、国歌、军旗、军徽、军歌、勋章等相同或者近似的，以及同中央国家机关的名称、标志、所在地特定地点的名称或者标志性建筑物的名称、图形相同的； “（二）同外国的国家名称、国旗、国徽、军旗等相同或者近似的，但经该国政府同意的除外；
下列标志不得作为商标使用： The following signs shall not be used as a trademark: （一）同中华人民共和国的国家名称、国旗、国徽、国歌、军旗、军徽、军歌、勋章等相同或者近似的，以及同中央国家机关的名称、标志、所在地特	下列标志不得作为商标使用： The following signs shall not be used as a trademark: （一）同中华人民共和国的国家名称、国旗、国徽、军旗、勋章相同或者近似的，以及同中央国家机关所在地特定地点的名称或者标志性建筑物的	

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<p>定地点的名称或者标志性建筑物的名称、图形相同的；</p> <p>1) those identical with or similar to the State name, national flag, national emblem, national anthem, military flag, military emblem, military anthem, medals or the like of the People's Republic of China, as well as those identical with the names or marks of central government agencies, the names of the specific sites where central government agencies are located, or the names and designs of landmark buildings;</p> <p>（二）同外国的国家名称、国旗、国徽、军旗等相同或者近似的，但经该国政府同意的除外；</p> <p>2) those identical with or similar to the State name, national flag, national emblem, military flag or the like of any foreign country, except those approved by the government of the country concerned;</p> <p>（三）同政府间国际组织的名称、旗帜、徽记等相同或者近似的，但经该组织同意或者不易误导公众的除外；</p> <p>3) those identical with or similar to the name, flag, emblem or the like of any intergovernmental international organization, except those approved by the international intergovernmental organization concerned or those unlikely to mislead the public;</p> <p>（四）与表明实施控制、予以保证的官方标志、检验印记相同或者近似的，但经授权的除外；</p> <p>4) those identical with or similar to the official sign or inspection mark indicating control and guarantee, except those with official authorization;</p> <p>（五）同“红十字”、“红新月”的名称、标志相同或者近似的；</p> <p>5) those identical with or similar to the symbols, or names, of the Red Cross or the Red Crescent;</p> <p>（六）带有民族歧视性的；</p> <p>6) those having the nature of discrimination against any nationality;</p> <p>（七）带有欺骗性，容易使公众对商品的质量等特点或者产地产生误认的；</p>	<p>名称、图形相同的；</p> <p>(1) those identical with or similar to the State name, national flag, national emblem, military flag or medals of the People's Republic of China, as well as those identical with the names of the specific sites where central government agencies are located, or the names and designs of landmark buildings;</p> <p>（二）同外国的国家名称、国旗、国徽、军旗相同或者近似的，但经该国政府同意的除外；</p> <p>(2) those identical with or similar to the State name, national flag, national emblem or military flag of any foreign countries, except those approved by the government of the country concerned;</p> <p>（三）同政府间国际组织的名称、旗帜、徽记相同或者近似的，但经该组织同意或者不易误导公众的除外；</p> <p>(3) those identical with or similar to the name, flag or emblem of any international intergovernmental organization, except those approved by the international intergovernmental organization concerned or those unlikely to mislead the public;</p> <p>（四）与表明实施控制、予以保证的官方标志、检验印记相同或者近似的，但经授权的除外；</p> <p>(4) those identical with or similar to the official sign or inspection mark indicating control and guarantee, except those with official authorization;</p> <p>（五）同“红十字”、“红新月”的名称、标志相同或者近似的；</p> <p>(5) those identical with or similar to the symbols, or names, of the Red Cross or the Red Crescent;</p> <p>（六）带有民族歧视性的；</p> <p>(6) those having the nature of discrimination against any nationality;</p> <p>（七）夸大宣传并带有欺骗性的；</p> <p>(7) those having the nature of exaggeration and fraud in advertising goods; and</p>	<p>“（三）同政府间国际组织的名称、旗帜、徽记等相同或者近似的，但经该组织同意或者不易误导公众的除外”。</p> <p>将第一款第七项修改为：“（七）带有欺骗性，容易使公众对商品的质量等特点或者产地产生误认的”。</p> <p>Items 1), 2), and 3) of the first paragraph of Article 10 shall be amended as:</p> <p>"1) those identical with or similar to the State name, national flag, national emblem, national anthem, military flag, military emblem, military anthem, medals or the like of the People's Republic of China, as well as those identical with the names or marks of central government agencies, the names of the specific sites where central government agencies are located, or the names and designs of landmark buildings;"</p> <p>"2) those identical with or similar to the State name, national flag, national emblem, military flag or the like of any foreign country, except those approved by the government of the country concerned;"</p> <p>"3) those identical with or similar to the name, flag, emblem or the like of any intergovernmental international organization, except those approved by the international intergovernmental organization concerned or those unlikely to mislead the public;"</p> <p>Item 7) of the first paragraph of Article 10 is amended as:</p> <p>"7) those that are deceptive and likely to mislead the public with regard to the quality or other features of the goods, or the place of origin;"</p>

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<p>7) those that are deceptive and likely to mislead the public with regard to the quality or other features of the goods, or the place of origin; and</p> <p>（八）有害于社会主义道德风尚或者有其他不良影响的。</p> <p>8) those detrimental to socialist morals or customs, or having other unhealthy influences.</p> <p>县级以上行政区划的地名或者公众知晓的外国地名，不得作为商标。但是，地名具有其他含义或者作为集体商标、证明商标组成部分的除外；已经注册的使用地名的商标继续有效。</p> <p>Names of the administrative divisions at or above the county level and foreign geographical names well-known to the public shall not be used as trademarks, except where those geographical names have other meanings or serve as a component part of a collective mark or certification mark. Where a trademark using any of the above-mentioned geographical names has been approved and registered, it shall continue to be valid.</p>	<p>（八）有害于社会主义道德风尚或者有其他不良影响的。</p> <p>(8) those detrimental to socialist morals or customs, or having other unhealthy influences.</p> <p>县级以上行政区划的地名或者公众知晓的外国地名，不得作为商标。但是，地名具有其他含义或者作为集体商标、证明商标组成部分的除外；已经注册的使用地名的商标继续有效。</p> <p>Names of the administrative divisions at or above the county level and foreign geographical names well-known to the public shall not be used as trademarks, except where those geographical names have other meanings or serve as a component part of a collective mark or certification mark. Where a trademark using any of the above-mentioned geographical names has been approved and registered, it shall continue to be valid.</p>	
第十一条 Article 11	第十一条 Article 11	将第十一条第一款第二项中的“仅仅”修改为“仅”。 将第一款第三项修改为：“（三）其他缺乏显著特征的。”
<p>下列标志不得作为商标注册： The following marks shall not be registered as a trademark:</p> <p>（一）仅有本商品的通用名称、图形、型号的； 1) those only having the generic names, designs or models of the goods in respect of which the trademark is used;</p> <p>（二）仅直接表示商品的质量、主要原料、功能、用途、重量、数量及其他特点的； 2) those only having direct reference to the quality, main raw materials, function, use, weight, quantity or other features of the goods in respect of which the trademark is used;</p> <p>（三）其他缺乏显著特征的。 3) those that otherwise lack distinctive features.</p> <p>前款所列标志经过使用取得显著特征，并便于识别的，可以作为商标注</p>	<p>下列标志不得作为商标注册： The following marks shall not be registered as a trademark:</p> <p>（一）仅有本商品的通用名称、图形、型号的； (1) those only having the generic names, designs or models of the goods in respect of which the trademark is used;</p> <p>（二）仅仅直接表示商品的质量、主要原料、功能、用途、重量、数量及其他特点的； (2) those only having direct reference to the quality, main raw materials, function, use, weight, quantity or other features of the goods in respect of which the trademark is used;</p> <p>（三）缺乏显著特征的。 (3) those lacking in distinctive features.</p> <p>前款所列标志经过使用取得显著特征，并便于识别的，可以作为商标</p>	<p>将第十一条第一款第二项中的“仅仅”修改为“仅”。 将第一款第三项修改为：“（三）其他缺乏显著特征的。” The two Chinese characters "仅仅" in item 2) of the first paragraph of Article 11 shall be amended as one Chinese character "仅" (Note: no change in English). Item 3) of the first paragraph of Article 11 is amended as: "3) those that otherwise lack distinctive features."</p>

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册。 Any of those marks mentioned in the preceding paragraphs can be registered as a trademark only after it has acquired distinctive features in practical use and become distinguishable.	注册。 Any of those marks mentioned in the preceding paragraphs can be registered as a trademark only after it has acquired distinctive features in practical use and become distinguishable.	
第十二条 Article 12	第十二条 Article 12	
以三维标志申请注册商标的，仅由商品自身的性质产生的形状、为获得技术效果而需有的商品形状或者使商品具有实质性价值的形状，不得注册。 Where a trademark application is filed for the registration of a three-dimensional mark, any shape derived from the nature of the goods, or the shape of the goods that is necessary to achieve technical results, or the shape which provides the goods with substantial value, shall not be registered.	以三维标志申请注册商标的，仅由商品自身的性质产生的形状、为获得技术效果而需有的商品形状或者使商品具有实质性价值的形状，不得注册。 Where a trademark application is filed for the registration of a three-dimensional mark, any shape derived from the nature of the goods, or the shape of the goods that is necessary to achieve technical results, or the shape which provides the goods with substantial value, shall not be registered.	
第十三条 Article 13	第十三条 Article 13	
为相关公众所熟知的商标，持有人认为其权利受到侵害时，可以依照本法规定请求驰名商标保护。 If a trademark is well-known to the relevant public and the holder of said trademark considers their rights are being infringed upon, an application may be filed for protection as a well-known trademark in accordance with this Law. 就相同或者类似商品申请注册的商标是复制、摹仿或者翻译他人未在中国注册的驰名商标，容易导致混淆的，不予注册并禁止使用。 Where a trademark applied for registration in respect of identical or similar goods is a reproduction, imitation or translation of another's well-known trademark which has not been registered in China and the applied trademark is likely to cause confusion, registration of such trademark shall not be allowed and its use shall be prohibited. 就不相同或者不相类似商品申请注册的商标是复制、摹仿或者翻译他人已经在中国注册的驰名商标，误导公众，致使该驰名商标注册人的利益可能受到损害的，不予注册并禁止使用。 Where a trademark applied for registration in respect of different goods is a reproduction, imitation or translation of another's well-known trademark which has been registered in China and the applied trademark is likely to	就相同或者类似商品申请注册的商标是复制、摹仿或者翻译他人未在中国注册的驰名商标，容易导致混淆的，不予注册并禁止使用。 Where a trademark applied for registration in respect of identical or similar goods is a reproduction, imitation or translation of another's well-known trademark which has not been registered in China and the applied trademark is likely to cause confusion, registration of such trademark shall not be allowed and its use shall be prohibited. 就不相同或者不相类似商品申请注册的商标是复制、摹仿或者翻译他人已经在中国注册的驰名商标，误导公众，致使该驰名商标注册人的利益可能受到损害的，不予注册并禁止使用。 Where a trademark applied for registration in respect of different goods is a reproduction, imitation or translation of another's well-known trademark which has been registered in China and the applied trademark is likely to	在第十三条中增加一款，作为第一款：“为相关公众所熟知的商标，持有人认为其权利受到侵害时，可以依照本法规定请求驰名商标保护。” The following paragraph shall be added to Article 13 as the first paragraph: "If a trademark is well-known to the relevant public and the holder of said trademark considers their rights are being infringed upon, an application may be filed for protection as a well-known trademark in accordance with this Law."

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mislead the public and bring harm to the interests of the registrant of the well-known trademark, registration of such trademark shall not be allowed and its use shall be prohibited.		
第十四条 Article 14 驰名商标应当根据当事人的请求，作为处理涉及商标案件需要认定的事实进行认定。认定驰名商标应当考虑下列因素： Upon request by a party, a well-known trademark shall be considered as a fact to be determined in the handling of trademark-related cases. The following factors shall be taken into consideration in the determination of well-known trademarks: （一）相关公众对该商标的知晓程度； 1) Extent of the relevant public’s awareness of the trademark; （二）该商标使用的持续时间； 2) Duration of the use of the trademark; （三）该商标的任何宣传工作的持续时间、程度和地理范围； 3) Duration, extent and geographic scope of any publicity conducted for the trademark; （四）该商标作为驰名商标受保护的记录； 4) Protection records of the trademark as a well-known trademark; and （五）该商标驰名的其他因素。 5) Other factors concerning the popularity of the trademark. 在商标注册审查、工商行政管理部门查处商标违法案件过程中，当事人依照本法第十三条规定主张权利的，商标局根据审查、处理案件的需要，可以对商标驰名情况作出认定。 During the process of trademark registration review or the investigation and handling by the administrative departments for industry and commerce of a case relating to trademark infringement, if a party claims rights in accordance	第十四条 Article 14 认定驰名商标应当考虑下列因素： The following factors shall be taken into consideration in the determination of well-known trademarks: （一）相关公众对该商标的知晓程度； (1) Extent of the relevant public’s awareness of the trademark; （二）该商标使用的持续时间； (2) Duration of the use of the trademark; （三）该商标的任何宣传工作的持续时间、程度和地理范围； (3) Duration, extent and geographic scope of any publicity conducted for the trademark; （四）该商标作为驰名商标受保护的记录； (4) Protection records of the trademark as a well-known trademark; and （五）该商标驰名的其他因素。 (5) Other factors concerning the popularity of the trademark.	将第十四条修改为：“驰名商标应当根据当事人的请求，作为处理涉及商标案件需要认定的事实进行认定。认定驰名商标应当考虑下列因素： “（一）相关公众对该商标的知晓程度； “（二）该商标使用的持续时间； “（三）该商标的任何宣传工作的持续时间、程度和地理范围； “（四）该商标作为驰名商标受保护的记录； “（五）该商标驰名的其他因素。 “在商标注册审查、工商行政管理部门查处商标违法案件过程中，当事人依照本法第十三条规定主张权利的，商标局根据审查、处理案件的需要，可以对商标驰名情况作出认定。 “在商标争议处理过程中，当事人依照本法第十三条规定主张权利的，商标评审委员会根据处理案件的需要，可以对商标驰名情况作出认定。 “在商标民事、行政案件审理过程中，当事人依照本法第十三条规定主张权利的，最高人民法院指定的人民法院根据审理案件的需要，可以对商标驰名情况作出认定。 “生产、经营者不得将‘驰名商标’字样用于商品、商品包装或者容器上，或者用于广告宣传、展览以及其他商业活动中。” Article 14 shall be amended as: "Upon the request of a concerned party, a well-known trademark shall be considered as a fact to be determined in the handling of trademark-related cases. The following factors shall be taken into consideration in the determination of well-known trademarks: "1) Extent of the relevant public’s awareness of the target trademark; "2) Duration of the use of the target trademark; "3) Duration, extent and geographic scope of any

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<p>with Article 13 of this Law, the Trademark Office may recognize the status of a trademark as being well-known in accordance with the needs for examination or case disposition.</p> <p>在商标争议处理过程中，当事人依照本法第十三条规定主张权利的，商标评审委员会根据处理案件的需要，可以对商标驰名情况作出认定。</p> <p>In the process of handling the trademark disputes, if a party claims its rights in accordance with Article 13 of this Law, the Trademark Review and Adjudication Board may recognize the status of the trademark as well-known according to the needs for case disposition.</p> <p>在商标民事、行政案件审理过程中，当事人依照本法第十三条规定主张权利的，最高人民法院指定的人民法院根据审理案件的需要，可以对商标驰名情况作出认定。</p> <p>In the process of review of civil or administrative cases relating to trademarks, if a concerned party claims its rights in accordance with Article 13 of this Law, the People's Court designated by the Supreme People's Court may recognize the status of the trademark as being well-known according to the needs for case hearing.</p> <p>生产、经营者不得将“驰名商标”字样用于商品、商品包装或者容器上，或者用于广告宣传、展览以及其他商业活动中。</p> <p>Manufacturers and operators shall not use the words "well-known trademark" on goods, packaging or containers, or use the same for advertising and marketing, exhibitions or other commercial activities.</p>		<p>publicity conducted for the target trademark;</p> <p>"4) Protection records of the trademark as a well-known trademark; and</p> <p>"5) Other factors concerning the popularity of the target trademark.</p> <p>"During the process of trademark registration review or the investigation and handling by the administrative departments for industry and commerce of a case relating to trademark infringement, if the concerned party claims rights in accordance with Article 13 of this Law, the Trademark Office may recognize the status of a trademark as being well-known in accordance with the needs of the case handling.</p> <p>"In the process of handling the trademark disputes, if the concerned person claims its rights in accordance with Article 13 of this Law, the Trademark Review and Adjudication Board may recognize the status of the trademark as well-known according to the needs for case handling.</p> <p>"In the process of review of the civil or administrative cases relating to trademarks, if the concerned person claims its rights in accordance with Article 13 of this Law, the People's Court designated by the Supreme People's Court may recognize the status of the trademark being well-known according to the needs for case handling.</p> <p>"Manufacturers and operators shall not use the words "well-known trademark" on goods, packaging or containers, or use the same for advertising and marketing, exhibitions or other commercial activities."</p>
第十五条 Article 15	第十五条 Article 15	在第十五条中增加一款，作为第二款：“就同一种商品或者类似商品申请注册的商标与他人在先使用的未注册商标相同或者近似，申请人与该他人具有前款规定以外的合同、业务往来关系或者其他关系而明知该他人商标存在，该他人提出异议的，不予注册。”
<p>未经授权，代理人或者代表人以自己的名义将被代理人或者被代表人的商标进行注册，被代理人或者被代表人提出异议的，不予注册并禁止使用。</p> <p>Where the agent or representative of the owner of a trademark applies for registering the trademark in his own name without prior authorization and the owner of the trademark has raised an opposition against the same, registration of such trademark shall not be allowed and its use shall be prohibited.</p>	<p>未经授权，代理人或者代表人以自己的名义将被代理人或者被代表人的商标进行注册，被代理人或者被代表人提出异议的，不予注册并禁止使用。</p> <p>Where the agent or representative of the owner of a trademark applies for registering the trademark in his own name without prior authorization and the owner of the trademark has raised an opposition against the same, registration of such trademark shall not be allowed and its use shall be</p>	<p>The following paragraph shall be added to Article 15 as its second paragraph: " A trademark under application shall not be registered if it is identical or similar to another's</p>

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<p>就同一种商品或者类似商品申请注册的商标与他人在先使用的未注册商标相同或者近似，申请人与该他人具有前款规定以外的合同、业务往来关系或者其他关系而明知该他人商标存在，该他人提出异议的，不予注册。</p> <p>A trademark under application shall not be registered if: the trademark is identical or similar to another party's unregistered trademark already in use for identical or similar goods in China; the applicant knows of the existence of another's trademark due to contractual, business, or other relationship with the latter party; or where another party raises an opposition to the applicant's registration application.</p>	<p>prohibited.</p>	<p>unregistered trademark already in use for identical or similar goods in China; the applicant knows of the existence of the other's trademark due to contractual, business, or another relationship with the other party; and where the other party raises an opposition to the applicant's registration application."</p>
<p>第十六条 Article 16</p> <p>商标中有商品的地理标志，而该商品并非来源于该标志所标示的地区，误导公众的，不予注册并禁止使用；但是，已经善意取得注册的继续有效。</p> <p>Where a trademark has a geographical sign of the designated goods which do not originate from the place where the geographical sign indicates and is likely to mislead the public, registration of such trademark shall not be allowed and its use shall be prohibited. However, where such a trademark has been approved and registered out of goodwill, it shall continue to be valid.</p> <p>前款所称地理标志，是指标示某商品来源于某地区，该商品的特定质量、信誉或者其他特征，主要由该地区的自然因素或者人文因素所决定的标志。</p> <p>The geographical sign mentioned in the preceding article refers to the specific sign indicating the origin, specific quality, prestige or other features of the designated goods and mainly decided by natural or cultural factors of the region.</p>	<p>第十六条 Article 16</p> <p>商标中有商品的地理标志，而该商品并非来源于该标志所标示的地区，误导公众的，不予注册并禁止使用；但是，已经善意取得注册的继续有效。</p> <p>Where a trademark has a geographical sign of the designated goods which do not originate from the place where the geographical sign indicates and is likely to mislead the public, registration of such trademark shall not be allowed and its use shall be prohibited. However, where such a trademark has been approved and registered out of goodwill, it shall continue to be valid.</p> <p>前款所称地理标志，是指标示某商品来源于某地区，该商品的特定质量、信誉或者其他特征，主要由该地区的自然因素或者人文因素所决定的标志。</p> <p>The geographical sign mentioned in the preceding article refers to the specific sign indicating the origin, specific quality, prestige or other features of the designated goods and mainly decided by natural factors or humanistic factors of the region.</p>	
<p>第十七条 Article 17</p> <p>外国人或者外国企业在中国申请商标注册的，应当按其所属国和中华人民共和国签订的协议或者共同参加的国际条约办理，或者按对等原则办理。</p> <p>Where any foreign citizen or enterprise applies for registration of a trademark in China, the application shall be handled in accordance with any</p>	<p>第十七条 Article 17</p> <p>外国人或者外国企业在中国申请商标注册的，应当按其所属国和中华人民共和国签订的协议或者共同参加的国际条约办理，或者按对等原则办理。</p> <p>Where any foreign citizen or enterprise applies for registration of a trademark in China, the application shall be handled in accordance with any</p>	

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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 members, or on the basis of the principle of reciprocity.	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 members, or on the basis of the principle of reciprocity.	
第十八条 Article 18	第十八条 Article 18	将第十八条修改为：“申请商标注册或者办理其他商标事宜，可以自行办理，也可以委托依法设立的商标代理机构办理。 “外国人或者外国企业在中国申请商标注册和办理其他商标事宜的，应当委托依法设立的商标代理机构办理。” Article 18 shall be amended as: "In applying for trademark registration or dealing with other trademark matters, a party may act on its own or entrust a trademark agency duly established in accordance with law to act on its behalf. "Where a foreign national or a foreign enterprise applies for the registration of a trademark or has other trademark matters in China, he or it shall entrust a trademark agency duly established in accordance with the law to act on its behalf."
申请商标注册或者办理其他商标事宜，可以自行办理，也可以委托依法设立的商标代理机构办理。 In applying for trademark registration or dealing with other trademark matters, a party may act on its own or entrust a trademark agency duly established in accordance with law to act on its behalf. 外国人或者外国企业在中国申请商标注册和办理其他商标事宜的，应当委托依法设立的商标代理机构办理。 Where a foreign national or a foreign enterprise applies for the registration of a trademark or has other trademark-related matters in China, he or it shall entrust a trademark agency duly established in accordance with the law to act on its behalf.	外国人或者外国企业在中国申请商标注册和办理其他商标事宜的，应当委托国家认可的具有商标代理资格的组织代理。 Where any foreign national or enterprise applies for registration of a trademark or has other trademark matters in China, he or it shall entrust a State-designated trademark agency with qualifications for foreign-related trademark affairs to act on his or its behalf.	
第十九条 Article 19		增加一条，作为第十九条：“商标代理机构应当遵循诚实信用原则，遵守法律、行政法规，按照被代理人的委托办理商标注册申请或者其他商标事宜；对在代理过程中知悉的被代理人的商业秘密，负有保密义务。 “委托人申请注册的商标可能存在本法规定不得注册情形的，商标代理机构应当明确告知委托人。 “商标代理机构知道或者应当知道委托人申请注册的商标属于本法第十五条和第三十二条规定情形的，不得接受其委托。 “商标代理机构除对其代理服务申请商标注册外，不得申请注册其他商标。” One article shall be added as Article 19: "A trademark agency shall follow the principle of honesty and good faith, obey the laws and administrative regulations and handle applications for trademark registration or other trademark
商标代理机构应当遵循诚实信用原则，遵守法律、行政法规，按照被代理人的委托办理商标 注册申请或者其他商标事宜；对在代理过程中知悉的被代理人的商业秘密，负有保密义务。 A trademark agency shall follow the principle of honesty and good faith, obey the laws and administrative regulations and handle applications for trademark registration or other trademark matters in accordance with the instructions given by the principal. The trademark agency is obliged to keep the principal's trade secrets it comes to know during the agency process confidential. 委托人申请注册的商标可能存在本法规定不得注册情形的，商标代理机构应当明确告知委托人。 A trademark agency shall clearly inform a principal where, according to the provisions of this Law, any circumstances may exist that would prohibit the		

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<p>trademark for which the principal is applying from being registered.</p> <p>商标代理机构知道或者应当知道委托人申请注册的商标属于本法第十五条和第三十二条规定情形的，不得接受其委托。</p> <p>Where a trademark agency knows or should know that the trademark under application for registration by the principal falls under one of the circumstances listed in Article 15 and Article 32 of this Law, it shall not accept such entrustment.</p> <p>商标代理机构除对其代理服务申请商标注册外，不得申请注册其他商标。</p> <p>A trademark agency may only apply for the registration of trademarks in respect of its agency services; a trademark agency shall not apply for the registration of other trademarks.</p>		<p>matters in accordance with the instructions given by the principal. The trademark agency is obliged to keep the principal's trade secrets it comes to know during the agency process confidential.</p> <p>"A trademark agency shall clearly inform a principal where, according to the provisions of this Law, any circumstances may exist that would prohibit the trademark for which the principal is applying from being registered.</p> <p>"Where a trademark agency knows or should know that the trademark under application for registration by the principal falls under one of the circumstances listed in Article 15 and Article 32 of this Law, it shall not accept such entrustment.</p> <p>"A trademark agency may only apply for the registration of trademarks in respect of its agency services; a trademark agency shall not apply for the registration of other trademarks."</p>
<p>第二十条 Article 20</p> <p>商标代理行业组织应当按照章程规定，严格执行吸纳会员的条件，对违反行业自律规范的会员实行惩戒。商标代理行业组织对其吸纳的会员和对会员的惩戒情况，应当及时向社会公布。</p> <p>A trademark agency industrial association shall abide by the provisions of its articles of association in strictly implementing the conditions for member admissions and implement disciplinary sanctions to those members that have violated the association's self-discipline regulations. The trademark agency's industrial association shall timely make the information regarding admission of new members and disciplinary sanctions available to the public.</p>		<p>增加一条，作为第二十条：“商标代理行业组织应当按照章程规定，严格执行吸纳会员的条件，对违反行业自律规范的会员实行惩戒。商标代理行业组织对其吸纳的会员和对会员的惩戒情况，应当及时向社会公布。”</p> <p>A new article shall be added as Article 20: "A trademark agency industrial association shall abide by the provisions of its articles of association in strictly implementing the conditions for member admissions and implement disciplinary sanctions to those members that have violated the association's self-discipline regulations. The trademark agency's industrial association shall timely make the information regarding admission of new members and disciplinary sanctions available to the public."</p>
<p>第二十一条 (added article) Article 21</p> <p>商标国际注册遵循中华人民共和国缔结或者参加的有关国际条约确立的制度，具体办法由国务院规定。</p> <p>International trademark registrations shall comply with the system established by relevant international treaties to which the People's Republic of</p>		<p>增加一条，作为第二十一条：“商标国际注册遵循中华人民共和国缔结或者参加的有关国际条约确立的制度，具体办法由国务院规定。”</p> <p>One article shall be added as Article 21: "International trademark registrations shall comply with the system established by relevant international treaties to which the</p>

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China have concluded or participated. Specific rules shall be stipulated by the State Council.		People's Republic of China have concluded or participated. Specific rules shall be stipulated by the State Council."
第二章 商标注册的申请 Chapter II Application for Trademark Registration	第二章 商标注册的申请 Chapter II Application for Trademark Registration	
第二十二条 (原第十九和第二十条) Article 22	第十九条 Article 19	将第十九条、第二十条合并，作为第二十二条，修改为： “商标注册申请人应当按规定的商品分类表填报使用商标的商品类别和商品名称，提出注册申请。 “商标注册申请人可以通过一份申请就多个类别的商品申请注册同一商标。 “商标注册申请等有关文件，可以以书面方式或者数据电文方式提出。” Article 19 and Article 20 shall be combined as Article 22 and revised as: "A trademark registration applicant shall indicate in their application the class and name of the goods for which the trademark is to be used in accordance with the prescribed schedule of classification goods. "A trademark registration applicant may apply for the registration of the same trademark in multiple classes of goods through one application. "The application and other relevant documents for trademark registration may be provided in written or electronic form."
商标注册申请人应当按规定的商品分类表填报使用商标的商品类别和商品名称，提出注册申请。 A trademark registration applicant shall indicate in their application the class and name of the goods for which the trademark is to be used in accordance with the prescribed schedule of classification goods. 商标注册申请人可以通过一份申请就多个类别的商品申请注册同一商标。 A trademark registration applicant may apply for the registration of the same trademark in multiple classes of goods through one application. 商标注册申请等有关文件，可以以书面方式或者数据电文方式提出。 The application and other relevant documents for trademark registration may be provided in written or electronic form.	申请商标注册的，应当按规定的商品分类表填报使用商标的商品类别和商品名称。 An applicant for the registration of a trademark shall, in a form, indicate, in accordance with the prescribed classification of goods, the class of the goods and the designation of the goods in respect of which the trademark is to be used. 第二十条 Article 20 商标注册申请人在不同类别的商品上申请注册同一商标的，应当按商品分类表提出注册申请。 Where any trademark applicant intends to apply for registration of a trademark in respect of goods in different classes, an application for registration shall be filed in respect of each class of the prescribed classification of goods.	
第二十三条 （原第二十一条） Article 23	第二十一条 Article 21	将第二十一条改为第二十三条，修改为：“注册商标需要在核定使用范围之外的商品上取得商标专用权的，应当另行提出注册申请。” Article 21 shall be changed to Article 23 and revised as: "Where a registrant intends to acquire the exclusive right to use his or its trademark on goods beyond the approved scope, a new application shall be filed for registration. "
注册商标需要在核定使用范围之外的商品上取得商标专用权的，应当另行提出注册申请。 Where a registrant intends to acquire the exclusive rights for use of a trademark on goods beyond the approved scope, a new application shall be filed for registration.	注册商标需要在同一类的其他商品上使用的，应当另行提出注册申请。 Where a registered trademark is to be used in respect of other goods of the same class, a new application for registration shall be filed.	
第二十四条 （原第二十二条） Article 24	第二十二条 Article 22	
注册商标需要改变其标志的，应当重新提出注册申请。 Where any sign of a registered trademark is to be altered, a new application for registration shall be filed.	注册商标需要改变其标志的，应当重新提出注册申请。 Where any sign of a registered trademark is to be altered, a new application for registration shall be filed.	

2013 年修改后商标法 TRADEMARK LAW (REVISED IN AUGUST 2013)	2001 年商标法 TRADEMARK LAW (2001)	修改备注 (NOTES)
	<p>第二十三条 Article 23</p> <p>注册商标需要变更注册人的名义、地址或者其他注册事项的，应当提出变更申请。</p> <p>Where, after the registration of a trademark, the name, address or other registered matters concerning the registrant change, an application for the change shall be filed.</p>	<p>将第二十三条改为第四十一条。 Article 23 shall be changed to Article 41.</p>
<p>第二十五条 Article 25</p> <p>商标注册申请人自其商标在外国第一次提出商标注册申请之日起六个月内，又在中国就相同商品以同一商标提出商标注册申请的，依照该外国同中国签订的协议或者共同参加的国际条约，或者按照相互承认优先权的原则，可以享有优先权。</p> <p>Where any trademark applicant first filed a trademark application in a foreign country within the preceding six months and files an application in China for registration of the same trademark in respect of the goods in the same class, the applicant may, in accordance with any agreement between the said foreign country and China, in accordance with any international treaty to which both countries are member countries, or on the basis of the principle of mutual recognition of the right of priority, enjoy a right of priority.</p> <p>依照前款要求优先权的，应当在提出商标注册申请的时候提出书面声明，并且在三个月内提交第一次提出的商标注册申请文件的副本；未提出书面声明或者逾期未提交商标注册申请文件副本的，视为未要求优先权。</p> <p>Where any trademark applicant claims the priority right in accordance with the provision in the preceding article, the applicant shall make a written statement when the application is filed, and submit, within three months, a copy of the application documents for trademark registration that was first filed. Where the applicant fails to make the written statement or fails to submit a copy of the application documents for trademark registration within the time limit, the claim to the right of priority shall be deemed to have not been made.</p>	<p>第二十四条 Article 24</p> <p>商标注册申请人自其商标在外国第一次提出商标注册申请之日起六个月内，又在中国就相同商品以同一商标提出商标注册申请的，依照该外国同中国签订的协议或者共同参加的国际条约，或者按照相互承认优先权的原则，可以享有优先权。</p> <p>Where any trademark applicant first filed a trademark application in a foreign country within the preceding six months and files an application in China for registration of the same trademark in respect of the goods in the same class, he or it may, in accordance with any agreement between the said foreign country and China, in accordance with any international treaty to which both countries are member countries, or on the basis of the principle of mutual recognition of the right of priority, enjoy a right of priority.</p> <p>依照前款要求优先权的，应当在提出商标注册申请的时候提出书面声明，并且在三个月内提交第一次提出的商标注册申请文件的副本；未提出书面声明或者逾期未提交商标注册申请文件副本的，视为未要求优先权。</p> <p>Where any trademark applicant claims the priority right in accordance with the provision in the preceding article, he or it shall make a written statement when the application is filed, and submit, within three months, a copy of the application documents for trademark registration that was first filed. Where the applicant fails to make the written statement or fails to submit a copy of the application documents for trademark registration within the time limit, the claim to the right of priority shall be deemed to have not been made.</p>	

2013 年修改后商标法 TRADEMARK LAW (REVISED IN AUGUST 2013)	2001 年商标法 TRADEMARK LAW (2001)	修改备注 (NOTES)
<p>第二十六条 Article 26</p> <p>商标在中国政府主办的或者承认的国际展览会展出的商品上首次使用的，自该商品展出之日起六个月内，该商标的注册申请人可以享有优先权。</p> <p>Where any trademark which is used for the first time on the goods exhibited at an international exhibition sponsored or recognized by the Chinese government, the applicant for registering this trademark may enjoy the right of priority within six months after the date when the said goods was exhibited.</p> <p>依照前款要求优先权的，应当在提出商标注册申请的时候提出书面声明，并且在三个月内提交展出其商品的展览会名称、在展出商品上使用该商标的证据、展出日期等证明文件；未提出书面声明或者逾期未提交证明文件的，视为未要求优先权。</p> <p>Where the trademark applicant claims the right of priority in accordance with the provision in the preceding paragraph, the applicant shall make a written statement when the application is filed, and submit, within three months, the supporting documents concerning the name of the exhibition, the use of the trademark on the exhibited goods and the date when the goods was exhibited. Where the applicant fails to make the written statement or fails to submit the supporting documents within the time limit, the claim to the right of priority shall be deemed to have not been made.</p>	<p>第二十五条 Article 25</p> <p>商标在中国政府主办的或者承认的国际展览会展出的商品上首次使用的，自该商品展出之日起六个月内，该商标的注册申请人可以享有优先权。</p> <p>Where any trademark which is used for the first time on the goods exhibited at an international exhibition sponsored or recognized by the Chinese government, the applicant for registering this trademark may enjoy the right of priority within six months after the date when the said goods was exhibited.</p> <p>依照前款要求优先权的，应当在提出商标注册申请的时候提出书面声明，并且在三个月内提交展出其商品的展览会名称、在展出商品上使用该商标的证据、展出日期等证明文件；未提出书面声明或者逾期未提交证明文件的，视为未要求优先权。</p> <p>Where the trademark applicant claims the right of priority in accordance with the provision in the preceding paragraph, he or it shall make a written statement when the application is filed, and submit, within three months, the supporting documents concerning the name of the exhibition, the use of the trademark on the exhibited goods and the date when the goods was exhibited. Where the applicant fails to make the written statement or fails to submit the supporting documents within the time limit, the claim to the right of priority shall be deemed to have not been made.</p>	
<p>第二十七条（原第二十六条） Article 27</p> <p>为申请商标注册所申报的事项和所提供的材料应当真实、准确、完整。</p> <p>The items applied for trademark registration and the materials provided should be authentic, accurate and complete.</p>	<p>第二十六条 Article 26</p> <p>为申请商标注册所申报的事项和所提供的材料应当真实、准确、完整。</p> <p>The items applied for trademark registration and the materials provided should be authentic, accurate and complete.</p>	

2013 年修改后商标法 TRADEMARK LAW (REVISED IN AUGUST 2013)	2001 年商标法 TRADEMARK LAW (2001)	修改备注 (NOTES)
第三章 商标注册的审查和核准 Chapter III Examination for and Approval of Trademark Registration	第三章 商标注册的审查和核准 Chapter III Examination for and Approval of Trademark Registration	
第二十八条（原第二十七条） Article 28	第二十七条 Article 27	将第二十七条改为第二十八条，修改为：“对申请注册的商标，商标局应当自收到商标注册申请文件之日起九个月内审查完毕，符合本法有关规定的，予以初步审定公告。” Article 27 shall be changed to Article 28 and amended as: "The Trademark Office shall complete examination within nine (9) months after receipt of documents on application for registration of a trademark, and shall make the preliminary examination and approval announcement if such trademark is in compliance with the stipulation of this Law."
对申请注册的商标，商标局应当自收到商标注册申请文件之日起九个月内审查完毕，符合本法有关规定的，予以初步审定公告。 The Trademark Office shall complete examination within nine (9) months from receipt of the application documents for registration of a trademark, and shall make the preliminary examination and approval announcement if such trademark is in compliance with relevant provisions of this Law.	申请注册的商标，凡符合本法有关规定的，由商标局初步审定，予以公告。 Where a trademark the registration of which has been applied for is in conformity with the relevant provisions of this Law, the Trademark Office shall, after examination, preliminarily approve the trademark and publish the same.	
第二十九条 (Added article) Article 29		增加一条，作为第二十九条：“在审查过程中，商标局认为商标注册申请内容需要说明或者修正的，可以要求申请人做出说明或者修正。申请人未做出说明或者修正的，不影响商标局做出审查决定。” The following shall be added as Article 29: "During the examination process, if the Trademark Office believes the content of a trademark registration application requires further explanation or shall amendment, it may request the applicant provide obligatory explanations or amendments. Failure for the applicant to provide the explanation or amendment shall not affect the decision of the Trademark Office. "
在审查过程中，商标局认为商标注册申请内容需要说明或者修正的，可以要求申请人做出说明或者修正。申请人未做出说明或者修正的，不影响商标局做出审查决定。 During the examination process, if the Trademark Office believes the content of a trademark registration application requires further explanation or amendment, it may request the applicant to provide further explanation or amendment. Failure of the applicant to provide such explanation or amendment shall not affect the decision-making of the Trademark Office.		
第三十条（原第二十八条） Article 30	第二十八条 Article 28	
申请注册的商标，凡不符合本法有关规定或者同他人在同一种商品或者类似商品上已经注册的或者初步审定的商标相同或者近似的，由商标局驳回申请，不予公告。 Where a trademark, the registration of which has been applied for, is not in conformity with the relevant provisions of this Law, or it is identical with or similar to the trademark of another person that has, in respect of the same or similar goods, been registered or, after examination, preliminarily approved, the Trademark Office shall refuse the application and shall not publish the said trademark.	申请注册的商标，凡不符合本法有关规定或者同他人在同一种商品或者类似商品上已经注册的或者初步审定的商标相同或者近似的，由商标局驳回申请，不予公告。 Where a trademark, the registration of which has been applied for, is not in conformity with the relevant provisions of this Law, or it is identical with or similar to the trademark of another person that has, in respect of the same or similar goods, been registered or, after examination, preliminarily approved, the Trademark Office shall refuse the application and shall not publish the said trademark.	

2013 年修改后商标法 TRADEMARK LAW (REVISED IN AUGUST 2013)	2001 年商标法 TRADEMARK LAW (2001)	修改备注 (NOTES)
第三十一条（原二十九条） Article 31	第二十九条 Article 29	
<p>两个或者两个以上的商标注册申请人，在同一种商品或者类似商品上，以相同或者近似的商标申请注册的，初步审定并公告申请在先的商标；同一天申请的，初步审定并公告使用在先的商标，驳回其他人的申请，不予公告。</p> <p>Where two or more applicants apply for the registration of identical or similar trademarks for the same or similar goods, the preliminary approval, after examination, and the publication shall be made for the trademark which was first filed. Where applications are filed on the same day, the preliminary approval, after examination, and the publication shall be made for the trademark which was the earliest used, and the applications of the others shall be refused and their trademarks shall not be published.</p>	<p>两个或者两个以上的商标注册申请人，在同一种商品或者类似商品上，以相同或者近似的商标申请注册的，初步审定并公告申请在先的商标；同一天申请的，初步审定并公告使用在先的商标，驳回其他人的申请，不予公告。</p> <p>Where two or more applicants apply for the registration of identical or similar trademarks for the same or similar goods, the preliminary approval, after examination, and the publication shall be made for the trademark which was first filed. Where applications are filed on the same day, the preliminary approval, after examination, and the publication shall be made for the trademark which was the earliest used, and the applications of the others shall be refused and their trademarks shall not be published.</p>	
第三十二条（原第三十一条） Article 32	第三十一条 Article 31	
<p>申请商标注册不得损害他人现有的在先权利，也不得以不正当手段抢先注册他人已经使用并有一定影响的商标。</p> <p>The application for trademark registration shall not be allowed to harm other person's prior rights, and no pre-emptive application by any unfair means of a trademark which has been used by another person and has a certain influence shall be allowed for registration.</p>	<p>申请商标注册不得损害他人现有的在先权利，也不得以不正当手段抢先注册他人已经使用并有一定影响的商标。</p> <p>The application for trademark registration shall not be allowed to harm other person's prior rights, and no pre-emptive application by any unfair means of a trademark which has been used by another person and has a certain influence shall be allowed for registration.</p>	<p>将第三十一条改为第三十二条。</p> <p>Article 31 shall be changed to Article 32.</p>
第三十三条（原第三十条） Article 33	第三十条 Article 30	
<p>对初步审定公告的商标，自公告之日起三个月内，在先权利人、利害关系人认为违反本法第十三条第二款和第三款、第十五条、第十六条第一款、第三十条、第三十一条、第三十二条规定的，或者任何人认为违反本法第十条、第三十一条、第十二条规定的，可以向商标局提出异议。公告期满无异议的，予以核准注册，发给商标注册证，并予公告。</p> <p>Within three (3) months from the date of the public announcement regarding a trademark that has undergone preliminary examination and obtained approval, a prior rights holder or other interested party that is of the opinion that such trademark violates the provisions of the second and third paragraph of Article 13, Article 15, the first paragraph of Article 16, Article 30, Article 31 or Article 32 of this Law, or if any party is of the opinion that such trademark violates the provisions of Article 10, Article 11 or Article 12 of this</p>	<p>对初步审定的商标，自公告之日起三个月内，任何人都可以提出异议。公告期满无异议的，予以核准注册，发给商标注册证，并予公告。</p> <p>Any person may, within three (3) months from the date of the publication, file an opposition against the trademark that has, after examination, been preliminarily approved. Where no opposition has been filed at the expiration of the publication period, the registration shall be approved, a certificate of trademark registration shall be issued and the trademark shall be published.</p>	<p>将第三十条改为第三十三条，修改为：“对初步审定公告的商标，自公告之日起三个月内，在先权利人、利害关系人认为违反本法第十三条第二款和第三款、第十五条、第十六条第一款、第三十条、第三十一条、第三十二条规定的，或者任何人认为违反本法第十条、第十一条、第十二条规定的，可以向商标局提出异议。公告期满无异议的，予以核准注册，发给商标注册证，并予公告。”</p> <p>Article 30 shall be changed to Article 33 and amended as: "Within three (3) months from the date of the public announcement regarding a trademark that has undergone preliminary examination and obtained approval, a prior rights holder or other interested party that is of the opinion that such trademark violates the provisions of the second and third paragraph of Article 13, Article 15, the first paragraph of</p>

2013 年修改后商标法 TRADEMARK LAW (REVISED IN AUGUST 2013)	2001 年商标法 TRADEMARK LAW (2001)	修改备注 (NOTES)
Law, such parties may file an opposition against the announced trademark with the Trademark Office. If no opposition is filed after the period of public announcement expires, registration shall be granted, a trademark registration certificate shall be issued and the trademark shall be publicly announced.		Article 16, Article 30, Article 31 or Article 32 of this Law, or if any party is of the opinion that such trademark violates the provisions of Article 10, Article 11 or Article 12 of this Law, such parties may file an opposition against the announced trademark with the Trademark Office. If no opposition is filed after the period of public announcement expires, registration shall be granted, a trademark registration certificate shall be issued and the trademark shall be publicly announced."
第三十四条 (原第三十二条) Article 34	第三十二条 Article 32	将第三十二条改为第三十四条，修改为：“对驳回申请、不予公告的商标，商标局应当书面通知商标注册申请人。商标注册申请人不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审。商标评审委员会应当自收到申请之日起九个月内做出决定，并书面通知申请人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。” Article 32 shall be changed to Article 34 and amended as: "When an application for trademark registration has been rejected, the trademark is not to be publicly announced; the Trademark Office shall notify the trademark registration applicant in writing. If the trademark registration applicant refuses to accept the rejection, it may apply to the Trademark Review and Adjudication Board for a re-examination within fifteen (15) days from the day on which the notification is received, and the Trademark Review and Adjudication Board shall make a decision within nine (9) months after receipt of such application and notify the applicant in writing. Where necessary, the time period may be extended for three (3) months under special circumstances upon approval by the administration for industry and commerce under the State Council.
<p>对驳回申请、不予公告的商标，商标局应当书面通知商标注册申请人。商标注册申请人不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审。商标评审委员会应当自收到申请之日起九个月内做出决定，并书面通知申请人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。</p> <p>When an application for trademark registration has been rejected, the trademark is not to be publicly announced; the Trademark Office shall notify the trademark registration applicant in writing. If the trademark registration applicant refuses to accept the rejection, it may apply to the Trademark Review and Adjudication Board for a re-examination within fifteen (15) days from the day on which the notification is received, and the Trademark Review and Adjudication Board shall make a decision within nine (9) months after receipt of such application and notify the applicant in writing. Where necessary, the time period may be extended for three (3) months under special circumstances upon approval by the administration for industry and commerce under the State Council.</p> <p>当事人对商标评审委员会的决定不服的，可以自收到通知之日起三十日内向人民法院起诉。</p> <p>Where any party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a suit before a People's Court within thirty (30) days from the receipt of the notification.</p>	<p>对驳回申请、不予公告的商标，商标局应当书面通知商标注册申请人。商标注册申请人不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审，由商标评审委员会做出决定，并书面通知申请人。</p> <p>When an application for trademark registration has been rejected, the trademark is not to be publicly announced; the Trademark Office shall notify the trademark registration applicant in writing. If the trademark registration applicant refuses to accept the rejection, it may apply to the Trademark Review and Adjudication Board for a re-examination within fifteen (15) days from the day on which the notification is received. The Trademark Review and Adjudication Board shall make a decision and notify applicant in writing.</p> <p>当事人对商标评审委员会的决定不服的，可以自收到通知之日起三十日内向人民法院起诉。</p> <p>Where any party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a suit before a People's Court within thirty (30) days from the receipt of the notification.</p>	<p>当事人对商标评审委员会的决定不服的，可以自收到通知之日起三十日内向人民法院起诉。”</p> <p>Where any party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a suit before a People's Court within thirty (30) days from the receipt of the notification."</p>

2013 年修改后商标法 TRADEMARK LAW (REVISED IN AUGUST 2013)	2001 年商标法 TRADEMARK LAW (2001)	修改备注 (NOTES)
<p>第三十五条 (原第三十三条) Article 35</p> <p>对初步审定公告的商标提出异议的，商标局应当听取异议人和被异议人陈述事实和理由，经调查核实后，自公告期满之日起十二个月内做出是否准予注册的决定，并书面通知异议人和被异议人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长六个月。</p> <p>If an opposition is filed against a trademark which has undergone preliminary examination and approval and has been publicly announced, the Trademark Office shall hear the statements of the facts and reasons made by the opponent and the opposed party, and shall, after the investigation and verification, make a decision as to whether the registration is to be approved for registration and notify, in writing, the opponent and opposed party of such decision within twelve (12) months from the date when the period of public announcement expires. Where necessary, the time period may be extended for six (6) months under special circumstances upon approval by the administration for industry and commerce under the State Council.</p> <p>商标局做出准予注册决定的，发给商标注册证，并予公告。异议人不服的，可以依照本法第四十四条、第四十五条的规定向商标评审委员会请求宣告该注册商标无效。</p> <p>If the Trademark Office makes a decision to approve the registration, a certificate of trademark registration shall be issued and the trademark shall be announced publicly. If the opponent disagrees with the decision, it may apply to the Trademark Review and Adjudication Board to declare the registered trademark invalid in accordance with the provisions of Article 44 and Article 45 of this Law.</p> <p>商标局做出不予注册决定，被异议人不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审。商标评审委员会应当自收到申请之日起十二个月内做出复审决定，并书面通知异议人和被异议人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长六个月。被异议人对商标评审委员会的决定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知异议人作为第三人参加诉讼。</p> <p>When an application for trademark registration has been rejected by the Trademark Office and if the opposed party refuses to accept the rejection, it</p>	<p>第三十三条 Article 33</p> <p>对初步审定、予以公告的商标提出异议的，商标局应当听取异议人和被异议人陈述事实和理由，经调查核实后，做出裁定。</p> <p>If an opposition is filed against a trademark which has undergone preliminary examination and approval and has been publicly announced, the Trademark Office shall hear the statements of the facts and reasons made by the opponent and the opposed party, and shall, after the investigation and verification, make a decision.</p> <p>当事人不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审，由商标评审委员会做出裁定，并书面通知异议人和被异议人。</p> <p>Where any party is dissatisfied, he may, within fifteen days from receipt of the notification, apply to the Trademark Review and Adjudication Board for a review. The Trademark Review and Adjudication Board shall make a ruling and notify the opponent and the opposed party in writing.</p> <p>当事人对商标评审委员会的裁定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知商标复审程序的对方当事人作为第三人参加诉讼。</p> <p>Where any party is dissatisfied with the ruling made by the Trademark Review and Adjudication Board, he may, within thirty days from receipt of the notification, institute legal proceedings in the people's court. The people's court shall notify the opposite party involved in the procedure of trademark adjudication to attend the lawsuit as the third party.</p>	<p>将第三十三条改为第三十五条，修改为：“对初步审定公告的商标提出异议的，商标局应当听取异议人和被异议人陈述事实和理由，经调查核实后，自公告期满之日起十二个月内做出是否准予注册的决定，并书面通知异议人和被异议人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长六个月。</p> <p>“商标局做出准予注册决定的，发给商标注册证，并予公告。异议人不服的，可以依照本法第四十四条、第四十五条的规定向商标评审委员会请求宣告该注册商标无效。</p> <p>“商标局做出不予注册决定，被异议人不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审。商标评审委员会应当自收到申请之日起十二个月内做出复审决定，并书面通知异议人和被异议人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长六个月。被异议人对商标评审委员会的决定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知异议人作为第三人参加诉讼。</p> <p>“商标评审委员会在依照前款规定进行复审的过程中，所涉及的在先权利的确定必须以人民法院正在审理或者行政机关正在处理的另一案件的结果为依据的，可以中止审查。中止原因消除后，应当恢复审查程序。”</p> <p>Article 33 shall be changed to Article 35 and revised as: "If an opposition is filed against a trademark which has undergone preliminary examination and approval and has been publicly announced, the Trademark Office shall hear the statements of the facts and reasons made by the opponent and the opposed party, and shall, after the investigation and verification, make a decision as to whether the registration is to be approved for registration and notify, in writing, the opponent and opposed party of such decision within twelve (12) months from the date when the period of public announcement expires. Where necessary, the time period may be extended for six (6) months under special circumstances upon approval by the administration for industry and commerce of the State Council.</p>

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<p>may apply to the Trademark Review and Adjudication Board for a re-examination within fifteen (15) days from the day on which the notification is received, and the Trademark Review and Adjudication Board shall issue a re-examination decision within twelve (12) months after receipt of such application and notify the opponent and the opposed party in writing. Where necessary, the time period may be extended for six (6) months under special circumstances upon approval by the administration for industry and commerce under the State Council. If the opposed party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a lawsuit before a people's court within thirty (30) days from receipt of the notification. The people's court shall notify the opponent to join in the case as the third party.</p> <p>商标评审委员会在依照前款规定进行复审的过程中，所涉及的在先权利的确定必须以人民法院正在审理或者行政机关正在处理的另一案件的结果为依据的，可以中止审查。中止原因消除后，应当恢复审查程序。</p> <p>During the re-examination process conducted by the Trademark Review and Adjudication Board in accordance with provision of the above Paragraph, if determination of prior rights involved is based on the result of another case being tried by a People's Court or handled by an administrative department, such re-examination may be suspended. After the causes for suspension are eliminated, the re-examination process shall resume.</p>		<p>"If the Trademark Office makes a decision to approve the registration, a certificate of trademark registration shall be issued and the trademark shall be announced publicly. If the opponent disagrees with the decision, it may apply to the Trademark Review and Adjudication Board to declare the registered trademark invalid in accordance with the provisions of Article 44 and Article 45 of this Law.</p> <p>"When an application for trademark registration has been rejected by the Trademark Office and if the opposed party refuses to accept the rejection, it may apply to the Trademark Review and Adjudication Board for a re-examination within fifteen (15) days from the day on which the notification is received, and the Trademark Review and Adjudication Board shall issue a re-examination decision within twelve (12) months after receipt of such application and notify the opponent and the opposed party in writing. Where necessary, the time period may be extended for six (6) months under special circumstances upon approval by the administration for industry and commerce under the State Council. If the opposed party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a lawsuit before a people's court within thirty (30) days from receipt of the notification. The people's court shall notify the opponent to join in the case as the third party.</p> <p>"During the re-examination process conducted by the Trademark Review and Adjudication Board in accordance with provision of the above Paragraph, if determination of prior rights involved is based on the result of another case being tried by a People's Court or handled by an administrative department, such re-examination may be suspended. After the causes for suspension are eliminated, the re-examination process shall be resumed."</p>
第三十六条（原第三十四条） Article 36	第三十四条 Article 34	将第三十四条改为第三十六条，修改为：“法定期限届满，当事人对商标局做出的驳回申请决定、不予注册决定不申请复审或者对商标评审委员会做出的复审决定不向人民法院起诉的，驳回申请决定、不予注册决定或者复审决定生效。
法定期限届满，当事人对商标局做出的驳回申请决定、不予注册决定不申请复审或者对商标评审委员会做出的复审决定不向人民法院起诉的，驳回	当事人在法定期限内对商标局做出的裁定不申请复审或者对商标评审委员会做出的裁定不向人民法院起诉的，裁定生效。	

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<p>申请决定、不予注册决定或者复审决定生效。</p> <p>If neither party has filed an application for a review on the dismissal of a registration application or on a decision of non-registration made by the Trademark Office, or if neither party has brought a lawsuit before the People's Court against the review decision made by the Trademark Review and Adjudication Board after the expiration of the statutory period, the decision on non-registration or the review decision shall take effect.</p> <p>经审查异议不成立而准予注册的商标，商标注册申请人取得商标专用权的时间自初步审定公告三个月期满之日起计算。自该商标公告期满之日起至准予注册决定做出前，对他人在同一种或者类似商品上使用与该商标相同或者近似的标志的行为不具有追溯力；但是，因该使用人的恶意给商标注册人造成的损失，应当给予赔偿。</p> <p>After an opposition action is rejected and the registration is granted, the trademark registrant obtains the exclusive right to use the trademark from the day on which the three (3) month period of preliminary examination and approval announcement expires. From the date on which such trademark announcement period expires to the date on which the decision to approve the registration is made, the trademark shall have no retroactive effect on others' act of using a trademark which is identical with or similar to such trademark on the same or similar types of goods, provided however, that the trademark registrant shall be compensated for losses resulting from use in bad-faith by other parties.</p>	<p>Where, at the expiration of the legal time limit, no party concerned has applied for a review of the decision made by the Trademark Office or has instituted legal proceedings with the people's court against the ruling made by the Trademark Review and Adjudication Board, the ruling shall become valid.</p> <p>经裁定异议不能成立的，予以核准注册，发给商标注册证，并予公告；经裁定异议成立的，不予核准注册。</p> <p>Where it is decided that the opposition is not justified, the registration shall be approved, a certificate of trademark registration shall be issued and the trademark shall be published. Where it is decided that the opposition is justified, no registration shall be approved.</p> <p>经裁定异议不能成立而核准注册的，商标注册申请人取得商标专用权的时间自初审公告三个月期满之日起计算。</p> <p>Where the trademark registration is approved according to the decision that the opposition is not justified, the valid period of the trademark registrant's exclusive right to use the registered trademark shall be counted from the expiration of the three-month period after the preliminary publication.</p>	<p>“经审查异议不成立而准予注册的商标，商标注册申请人取得商标专用权的时间自初步审定公告三个月期满之日起计算。自该商标公告期满之日起至准予注册决定做出前，对他人在同一种或者类似商品上使用与该商标相同或者近似的标志的行为不具有追溯力；但是，因该使用人的恶意给商标注册人造成的损失，应当给予赔偿。”</p> <p>Article 34 shall be changed to Article 36 and amended as: "If neither party has filed an application for a review on the dismissal of a registration application or on a decision of non-registration made by the Trademark Office, or if neither party has brought a lawsuit before the People's Court against the review decision made by the Trademark Review and Adjudication Board after the expiration of the statutory period, the decision on non-registration or the review decision shall take effect."</p> <p>"After an opposition action is rejected and the registration is granted, the trademark registrant obtains the exclusive right to use the trademark from the day on which the three (3) month period of preliminary examination and approval announcement expires. From the date on which such trademark announcement period expires to the date on which the decision to approve the registration is made, the trademark shall have no retroactive effect on others' act of using a trademark which is identical with or similar to such trademark on the same or similar types of goods, provided however, that the trademark registrant shall be compensated for losses resulting from bad-faith use by other parties."</p>
第三十七条（原第三十五条） Article 37	第三十五条 Article 35	
对商标注册申请和商标复审申请应当及时进行审查。 The application for trademark registration and the application for trademark review should be examined in a timely manner.	对商标注册申请和商标复审申请应当及时进行审查。 The application for trademark registration and the application for trademark review should be examined in a timely manner.	

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第三十八条（原第三十六条） Article 38	第三十六条 Article 36	
商标注册申请人或者注册人发现商标申请文件或者注册文件有明显错误的，可以申请更正。商标局依法在其职权范围内作出更正，并通知当事人。 Where the trademark applicant or registrant discovers any obvious mistake in the trademark application documents or trademark registration documents, the applicant may apply for correction of the mistake. The Trademark Office shall, within the limits of its functions and powers, make correction of the mistake and notify the party concerned. 前款所称更正错误不涉及商标申请文件或者注册文件的实质性内容。 The correction of the mistake mentioned in the preceding paragraph shall not involve any substantive contents in the trademark application documents or trademark registration documents.	商标注册申请人或者注册人发现商标申请文件或者注册文件有明显错误的，可以申请更正。商标局依法在其职权范围内作出更正，并通知当事人。 Where the trademark applicant or registrant discovers any obvious mistake in the trademark application documents or trademark registration documents, he may apply for correction of the mistake. The Trademark Office shall, within the limits of its functions and powers, make correction of the mistake and notify the party concerned. 前款所称更正错误不涉及商标申请文件或者注册文件的实质性内容。 The correction of the mistake mentioned in the preceding paragraph shall not involve any substantive contents in the trademark application documents or trademark registration documents.	
第四章 注册商标的续展、 变更 、转让和使用许可 Chapter IV Renewal, Modification , Assignment and Licensing of Registered Trademarks	第四章 注册商标的续展、转让和使用许可 Chapter IV Renewal, Assignment and Licensing of Registered Trademarks	将第四章章名修改为“注册商标的续展、变更、转让和使用许可”。 The title of Chapter IV shall be revised as "Renewal, Modification, Assignment and Licensing of Registered Trademarks".
第三十九条 Article 39	第三十七条 Article 37	
注册商标的有效期为十年，自核准注册之日起计算。 The period of validity of a registered trademark shall be ten years, counted from the date of approval of the registration.	注册商标的有效期为十年，自核准注册之日起计算。 The period of validity of a registered trademark shall be ten years, counted from the date of approval of the registration.	
第四十条（原第三十八条） Article 40	第三十八条 Article 38	将第三十八条改为第四十条，修改为：“注册商标有效期满，需要继续使用的，商标注册人应当在期满前十二个月内按照规定办理续展手续；在此期间未能办理的，可以给予六个月的宽展期。每次续展注册的有效期为十年，自该商标上一届有效期满次日起计算。期满未办理续展手续的，注销其注册商标。 “商标局应当对续展注册的商标予以公告。” Article 38 shall be changed to Article 40, and revised as: "Where the registrant intends to continue to use the registered trademark after the period of validity expires, he or
注册商标有效期满，需要继续使用的， 商标注册人应当在期满前十二个月内按照规定办理续展手续 ；在此期间未能 办理的 ，可以给予六个月的宽展期。每次续展注册的有效期为十年， 自该商标上一届有效期满次日起计算。期满未办理续展手续的，注销其注册商标。 Where the registrant intends to continue to use the registered trademark after the period of validity expires, he or it must complete the renewal of registration procedures within twelve (12) months before the expiration . Where the registrant fails to complete such procedures within the said period, an	注册商标有效期满，需要继续使用的， 应当在期满前六个月内申请续展注册 ；在此期间未能 提出申请的 ，可以给予六个月的宽展期。 宽展期满仍未提出申请的 ，注销其注册商标。 Where the registrant intends to continue to use the registered trademark after the period of validity expires, an application for renewal of the registration shall be made within six months before the said expiration . Where the registrant fails to file an application within the said period, an extension period of six (6) months may be granted. If no	registered trademark after the period of validity expires, he or

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<p>extension period of six (6) months may be granted. The period of validity of each renewal of registration shall be ten years, commencing from the day after the expiration of the previous period of validity. If the renewal of registration procedures have not been completed before the extension period expires, the registered trademark shall be cancelled.</p> <p>商标局应当对续展注册的商标予以公告。 The Trademark Office shall publicly announce each trademark after its registration has been renewed.</p>	<p>application has been filed at the expiration of the grace period, the registered trademark shall be cancelled.</p> <p>每次续展注册的有效期为十年。 The period of validity of each renewal of registration shall be ten years.</p> <p>续展注册经核准后，予以公告。 Any renewal of registration shall be published after it has been approved.</p>	<p>it must complete the renewal of registration procedures within twelve (12) months before the expiration. Where the registrant fails to complete such procedures within the said period, an extension period of six (6) months may be granted. The period of validity of each renewal of registration shall be ten years, commencing from the day after the expiration of the previous period of validity. If the renewal of registration procedures have not been completed before the extension period expires, the registered trademark shall be cancelled. "The Trademark Office shall publicly announce each trademark after its registration has been renewed."</p>
<p>第四十一条（原第二十三条） Article 41</p>	<p>第二十三条 Article 23 of Trademark Law</p>	
<p>注册商标需要变更注册人名义、地址或者其他注册事项的，应当提出变更申请。 Where, after the registration of a trademark, the name, address or other registered matters concerning the registrant change, an application for the change shall be filed.</p>	<p>注册商标需要变更注册人名义、地址或者其他注册事项的，应当提出变更申请。 Where, after the registration of a trademark, the name, address or other registered matters concerning the registrant change, an application for the change shall be filed.</p>	
<p>第四十二条（原第三十九条） Article 42</p>	<p>第三十九条 Article 39 of Trademark Law</p>	<p>将第三十九条改为第四十二条，增加两款，作为第二款、第三款：“转让注册商标的，商标注册人对其在同一种商品上注册的近似的商标，或者在类似商品上注册的相同或者近似的商标，应当一并转让。 “对容易导致混淆或者有其他不良影响的转让，商标局不予核准，书面通知申请人并说明理由。” Article 39 shall be changed to Article 42, and two paragraphs shall be added to serve as Paragraph 2 and Paragraph 3: "Where a registered trademark is to be assigned, the registrant shall assign all similar trademarks registered for identical goods, or all identical or similar trademarks registered for similar goods; "Where an assignment of a trademark may cause confusion or any other negative consequences, the</p>
<p>转让注册商标的，转让人和受让人应当签订转让协议，并共同向商标局提出申请。受让人应当保证使用该注册商标的商品质量。 Where a registered trademark is assigned, both the assignor and the assignee shall sign a contract of assignment and jointly file an application with the Trademark Office. The assignee shall guarantee the quality of the goods in respect of which the registered trademark is used.</p> <p>转让注册商标的，商标注册人对其在同一种商品上注册的近似的商标，或者在类似商品上注册的相同或者近似的商标，应当一并转让。 Where a registered trademark is to be assigned, the registrant shall assign all similar trademarks registered for identical goods, or all identical or similar trademarks registered for similar goods;</p>	<p>转让注册商标的，转让人和受让人应当签订转让协议，并共同向商标局提出申请。受让人应当保证使用该注册商标的商品质量。 Where a registered trademark is to be assigned, both the assignor and the assignee shall sign a contract of assignment and jointly file an application with the Trademark Office. The assignee shall guarantee the quality of the goods in respect of which the registered trademark is used.</p> <p>转让注册商标经核准后，予以公告。受让人自公告之日起享有商标专用权。 The assignment of a registered trademark shall be published after it has been approved. The assignee shall enjoy the exclusive right to use the assigned trademark from the publication date.</p>	

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<p>对容易导致混淆或者有其他不良影响的转让，商标局不予核准，书面通知申请人并说明理由。</p> <p>Where an assignment of a trademark may cause confusion or any other negative consequences, the Trademark Office shall not approve it, but shall notify the applicant of the explanation in writing.</p> <p>转让注册商标经核准后，予以公告。受让人自公告之日起享有商标专用权。</p> <p>The assignment of a registered trademark shall be published after it has been approved. The assignee shall enjoy the exclusive right to use the assigned trademark from the publication date.</p>		<p>Trademark Office shall not approve it, but should notify the applicant in writing with an explanation of the reason."</p>
<p>第四十三条 （原第四十条） Article 43</p> <p>商标注册人可以通过签订商标使用许可合同，许可他人使用其注册商标。许可人应当监督被许可人使用其注册商标的商品质量。被许可人应当保证使用该注册商标的商品质量。</p> <p>Any trademark registrant may, by signing a trademark license contract, authorize other persons to use his registered trademark. The licensor shall supervise the quality of the goods in respect of which the licensee uses his registered trademark, and the licensee shall guarantee the quality of the goods in respect of which the registered trademark is used.</p> <p>经许可使用他人注册商标的，必须在使用该注册商标的商品上标明被许可人的名称和商品产地。</p> <p>Where any party is authorized to use a registered trademark of another person, the name of the licensee and the origin of the goods must be indicated on the goods that bear the registered trademark.</p> <p>许可他人使用其注册商标的，许可人应当将其商标使用许可报商标局备案，由商标局公告。商标使用许可未经备案不得对抗善意第三人。</p> <p>Where a registered trademark is licensed to another person, the licensor shall record the license with the Trademark Office. A license that has not been recorded with the Trademark Office shall not be used against any bona fide</p>	<p>第四十条 Article 40</p> <p>商标注册人可以通过签订商标使用许可合同，许可他人使用其注册商标。许可人应当监督被许可人使用其注册商标的商品质量。被许可人应当保证使用该注册商标的商品质量。</p> <p>Any trademark registrant may, by signing a trademark license contract, authorize other persons to use his registered trademark. The licensor shall supervise the quality of the goods in respect of which the licensee uses his registered trademark, and the licensee shall guarantee the quality of the goods in respect of which the registered trademark is used.</p> <p>经许可使用他人注册商标的，必须在使用该注册商标的商品上标明被许可人的名称和商品产地。</p> <p>Where any party is authorized to use a registered trademark of another person, the name of the licensee and the origin of the goods must be indicated on the goods that bear the registered trademark.</p> <p>商标使用许可合同应当报商标局备案。</p> <p>The trademark license contract shall be submitted to the Trademark Office for record.</p>	<p>将第四十条改为第四十三条，第三款修改为：“许可他人使用其注册商标的，许可人应当将其商标使用许可报商标局备案，由商标局公告。商标使用许可未经备案不得对抗善意第三人。”</p> <p>Article 40 shall be changed to Article 43, and Paragraph 3 shall be revised as: "Where a registered trademark is licensed to another person, the licensor shall record the license with the Trademark Office. A license that has not been recorded with the Trademark Office shall not be used against any bona fide third party."</p>

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third party.		
<p>第五章 注册商标的无效宣告</p> <p>Chapter V Declaration of the Invalidity of Registered Trademarks</p>	<p>第五章 注册商标争议的裁定</p> <p>Chapter V Adjudication of Disputes Concerning Registered Trademarks</p>	<p>将第五章章名修改为“注册商标的无效宣告”。</p> <p>The title of Chapter 5 shall be changed to "Declaration of the Invalidity of Registered Trademarks".</p>
<p>第四十四条（原第四十一条和第四十三条合并之一）</p> <p>Article 44 (Article 41 and Article 43 shall be combined)</p>	<p>第四十一条</p> <p>Article 41</p>	<p>将第四十一条、第四十三条合并，改为第四十四条、第四十五条，修改为：</p>
<p>已经注册的商标，违反本法第十条、第十一条、第十二条规定的，或者是以欺骗手段或者其他不正当手段取得注册的，由商标局宣告该注册商标无效；其他单位或者个人可以请求商标评审委员会宣告该注册商标无效。</p> <p>Where a registered trademark stands in violation of the provisions of Articles 10, 11 or 12 of this Law, or the registration of a trademark was acquired by deceptive or other improper means, the Trademark Office shall declare the registered trademark in question invalid; and other organizations or individuals may request the Trademark Review and Adjudication Board declare that registered trademark invalid.</p> <p>商标局做出宣告注册商标无效的决定，应当书面通知当事人。当事人对商标局的决定不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审。商标评审委员会应当自收到申请之日起九个月内做出决定，并书面通知当事人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。当事人对商标评审委员会的决定不服的，可以自收到通知之日起三十日内向人民法院起诉。</p> <p>The Trademark Office shall notify the party concerned in writing of the decision on declaring the registered trademark invalid. If the party disagrees with the decision of the Trademark Office, it may apply to the Trademark Review and Adjudication Board for a re-examination within fifteen (15) days of the day of receiving the notification, and the Trademark Review and Adjudication Board shall make a decision within nine (9) months of the day of receiving the application and notify the concerned party in writing. Where necessary, the time period may be extended for three (3) months under</p>	<p>已经注册的商标，违反本法第十条、第十一条、第十二条规定的，或者是以欺骗手段或者其他不正当手段取得注册的，由商标局撤销该注册商标；其他单位或者个人可以请求商标评审委员会裁定撤销该注册商标。</p> <p>Where a registered trademark stands in violation of the provisions of Articles 10, 11 or 12 of this Law, or the registration of a trademark was acquired by fraud or any other improper means, the Trademark Office shall cancel the registered trademark in question; and other organizations or individuals may request the Trademark Review and Adjudication Board make an adjudication to cancel such a registered trademark.</p> <p>已经注册的商标，违反本法第十三条、第十五条、第十六条、第三十一条规定的，自商标注册之日起五年内，商标所有人或者利害关系人可以请求商标评审委员会裁定撤销该注册商标。对恶意注册的，驰名商标所有人不受五年的时间限制。</p> <p>Where a registered trademark stands in violation of the provisions of Articles 13, 15, 16 or 31 of this Law, any other trademark owner concerned or interested party may, within five years from the date of the registration of the trademark, file a request with the Trademark Review and Adjudication Board for adjudication to cancel the registered trademark. Where a well-known mark is registered in bad faith, the genuine owner thereof shall not be restricted by the five-year limitation.</p> <p>除前两款规定的情形外，对已经注册的商标有争议的，可以自该商标经核准注册之日起五年内，向商标评审委员会申请裁定。</p>	<p>“已经注册的商标，违反本法第十条、第十一条、第十二条规定的，或者是以欺骗手段或者其他不正当手段取得注册的，由商标局宣告该注册商标无效；其他单位或者个人可以请求商标评审委员会宣告该注册商标无效。</p> <p>“商标局做出宣告注册商标无效的决定，应当书面通知当事人。当事人对商标局的决定不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审。商标评审委员会应当自收到申请之日起九个月内做出决定，并书面通知当事人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。当事人对商标评审委员会的决定不服的，可以自收到通知之日起三十日内向人民法院起诉。</p> <p>“其他单位或者个人请求商标评审委员会宣告注册商标无效的，商标评审委员会收到申请后，应当书面通知有关当事人，并限期提出答辩。商标评审委员会应当自收到申请之日起九个月内做出维持注册商标或者宣告注册商标无效的裁定，并书面通知当事人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。当事人对商标评审委员会的裁定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知商标裁定程序的对方当事人作为第三人参加诉讼。</p> <p>“第四十五条 已经注册的商标，违反本法第十三条第二款和第三款、第十五条、第十六条第一款、第三十条、第三十一条、第三十二条规定的，自商标注册之日起五年内，在先权</p>

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<p>special circumstances upon approval by the administration for industry and commerce under the State Council. If the party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a lawsuit before a People’s Court within thirty (30) days from the day of receiving the notification.</p> <p>其他单位或者个人请求商标评审委员会宣告注册商标无效的，商标评审委员会收到申请后，应当书面通知有关当事人，并限期提出答辩。商标评审委员会应当自收到申请之日起九个月内做出维持注册商标或者宣告注册商标无效的裁定，并书面通知当事人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。当事人对商标评审委员会的裁定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知商标裁定程序的对方当事人作为第三人参加诉讼。</p> <p>If other organizations or individuals request the Trademark Review and Adjudication Board to declare a registered trademark invalid, the Trademark Review and Adjudication Board shall notify in writing the parties concerned after receiving the application and request them to reply within a specified period. The Trademark Review and Adjudication Board shall, within nine (9) months from receiving the application, make a decision to maintain the registered trademark or declare the registered trademark invalid and notify the party concerned of its decision in writing. Where necessary, the time period may be extended for three (3) months under special circumstances upon approval by the administration for industry and commerce under the State Council. If the party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a lawsuit before a People’s Court within thirty (30) days from the day of receiving the notification. The People’s Court shall notify the counter party of the trademark ruling proceedings to join in the case as a third party.</p>	<p>In addition to those cases as provided for in the preceding two paragraphs, any person disputing a registered trademark may, within five (5) years from the date of approval of the trademark registration, apply to the Trademark Review and Adjudication Board for adjudication.</p> <p>商标评审委员会收到裁定申请后，应当通知有关当事人，并限期提出答辩。</p> <p>The Trademark Review and Adjudication Board shall, after receipt of the application for adjudication, notify the interested parties and request them to respond with arguments within a specified period.</p>	<p>利人或者利害关系人可以请求商标评审委员会宣告该注册商标无效。对恶意注册的，驰名商标所有人不受五年的时间限制。</p> <p>“商标评审委员会收到宣告注册商标无效的申请后，应当书面通知有关当事人，并限期提出答辩。商标评审委员会应当自收到申请之日起十二个月内做出维持注册商标或者宣告注册商标无效的裁定，并书面通知当事人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长六个月。当事人对商标评审委员会的裁定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知商标裁定程序的对方当事人作为第三人参加诉讼。</p> <p>“商标评审委员会在依照前款规定对无效宣告请求进行审查的过程中，所涉及的在先权利的确定必须以人民法院正在审理或者行政机关正在处理的另一案件的结果为依据的，可以中止审查。中止原因消除后，应当恢复审查程序。”</p> <p>Article 41 and Article 43 are combined as Article 44 and Article 45 shall be amended as follows:</p> <p>"Where a registered trademark stands in violation of the provisions of Articles 10, 11 or 12 of this Law, or the registration of a trademark was acquired by deceptive or other improper means, the Trademark Office shall declare the registered trademark in question invalid; and other organizations or individuals may request the Trademark Review and Adjudication Board declare that registered trademark invalid.</p> <p>The Trademark Office shall notify the party concerned in writing of the decision on declaring the registered trademark invalid. If the party disagrees with the decision of the Trademark Office, it may apply to the Trademark Review and Adjudication Board for a re-examination within fifteen (15) days of the day of receiving the notification, and the Trademark Review and Adjudication Board shall make a decision within nine (9) months of the day of receiving the application and notify the concerned party in writing. Where necessary, the time period may be extended for three months under special circumstances upon approval by the</p>
第四十五条(原第四十一条和第四十三条合并之二) Article 45	第四十三条 Article 43	
<p>已经注册的商标，违反本法第十三条第二款和第三款、第十五条、第十六条第一款、第三十条、第三十一条、第三十二条规定的，自商标注册之日起五年内，在先权利人或者利害关系人可以请求商标评审委员会宣告该注册商标无效。对恶意注册的，驰名商标所有人不受五年的时间限制。</p> <p>If a trademark that has been registered violates the provisions of Paragraph 2 or Paragraph 3 of Article 13, Article 15, Paragraph 1 of Article 16,</p>	<p>商标评审委员会做出维持或者撤销注册商标的裁定后，应当书面通知有关当事人。</p> <p>After the Trademark Review and Adjudication Board has made an adjudication either to maintain or to cancel a registered trademark, it shall notify the interested parties of the same in writing.</p>	

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<p>Article 30, Article 31 or Article 32 of this Law, the person holding a prior right or the interested persons of the trademark may, within five (5) years from the day on which the trademark is registered, request the Trademark Review and Adjudication Board to declare that registered trademark invalid. The owner of a well-known trademark shall not be subject to the limit of five (5) years to request a declaration of invalidity based on a bad-faith registration.</p> <p>商标评审委员会收到宣告注册商标无效的申请后，应当书面通知有关当事人，并限期提出答辩。商标评审委员会应当自收到申请之日起十二个月内做出维持注册商标或者宣告注册商标无效的裁定，并书面通知当事人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长六个月。当事人对商标评审委员会的裁定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知商标裁定程序的对方当事人作为第三人参加诉讼。</p> <p>If the Trademark Review and Adjudication Board receives an application to declare a registered trademark invalid, the Trademark Review and Adjudication Board shall notify in writing the parties concerned after receiving the application and request them to reply within a specified period. The Trademark Review and Adjudication Board shall, within twelve (12) months from receiving the application, make a decision to maintain the registered trademark or declare the registered trademark invalid and shall notify the parties concerned of its decision in writing. Where necessary, the time period may be extended for six months under special circumstances upon approval by the administration for industry and commerce under the State Council. If the party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a lawsuit before a People's Court within thirty (30) days from receipt of the notification. The People's Court shall notify the counter party of the trademark ruling proceedings to join in the case as a third party.</p> <p>商标评审委员会在依照前款规定对无效宣告请求进行审查的过程中，所涉及的在先权利的确定必须以人民法院正在审理或者行政机关正在处理的另一案件的结果为依据的，可以中止审查。中止原因消除后，应当恢复审查程序。</p> <p>During the process whereby the Trademark Review and Adjudication Board reviews a request for declaring a registered trademark invalid in accordance with provision of the above Paragraph, if the determination of prior rights involved is based on the result of another case being tried by a People's</p>	<p>当事人对商标评审委员会的裁定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知商标裁定程序的对方当事人作为第三人参加诉讼。</p> <p>Any interested party who is dissatisfied with the adjudication made by the Trademark Review and Adjudication Board may, within thirty days from the date of receipt of the notice, institute legal proceedings in the People's Court. The People's Court shall notify the other party of the trademark adjudication proceeding to be a third party to the legal proceedings.</p>	<p>administration for industry and commerce under the State Council. If the party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a suit before a People's Court within thirty (30) days since the day of receiving the notification.</p> <p>"If other organizations or individuals request the Trademark Review and Adjudication Board to declare a registered trademark invalid, the Trademark Review and Adjudication Board shall notify in writing the parties concerned after receiving the application and request them to reply within a specified period. The Trademark Review and Adjudication Board shall, within nine (9) months from receiving the application, make a decision to maintain the registered trademark or declare the registered trademark invalid and notify the party concerned of its decision in writing. Where necessary, the time period may be extended for three months under special circumstances upon approval by the administration for industry and commerce of the State Council. If the party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a suit before a People's Court within thirty (30) days from the day of receiving the notification. The People's Court shall notify the opposite party of the trademark ruling proceedings to join in the case as the third party."</p> <p>"Article 45: If a trademark that has been registered violates the provisions of Paragraph 2 and Paragraph 3 of Article 13, Article 15, Paragraph 1 of Article 16, Article 30, Article 31 and Article 32 of this Law, the person holding a prior right or the interested persons of the trademark may, within five (5) years from the day on which the trademark is registered, request the Trademark Review and Adjudication Board to declare that registered trademark invalid. And the owner of a well-known trademark shall not be subject to the limit of five (5) years to request the declaration of invalidity of bad-faith registration.</p> <p>"If the Trademark Review and Adjudication Board receives an application to declare a registered trademark</p>

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Court or handled by an administrative department, such review may be suspended. After the causes for suspension are eliminated, the review process shall be resumed.		invalid, the Trademark Review and Adjudication Board shall notify in writing the parties concerned after receiving the application and request them to reply within a specified period. The Trademark Review and Adjudication Board shall, within twelve (12) months from receiving the application, make a decision to maintain the registered trademark or declare the registered trademark invalid and shall notify the parties concerned of its decision in writing. Where necessary, the time period may be extended for six months under special circumstances upon approval by the administration for industry and commerce of the State Council. If the party disagrees with the decision of the Trademark Review and Adjudication Board, it may bring a suit before a People's Court within thirty (30) days from receipt of the notification. The People's Court shall notify the opposite party of the trademark ruling proceedings to join in the case as the third party. "During the process whereby the Trademark Review and Adjudication Board reviews a request for declaring a registered trademark invalid in accordance with provision of the above Paragraph, if the determination of prior rights involved is based on the result of another case being tried by a People's Court or handled by an administrative department, such review may be suspended. After the causes for suspension are eliminated, the review process shall be resumed."
	第四十二条 Article 42 对核准注册前已经提出异议并经裁定的商标，不得再以相同的事实和理由申请裁定。 Where a trademark, before its being approved for registration, has been the object of opposition and decision, no application for adjudication may be filed based on the same facts and grounds.	删除第四十二条。 Article 42 shall be deleted.

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<p>第四十六条 (added article) Article 46</p> <p>法定期限届满，当事人对商标局宣告注册商标无效的决定不申请复审或者对商标评审委员会的复审决定、维持注册商标或者宣告注册商标无效的裁定不向人民法院起诉的，商标局的决定或者商标评审委员会的复审决定、裁定生效。</p> <p>If neither party has filed an application for re-examination of the decision made by the Trademark Office to declare the trademark invalid or if neither party has brought a lawsuit before the people’s court against the re-examination decision made by the Trademark Review and Adjudication Board, or the ruling of maintaining the registered trademark or declaring the registered trademark invalid within the prescribed period, the decision of the Trademark Office or the re-examination decision or ruling of the Trademark Review and Adjudication Board shall take effect.</p>		<p>增加一条，作为第四十六条：“法定期限届满，当事人对商标局宣告注册商标无效的决定不申请复审或者对商标评审委员会的复审决定、维持注册商标或者宣告注册商标无效的裁定不向人民法院起诉的，商标局的决定或者商标评审委员会的复审决定、裁定生效。”</p> <p>One article shall be added as Article 46: "If neither party has filed an application for re-examination of the decision made by the Trademark Office to declare the trademark invalid or if neither party has brought a suit before the people’s court against the re-examination decision made by the Trademark Review and Adjudication Board, or the ruling of maintaining the registered trademark or declaring the registered trademark invalid within the prescribed period, the decision of the Trademark Office or the re-examination decision or ruling of the Trademark Review and Adjudication Board shall take effect."</p>
<p>第四十七条 (added article) Article 47</p> <p>依照本法第四十四条、第四十五条的规定宣告无效的注册商标，由商标局予以公告，该注册商标专用权视为自始即不存在。</p> <p>If any registered trademark is declared invalid in accordance with the provisions in Article 44 or Article 45 hereunder, the Trademark Office shall announce the same, and the right to the exclusive use of such trademark shall be deemed as non-existent <i>ab initio</i>.</p> <p>宣告注册商标无效的决定或者裁定，对宣告无效前人民法院做出并已执行的商标侵权案件的判决、裁定、调解书和工商行政管理部门做出并已执行的商标侵权案件的处理决定以及已经履行的商标转让或者使用许可合同不具有追溯力。但是，因商标注册人的恶意给他人造成的损失，应当给予赔偿。</p> <p>The decision or ruling on a declaration of invalidity of any registered trademark shall have no retroactive effect on a judgment, ruling or mediation agreement on a trademark infringement case already made and enforced by a people's court, on a decision of a trademark infringement case already made</p>		<p>增加一条，作为第四十七条：“依照本法第四十四条、第四十五条的规定宣告无效的注册商标，由商标局予以公告，该注册商标专用权视为自始即不存在。</p> <p>“宣告注册商标无效的决定或者裁定，对宣告无效前人民法院做出并已执行的商标侵权案件的判决、裁定、调解书和工商行政管理部门做出并已执行的商标侵权案件的处理决定以及已经履行的商标转让或者使用许可合同不具有追溯力。但是，因商标注册人的恶意给他人造成的损失，应当给予赔偿。</p> <p>“依照前款规定不返还商标侵权赔偿金、商标转让费、商标使用费，明显违反公平原则的，应当全部或者部分返还。”</p> <p>One article shall be added as Article 47: "If any registered trademark is declared invalid in accordance with the provisions in Article 44 or Article 45 hereunder, the Trademark Office shall announce the same, and the right to the exclusive use of such trademark shall be deemed as non-existent <i>ab initio</i>.</p>

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<p>and enforced by the administrative department for industry and commerce, or a trademark transfer or licensing contract already performed prior to such declaration, provided that the trademark registrant of a registration based on bad faith shall remain liable for compensating the losses caused to other parties.</p> <p>依照前款规定不返还商标侵权赔偿金、商标转让费、商标使用费，明显违反公平原则的，应当全部或者部分返还。</p> <p>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.</p>		<p>" The decision or ruling on a declaration of invalidity of any registered trademark shall have no retroactive effect on a judgment, ruling or mediation agreement on a trademark infringement case already made and enforced by a people's court, on a decision of a trademark infringement case already made and enforced by the administrative department for industry and commerce, or a trademark transfer or licensing contract already performed prior to such declaration, provided that the trademark registrant of a registration based on bad faith shall remain liable for compensating the losses caused to other parties.</p> <p>"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.</p>
<p>第六章 商标使用的管理 Chapter VI Administration of the Use of Trademarks</p>	<p>第六章 商标使用的管理 Chapter VI Administration of the Use of Trademarks</p>	
<p>第四十八条 (added article) Article 48</p> <p>本法所称商标的使用，是指将商标用于商品、商品包装或者容器以及商品交易文书上，或者将商标用于广告宣传、展览以及其他商业活动中，用于识别商品来源的行为。</p> <p>The use of trademarks discussed in this Law refers to affixing trademarks to goods, the packaging or containers of goods as well as goods transaction documents, or use of trademarks in advertisements, exhibitions and other commercial activities for the purpose of identifying the source of goods.</p>		<p>增加一条，作为第四十八条：“本法所称商标的使用，是指将商标用于商品、商品包装或者容器以及商品交易文书上，或者将商标用于广告宣传、展览以及其他商业活动中，用于识别商品来源的行为。”</p> <p>One article shall be added as Article 48: "The use of trademarks discussed in this Law refers to affixing trademarks to goods, the packaging or containers of goods as well as goods transaction documents, or use of trademarks in advertisements, exhibitions and other commercial activities for the purpose of identifying the sources of goods."</p>

2013 年修改后商标法 TRADEMARK LAW (REVISED IN AUGUST 2013)	2001 年商标法 TRADEMARK LAW (2001)	修改备注 (NOTES)
第四十九条 (Previously Article 44 and amended) Article 49	第四十四条 Article 44	将第四十四条改为第四十九条，修改为：“商标注册人在使用注册商标的过程中，自行改变注册商标、注册人名义、地址或者其他注册事项的，由地方工商行政管理部门责令限期改正；期满不改正的，由商标局撤销其注册商标。 “注册商标成为其核定使用的商品的通用名称或者没有正当理由连续三年不使用的，任何单位或者个人可以向商标局申请撤销该注册商标。商标局应当自收到申请之日起九个月内做出决定。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。” Article 44 shall be amended as Article 49, which reads: "A trademark registrant that changes, without authorization, the registered trademark, the name or address of the registrant or other registration matters during the use of the registered trademark shall be ordered to make amendments within the prescribed time period by the relevant local administration for industry and commerce. If the registrant fails to make amendments by the prescribed deadline the registered trademark shall be cancelled by the Trademark Office. "If the registered trademark becomes a generic name of the goods on which it is approved to be used or has not been in use for three (3) consecutive years without justification, any organization or individual may apply to the Trademark Office to revoke such registered trademark. The Trademark Office shall make a decision within nine (9) months upon receiving the application. Where necessary, the time period may be extended for three (3) months under special circumstances upon approval by the administration for industry and commerce under the State Council."
商标注册人在使用注册商标的过程中，自行改变注册商标、注册人名义、地址或者其他注册事项的，由地方工商行政管理部门责令限期改正；期满不改正的，由商标局撤销其注册商标。 A trademark registrant that changes, without authorization, the registered trademark, the name or address of the registrant or other registration matters during the use of the registered trademark shall be ordered to make amendments within the prescribed time period by the relevant local administration for industry and commerce. If the registrant fails to make amendments by the prescribed deadline the registered trademark shall be cancelled by the Trademark Office. 注册商标成为其核定使用的商品的通用名称或者没有正当理由连续三年不使用的，任何单位或者个人可以向商标局申请撤销该注册商标。商标局应当自收到申请之日起九个月内做出决定。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。 If the registered trademark becomes a generic name of the goods on which it is approved to be used or has not been in use for three (3) consecutive years without justification, any organization or individual may apply to the Trademark Office to revoke such registered trademark. The Trademark Office shall make a decision within nine (9) months upon receiving the application. Where necessary, the time period may be extended for three (3) months under special circumstances upon approval by the administration for industry and commerce under the State Council.	使用注册商标，有下列行为之一的，由商标局责令限期改正或者撤销其注册商标： Where any person who uses a registered trademark has committed any of the following, the Trademark Office shall order him to rectify the situation within a specified time period or even cancel the registered trademark: （一）自行改变注册商标的； (1) where a registered trademark is altered unilaterally (that is, without the required registration); （二）自行改变注册商标的注册人名义、地址或者其他注册事项的； (2) where the name, address or other registered matters concerning the registrant of a registered trademark are changed unilaterally (that is, without the required application); （三）自行转让注册商标的； (3) where the registered trademark is assigned unilaterally (that is, without the required approval); or （四）连续三年停止使用的。 (4) where the use of the registered trademark has ceased for three (3) consecutive years.	删除第四十五条。 Article 45 shall be deleted.
	第四十五条 Article 45	
	使用注册商标，其商品粗制滥造，以次充好，欺骗消费者的，由各级工商行政管理部门分别不同情况，责令限期改正，并可以予以通报或者处以罚款，或者由商标局撤销其注册商标。	

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	If a registered trademark is used in respect of the goods that have been roughly or poorly manufactured, or whose superior quality has been replaced by inferior quality, so that consumers are deceived, the administrative authorities for industry and commerce at different levels shall, according to the circumstances, order rectification of the situation within a specified period, and may, in addition, circulate a notice of criticism or impose a fine, and the Trademark Office may even cancel the registered trademark.	
第五十条（原第四十六条） Article 50	第四十六条 Article 46	将第四十六条改为第五十条，修改为：“注册商标被撤销、被宣告无效或者期满不再续展的，自撤销、宣告无效或者注销之日起一年内，商标局对与该商标相同或者近似的商标注册申请，不予核准。”
注册商标被撤销、 被宣告无效 或者期满不再续展的，自撤销、 宣告无效 或者注销之日起一年内，商标局对与该商标相同或者近似的商标注册申请，不予核准。 If a registered trademark is revoked, declared invalid or is not renewed after its period of validity expires, the Trademark Office shall not approve any application for the registration of a trademark identical with or similar to the said trademark within one (1) year from the day of the revocation, declaration of invalidity or cancellation.	注册商标被撤销的或者期满不再续展的，自撤销或者注销之日起一年内，商标局对与该商标相同或者近似的商标注册申请，不予核准。 If a registered trademark is revoked or not renewed after its period of validity expires, the Trademark Office shall not approve any application for the registration of a trademark identical with or similar to the said trademark within one (1) year from the day of the revocation or cancellation.	Article 46 shall be amended as Article 50, which reads: "If a registered trademark is revoked, declared invalid or is not renewed after its period of validity expires, the Trademark Office shall not approve any application for the registration of a trademark identical with or similar to the said trademark within one (1) year from the day of the revocation, declaration of invalidity or cancellation.
第五十一条（原第四十七条） Article 51	第四十七条 Article 47	将第四十七条改为第五十一条，将其中的“可以并处罚款”修改为“违法经营额五万元以上的，可以处违法经营额百分之二十以下的罚款，没有违法经营额或者违法经营额不足五万元的，可以处一万元以下的罚款”。
违反本法第六条规定的，由地方工商行政管理部门责令限期申请注册，违法经营额五万元以上的， 可以处违法经营额百分之二十以下的罚款，没有违法经营额或者违法经营额不足五万元的，可以处一万元以下的罚款。 Where any person violates the provisions of Article 6 of this Law, the local administrative authority for industry and commerce shall order him to file an application for the registration within a specified period, and where the illegal gains exceeds RMB50,000, a fine up to 20% of the illegal gains may be imposed; where there are no illegal gains or the illegal gains are less than RMB50,000, a fine up to RMB10,000 may be imposed.	违反本法第六条规定的，由地方工商行政管理部门责令限期申请注册，可以并处罚款。 Where any person violates the provisions of Article 6 of this Law, the local administrative authority for industry and commerce shall order him to file an application for the registration within a specified period, and may, in addition, impose a fine.	Article 47 shall be amended as Article 51. "Where any person violates the provisions of Article 6 of this Law, the local administrative authority for industry and commerce shall order him to file an application for the registration within a specified period, and where the illegal gains exceeds RMB50,000, a fine up to 20% of the illegal gains may be imposed; where there are no illegal gains or the illegal gains are less than RMB50,000, a fine up to RMB10,000 may be imposed."

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<p>第五十二条 (原第四十八条) Article 52</p> <p>将未注册商标冒充注册商标使用的，或者使用未注册商标违反本法第十条规定的，由地方工商行政管理部门予以制止，限期改正，并可以予以通报，违法经营额五万元以上的，可以处违法经营额百分之二十以下的罚款，没有违法经营额或者违法经营额不足五万元的，可以处一万元以下的罚款。</p> <p>Where a party passes off an unregistered trademark as a registered one, or uses an unregistered trademark in violation of Article 10 of this Law, the local administrative department for industry and commerce shall stop the use of the trademark, order rectification of the situation within a specified period and may, in addition, circulate a public notice on the matter. Where the illegal gains exceeds RMB50,000, a fine up to 20% of the illegal gains may be imposed; where there are no illegal gains or the illegal gains are less than RMB50,000, a fine up to RMB10,000 may be imposed.</p>	<p>第四十八条 Article 48</p> <p>使用未注册商标，有下列行为之一的，由地方工商行政管理部门予以制止，限期改正，并可以予以通报或者处以罚款：</p> <p>Where any person who uses an unregistered trademark has committed any of the following, the local administrative authority for industry and commerce shall stop the use of the trademark, order him to rectify the situation within a specified period, and may, in addition, circulate a notice of criticism or impose a fine:</p> <p>(一) 冒充注册商标的； (1) where the trademark is falsely represented as registered;</p> <p>(二) 违反本法第十条规定的； (2) where any provision of Article 10 of this Law is violated; or</p> <p>(三) 粗制滥造，以次充好，欺骗消费者的。 (3) where the manufacture is of rough or poor quality, or where superior quality is replaced by inferior quality, so that consumers are deceived.</p>	<p>将第四十八条改为第五十二条，修改为：“将未注册商标冒充注册商标使用的，或者使用未注册商标违反本法第十条规定的，由地方工商行政管理部门予以制止，限期改正，并可以予以通报，违法经营额五万元以上的，可以处违法经营额百分之二十以下的罚款，没有违法经营额或者违法经营额不足五万元的，可以处一万元以下的罚款。”</p> <p>Article 48 shall be changed to Article 52, which reads: "Where a party passes off an unregistered trademark as a registered one, or uses an unregistered trademark in violation of Article 10 of this Law, the local administrative department for industry and commerce shall stop the use of the trademark, order rectification of the situation within a specified period and may, in addition, circulate a public notice on the matter. Where the illegal gains exceeds RMB50,000, a fine up to 20% of the illegal gains may be imposed; where there are no illegal gains or the illegal gains are less than RMB50,000, a fine up to RMB10,000 may be imposed."</p>
<p>第五十三条 Article 53</p> <p>违反本法第十四条第五款规定的，由地方工商行政管理部门责令改正，处十万元罚款。</p> <p>In the event of violation of Paragraph 5 of Article 14 of this Law, the local administrative department for industry and commerce shall order rectification of the situation and may impose a fine of RMB100,000.</p>		<p>增加一条，作为第五十三条：“违反本法第十四条第五款规定的，由地方工商行政管理部门责令改正，处十万元罚款。”</p> <p>One article shall be added as Article 53: "In the event of violation of Paragraph 5 of Article 14 of this Law, the local administrative department for industry and commerce shall order rectification of the situation and may impose a fine of RMB100,000."</p>
<p>第五十四条 (原第四十九条) Article 54</p> <p>对商标局撤销或者不予撤销注册商标的决定，当事人不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审。商标评审委员会应当自收到申请之日起九个月内做出决定，并书面通知当事人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。</p> <p>If a party disagrees with the decision of the Trademark Office to revoke, or</p>	<p>第四十九条 Article 49</p> <p>对商标局撤销注册商标的决定，当事人不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审，由商标评审委员会做出决定，并书面通知申请人。</p> <p>If a party disagrees with the decision of the Trademark Office to revoke a registered trademark, it may apply to the Trademark Review and</p>	<p>将第四十九条改为第五十四条，修改为：“对商标局撤销或者不予撤销注册商标的决定，当事人不服的，可以自收到通知之日起十五日内向商标评审委员会申请复审。商标评审委员会应当自收到申请之日起九个月内做出决定，并书面通知当事人。有特殊情况需要延长的，经国务院工商行政管理部门批准，可以延长三个月。当事人对商标评审委员会的决定不服</p>

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<p>not to revoke, a registered trademark, it may apply to the Trademark Review and Adjudication Board for a re-examination within fifteen (15) days of the day of receiving the notification. The Trademark Review and Adjudication Board shall make a decision within nine (9) months upon receipt of the application and notify the applicant in writing. Where necessary, the time period may be extended for three (3) months under special circumstances upon approval by the administration for industry and commerce under the State Council.</p> <p>当事人对商标评审委员会的决定不服的，可以自收到通知之日起三十日内向人民法院起诉。</p> <p>A party dissatisfied with the decision made by the Trademark Review and Adjudication Board may, within thirty (30) days from the date of receipt of the notice, bring a lawsuit before a People's Court.</p>	<p>Adjudication Board for a re-examination within fifteen (15) days of the day of receiving the notification. The Trademark Review and Adjudication Board shall make a decision and notify the applicant in writing.</p> <p>当事人对商标评审委员会的决定不服的，可以自收到通知之日起三十日内向人民法院起诉。</p> <p>A party dissatisfied with the decision made by the Trademark Review and Adjudication Board may, within thirty (30) days from the date of receipt of the notice, bring a lawsuit before a People's Court.</p>	<p>的，可以自收到通知之日起三十日内向人民法院起诉。”</p> <p>Article 49 is changed as Article 54, which reads: "If a party disagrees with the decision of the Trademark Office to revoke, or not to revoke, a registered trademark, it may apply to the Trademark Review and Adjudication Board for a re-examination within fifteen (15) days of the day of receiving the notification. The Trademark Review and Adjudication Board shall make a decision within nine (9) months upon receipt of the application and notify the applicant in writing. Where necessary, the time period may be extended for three (3) months under special circumstances upon approval by the administration for industry and commerce under the State Council.</p> <p>A party dissatisfied with the decision made by the Trademark Review and Adjudication Board may, within thirty (30) days from the date of receipt of the notice, bring a lawsuit before a People's Court."</p>
<p>第五十五条 (added article) Article 55</p> <p>法定期限届满，当事人对商标局做出的撤销注册商标的决定不申请复审或者对商标评审委员会做出的复审决定不向人民法院起诉的，撤销注册商标的决定、复审决定生效。</p> <p>Upon expiry of the statutory time limit, if neither party has filed an application for re-examination of the decision made by the Trademark Office to revoke the registered trademark or if neither party has brought a suit before the people's court against the re-examination decision made by the Trademark Review and Adjudication Board, the decision on revoking the registered trademark or the re-examination decision shall take effect.</p> <p>被撤销的注册商标，由商标局予以公告，该注册商标专用权自公告之日起终止。</p> <p>The Trademark Office shall announce the revoked registered trademark, and the exclusive right to use such trademark shall terminate from the date of announcement.</p>		<p>增加一条，作为第五十五条：“法定期限届满，当事人对商标局做出的撤销注册商标的决定不申请复审或者对商标评审委员会做出的复审决定不向人民法院起诉的，撤销注册商标的决定、复审决定生效。</p> <p>“被撤销的注册商标，由商标局予以公告，该注册商标专用权自公告之日起终止。”</p> <p>One article shall be added as Article 55: " Upon expiry of the statutory time limit, if neither party has filed an application for re-examination of the decision made by the Trademark Office to revoke the registered trademark or if neither party has brought a suit before the people's court against the re-examination decision made by the Trademark Review and Adjudication Board, the decision on revoking the registered trademark or the re-examination decision shall take effect."</p> <p>"The Trademark Office shall announce the revoked registered trademark, and the exclusive right to use such trademark shall terminate from the date of announcement."</p>

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	<p>第五十条 Article 50</p> <p>对工商行政管理部门根据本法第四十五条、第四十七条、第四十八条的规定做出的罚款决定，当事人不服的，可以自收到通知之日起十五日内，向人民法院起诉；期满不起诉又不履行的，由有关工商行政管理部门申请人民法院强制执行。</p> <p>Any party dissatisfied with the decision of the administrative authority for industry and commerce to impose a fine under the provisions of Article 45, Article 47 or Article 48 may, within fifteen days from receipt of the corresponding notice, institute legal proceedings with the People's Court. If there have been instituted no legal proceedings or made no performance of the decision at the expiration of the said period, the administrative authority for industry and commerce may request the People's Court for compulsory execution thereof.</p>	<p>删除第五十条。 Article 50 shall be deleted.</p>
<p>第七章 注册商标专用权的保护 Chapter VII Protection of the Exclusive Rights to Use Registered Trademarks</p>	<p>第七章 注册商标专用权的保护 Chapter VII Protection of the Exclusive Rights to Use Registered Trademarks</p>	
<p>第五十六条（原第五十一条） Article 56</p>	<p>第五十一条 Article 51</p>	
<p>注册商标的专用权，以核准注册的商标和核定使用的商品为限。 The exclusive right to use a registered trademark shall be limited to the trademark which has been approved for registration and to the goods in respect of which the use of the trademark has been approved.</p>	<p>注册商标的专用权，以核准注册的商标和核定使用的商品为限。 The exclusive right to use a registered trademark is limited to the trademark which has been approved for registration and to the goods in respect of which the use of the trademark has been approved.</p>	
<p>第五十七条（原第五十二条） Article 57</p>	<p>第五十二条 Article 52</p>	<p>将第五十二条改为第五十七条，第一项改为两项，作为第一项、第二项，修改为：“（一）未经商标注册人的许可，在同一种商品上使用与其注册商标相同的商标的；</p>
<p>有下列行为之一的，均属侵犯注册商标专用权： Any of the following acts shall be an infringement of the exclusive right to use a registered trademark:</p> <p>（一）未经商标注册人的许可，在同一种商品上使用与其注册商标相同的商标的； 1) using a trademark that is identical with the registered trademark on the</p>	<p>有下列行为之一的，均属侵犯注册商标专用权： Any of the following acts shall be an infringement of the exclusive right to use a registered trademark:</p> <p>（一）未经商标注册人的许可，在同一种商品或者类似商品上使用与其注册商标相同或者近似的商标的； (1) using a trademark that is identical with or similar to a registered</p>	<p>“（二）未经商标注册人的许可，在同一种商品上使用与其注册商标近似的商标，或者在类似商品上使用与其注册商标相同或者近似的商标，容易导致混淆的”。</p> <p>增加一项，作为第六项：“（六）故意为侵犯他人商标专用权行为提供便利条件，帮助他人实施侵犯商标专用权行为的”。</p>

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<p>same kind of goods without a license from the registrant of that trademark;</p> <p>（二）未经商标注册人的许可，在同一种商品上使用与其注册商标近似的商标，或者在类似商品上使用与其注册商标相同或者近似的商标，容易导致混淆的；</p> <p>2) using a trademark similar to the registered trademark on the same kind of goods or using a trademark identical with or similar to the registered trademark on similar goods without a license from the registrant of that trademark, which is likely to cause confusion;</p> <p>（三）销售侵犯注册商标专用权的商品的；</p> <p>3) selling goods that infringe the exclusive right to use a registered trademark;</p> <p>（四）伪造、擅自制造他人注册商标标识或者销售伪造、擅自制造的注册商标标识的；</p> <p>4) to counterfeit, or to make, without authorization, representations of a registered trademark of another person, or to sell such representations of a registered trademark as were counterfeited, or made without authorization;</p> <p>（五）未经商标注册人同意，更换其注册商标并将该更换商标的商品又投入市场的；</p> <p>5) to replace, without authorization, a registered trademark and put the goods bearing the replaced trademark on the market;</p> <p>（六）故意为侵犯他人商标专用权行为提供便利条件，帮助他人实施侵犯商标专用权行为的；</p> <p>6) intentionally providing circumstances for the facilitation for infringement of other's exclusive right to use a registered trademark or assisting others in committing infringement upon the exclusive right to use a trademark; or</p> <p>（七）给他人的注册商标专用权造成其他损害的。</p> <p>7) to cause, in other aspects, prejudice to the exclusive right of another person to use a registered trademark.</p>	<p>trademark in respect of the identical or similar goods without the authorization from the trademark registrant;</p> <p>（二）销售侵犯注册商标专用权的商品的；</p> <p>(2) selling goods that infringe the exclusive right to use a registered trademark</p> <p>（三）伪造、擅自制造他人注册商标标识或者销售伪造、擅自制造的注册商标标识的；</p> <p>(3) to counterfeit, or to make, without authorization, representations of a registered trademark of another person, or to sell such representations of a registered trademark as were counterfeited, or made without authorization;</p> <p>（四）未经商标注册人同意，更换其注册商标并将该更换商标的商品又投入市场的；</p> <p>(4) to replace, without authorization, a registered trademark and put the goods bearing the replaced trademark on the market; or</p> <p>（五）给他人的注册商标专用权造成其他损害的。</p> <p>(5) to cause, in other respects, prejudice to the exclusive right of another person to use a registered trademark.</p>	<p>Article 52 shall be changed to Article 57, and item 1) shall be divided into two items as item 1) and 2) as follows:</p> <p>"1) using a trademark that is identical with the registered trademark on the same kind of goods without a license from the registrant of that trademark;</p> <p>"2) using a trademark similar to the registered trademark on the same kind of goods or using a trademark identical with or similar to the registered trademark on similar goods without a license from the registrant of that trademark, which is likely to cause confusion; "</p> <p>One item shall be added as item 6): "intentionally providing circumstances for the facilitation for infringement of other's exclusive right to use a registered trademark or assisting others in committing infringement upon the exclusive right to use a trademark."</p>

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第五十八条 (added article) Article 58	<p>将他人注册商标、未注册的驰名商标作为企业名称中的字号使用，误导公众，构成不正当竞争行为的，依照《中华人民共和国反不正当竞争法》处理。</p> <p>The use of another's registered trademark or unregistered well-known trademark as the trade name of an enterprise, causing the public to be misled, and which constitutes unfair competition, shall be handled in accordance with the Anti-unfair Competition Law of the People's Republic of China.</p>		<p>增加一条，作为第五十八条：“将他人注册商标、未注册的驰名商标作为企业名称中的字号使用，误导公众，构成不正当竞争行为的，依照《中华人民共和国反不正当竞争法》处理。”</p> <p>One article shall be added as Article 58: "The use of another's registered trademark or unregistered well-known trademark as the trade name of an enterprise, causing the public to be misled, and which constitutes unfair competition, shall be handled in accordance with the Anti-unfair Competition Law of the People's Republic of China."</p>
第五十九条 (added article) Article 59			<p>增加一条，作为第五十九条：“注册商标中含有的本商品的通用名称、图形、型号，或者直接表示商品的质量、主要原料、功能、用途、重量、数量及其他特点，或者含有的地名，注册商标专用权人无权禁止他人正当使用。</p> <p>“三维标志注册商标中含有的商品自身的性质产生的形状、为获得技术效果而需有的商品形状或者使商品具有实质性价值的形状，注册商标专用权人无权禁止他人正当使用。</p> <p>“商标注册人申请商标注册前，他人已经在同一种商品或者类似商品上先于商标注册人使用与注册商标相同或者近似并有一定影响的商标的，注册商标专用权人无权禁止该使用人在原使用范围内继续使用该商标，但可以要求其附加适当区别标识。”</p> <p>One article shall be added as Article 59: "The exclusive right holder of a registered trademark may not prohibit the legitimate use by others of the generic names, designs and models of goods concerned; information that directly expresses the quality, main raw materials, functions, uses, weight, quantity or other features of the goods; or the geographic names contained in the registered trademark.</p> <p>"The holder of the exclusive right to use a registered trademark that is a three-dimensional symbol may not prohibit others from legitimately using any shape derived from the nature of the goods, product forms required for achieving technical results, or forms providing the goods substantial value as contained in the registered trademark.</p> <p>商标注册人申请商标注册前，他人已经在同一种商品或者类似商品上先于商标注册人使用与注册商标相同或者近似并有一定影响的商标的，注册商标专用权人无权禁止该使用人在原使用范围内继续使用该商标，但可以要求其附加适当区别标识。</p> <p>The exclusive right holder of a registered trademark may not prohibit</p>

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others from legitimately using, within their original specified scope, those trademarks that have attained a certain degree of influence identical with or similar to the registered trademark on the same or similar goods before the trademark registrant applies for trademark registration. However, the trademark registrant may require such other party to affix suitable distinguishing marks.		"The exclusive right holder of a registered trademark may not prohibit others from legitimately using, within their original specified scope, those trademarks that have attained a certain degree of influence identical with or similar to the registered trademark on the same or similar goods before the trademark registrant applies for trademark registration. However, the trademark registrant may require such other party to affix suitable distinguishing marks."
第六十条（原第五十三条） Article 60	第五十三条 Article 53	将第五十三条改为第六十条，修改为：“有本法第五十七条所列侵犯注册商标专用权行为之一，引起纠纷的，由当事人协商解决；不愿协商或者协商不成的，商标注册人或者利害关系人可以向人民法院起诉，也可以请求工商行政管理部门处理。
<p>有本法第五十七条所列侵犯注册商标专用权行为之一，引起纠纷的，由当事人协商解决；不愿协商或者协商不成的，商标注册人或者利害关系人可以向人民法院起诉，也可以请求工商行政管理部门处理。</p> <p>Where any party has committed any of such acts to infringe the exclusive right to use a registered trademark as provided for in Article 57 of this Law and has caused a dispute, the interested parties shall resolve the dispute through consultation; where they are reluctant to resolve the matter through consultation or the consultation fails, the trademark registrant or interested party may bring a lawsuit before a People's Court or request the administrative authority for industry and commerce under the State Council to handle the matter.</p>	<p>有本法第五十二条所列侵犯注册商标专用权行为之一，引起纠纷的，由当事人协商解决；不愿协商或者协商不成的，商标注册人或者利害关系人可以向人民法院起诉，也可以请求工商行政管理部门处理。</p> <p>Where any party has committed any of such acts to infringe the exclusive right to use a registered trademark as provided for in Article 52 of this Law and has caused a dispute, the interested parties shall resolve the dispute through consultation; where they are reluctant to resolve the matter through consultation or the consultation fails, the trademark registrant or interested party may bring a lawsuit before a People's Court or request the administrative authority for industry and commerce under the State Council to handle the matter.</p>	<p>“工商行政管理部门处理时，认定侵权行为成立的，责令立即停止侵权行为，没收、销毁侵权商品和主要用于制造侵权商品、伪造注册商标标识的工具，违法经营额五万元以上的，可以处违法经营额五倍以下的罚款，没有违法经营额或者违法经营额不足五万元的，可以处二十五万元以下的罚款。对五年内实施两次以上商标侵权行为或者有其他严重情节的，应当从重处罚。销售不知道是侵犯注册商标专用权的商品，能证明该商品是自己合法取得并说明提供者的，由工商行政管理部门责令停止销售。</p> <p>“对侵犯商标专用权的赔偿数额的争议，当事人可以请求进行处理的工商行政管理部门调解，也可以依照《中华人民共和国民事诉讼法》向人民法院起诉。经工商行政管理部门调解，当事人未达成协议或者调解书生效后不履行的，当事人可以依照《中华人民共和国民事诉讼法》向人民法院起诉。”</p>
<p>工商行政管理部门处理时，认定侵权行为成立的，责令立即停止侵权行为，没收、销毁侵权商品和主要用于制造侵权商品、伪造注册商标标识的工具，违法经营额五万元以上的，可以处违法经营额五倍以下的罚款，没有违法经营额或者违法经营额不足五万元的，可以处二十五万元以下的罚款。对五年内实施两次以上商标侵权行为或者有其他严重情节的，应当从重处罚。销售不知道是侵犯注册商标专用权的商品，能证明该商品是自己合法取得并说明提供者的，由工商行政管理部门责令停止销售。</p> <p>When handling the case, if the administrative department for industry and commerce under the State Council concludes that infringement has occurred, it shall order an immediate stop to the infringement, and may confiscate or destroy the infringing goods and the tools mainly used for the manufacturing of the infringing goods. If the illegal gains are above RMB50,000, a fine up to five times of the illegal gains may be imposed; if there are no illegal gains or the</p>	<p>工商行政管理部门处理时，认定侵权行为成立的，责令立即停止侵权行为，没收、销毁侵权商品和专门用于制造侵权商品、伪造注册商标标识的工具，并可处以罚款。当事人对处理决定不服的，可以自收到处理通知之日起十五日内依照《中华人民共和国行政诉讼法》向人民法院起诉；侵权人期满不起诉又不履行的，工商行政管理部门可以申请人民法院强制执行。进行处理的工商行政管理部门根据当事人的请求，可以就侵犯商标专用权的赔偿数额进行调解；调解不成的，当事人可以依照《中华人民共和国民事诉讼法》向人民法院起诉。</p> <p>When handling the case, if the administrative department for industry and commerce under the State Council concludes that infringement has occurred, it shall order an immediate stop to the infringement, and may confiscate or destroy the infringing goods and the tools used for the manufacturing of the infringing goods and for counterfeiting the</p>	<p>Article 53 shall be changed to Article 60, which reads: "Where any party has committed any of such acts to infringe the exclusive right to use a registered trademark as provided for in Article 57 of this Law and has caused a dispute, the interested parties shall resolve the dispute through consultation; where they are reluctant to resolve the matter through consultation or the consultation fails, the trademark</p>

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<p>illegal gains are less than RMB50,000, a fine up to RMB250,000 may be imposed. A heavier penalty shall be imposed against repeated trademark infringing activities occurring on two or more occasions within five (5) years or where other serious circumstances exist. The administrative department for industry and commerce under the State Council shall order parties that have unknowingly sold goods that infringe upon the exclusive right of a trademark and that are able to prove that those goods were obtained legitimately and that are able to specify the provider, to stop such sales.</p> <p>对侵犯商标专用权的赔偿数额的争议，当事人可以请求进行处理的工商行政管理部门调解，也可以依照《中华人民共和国民事诉讼法》向人民法院起诉。经工商行政管理部门调解，当事人未达成协议或者调解书生效后不履行的，当事人可以依照《中华人民共和国民事诉讼法》向人民法院起诉。</p> <p>In a dispute regarding the amount of compensation for infringement of the exclusive right to use a trademark, the party concerned may request the administrative department for industry and commerce under the State Council to handle the case through mediation or bring a lawsuit before a People's Court in accordance with the Civil Procedure Law of the People's Republic of China. If mediation has failed and the parties concerned failed to reach a mediation agreement or refuse to perform the same upon its effectiveness, the party may bring a lawsuit before a People's Court according to the Civil Procedure Law of the People's Republic of China.</p>	<p>representations of the registered trademark, and impose a fine. Where any interested party is dissatisfied with decision on handling the matter, he or it may, within fifteen (15) days from the date of receipt of the notice, institute legal proceedings in the People's Court according to the Administrative Procedure Law of the People's Republic of China. If there have been instituted no legal proceedings or made on performance of the decision at the expiration of the said period, the administrative authority for industry and commerce shall request the People's Court for compulsory execution thereof. The administrative authority for industry and commerce under the State Council handling the matter may, upon the request of the interested party, mediate in regard to the amount of compensation for the infringement of the exclusive right to use the trademark; where mediation fails, the interested party may institute legal proceedings in the People's Court according to the Civil Procedure Law of the People's Republic of China.</p>	<p>registrant or interested party may bring a lawsuit before a People's Court or request the administrative authority for industry and commerce under the State Council to handle the matter.</p> <p>"When handling the case, if the administrative department for industry and commerce under the State Council concludes that infringement has occurred, it shall order an immediate stop to the infringement, and may confiscate or destroy the infringing goods and the tools mainly used for the manufacturing of the infringing goods. If the illegal gains are above RMB50,000, a fine up to five times of the illegal gains may be imposed; if there are no illegal gains or the illegal gains are less than RMB50,000, a fine up to RMB250,000 may be imposed. A heavier penalty shall be imposed against repeated trademark infringing activities occurring on two or more occasions within five (5) years or where other serious circumstances exist. The administrative department for industry and commerce under the State Council shall order parties that have unknowingly sold goods that infringe upon the exclusive right of a trademark and that are able to prove that those goods were obtained legitimately and that are able to specify the provider, to stop such sales.</p> <p>"In a dispute regarding the amount of compensation for infringement of the exclusive right to use a trademark, the party concerned may request the administrative department for industry and commerce under the State Council to handle the case through mediation or bring a lawsuit before a People's Court in accordance with the Civil Procedure Law of the People's Republic of China. If mediation has failed and the parties concerned failed to reach a mediation agreement or refuse to perform the same upon its effectiveness, the party may bring a suit before a People's Court according to the Civil Procedure Law of the People's Republic of China."</p>

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第六十一条（原第五十四条） Article 61	第五十四条 Article 54	
对侵犯注册商标专用权的行为，工商行政管理部门有权依法查处；涉嫌犯罪的，应当及时移送司法机关依法处理。 Where the exclusive right to use a registered trademark has been infringed, the administrative department for industry and commerce under the State Council shall have the right to investigate and handle the infringing act according to law. If the infringer is suspected to have committed a crime, the case should be transferred to the judicial organ in a timely manner for handling.	对侵犯注册商标专用权的行为，工商行政管理部门有权依法查处；涉嫌犯罪的，应当及时移送司法机关依法处理。 Where the exclusive right to use a registered trademark has been infringed, the administrative department for industry and commerce under the State Council shall have the right to investigate and handle the infringing act according to law. If the infringer is suspected to have committed a crime, the case should be transferred to the judicial organ in a timely manner for handling.	
第六十二条（原第五十五条） Article 62	第五十五条 Article 55	将第五十五条改为第六十二条，将第一款第二项中的“帐簿”修改为“账簿”。 增加一款，作为第三款：“在查处商标侵权案件过程中，对商标权属存在争议或者权利人同时向人民法院提起商标侵权诉讼的，工商行政管理部门可以中止案件的查处。中止原因消除后，应当恢复或者终结案件查处程序。” Article 55 shall be changed to Article 62, and the Chinese characters "帐簿" in Item 2) of Paragraph 1 shall be changed to "账簿". One paragraph shall be added as the third paragraph: "During the process of investigating the trademark infringement case, if there is dispute on the ownership of the trademark or the right holder concurrently brings a lawsuit before a People's Court on the trademark infringement, the department for industry and commerce under the State Council may suspend the investigation of the case. After the causes for suspension of the case are eliminated, the case investigating procedures shall be resumed or terminated."
县级以上工商行政管理部门根据已经取得的违法嫌疑证据或者举报，对涉嫌侵犯他人注册商标专用权的行为进行查处时，可以行使下列职权： On the basis of available evidence or reported facts concerning illegal acts, the administrative department for industry and commerce under the State Council at or above the county level shall, in the investigation and handling of the infringement of the exclusive right to use a registered trademark, have the right to exercise the following functions and powers: （一）询问有关当事人，调查与侵犯他人注册商标专用权有关的情况； (1) to inquire of the interested parties involved, and to investigate the relevant events of the infringement of the exclusive right to use the trademark; （二）查阅、复制当事人与侵权活动有关的合同、发票、 账簿 以及其他有关资料； (2) to examine or reproduce the interested party's relevant contracts, receipts, account books and any other materials as connected with the infringing act; （三）对当事人涉嫌从事侵犯他人注册商标专用权活动的场所实施现场检查； (3) to inspect the site where the interested party committed the alleged infringement of the exclusive right to use the trademark; and	县级以上工商行政管理部门根据已经取得的违法嫌疑证据或者举报，对涉嫌侵犯他人注册商标专用权的行为进行查处时，可以行使下列职权： On the basis of available evidence or reported facts concerning illegal acts, the administrative department for industry and commerce under the State Council at or above the county level shall, in the investigation and handling of the infringement of the exclusive right to use a registered trademark, have the right to exercise the following functions and powers: （一）询问有关当事人，调查与侵犯他人注册商标专用权有关的情况； (1) to inquire of the interested parties involved, and to investigate the relevant events of the infringement of the exclusive right to use the trademark; （二）查阅、复制当事人与侵权活动有关的合同、发票、 帐簿 以及其他有关资料； (2) to examine or reproduce the interested party's relevant contracts, receipts, account books and any other materials as connected with the infringing act; （三）对当事人涉嫌从事侵犯他人注册商标专用权活动的场所实施现场检查； (3) to inspect the site where the interested party committed the alleged infringement of the exclusive right to use the trademark; and	

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<p>（四）检查与侵权活动有关的物品；对有证据证明是侵犯他人注册商标专用权的物品，可以查封或者扣押。</p> <p>(4) to inspect any articles relevant to the infringement; any articles that prove to have been used for the infringement of another person's exclusive right to use the trademark may be sealed or seized;</p> <p>工商行政管理部门依法行使前款规定的职权时，当事人应当予以协助、配合，不得拒绝、阻挠。</p> <p>When the administrative department for industry and commerce under the State Council exercises such functions and powers as enumerated in the preceding Paragraph, the interested parties shall give assistance thereto and must not refuse to do so.</p> <p>在查处商标侵权案件过程中，对商标权属存在争议或者权利人同时向人民法院提起商标侵权诉讼的，工商行政管理部门可以中止案件的查处。中止原因消除后，应当恢复或者终结案件查处程序。</p> <p>During the process of investigating a trademark infringement case, if there arises a dispute on the ownership of the trademark or the right holder concurrently brings a lawsuit before a People's Court on the trademark infringement, the department for industry and commerce under the State Council may suspend the investigation of the case. After the causes for suspension of the case are eliminated, the case investigating procedures shall be resumed or terminated.</p>	<p>（四）检查与侵权活动有关的物品；对有证据证明是侵犯他人注册商标专用权的物品，可以查封或者扣押。</p> <p>(4) to inspect any articles relevant to the infringement; any articles that prove to have been used for the infringement of another person's exclusive right to use the trademark may be sealed or seized;</p> <p>工商行政管理部门依法行使前款规定的职权时，当事人应当予以协助、配合，不得拒绝、阻挠。</p> <p>When the administrative department for industry and commerce under the State Council exercises such functions and powers as enumerated in the preceding Paragraph, the interested parties shall give assistance thereto and must not refuse to do so.</p>	
第六十三条（原第五十六条第一、第二款） Article 63	第五十六条 Article 56	将第五十六条第一款、第二款改为第六十三条，修改为： “侵犯商标专用权的赔偿数额，按照权利人因被侵权所受到的实际损失确定；实际损失难以确定的，可以按照侵权人因侵权所获得的利益确定；权利人的损失或者侵权人获得的利益难以确定的，参照该商标许可使用费的倍数合理确定。对恶意侵犯商标专用权，情节严重的，可以在按照上述方法确定数额的一倍以上三倍以下确定赔偿数额。赔偿数额应当包括权利人为制止侵权行为所支付的合理开支。
<p>侵犯商标专用权的赔偿数额，按照权利人因被侵权所受到的实际损失确定；实际损失难以确定的，可以按照侵权人因侵权所获得的利益确定；权利人的损失或者侵权人获得的利益难以确定的，参照该商标许可使用费的倍数合理确定。对恶意侵犯商标专用权，情节严重的，可以在按照上述方法确定数额的一倍以上三倍以下确定赔偿数额。赔偿数额应当包括权利人为制止侵权行为所支付的合理开支。</p> <p>The amount of compensation for infringement upon the exclusive right to use a trademark shall be determined in accordance with the actual losses suffered by the rights owner due to the infringement. If it is difficult to determine the actual losses, it shall be determined by the proceeds obtained</p>	<p>侵犯商标专用权的赔偿数额，为侵权人在侵权期间因侵权所获得的利益，或者被侵权人在被侵权期间因被侵权所受到的损失，包括被侵权人为制止侵权行为所支付的合理开支。</p> <p>The amount of compensation for infringement upon the exclusive right to use a trademark shall be the profit that the infringer has earned because of the infringement in the period of the infringement or the injury that the infringe has suffered from the infringement in the period of the infringement, including the appropriate expenses of the infringe for stopping the infringement.</p>	<p>“人民法院为确定赔偿数额，在权利人已经尽力举证，而与侵权行为相关的账簿、资料主要由侵权人掌握的情况下，可以责令侵权人提供与侵权行为相关的账簿、资料；侵权人不提</p>

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<p>by the infringer from the infringement; if it is difficult to determine the actual losses suffered by the right owner or the proceeds obtained by the infringer, the amount shall be reasonably determined in accordance with the duration of the trademark utilization fee. For bad-faith infringement upon the exclusive right to use a trademark and where the circumstances are serious, the amount of compensation may be determined as one to three times the amount calculated by the above-mentioned method. The amount of compensation shall include the reasonable expenses paid by the rights owner to stop the infringing acts.</p> <p>人民法院为确定赔偿数额，在权利人已经尽力举证，而与侵权行为相关的账簿、资料主要由侵权人掌握的情况下，可以责令侵权人提供与侵权行为相关的账簿、资料；侵权人不提供或者提供虚假的账簿、资料的，人民法院可以参考权利人的主张和提供的证据判定赔偿数额。</p> <p>In determining the amount of compensation, the People's Court may, in the event the right owner has taken every effort to produce evidence but the account books and materials relating to the infringing activities are in possession of the infringer, order the infringer to provide such account books and materials; if the infringer refuses or provides false account books or materials, the People's Court may decide the amount of compensation according to the claim of the right owner and the evidence provided thereby.</p> <p>权利人因被侵权所受到的实际损失、侵权人因侵权所获得的利益、注册商标许可使用费难以确定的，由人民法院根据侵权行为的情节判决给予三百万元以下的赔偿。</p> <p>If it is difficult to determine the actual losses suffered by the right owner due to infringement, or it is difficult to determine the proceeds obtained by the infringer from the infringement or it is difficult to determine the registered trademark license fee, the people's court shall determine a compensation of up to RMB3,000,000 depending on the circumstances of the infringing acts.</p>	<p>前款所称侵权人因侵权所得利益，或者被侵权人因被侵权所受损失难以确定的，由人民法院根据侵权行为的情节判决给予五十万元以下的赔偿。</p> <p>Where it is difficult to determine the profit that the infringer has earned because of the infringement in the period of the infringement or the injury that the infringe has suffered from the infringement in the period of the infringement, the People's Court shall impose an amount of damages of no more than RMB500,000 according to the circumstances of the infringement.</p> <p>销售不知道是侵犯注册商标专用权的商品，能证明该商品是自己合法取得的并说明提供者的，不承担赔偿责任。</p> <p>Anyone who sells goods that it or he does not know has infringed the exclusive right to use a registered trademark, and is able to prove that it or he has obtained the goods legitimately and indicates the supplier thereof shall not bear the liability for damages.</p>	<p>供或者提供虚假的账簿、资料的，人民法院可以参考权利人的主张和提供的证据判定赔偿数额。</p> <p>“权利人因被侵权所受到的实际损失、侵权人因侵权所获得的利益、注册商标许可使用费难以确定的，由人民法院根据侵权行为的情节判决给予三百万元以下的赔偿。”</p> <p>The first and second paragraphs of Article 56 shall be changed to Article 63, and amended as: "The amount of compensation for infringement upon the exclusive right to use a trademark shall be determined in accordance with the actual losses suffered by the rights owner due to the infringement. If it is difficult to determine the actual losses, it shall be determined by the proceeds obtained by the infringer from the infringement; if it is difficult to determine the actual losses suffered by the right owner or the proceeds obtained by the infringer, the amount shall be reasonably determined in accordance with the duration of the trademark utilization fee. For bad-faith infringement upon the exclusive right to use a trademark and where the circumstances are serious, the amount of compensation may be determined as one to three times the amount calculated by the above-mentioned method. The amount of compensation shall include the reasonable expenses paid by the rights owner to stop the infringing acts.</p> <p>"In determining the amount of compensation, the People's Court may, in the event the right owner has taken every effort to produce evidence but the account books and materials relating to the infringing activities are in possession of the infringer, order the infringer to provide such account books and materials; if the infringer refuses or provides false account books or materials, the People's Court may decide the amount of compensation according to the claim of the right owner and the evidence provided thereby.</p> <p>"If it is difficult to determine the actual losses suffered by the right owner due to infringement, or it is difficult to determine the proceeds obtained by the infringer from the infringement or it is difficult to determine the registered trademark license fee, the people's court shall determine a</p>

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<p>第六十四条（原五十六条第三款） Article 64 (Originally Article 56, Paragraph 3)</p> <p>注册商标专用权人请求赔偿，被控侵权人以注册商标专用权人未使用注册商标提出抗辩的，人民法院可以要求注册商标专用权人提供此前三年内实际使用该注册商标的证据。注册商标专用权人不能证明此前三年内实际使用过该注册商标，也不能证明因侵权行为受到其他损失的，被控侵权人不承担赔偿责任。</p> <p>Where an accused infringer defends against claims for compensation by a registered trademark rights owner on the grounds that the owner of the exclusive right to use such registered trademark has not used the registered trademark, a People's Court may require the right owner to provide evidence proving actual use of the registered trademark in the three (3) years prior to the lawsuit. If the owner of the right to the exclusive use of such registered trademark fails to prove actual use of the registered trademark during the three (3) years prior to the lawsuit, or prove that it has suffered from other losses due to the infringing activities, the accused infringer shall not bear the liability for compensation.</p> <p>销售不知道是侵犯注册商标专用权的商品，能证明该商品是自己合法取得并说明提供者的，不承担赔偿责任。</p> <p>A party that unknowingly sells goods that infringe upon the exclusive right of a trademark shall not bear the liability for compensation if said party is able to prove it obtained those goods legally and is able to provide information on the suppliers of the goods.</p>		<p>compensation of up to RMB3,000,000 depending on the circumstances of the infringing acts."</p> <p>增加一条，作为第六十四条，第一款为：“注册商标专用权人请求赔偿，被控侵权人以注册商标专用权人未使用注册商标提出抗辩的，人民法院可以要求注册商标专用权人提供此前三年内实际使用该注册商标的证据。注册商标专用权人不能证明此前三年内实际使用过该注册商标，也不能证明因侵权行为受到其他损失的，被控侵权人不承担赔偿责任。”</p> <p>将第五十六条第三款改为第六十四条第二款，修改为：“销售不知道是侵犯注册商标专用权的商品，能证明该商品是自己合法取得并说明提供者的，不承担赔偿责任。”</p> <p>One article shall be added as Article 64. The first Paragraph shall be: " Where an accused infringer defends against claims for compensation by a registered trademark rights owner on the grounds that the owner of the exclusive right to use such registered trademark has not used the registered trademark, a People's Court may require the right owner to provide evidence proving actual use of the registered trademark in the three (3) years prior to the lawsuit. If the owner of the right to the exclusive use of such registered trademark fails to prove actual use of the registered trademark during the three (3) years prior to the lawsuit, or prove that it has suffered from other losses due to the infringing activities, the accused infringer shall not bear the liability for compensation."</p> <p>The third paragraph of Article 56 shall be change to the second paragraph of Article 64, which is: "A party that unknowingly sells goods that infringe upon the exclusive right of a trademark shall not bear the liability for compensation if said party is able to prove it obtained those goods legally and is able to provide information on the suppliers of the goods."</p>
<p>第六十五条（原第五十七条） Article 65</p> <p>商标注册人或者利害关系人有证据证明他人正在实施或者即将实施侵犯其注册商标专用权的行为，如不及时制止将会使其合法权益受到难以弥补的</p>	<p>第五十七条 Article 57</p> <p>商标注册人或者利害关系人有证据证明他人正在实施或者即将实施侵犯其注册商标专用权的行为，如不及时制止，将会使其合法权益受到难以弥补</p>	<p>将第五十七条改为第六十五条，修改为：“商标注册人或者利害关系人有证据证明他人正在实施或者即将实施侵犯其注册商标专用权的行为，如不及时制止将会使其合法权益受到难以弥补的损害的，可以依法在起诉前向人民法院申请采取责令</p>

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<p>损害的，可以依法在起诉前向人民法院申请采取责令停止有关行为和财产保全的措施。</p> <p>If the registrant of a trademark or an interested person has the evidence to prove that another person is conducting or is going to conduct acts infringing upon his or its exclusive right to use his or its registered trademark, and if the acts are not stopped promptly, irreparable damages will occur to his or its legal rights and interests, he or it may apply according to law to a People's Court to order cessation of the relevant acts and to take measures for property preservation before filing the lawsuit.</p>	<p>损害的，可以在起诉前向人民法院申请采取责令停止有关行为和财产保全的措施。</p> <p>If the registrant of a trademark or an interested person has the evidence to prove that another person is conducting or is going to conduct acts infringing upon his or its exclusive right to use his or its registered trademark, and if the acts are not stopped promptly, irreparable damages will occur to his or its legal rights and interests, he or it may apply to a People's Court to order cessation of the relevant acts and to take measures for property preservation before filing the lawsuit.</p> <p>人民法院处理前款申请，适用《中华人民共和国民事诉讼法》第九十三条至第九十六条和第九十九条的规定。</p> <p>The People's Court handling the application under the preceding paragraph shall apply the provisions of Articles 93 to 96 and 99 of the Civil Procedure Law of the People's Republic of China.</p>	<p>停止有关行为和财产保全的措施。”</p> <p>Article 57 shall be changed to Article 65 and amended as: "If the registrant of a trademark or an interested person has the evidence to prove that another person is conducting or is going to conduct acts infringing upon his or its exclusive right to use his or its registered trademark, and if the acts are not stopped promptly, irreparable damages will occur to his or its legal rights and interests, he or it may apply according to law to a People's Court to order cessation of the relevant acts and to take measures for property preservation before filing the lawsuit."</p>
<p>第六十六条（原五十八条） Article 66</p>	<p>第五十八条 Article 58</p>	<p>将第五十八条改为第六十六条，修改为：“为制止侵权行为，在证据可能灭失或者以后难以取得的情况下，商标注册人或者利害关系人可以依法在起诉前向人民法院申请保全证据。”</p>
<p>为制止侵权行为，在证据可能灭失或者以后难以取得的情况下，商标注册人或者利害关系人可以依法在起诉前向人民法院申请保全证据。</p> <p>In order to stop infringing acts, where evidence may be destroyed or lost or become unobtainable in the future, the registrant of a trademark or the interested person may, according to the law, apply to a People's Court for the preservation of evidence before filing the lawsuit.</p>	<p>为制止侵权行为，在证据可能灭失或者以后难以取得的情况下，商标注册人或者利害关系人可以在起诉前向人民法院申请保全证据。</p> <p>In order to stop infringing acts, where evidence may be destroyed or lost or become unobtainable in the future, the registrant of a trademark or the interested person may apply to a People's Court for the preservation of evidence before filing the lawsuit.</p> <p>人民法院接受申请后，必须在四十八小时内做出裁定；裁定采取保全措施的，应当立即开始执行。</p> <p>The People's Court must make adjudication within forty-eight hours after receipt of the application; where it is decided to take the preservative measures, the measures shall be executed immediately.</p> <p>人民法院可以责令申请人提供担保，申请人不提供担保的，驳回申请。</p> <p>The People's Court may order the applicant to place a guaranty; where the applicant fails to place the guaranty, the application shall be rejected.</p> <p>申请人在人民法院采取保全措施后十五日内不起诉的，人民法院应当解</p>	<p>Article 58 shall be changed to Article 66 and amended as: "In order to stop infringing acts, where evidence may be destroyed or lost or become unobtainable in the future, the registrant of a trademark or the interested person may, according to the law, apply to a People's Court for the preservation of evidence before filing the lawsuit.</p>

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	除保全措施。 Where the applicant institutes no legal proceedings within fifteen days after the People's Court takes the preservative measures, the People's Court shall release the measures taken for the preservation.	
第六十七条（原第五十九条） Article 67	第五十九条 Article 59	
未经商标注册人许可，在同一种商品上使用与其注册商标相同的商标，构成犯罪的，除赔偿被侵权人的损失外，依法追究刑事责任。 Where any party uses, without the authorization of a trademark registrant, a trademark identical to the registered trademark in respect of the same goods, and the case is serious enough to constitute a crime, the party shall be prosecuted, according to law, for criminal liabilities in addition to being liable for compensation for the damages suffered by the infringer.	未经商标注册人许可，在同一种商品上使用与其注册商标相同的商标，构成犯罪的，除赔偿被侵权人的损失外，依法追究刑事责任。 Where any party uses, without the authorization of a trademark registrant, a trademark identical to the registered trademark in respect of the same goods, and the case is serious enough to constitute a crime, the party shall be prosecuted, according to law, for criminal liabilities in addition to being liable for compensation for the damages suffered by the infringer.	
伪造、擅自制造他人注册商标标识或者销售伪造、擅自制造的注册商标标识，构成犯罪的，除赔偿被侵权人的损失外，依法追究刑事责任。 Where any party counterfeits, or makes, without authorization, representations of a registered trademark of another person, or sells such representations of a registered trademark as were counterfeited, or made without authorization, and the case is so serious as to constitute a crime, he shall be prosecuted, according to law, for his criminal liabilities in addition to his compensation for the damages suffered by the infringer.	伪造、擅自制造他人注册商标标识或者销售伪造、擅自制造的注册商标标识，构成犯罪的，除赔偿被侵权人的损失外，依法追究刑事责任。 Where any party counterfeits, or makes, without authorization, representations of a registered trademark of another person, or sells such representations of a registered trademark as were counterfeited, or made without authorization, and the case is so serious as to constitute a crime, he shall be prosecuted, according to law, for his criminal liabilities in addition to his compensation for the damages suffered by the infringer.	
销售明知是假冒注册商标的商品，构成犯罪的，除赔偿被侵权人的损失外，依法追究刑事责任。 Where any party sells goods that he knows bear a counterfeited registered trademark, and the case is so serious as to constitute a crime, he shall be prosecuted, according to law, for his criminal liabilities in addition to his compensation for the damages suffered by the infringer.	销售明知是假冒注册商标的商品，构成犯罪的，除赔偿被侵权人的损失外，依法追究刑事责任。 Where any party sells goods that he knows bear a counterfeited registered trademark, and the case is so serious as to constitute a crime, he shall be prosecuted, according to law, for his criminal liabilities in addition to his compensation for the damages suffered by the infringer.	
第六十八条 Article 68		增加一条，作为第六十八条：“商标代理机构有下列行为之一的，由工商行政管理部门责令限期改正，给予警告，处一万元以上十万元以下的罚款；对直接负责的主管人员和其他直接责任人员给予警告，处五千元以上五万元以下的罚款；构成犯罪的，依法追究刑事责任：
商标代理机构有下列行为之一的，由工商行政管理部门责令限期改正，给予警告，处一万元以上十万元以下的罚款；对直接负责的主管人员和其他直接责任人员给予警告，处五千元以上五万元以下的罚款；构成犯罪的，依法追究刑事责任：		“（一）办理商标事宜过程中，伪造、变造或者使用伪

2013 年修改后商标法 TRADEMARK LAW (REVISED IN AUGUST 2013)	2001 年商标法 TRADEMARK LAW (2001)	修改备注 (NOTES)
<p>If a trademark agency commits any of the following acts, the administrative department for industry and commerce under the State Council shall order rectification of the act within a specified period, issue a warning, and impose a fine of not less than RMB10,000 but not more than RMB100,000; a warning shall be given to the persons in charge and directly responsible or other persons directly responsible for the matter, and shall be subject to a fine of not less than RMB5,000 but not more than RMB50,000; if the act constitutes a crime, criminal responsibility shall be investigated according to law:</p> <p>(一) 办理商标事宜过程中，伪造、变造或者使用伪造、变造的法律文件、印章、签名的；</p> <p>1) Fabricating or altering legal instruments, seals or signatures, or using fabricated or altered legal instruments, seals or signatures during the handling of trademark-related matters;</p> <p>(二) 以诋毁其他商标代理机构等手段招徕商标代理业务或者以其他不正当手段扰乱商标代理市场秩序的；</p> <p>2) Soliciting trademark agency business by means of defaming other trademark agencies or disrupting the order of the trademark agency market by other improper means;</p> <p>(三) 违反本法第十九条第三款、第四款规定的。</p> <p>3) Violating provisions of the third and fourth paragraphs of Article 19 of this Law.</p> <p>商标代理机构有前款规定行为的，由工商行政管理部门记入信用档案；情节严重的，商标局、商标评审委员会并可以决定停止受理其办理商标代理业务，予以公告。</p> <p>If the trademark agency commits one of the acts prescribed in the previous Paragraph, the administrative department for industry and commerce under the State Council shall record such act in their credit history; if the circumstances are serious, the Trademark Office and the Trademark Review and Adjudication Board may stop accepting the business represented by such trademark agency and make the decision public.</p>		<p>造、变造的法律文件、印章、签名的；</p> <p>“（二）以诋毁其他商标代理机构等手段招徕商标代理业务或者以其他不正当手段扰乱商标代理市场秩序的；</p> <p>“（三）违反本法第十九条第三款、第四款规定的。</p> <p>“商标代理机构有前款规定行为的，由工商行政管理部门记入信用档案；情节严重的，商标局、商标评审委员会并可以决定停止受理其办理商标代理业务，予以公告。</p> <p>“商标代理机构违反诚实信用原则，侵害委托人合法利益的，应当依法承担民事责任，并由商标代理行业组织按照章程规定予以惩戒。”</p> <p>One article shall be added as Article 68, which reads: " If a trademark agency commits any of the following acts, the administrative department for industry and commerce under the State Council shall order rectification of the act within a specified period, issue a warning, and impose a fine of more than RMB10,000 and less than RMB100,000; a warning shall be given to the directly responsible person or other persons directly in charge of the matter, and impose a fine above RMB5,000 and less than RMB50,000; if the act constitutes a crime, criminal responsibility shall be investigated according to law:</p> <p>"(I) Fabricating or altering legal instruments, seals or signatures, or using fabricated or altered legal instruments, seals or signatures during the handling of trademark-related matters;</p> <p>"(II) Soliciting trademark agency business by means of defaming other trademark agencies or disrupting the order of the trademark agency market by other improper means;</p> <p>"(III) Violating provisions of the third and fourth paragraphs of Article 19 of this Law.</p> <p>"If the trademark agency commits one of the acts prescribed in the previous Paragraph, the administrative department for industry and commerce under the State Council shall record such act in their credit history; if the circumstances are serious, the Trademark Office and the</p>

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<p>商标代理机构违反诚实信用原则，侵害委托人合法利益的，应当依法承担民事责任，并由商标代理行业组织按照章程规定予以惩戒。</p> <p>A trademark agency shall bear civil liability according to the law and be issued sanctions by the trademark agency industry association in accordance with its articles of association if said trademark agency violates the principle of good faith and harms the legitimate interests of its principals.</p>		<p>Trademark Review and Adjudication Board may stop accepting the business represented by such trademark agency and make the decision public.</p> <p>"A trademark agency shall bear civil liability according to the law and be issued sanctions by the trademark agency industry association in accordance with its articles of association if said trademark agency violates the principle of good faith and harms the legitimate interests of its principals."</p>
<p>第六十九条（原第六十条） Article 69</p>	<p>第六十条 Article 60</p>	
<p>从事商标注册、管理和复审工作的国家机关工作人员必须秉公执法，廉洁自律，忠于职守，文明服务。</p> <p>The State functionaries for the registration, administration and re-examination of trademarks must handle cases according to law, be incorruptible and disciplined, devoted to their duties and courteous and honest in their provision of service.</p> <p>商标局、商标评审委员会以及从事商标注册、管理和复审工作的国家机关工作人员不得从事商标代理业务和商品生产经营活动。</p> <p>The State functionaries of the Trademark Office and the Trademark Review and Adjudication Board, as well as those engaged in the matters of trademark registration, management and review shall not engage in the practice of a trademark agent as well as the business of producing and marketing goods.</p>	<p>从事商标注册、管理和复审工作的国家机关工作人员必须秉公执法，廉洁自律，忠于职守，文明服务。</p> <p>The State functionaries for the registration, administration and re-examination of trademarks must handle cases according to law, be incorruptible and disciplined, devoted to their duties and courteous and honest in their provision of service.</p> <p>商标局、商标评审委员会以及从事商标注册、管理和复审工作的国家机关工作人员不得从事商标代理业务和商品生产经营活动。</p> <p>The State functionaries of the Trademark Office and the Trademark Review and Adjudication Board, as well as those engaged in the matters of trademark registration, management and review shall not engage in the practice of a trademark agent as well as the business of producing and marketing goods.</p>	
<p>第七十条（原第六十一条） Article 70</p>	<p>第六十一条 Article 61</p>	
<p>工商行政管理部门应当建立健全内部监督制度，对负责商标注册、管理和复审工作的国家机关工作人员执行法律、行政法规和遵守纪律的情况，进行监督检查。</p> <p>The administrative department for industry and commerce under the State Council shall establish a complete system of internal supervision for inspecting the functionaries of the State engaged in trademark registration, management and review and shall monitor their performance with regard to the law and administrative regulations and their observation of rules.</p>	<p>工商行政管理部门应当建立健全内部监督制度，对负责商标注册、管理和复审工作的国家机关工作人员执行法律、行政法规和遵守纪律的情况，进行监督检查。</p> <p>The administrative department for industry and commerce under the State Council shall establish a complete system of internal supervision for inspecting the functionaries of the State engaged in trademark registration, management and review and shall monitor their performance with regard to the law and administrative regulations and their observation of rules.</p>	

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<p>第七十一条（原第六十二条） Article 71</p> <p>从事商标注册、管理和复审工作的国家机关工作人员玩忽职守、滥用职权、徇私舞弊，违法办理商标注册、管理和复审事项，收受当事人财物，牟取不正当利益，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予处分。</p> <p>Where any functionary of the State engaged in the matters of trademark registration, management or review has committed such acts as dereliction of duty, misfeasance and favoritism or violated the official regulations on trademark registration, management and review by accepting property from an interested party or seeking illegal profit, the offender shall be prosecuted for his criminal liabilities if the case is so serious as to constitute a crime or shall be punished with a sanction if the case is not so serious as to constitute a crime.</p>	<p>第六十二条 Article 62</p> <p>从事商标注册、管理和复审工作的国家机关工作人员玩忽职守、滥用职权、徇私舞弊，违法办理商标注册、管理和复审事项，收受当事人财物，牟取不正当利益，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。</p> <p>Where any functionary of the State engaged in the matters of trademark registration, management or review has committed such acts as dereliction of duty, misfeasance and favoritism or violated the official regulations on trademark registration, management and review by accepting property from an interested party or seeking illegal profit, the offender shall be prosecuted for his criminal liabilities if the case is so serious as to constitute a crime or shall be punished with an disciplinary sanction if the case is not so serious as to constitute a crime.</p>	<p>将第六十二条改为第七十一条，将其中的“行政处分”修改为“处分”。</p> <p>Article 62 shall be changed to Article 71, and "disciplinary sanction" therein shall be changed to "sanction".</p>
<p>第八章 附则 Chapter VIII Supplementary Provisions</p>	<p>第八章 附则 Chapter VIII Supplementary Provisions</p>	
<p>第七十二条（原第六十三条） Article 72</p> <p>申请商标注册和办理其他商标事宜的，应当缴纳费用，具体收费标准另定。</p> <p>Any application for a trademark registration and for other matters concerning a trademark shall be subject to payment of the fees as prescribed. The schedule of fees shall be issued separately.</p>	<p>第六十三条 Article 63</p> <p>申请商标注册和办理其他商标事宜的，应当缴纳费用，具体收费标准另定。</p> <p>Any application for a trademark registration and for other matters concerning a trademark shall be subject to payment of the fees as prescribed. The schedule of fees shall be issued separately.</p>	
<p>第七十三条（原第六十四条） Article 73</p> <p>本法自 1983 年 3 月 1 日起施行。1963 年 4 月 10 日国务院公布的《商标管理条例》同时废止；其他有关商标管理的规定，凡与本法抵触的，同时失效。</p> <p>This Law shall enter into force on March 1, 1983. The “Regulations Governing Trademarks” promulgated by the State Council on April 10, 1963 shall be abrogated on the same date, and any other provisions concerning trademarks contrary to this Law shall cease to be effective at the same time.</p>	<p>第六十四条 Article 64</p> <p>本法自 1983 年 3 月 1 日起施行。1963 年 4 月 10 日国务院公布的《商标管理条例》同时废止；其他有关商标管理的规定，凡与本法抵触的，同时失效。</p> <p>This Law shall enter into force on March 1, 1983. The "Regulations Governing Trademarks" promulgated by the State Council on April 10, 1963 shall be abrogated on the same date, and any other provisions concerning trademarks contrary to this Law shall cease to be effective at the same time.</p>	

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本法施行前已经注册的商标继续有效。 Trademarks registered before this Law enters into force shall continue to be valid.	本法施行前已经注册的商标继续有效。 Trademarks registered before this Law enters into force shall continue to be valid.	

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