

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

January 14, 2026

Current Law	Revised Draft
Chapter I General Provisions	Chapter I General Provisions
Article 1 This Law is enacted for the purpose of strengthening trademark administration, protecting the exclusive right to use a trademark and urging producers and operators to guarantee the quality of their goods and services, maintaining the reputation of trademarks, safeguarding the interests of consumers, producers, and operators, and promoting the development of the socialist market economy.	Article 1 This Law is enacted for the purposes of protecting the exclusive right to use a trademark, strengthening trademark administration , and urging producers and operators to guarantee the quality of their goods and services, maintaining the reputation of trademarks, safeguarding the interests of consumers, producers, and operators, and promoting the development of the socialist market economy.
	Article 2 Trademark work shall implement the Party and the state's strategic deployment for intellectual property, and enhance the protection, utilization, administration, and service levels of trademarks in China.
Article 2 The trademark office of the administrative department for industry and commerce under the State Council shall be in charge of trademark registration and administration nationwide. The administrative department for industry and commerce under the State Council shall establish a trademark review and adjudication board to be responsible for handling trademark disputes.	Article 3 The trademark administration department of the State Council shall be responsible for the nationwide registration and administration of trademarks. The departments responsible for trademark administration under the local people's governments at or above the county level shall be responsible for trademark administration within their respective administrative regions. The departments undertaking trademark law enforcement functions under the people's governments at or above the county level shall be responsible for trademark law enforcement work according to their respective duties and authorities. The departments responsible for trademark registration and administration and the departments responsible for trademark law enforcement shall establish working mechanisms to strengthen information sharing and work coordination.
Paragraph 2 of Article 4	Article 4

Current Law	Revised Draft
<p>The provisions of this Law concerning trademarks for goods shall apply to trademarks for services.</p>	<p>For the purposes of this Law, a trademark refers to any sign that serves to distinguish and identify the source of goods or services, including trademarks for goods and trademarks for services.</p> <p>The provisions of this Law concerning trademarks for goods shall apply to trademarks for services.</p>
<p>Paragraph 1 of Article 3 A trademark which has been approved and registered by the trademark office is a registered trademark, including trademarks for goods and services, collective trademarks and certification trademarks. The owner of a registered trademark enjoys the exclusive right to use the trademark, and is protected by law.</p> <p>Paragraph 2 of Article 9 The trademark registrant has the right to indicate that their trademark is a “registered trademark” or a registered mark.</p> <p>Paragraph 1 of Article 4 Natural persons, legal persons, or other organizations that need to obtain the exclusive right to use a trademark for their goods or services in production or business operations shall apply to the trademark office for trademark registration.</p> <p>A bad faith application for trademark registration not made for the purpose of using the trademark shall be rejected.</p>	<p>Article 5 A trademark which has been approved and registered by the trademark administration department of the State Council is a registered trademark. The trademark registrant has the right to indicate that their trademark is a “registered trademark” or a registered mark, enjoys the exclusive right to use the trademark, and is protected by law.</p> <p>Natural persons, legal persons, or unincorporated organizations that need to obtain the exclusive right to use a trademark for their goods or services in production or business operations shall apply to the trademark administration department of the State Council for trademark registration.</p>
<p>Paragraphs 2-4 of Article 3 For purposes of this Law, a collective trademark refers to a sign that is registered in the name of a society, association, or any other organization for use by its members in commercial activities to indicate the user’s membership in that organization.</p> <p>For purposes of this Law, certification trademark refers to a sign controlled by an organization capable of supervising certain goods or services and used by entities or individuals other than the organization on their goods or services to certify the origin, raw materials, manufacturing method, quality, or other specific characteristics of those goods or services.</p> <p>Special matters concerning the registration and administration of collective trademarks and certification trademarks shall be prescribed by the administrative department for industry and commerce under the State Council.</p>	<p>Article 6 A collective trademark refers to a sign that is registered in the name of an industry association or other social organization, or any other organization for use by its members in commercial activities to indicate the user’s membership in that organization.</p> <p>A certification trademark refers to a sign controlled by an organization capable of supervising certain goods or services and used by entities or individuals other than the organization on their goods or services to certify the origin, raw materials, manufacturing method, quality, or other specific characteristics of those goods or services.</p> <p>Special matters concerning the registration and administration of collective trademarks and certification trademarks shall be prescribed by the trademark administration department of the State Council.</p>
<p>Article 5</p>	<p>Article 7</p>

Current Law	Revised Draft
Two or more natural persons, legal persons, or other organizations may jointly apply to the trademark office for registration of the same trademark and jointly enjoy and exercise the exclusive right to the use of the trademark.	Two or more natural persons, legal persons, or unincorporated organizations may jointly apply to the trademark administration department of the State Council for registration of the same trademark and jointly enjoy and exercise the exclusive right to use that trademark.
Article 6 Where the use of a registered trademark is required for certain goods as prescribed by laws or administrative regulations, an application for trademark registration must be filed. Such goods may not be sold on the market without approved registration.	Article 8 Where the use of a registered trademark is required for certain goods as prescribed by laws or administrative regulations, an application for trademark registration must be filed. Such goods may not be sold on the market without approved registration.
Article 7 The application for registration and use of trademarks shall comply with the principle of good faith. The trademark user shall be responsible for the quality of the goods on which the trademark is used. The administrative departments for industry and commerce at all levels shall, through the administration of trademarks, stop acts that deceive consumers.	Article 9 The application for registration and use of trademarks shall comply with the principle of good faith. Rights shall not be abused to harm national interests, social public interests, or the lawful rights and interests of others. The trademark user shall be responsible for the quality of the goods on which the trademark is used. Departments at all levels responsible for trademark administration and trademark law enforcement shall, through the administration of trademarks, stop acts that deceive consumers.
Article 17 Where a foreigner or foreign enterprise applies for trademark registration in China, the matter shall be handled in accordance with any agreement concluded between the country to which the applicant belongs and the People's Republic of China, or according to any international treaty to which both countries are parties, or on the basis of the principle of reciprocity.	Article 10 Where a foreigner, foreign enterprise, or other foreign organization applies for trademark registration in China, the matter shall be handled in accordance with any agreement concluded between the country to which the applicant belongs and the People's Republic of China, or according to any international treaty to which both countries are parties, or on the basis of the principle of reciprocity.
Article 18 Applications for trademark registration or for the handling of other trademark matters may be filed either by the applicant personally or through a lawfully established trademark agency. Where a foreigner or foreign enterprise applies for trademark registration or for the handling of other trademark matters in China, it shall entrust a trademark agency lawfully established to act on its behalf.	Article 11 Applications for trademark registration or for the handling of other trademark matters may be filed either by the applicant personally or through a lawfully established trademark agency. Where a foreigner, foreign enterprise, or other foreign organization having no habitual residence or place of business in China applies for trademark registration or for the handling of other trademark matters in China, it shall entrust a trademark agency lawfully established to act on its behalf.
Article 21	Article 12

Current Law	Revised Draft
International registration of trademarks shall follow the system established by relevant international treaties concluded or acceded to by the People's Republic of China. Specific measures shall be prescribed by the State Council.	International registration of trademarks shall follow the system established by relevant international treaties concluded or acceded to by the People's Republic of China. Specific measures shall be prescribed by the State Council.
	Article 13 The trademark administration department of the State Council shall strengthen the construction of an information-based and intelligent public service system for trademarks, enhance the convenience of handling trademark-related business, release trademark information completely, accurately, and in a timely manner, and improve the level of trademark information services and administration.
	Chapter II: Requirements for Trademark Registration
Article 8 Any sign capable of distinguishing the goods of a natural person, legal person or any other organization from those of others, including words, designs, letters, numerals, three-dimensional signs, color combinations, sounds, and any combination thereof, may be applied for registration as a trademark.	Article 14 Any sign capable of distinguishing the goods of a natural person, legal person, or unincorporated organization from those of others, including words, designs, letters, numerals, three-dimensional signs, color combinations, sounds, moving images , etc., and any combination thereof, may be applied for registration as a trademark.
Article 10 The following signs may not be used as trademarks: (1) Those identical with or similar to the state name, the national flag, emblem or anthem, the military flag, emblem or songs, or the medals of the People's Republic of China; or those identical with the names or emblems of central state organs, the names of the specific locations where the central state organs are seated; or those identical with the names or designs of landmark buildings; (2) Those identical or similar to the national name, national flag, national emblem, military flag, etc. of a foreign country, except with the consent of the government of that country; (3) Those identical or similar to the name, flag, emblem, etc. of an intergovernmental international organization, except with the consent of that organization or where it is not likely to mislead the public; (4) Those identical or similar to official signs or inspection seals indicating control or guarantee, except with authorization;	Article 15 The following signs may not be used as trademarks: (1) Those identical or similar to the name, flag, emblem, medal, etc. of the Communist Party of China , the national name, national flag, national emblem, national anthem, military flag, military emblem, military song, medal, etc. of the People's Republic of China, and those identical to the names or signs of central and state organs, the names of specific locations where they are situated, or the names or designs of landmark buildings; (2) Those identical or similar to the national name, national flag, national emblem, military flag, etc. of a foreign country, except with the consent of the government of that country; (3) Those identical or similar to the name, flag, emblem, etc. of an intergovernmental international organization, except with the consent of that organization or where it is not likely to mislead the public; (4) Those identical or similar to official signs or inspection seals indicating control or guarantee,

Current Law	Revised Draft
<p>(5) Those identical or similar to the name or sign of the "Red Cross" or "Red Crescent";</p> <p>(6) Those having the nature of discrimination against any nationality;</p> <p>(7) Those that are deceptive and likely to mislead the public as to the quality or other characteristics or place of origin of the goods;</p> <p>(8) Those detrimental to socialist morals or customs or having other unhealthy influences.</p> <p>The place names of an administrative division at or above the county level or a foreign geographical name known to the public may not be used as a trademarks,, except where geographical names have other meanings or constitute part of a collective trademark or certification trademark. Registered trademarks in which geographical names are used shall remain valid.</p>	<p>except with authorization;</p> <p>(5) Those identical or similar to the name or sign of the "Red Cross" or "Red Crescent";</p> <p>(6) Those having the nature of discrimination against any nationality;</p> <p>(7) Those that are deceptive and likely to mislead the public as to the quality or other characteristics or place of origin of the goods;</p> <p>(8) Those detrimental to socialist morals or customs or having other unhealthy influences.</p> <p>The names of an administrative division at or above the county level or a foreign geographical name known to the public may not be used as a trademarks, except where geographical names have other meanings or constitute part of a collective trademark or certification trademark. Registered trademarks in which geographical names are used shall remain valid.</p>
<p>Paragraph 1 of Article 9 A trademark applied for registration shall bear distinctive characteristics and be readily distinguishable, and it shall not conflict with the legitimate rights obtained by others earlier.</p> <p>Article 11 The following signs may not be registered as trademarks:</p> <p>(1) Those consisting exclusively of the generic name, design, or model of the goods concerned;</p> <p>(2) Those that merely indicate directly the quality, main raw materials, function, use, weight, quantity, or other characteristics of the goods;</p> <p>(3) Other signs lacking distinctive character.</p> <p>A sign listed in the preceding paragraph may be registered as a trademark if, through use, it has acquired distinctive character and is readily distinguishable.</p>	<p>Article 16 A trademark applied for registration shall be distinctive and readily distinguishable. The following signs may not be registered as trademarks:</p> <p>(1) Those consisting exclusively of the generic name, design, or model of the goods concerned;</p> <p>(2) Those that merely indicate directly the quality, main raw materials, function, use, weight, quantity, or other characteristics of the goods;</p> <p>(3) Other signs lacking distinctive character.</p> <p>A sign listed in the preceding paragraph may be registered as a trademark if, through use, it has acquired distinctive character and is readily distinguishable.</p>
<p>Article 12 Where a three-dimensional sign is applied for trademark registration, if it consists solely of shapes that result from the inherent nature of the goods concerned, shape of goods necessary to achieve a technical function, or shapes that give</p>	<p>Article 17 Where a three-dimensional sign, color combination, sound, moving image, etc. is applied for trademark registration, if it consists solely of shapes, color combinations, sounds, moving effects, etc. that result from the inherent nature of the goods concerned, shape of goods,</p>

Current Law	Revised Draft
substantive value to the goods, it shall not be registered.	color combinations, sounds, moving effects, etc. necessary to achieve a specific technical function or that give substantive value to the goods, it shall not be registered as a trademark .
<p>Paragraph 1 of Article 4 A natural person, legal person or any other organization that needs to obtain the exclusive rights to the use of a trademark for its goods or services during production and business operations shall apply for trademark registration with the trademark office. A bad faith application for trademark registration not made for the purpose of use shall be rejected.</p> <p>Paragraph 1 of Article 44 A registered trademark shall be declared invalid by the trademark office if it is in violation of Article 4, Article 10, Article 11, Article 12 or the fourth paragraph of Article 19 of this Law, or a registration is obtained by deceptive means or other improper means. Other entities or individuals may request the trademark review and adjudication board to declare the aforesaid registered trademark invalid.</p>	<p>Article 18 An application for trademark registration that is not for the purpose of use and obviously exceed normal production or business operational needs shall not be registered.</p> <p>No one may apply for trademark registration by deceptive or other improper means.</p>
<p>Article 30 An application for trademark registration that does not conform to the relevant provisions of this Law or that is identical with or similar to a trademark for the same kind of goods or similar goods that is already registered by another person or that is preliminarily approved shall be rejected and shall not be gazetted.</p>	<p>Article 19 An application for trademark registration shall not be identical with or similar to a trademark already registered by another person or a prior application on the same kind of goods or similar goods.</p>
<p>Paragraphs 2-3 of Article 13 Where a trademark applied for registration on identical or similar goods is a reproduction, imitation, or translation of another person's well-known trademark not registered in China, which is likely to cause confusion, it shall not be registered and its use shall be prohibited.</p> <p>The registration of the trademark shall be denied and the use of the sign prohibited if the sign concerned is a reproduction, imitation, or translation of another person's well-known trademark of a different or dissimilar kind of goods registered in China, and thus may mislead the public and impair the interests of the registrant of the well-known trademark.</p>	<p>Article 20 Where a trademark applied for registration on identical or similar goods is a reproduction, imitation, or translation of another person's well-known trademark not registered in China, which is likely to cause confusion, it shall not be registered and its use shall be prohibited.</p> <p>The registration of the trademark shall be denied and the use of the sign prohibited if the sign concerned is a reproduction, imitation, or translation of another person's well-known trademark of a different or dissimilar kind of goods, and thus may mislead the public and impair the interests of the holder of the well-known trademark.</p>
<p>Article 15 Where, without authorization, an agent or representative registers in its own name a</p>	<p>Article 21 Where, without authorization, an agent or representative registers in its own name a</p>

Current Law	Revised Draft
<p>trademark of the principal or the represented party, and the principal or the represented party files an opposition, registration shall not be granted and its use shall be prohibited.</p> <p>Where a trademark applied for registration on identical or similar goods is identical with or similar to an unregistered trademark previously used by another person, and the applicant has a contractual, business, or other relationship with that person, as specified in the preceding paragraph, knowing of the existence of that person's trademark, and that person files an opposition, registration shall not be granted.</p>	<p>trademark of the principal or the represented party, and the principal or the represented party files an opposition, registration shall not be granted and its use shall be prohibited.</p> <p>Where a trademark applied for registration on identical or similar goods is identical with or similar to an unregistered trademark previously used by another person, and the applicant has a contractual, business, or other relationship with that person, as specified in the preceding paragraph, knowing of the existence of that person's trademark, and that person files an opposition, registration shall not be granted.</p>
<p>Article 16 Where a trademark contains a geographical indication of the goods but the goods do not originate from the region indicated, misleading the public, registration shall not be granted and its use shall be prohibited. However, trademarks that have been obtained in good faith shall continue to be valid.</p> <p>The geographical indication referred to in the preceding paragraph means a sign that indicates that the goods originate from a certain region, and the specific quality, reputation, or other characteristics of the goods are mainly determined by natural or human factors of that region.</p>	<p>Article 22 Where a trademark contains a geographical indication of the goods but the goods do not originate from the region indicated, misleading the public, registration shall not be granted and its use shall be prohibited. However, trademarks that have been obtained in good faith shall continue to be valid.</p> <p>The geographical indication referred to in the preceding paragraph means a sign that indicates that the goods originate from a certain region, and the specific quality, reputation, or other characteristics of the goods are mainly determined by natural or human factors of that region.</p>
<p>Article 32 An application for trademark registration may not harm another's existing prior rights, nor may it pre-emptively register a trademark by improper means that has been used by another and has gained a certain influence.</p>	<p>Article 23 An application for trademark registration may not harm another's existing prior lawful rights and interests, nor may it intentionally pre-emptively register a trademark that has been used by another and has gained a certain influence.</p>
<p>Paragraph 4 of Article 19 A trademark agency may not apply for registration of any trademark other than for its own agency services.</p>	<p>Article 24 A trademark agency may not apply for registration of any trademark other than for its own agency services.</p>
<p>Chapter II: Application for Trademark Registration</p>	<p>Chapter III: Application for Trademark Registration</p>
<p>Article 22 An applicant for trademark registration shall file an application in accordance with the prescribed classification of goods, indicating the class of goods and the designation of the goods on which the trademark is to be used.</p> <p>An applicant for trademark registration may apply for registration of the same trademark on goods in multiple classes through one application.</p>	<p>Article 25 An applicant for trademark registration shall file an application in accordance with the prescribed classification of goods, indicating the class of goods and the designation of the goods on which the trademark is to be used.</p> <p>An applicant for trademark registration may apply for registration of the same trademark on goods in multiple classes through one application.</p>

Current Law	Revised Draft
An application for trademark registration and other relevant documents may be submitted in writing or by way of data message .	An application for trademark registration and other relevant documents shall be submitted in writing. Data messages that can tangibly represent the content contained therein and are accessible for subsequent reference by means such as electronic data interchange shall be deemed as writing.
Article 23 Where a registered trademark is to be used on goods beyond the scope of approved use, a separate application for registration shall be filed.	Article 26 Where a registered trademark is to be used on goods beyond the scope of approved use, a separate application for registration shall be filed.
Article 24 Where a change is to be made in the signs of a registered trademark, a new application for registration shall be filed.	Article 27 Where a change is to be made in the signs of a registered trademark, a new application for registration shall be filed.
Article 25 Where an applicant for trademark registration files an application for registration of the same trademark on the same goods in China within six months from the date of filing the first application for trademark registration of that trademark in a foreign country, priority may be claimed in accordance with any agreement concluded between that foreign country and China or any international treaty to which both countries are parties, or on the basis of the principle of mutual recognition of priority rights. To claim priority in accordance with the preceding paragraph, a written declaration shall be made at the time of filing the application for trademark registration, and a copy of the documents of the first application for trademark registration shall be submitted within three months. Failure to make a written declaration or to submit the copy of the documents of the application for trademark registration within the time limit shall be regarded as not claiming priority.	Article 28 Where an applicant for trademark registration files an application for registration of the same trademark on the same goods in China within six months from the date of filing the first application for trademark registration of that trademark in a foreign country, priority may be claimed in accordance with any agreement concluded between that foreign country and China or any international treaty to which both countries are parties, or on the basis of the principle of mutual recognition of priority rights. To claim priority in accordance with the preceding paragraph, a written declaration shall be made at the time of filing the application for trademark registration, and a copy of the documents of the first application for trademark registration shall be submitted within three months. Failure to make a written declaration or to submit the copy of the documents of the application for trademark registration within the time limit shall be regarded as not claiming priority.
Article 26 Where a trademark is used for the first time on goods displayed at an international exhibition sponsored or recognized by the Chinese government, the applicant for registration of that trademark may claim priority within six months from the date of exhibition of the goods. To claim priority in accordance with the preceding paragraph, a written declaration shall be made at the time of filing the application for trademark registration, and documents certifying the name of the exhibition where the goods were displayed, evidence of use of the trademark on the exhibited	Article 29 Where a trademark is used for the first time on goods displayed at an international exhibition sponsored or recognized by the Chinese government, the applicant for registration of that trademark may claim priority within six months from the date of exhibition of the goods. To claim priority in accordance with the preceding paragraph, a written declaration shall be made at the time of filing the application for trademark registration, and documents certifying the name of the exhibition where the goods were displayed, evidence of use of the trademark on the exhibited

Current Law	Revised Draft
goods, the date of exhibition, etc., shall be submitted within three months. Failure to make a written declaration or to submit the certifying documents within the time limit shall be regarded as not claiming priority.	goods, the date of exhibition, etc., shall be submitted within three months. Failure to make a written declaration or to submit the certifying documents within the time limit shall be regarded as not claiming priority.
Article 27 Particulars stated and materials submitted for applications for trademark registration shall be truthful, accurate, and complete.	Article 30 Particulars stated and materials submitted for applications for trademark registration shall be truthful, accurate, and complete.
Chapter III: Examination and Approval of Trademark Registration	Chapter IV: Examination and Approval of Trademark Registration
Article 28 For an application for trademark registration, the trademark office shall complete the examination within nine months from the date of receipt of the application for trademark registration documents. Where it conforms to the relevant provisions of this Law, preliminary approval shall be granted and gazetted.	Article 31 For an application for trademark registration, the trademark administration department of the State Council shall complete the examination within nine months from the date of receipt of the application for trademark registration documents. Where it conforms to the relevant provisions of this Law, preliminary approval shall be granted and gazetted.
Article 29 During the examination process, if the trademark office considers that the content of the application for trademark registration needs explanation or amendment, it may require the applicant to provide an explanation or make amendments. The applicant's failure to provide an explanation or make amendments shall not affect the trademark office's decision on the examination.	Article 32 During the examination process, if the trademark administration department of the State Council considers that the content of the application for trademark registration needs explanation or amendment, it may require the applicant to provide an explanation or make amendments. The applicant's failure to provide an explanation or make amendments shall not affect the trademark administration department of the State Council's decision on the examination.
Article 30 Where an application for trademark registration does not conform to the relevant provisions of this Law or is identical with or similar to a trademark on the same kind of goods or similar goods that is already registered by another person or is preliminarily approved, the trademark office shall reject the application with no gazettal.	Article 33 Where an application for trademark registration does not conform to the relevant provisions of this Law, the trademark administration department of the State Council shall reject the application with no gazettal.
Article 31 Where two or more applicants apply for registration of identical or similar trademarks on the same kind of goods or similar goods, preliminary approval shall be granted and gazetted for the trademark that was first filed. Where applications are filed on the same day, preliminary approval shall be granted and gazetted for the trademark that was first used. Applications filed by others shall be rejected with no gazettal.	Article 34 Where two or more applicants apply for registration of identical or similar trademarks on the same kind of goods or similar goods, preliminary approval shall be granted and gazetted for the trademark that was first filed. Where applications are filed on the same day, preliminary approval shall be granted and gazetted for the trademark that was first used. Applications filed by others shall be rejected with no gazettal.

Current Law	Revised Draft
<p>Article 33 Where a holder of prior rights or an interested party holds the opinion that the trademark gazetted upon preliminary approval is in violation of the second or third paragraph of Article 13, Article 15, the first paragraph of Article 16, Article 30, Article 31, or Article 32 of this Law, or any person who believes it violates the provisions of Article 4, Article 10, Article 11, Article 12 or the fourth paragraph of Article 19 of this Law, the opinion holder may, within three months from the gazettal date, file an opposition to the trademark office.</p> <p>Where no opposition is filed upon expiration of the gazettal period, the registration shall be approved, a trademark registration certificate shall be issued, and a gazettal shall be made.</p>	<p>Article 35 Where a holder of prior rights or an interested party holds the opinion that the trademark gazetted upon preliminary approval is in violation of Articles 19, 20, 21, the first paragraph of Article 22, or Article 23 of this Law, or anyone holds the opinion that such a trademark is in violation of Articles 15, 16, 17, 18, or 24 of this Law, may file an opposition with the trademark administration department of the State Council.</p> <p>Where no opposition is filed upon expiration of the gazettal period, the registration shall be approved, a trademark registration certificate shall be issued, and a gazettal shall be made.</p>
<p>Article 34 Where a trademark application is rejected and no gazettal is to be made, the trademark office shall notify the applicant for trademark registration in writing. An applicant that is dissatisfied with the result may, within fifteen days from the date of receipt of the notice, apply to the trademark review and adjudication board for review. The trademark review and adjudication board shall, within nine months from the date of receipt of the second review application, make a decision and notify the applicant in writing.</p> <p>Where necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and commerce under the State Council. If the party concerned is dissatisfied with the decision of the trademark review and adjudication board may, within thirty days from the date of receipt of the notice, bring a lawsuit to a people's court.</p>	<p>Article 36 Where a trademark application is rejected and no gazettal is to be made, the trademark administration department of the State Council shall notify the applicant for trademark registration in writing. An applicant that is dissatisfied with the result may, within fifteen days from the date of receipt of the notice, apply to the trademark administration department of the State Council for review. The trademark administration department of the State Council shall, within nine months from the date of receipt of the review application, make a decision and notify the applicant in writing.</p> <p>Where necessary under special circumstances, an extension of three months may be granted upon approval by the responsible person of the trademark administration department of the State Council. If the party concerned is dissatisfied with the review decision, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification.</p>
<p>Paragraph 1-3 of Article 35 Where an opposition is filed against a trademark that has been preliminarily approved and gazetted, the trademark office shall listen to the facts and grounds stated by both the opponent and the opposed party, and, after investigation and verification, make a decision on whether or not to approve the registration of the trademark within twelve months from the expiration of the gazettal period, and shall notify the opponent and the opposed party of the decision in writing. Where necessary under special circumstances, an extension of six months may be granted upon approval by the administrative department for industry and commerce under the State Council.</p>	<p>Article 37 Where an opposition is filed against a trademark that has been preliminarily approved and gazetted, the trademark administration department of the State Council shall listen to the facts and grounds stated by both the opponent and the opposed party, and, after investigation and verification, make a decision on whether or not to approve the registration of the trademark within twelve months from the expiration of the gazettal period, and shall notify the opponent and the opposed party of the decision in writing. Where necessary under special circumstances, an extension of six months may be granted upon approval by the responsible person of the</p>

Current Law	Revised Draft
<p>Where the trademark office decides to approve the trademark registration, it shall issue the certificate of trademark registration to the applicant and make a gazettal thereon. If the opponent is dissatisfied with the decision, it may request the trademark review and adjudication board to declare the said registered trademark invalid in accordance with Article 44 or Article 45 of this Law.</p> <p>Where the trademark office decides not to approve a trademark registration and the opposed party is dissatisfied with the decision, the opposed party may apply to the trademark review and adjudication board for a review within fifteen days from the date of receipt of the relevant notice. The trademark review and adjudication board shall make a review decision within twelve months from the date of receipt of the application and notify the opponent and the opposed party in writing. Where necessary under special circumstances, an extension of six months may be granted upon approval by the administrative department for industry and commerce under the State Council. If the opposed party is dissatisfied with the decision made by the trademark review and adjudication board, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification. The people's court shall notify the opponent to participate in the litigation as a third party.</p>	<p>trademark administration department of the State Council.</p> <p>Where the trademark administration department of the State Council decides to approve the trademark registration, it shall issue the certificate of trademark registration to the applicant and make a gazettal thereon. If the opponent is dissatisfied with the decision, it may request the trademark administration department of the State Council to declare the registered trademark invalid in accordance with the provisions of Articles 49 and 50 of this Law.</p> <p>Where the trademark administration department of the State Council decides not to approve a trademark registration and the opposed party is dissatisfied with the decision, the opposed party may apply for a review within fifteen days from the date of receipt of the relevant notice. The trademark administration department of the State Council shall make a review decision within twelve months from the date of receipt of the application and notify the opponent and the opposed party in writing. Where necessary under special circumstances, an extension of six months may be granted upon approval by the responsible person of the trademark administration department of the State Council. If the opposed party is dissatisfied with the review decision, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification. The people's court shall notify the opponent to participate in the litigation as a third party.</p>
<p>Article 36</p> <p>Where the statutory time limit expires and the party concerned does not apply for review of the decision to reject the application or the decision not to approve registration made by the trademark office, or does not initiate legal proceedings in a people's court regarding the review decision made by the trademark review and adjudication board, then the decision to reject the application, the decision not to approve registration, or the review decision shall become effective.</p> <p>For a trademark approved for registration upon examination where the opposition is found untenable, the date from which the applicant for trademark registration obtains the exclusive right to use the trademark shall be counted from the expiration of the three-month period from the date of gazettal of preliminary approval. From the date of expiration of the gazettal period of that trademark</p>	<p>Article 38</p> <p>Where the statutory time limit expires and the party concerned does not apply for review of the decision to reject the application or the decision not to approve registration made by the trademark administration department of the State Council, or does not initiate legal proceedings in a people's court regarding the review decision, then the decision to reject the application, the decision not to approve registration, or the review decision shall become effective.</p> <p>For a trademark approved for registration upon examination where the opposition is found untenable, the date from which the applicant for trademark registration obtains the exclusive right to use the trademark shall be counted from the expiration of the two-month period from the date of gazettal of preliminary approval. From the date of expiration of the gazettal period of that trademark</p>

Current Law	Revised Draft
<p>until the decision to approve registration is made, no retroactive effect shall be given to acts of using a sign identical with or similar to that trademark on identical or similar goods by others. However, compensation shall be made for losses caused to the trademark registrant due to the bad faith use by such user.</p>	<p>until the decision to approve registration is made, no retroactive effect shall be given to acts of using a sign identical with or similar to that trademark on identical or similar goods by others. However, compensation shall be made for losses caused to the trademark registrant due to the bad faith use by such user.</p>
<p>Article 37 Applications for trademark registration and for review shall be examined without delay.</p>	<p>Article 39 The trademark administration department of the State Council shall examine applications for trademark registration and for review in a timely manner.</p> <p>The applicant may apply to withdraw the matters stipulated in the preceding paragraph.</p>
<p>Paragraph 4 of Article 35 When carrying out examination in accordance with the preceding paragraph, where the determination of the prior rights involved must be based on the outcome of another case being heard by a people's court or handled by an administrative organ, the trademark review and adjudication board may suspend the examination, and shall resume the examination procedure once the circumstances for suspension are eliminated.</p> <p>Paragraph 3 of Article 45 When carrying out examination for declaring a registered trademark invalid pursuant to the preceding paragraph, where the determination of the prior rights involved must be based on the outcome of another case being heard by a people's court or handled by an administrative organ, the trademark review and adjudication board may suspend the examination, and shall resume the examination procedure once the circumstances for suspension are eliminated.</p>	<p>Article 40 During the process of examining trademark oppositions, review of rejections, review of non-approval decisions, and hearing invalidation declaration cases, where the determination of the prior rights and interests involved must be based on the outcome of another case being heard by a people's court or handled by an administrative organ, the trademark administration department of the State Council shall generally suspend the examination and hearing, and shall resume the examination and the hearing procedures in a timely manner once the circumstances for suspension are eliminated.</p> <p>When a people's court hears a review decision on rejection, a review decision on non-approval, or a ruling on invalidation declaration made by the trademark administration department of the State Council in accordance with Article 19 of this Law, it shall be based on the factual status at the time the challenged decision or ruling was made.</p>
<p>Article 38 Where an applicant for trademark registration or a registrant discovers an obvious error in the trademark application documents or registration documents, an application for correction may be filed. The trademark office shall make the correction within the scope of its authority according to law and notify the party concerned.</p> <p>The correction of errors referred to in the preceding paragraph shall not involve substantive content of the trademark application documents or registration documents.</p>	<p>Article 41 Where an applicant for trademark registration or a registrant discovers an obvious error in the trademark application documents or registration documents, an application for correction may be filed. The trademark administration department of the State Council shall make the correction within the scope of its authority according to law and notify the party concerned.</p> <p>The correction of errors referred to in the preceding paragraph shall not involve substantive content of the trademark application documents or registration documents.</p>

Current Law	Revised Draft
Chapter IV: Renewal, Modification, Assignment, and Licensing of Registered Trademarks	Chapter V: Renewal, Modification, Assignment, and Cancellation of Registered Trademarks
Article 39 The period of validity of a registered trademark shall be ten years, counted from the date of approval of registration.	Article 42 The period of validity of a registered trademark shall be ten years, counted from the date of approval of registration.
Article 40 Where the period of validity of a registered trademark expires and continued use is desired, the trademark registrant shall go through the renewal formalities within twelve months before the expiration. Where the formalities cannot be completed within that period, a grace period of six months may be granted. The period of validity for each renewal of registration shall be ten years, counted from the day following the expiration of the previous period of validity of the trademark. Where renewal formalities are not completed upon expiration, the registered trademark shall be cancelled. The trademark office shall gazette the renewal of registration of the trademark.	Article 43 Where the period of validity of a registered trademark expires and continued use is desired, the trademark registrant shall go through the renewal formalities within twelve months before the expiration. Where the formalities cannot be completed within that period, a grace period of six months may be granted. The period of validity for each renewal of registration shall be ten years, counted from the day following the expiration of the previous period of validity of the trademark. Where renewal formalities are not completed upon expiration, the registered trademark shall be cancelled. The trademark administration department of the State Council shall gazette the renewal of registration of the trademark.
Article 41 Where modification is needed in the name, address, or other matters of the registrant of a registered trademark, an application for modification shall be filed.	Article 44 Where modification is needed in the name, address, or other matters of the registrant of a registered trademark, an application for modification shall be filed.
Article 42 To assign a registered trademark, the assignor and assignee shall conclude an assignment agreement and jointly file an application with the trademark office . The assignee shall guarantee the quality of the goods on which the registered trademark is used. To assign a registered trademark, the trademark registrant shall assign together similar trademarks registered on the same kind of goods, or identical or similar trademarks registered on similar goods. Where an assignment is likely to cause confusion or have other adverse effects, the trademark office shall not approve it, shall notify the applicant in writing and state the reasons. Upon approval of the assignment of a registered trademark, a gazettal shall be made. The assignee shall enjoy the exclusive right to use the trademark from the date of announcement.	Article 45 To assign a registered trademark, the assignor and assignee shall conclude an assignment agreement and jointly file an application with the trademark administration department of the State Council . The assignee shall guarantee the quality of the goods on which the registered trademark is used. To assign a registered trademark, the trademark registrant shall assign together similar trademarks registered on the same kind of goods, or identical or similar trademarks registered on similar goods. Where an assignment is likely to cause confusion or have other adverse effects, the trademark administration department of the State Council shall not approve it, shall notify the applicant in writing and state the reasons. Upon approval of the assignment of a registered trademark, a gazettal shall be made. The assignee shall enjoy the exclusive right to use the trademark from the date of announcement.

Current Law	Revised Draft
	Article 46 To assign a collective trademark or certification trademark, the assignee shall possess the corresponding subject qualification and supervision capability.
	Article 47 Where a trademark registrant applies for cancellation of its registered trademark or for cancellation of its registration on some designated goods, and it is approved for cancellation by the trademark administration department of the State Council, a gazettal shall be made; the exclusive right to the registered trademark or the effect of the exclusive right on those designated goods shall terminate from the date of announcement.
Article 50 Within one year from the time when a registered trademark is cancelled, declared invalid, or is not renewed upon the expiry of its validity period , the trademark office shall not approve any application for registration of a trademark identical with or similar to the aforesaid trademark.	Article 48 Where a trademark registrant applies for cancellation of its registered trademark, within one year from the date of the cancellation gazettal, the trademark administration department of the State Council shall not approve an application filed by another person for registration of a trademark identical with or similar to that trademark on identical or similar goods .
Chapter V: Invalidation of Registered Trademarks	Chapter VI: Invalidation of Registered Trademarks
Article 44 Where a registered trademark is in violation of Articles 4, 10, 11, 12 or the fourth paragraph of Article 19 of this Law, or it is registered by deceptive or other improper means , it shall be declared invalid by <u>the trademark office</u> ; any other entity or individual may request the trademark review and adjudication board to declare the registered trademark invalid. Where the trademark office decides to declare a registered trademark invalid, it shall notify the party concerned of its decision in writing. If the party concerned is dissatisfied with the decision made by the trademark office , it may apply for a review with the trademark review and adjudication board within fifteen days from the date of receipt of the notification. The trademark review and adjudication board shall make a decision within nine months from the date of receipt of the application and notify the party concerned in writing. Where necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and	Article 49 Where a registered trademark is in violation of Articles 15, 16, 17, 18, or 24 of this Law, it shall be declared invalid by the trademark administration department of the State Council ; any other entity or individual may request the trademark administration department of the State Council to declare the registered trademark invalid. Where the trademark administration department of the State Council decides to declare a registered trademark invalid, it shall notify the party concerned of the decision in writing. If the party concerned is dissatisfied with the decision, it may apply for a review within fifteen days from the date of receipt of the notification. The trademark administration department of the State Council shall make a decision within nine months from the date of receipt of the application and notify the party concerned in writing. Where necessary under special circumstances, an extension of three months may be granted upon approval by the responsible person of the trademark administration department of the State Council . If the party concerned is dissatisfied

Current Law	Revised Draft
<p>commerce under the State Council. If the party concerned is dissatisfied with the decision made by the trademark review and adjudication board, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification.</p> <p>Where any other entity or individual requests the trademark review and adjudication board to declare a registered trademark invalid, the trademark review and adjudication board shall, after receiving the application, notify the relevant party concerned in writing and set a time limit for submitting a defense. The trademark review and adjudication board shall make a ruling to maintain the registered trademark or declare it invalid within nine months from the date of receipt of the application and notify the party concerned in writing. Where necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and commerce under the State Council. If the party concerned is dissatisfied with the ruling of the trademark review and adjudication board, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification. The people's court shall notify the other party in the trademark ruling procedure to participate in the litigation as a third party.</p>	<p>with the review decision, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification.</p> <p>Where any other entity or individual requests the trademark administration department of the State Council to declare a registered trademark invalid, the trademark administration department of the State Council shall, after receiving the application, notify the relevant party concerned in writing and set a time limit for submitting a defense. The trademark administration department of the State Council shall, within nine months from the date of receipt of the application, make a ruling to maintain the registered trademark or declare it invalid and notify the party concerned in writing. Where necessary under special circumstances, an extension of three months may be upon approval by the responsible person of the trademark administration department of the State Council. If the party concerned is dissatisfied with the ruling of the trademark administration department of the State Council, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification. The people's court shall notify the other party in the trademark ruling procedure to participate in the litigation as a third party.</p>
<p>Paragraphs 1-2 of Article 45 Where a registered trademark violates the second and third paragraph of Article 13, 15, the first paragraph of Article 16, Article 30, 31 or 32 of this Law, the prior right holder or interested party may request the trademark review and adjudication board to declare the registered trademark invalid within five years from the date of registration. For a bad faith registration, the owner of a well-known trademark shall not be bound by the five-year time limit.</p> <p>After receiving an application for declaring a registered trademark invalid, the trademark review and adjudication board shall notify the relevant party concerned in writing and set a time limit for submitting a defense. The trademark review and adjudication board shall make a ruling to maintain the registered trademark or declare it invalid within twelve months from the date of receipt of the application and notify the party concerned in writing. Where necessary under special circumstances, an extension of six months may be granted upon approval by the administrative department for industry and commerce under the State Council. If the party</p>	<p>Article 50 Where a registered trademark is in violation of Articles 19, 20, 21, the first paragraph of Article 22, or Article 23 of this Law, the prior right holder or interested party may request the trademark administration department of the State Council to declare the registered trademark invalid within five years from the date of registration. For a bad faith registration, the holder of a well-known trademark shall not be bound by the five-year time limit.</p> <p>After receiving an application for declaring a registered trademark invalid, the trademark administration department of the State Council shall notify the relevant party concerned in writing and set a time limit for submitting a defense. The trademark administration department of the State Council shall, within twelve months from the date of receipt of the application, make a ruling to maintain the registered trademark or declare it invalid and notify the party concerned in writing. Where necessary under special circumstances, an extension of six months may be granted upon approval by the responsible person of the trademark administration department of the</p>

Current Law	Revised Draft
<p>concerned is dissatisfied with the ruling made by the trademark review and adjudication board, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification. The people's court shall notify the other party in the trademark ruling procedure to participate in the litigation as a third party.</p>	<p>State Council. If the party concerned is dissatisfied with the ruling of the trademark administration department of the State Council, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification. The people's court shall notify the other party in the trademark ruling procedure to participate in the litigation as a third party.</p>
<p>Article 46 Where the statutory time limit expires and the party concerned does not apply for review of the decision of the trademark office to declare a registered trademark invalid or does not initiate legal proceedings in a people's court regarding the review decision or the ruling to maintain the registered trademark or declare it invalid made by the trademark review and adjudication board, the trademark office's decision or the trademark review and adjudication board's decision or ruling shall become effective.</p>	<p>Article 51 Where the statutory time limit expires and the party concerned does not apply for review of the decision of the trademark administration department of the State Council to declare a registered trademark invalid or does not initiate legal proceedings in a people's court regarding the review decision or the ruling to maintain the registered trademark or declare it invalid, the decision or ruling of the trademark administration department of the State Council shall become effective.</p>
<p>Article 47 A registered trademark declared invalid in accordance with Article 44 or 45 of this Law shall be announced by the trademark office, and the exclusive right to the trademark shall be deemed non-existent from the beginning.</p> <p>The decision or ruling on declaring a registered trademark invalid shall have no retroactive effect on judgments, rulings, or mediation documents of trademark infringement cases made and already executed by a people's court before the declaration of invalidity, on decisions for handling trademark infringement cases made and already executed by an administrative department for industry and commerce before the declaration of invalidity, or on trademark assignment or license contracts already performed before the declaration of invalidity. However, compensation shall be made for losses caused to others due to the malice of the trademark registrant.</p> <p>Where, in accordance with the provisions of the preceding paragraph, the compensation for trademark infringement, trademark assignment fee, or trademark license fee is not returned, and this obviously violates the principle of fairness, it shall be returned in whole or in part.</p>	<p>Article 52 A registered trademark declared invalid in accordance with Articles 49 or 50 of this Law shall be announced by the trademark administration department of the State Council, and the exclusive right to the trademark shall be deemed non-existent from the beginning.</p> <p>The decision or ruling declaring a registered trademark invalid shall have no retroactive effect on judgments, rulings, or mediation documents of trademark infringement cases made and already executed by a people's court before the declaration of invalidity, on decisions for handling trademark infringement cases made and already executed by the department responsible for trademark law enforcement before the declaration of invalidity, or on trademark assignment or license contracts already performed before the declaration of invalidity. However, compensation shall be made for losses caused to others due to the malice of the trademark registrant.</p> <p>Where, in accordance with the provisions of the preceding paragraph, the compensation for trademark infringement, trademark assignment fee, or trademark license fee is not returned, and this obviously violates the principle of fairness, it shall be returned in whole or in part.</p>
<p>Chapter VI: Administration of Trademark Use</p>	<p>Chapter VII: Trademark Administration</p>
<p>Paragraph 4 of Article 68 In the case of bad faith application of the trademark registration, administrative punishment such as</p>	<p>Article 53 Where a trademark registration applicant commits one of the following bad faith acts of</p>

Current Law	Revised Draft
<p>warnings and fines shall be imposed based on the circumstances; where a trademark lawsuit is brought in bad faith, the people's court shall impose punishments in accordance with law.</p>	<p>applying for trademark registration and it causes adverse effects, the department responsible for trademark law enforcement shall give a warning and may impose a fine of up to 100,000 yuan:</p> <ol style="list-style-type: none"> (1) Applying to register a trademark knowing that the sign violates the provisions of Article 15 of this Law; (2) Applying for trademark registration in violation of the provisions of Article 18 of this Law; (3) Intentionally applying for trademark registration in violation of the provisions of Articles 20, 21, or 23 of this Law.
<p>Article 48 The use of a trademark as referred to in this Law means the act of using a trademark on goods, packaging or containers of goods, or transaction documents of goods, or using a trademark in advertising, exhibition, or other commercial activities for the purpose of identifying the source of the goods.</p>	<p>Article 54 The use of a trademark as referred to in this Law means the act of using a trademark on goods, packaging or containers of goods, or transaction documents of goods, or using a trademark in advertising, exhibition, or other commercial activities for the purpose of identifying the source of the goods.</p>
<p>Article 43 A trademark registrant may license others to use its registered trademark by concluding a trademark license contract. The licensor shall supervise the quality of the goods on which the licensee uses the registered trademark. The licensee shall guarantee the quality of the goods on which the registered trademark is used.</p> <p>Anyone licensed to use another person's registered trademark must indicate the licensee's name and place of origin of the goods on the goods using the registered trademark.</p> <p>Where licensing others to use its registered trademark, the licensor shall submit the trademark license to the trademark office for the record, and the trademark office shall make a gazettal. A trademark license that has not been recorded may not be asserted against a bona fide third party.</p>	<p>Article 55 A trademark registrant may use the trademark itself or may license others to use its registered trademark by concluding a trademark license contract. The licensor shall supervise the quality of the goods on which the licensee uses its registered trademark. The licensee shall guarantee the quality of the goods on which the registered trademark is used. Where the licensee fails to perform the quality guarantee obligation, the licensor has the right to terminate the trademark license contract.</p> <p>Anyone licensed to use another person's registered trademark must indicate the licensee's name and place of origin of the goods on the goods using the registered trademark.</p> <p>Where licensing others to use its registered trademark, the licensor shall submit the trademark license to the trademark administration department of the State Council for the record, and the trademark administration department of the State Council shall make a gazettal. A trademark license that has not been recorded may not be asserted against a bona fide third party.</p>
<p>Article 49 Where, in the process of using a registered trademark, the trademark registrant arbitrarily alters the registered trademark, the name or</p>	<p>Article 56 Where, in the process of using a registered trademark, the trademark registrant arbitrarily alters the registered trademark, the name or</p>

Current Law	Revised Draft
<p>address of the registrant, or other registration particulars, the relevant local administrative department for industry and commerce shall order rectification within a time limit. If rectification is not made by the expiration of the time limit, the trademark office shall cancel the registered trademark.</p> <p>Where a registered trademark becomes the generic name of the goods for which it is approved for use, or is not used for three consecutive years without justifiable reasons, any entity or individual may apply to the trademark office for cancellation of the registered trademark. The trademark office shall make a decision within nine months from the date of receipt of the application. Where necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and commerce under the State Council.</p>	<p>address of the registrant, or other registration particulars, or uses the registered trademark in a manner that misleads the public, the department responsible for trademark law enforcement shall order rectification within a time limit. If rectification is not made by the deadline, a fine of up to 50,000 yuan may be imposed. If the circumstances are serious, the trademark administration department of the State Council shall cancel the registered trademark.</p> <p>Where a registered trademark becomes the generic name of the goods for which it is approved for use, or is not used for three consecutive years without justifiable reasons, any entity or individual may apply to the trademark administration department of the State Council for cancellation of the registered trademark. The trademark administration department of the State Council shall make a decision within nine months from the date of receipt of the application. Where necessary under special circumstances, an extension of three months may be granted upon approval by the responsible person of the trademark administration department of the State Council.</p> <p>Where a registered trademark has the circumstances specified in the preceding paragraph, the trademark administration department of the State Council may cancel the registered trademark.</p>
<p>Article 54</p> <p>Where a party concerned is dissatisfied with the decision of the trademark office to cancel or not to cancel a registered trademark, it may apply to the trademark review and adjudication board for review within fifteen days from the date of receipt of the notification. The trademark review and adjudication board shall make a decision within nine months from the date of receipt of the application and notify the party concerned in writing. Where necessary under special circumstances, an extension of three months may be granted upon approval by the administrative department for industry and commerce under the State Council. If the party concerned is dissatisfied with the decision made by the trademark review and adjudication board, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification.</p>	<p>Article 57</p> <p>Where a party concerned is dissatisfied with the decision of the trademark administration department of the State Council to cancel or not to cancel a registered trademark, it may apply to the trademark administration department of the State Council for review within fifteen days from the date of receipt of the notification. The trademark administration department of the State Council shall make a decision within nine months from the date of receipt of the application and notify the party concerned in writing. Where necessary under special circumstances, an extension of three months may be granted upon approval by the responsible person of the trademark administration department of the State Council. If the party concerned is dissatisfied with the review decision, it may initiate legal proceedings in a people's court within thirty days from the date of receipt of the notification.</p>
<p>Article 55</p> <p>Where the statutory time limit expires and the party concerned does not apply for review of the decision to cancel a registered trademark made by the</p>	<p>Article 58</p> <p>Where the statutory time limit expires and the party concerned does not apply for review of the decision to cancel a registered trademark made by the</p>

Current Law	Revised Draft
<p>trademark office or does not initiate legal proceedings in a people's court regarding the review decision made by the trademark review and adjudication board, the decision to cancel the registered trademark or the review decision shall become effective.</p> <p>A cancelled registered trademark shall be announced by the trademark office, and the exclusive right to the trademark shall terminate from the date of announcement.</p>	<p>trademark administration department of the State Council or does not initiate legal proceedings in a people's court regarding the review decision, the decision to cancel the registered trademark or the review decision shall become effective.</p> <p>A cancelled registered trademark shall be announced by the trademark administration department of the State Council, and the exclusive right to the trademark shall terminate from the date of announcement.</p>
	<p>Article 59 Where a collective trademark or certification trademark registrant commits one of the following acts, the department responsible for trademark law enforcement shall order rectification within a time limit. If rectification is refused, a fine of up to 10,000 yuan may be imposed. If the circumstances are serious, a fine of between 10,000 yuan and 100,000 yuan shall be imposed:</p> <ul style="list-style-type: none"> (1) Failing to perform trademark administration duties, causing harm to consumers; (2) The collective trademark registrant, without justifiable reasons, not permitting its organization members to use the collective trademark, or the certification trademark registrant, without justifiable reasons, not licensing eligible applicants to use the certification trademark; (3) Exercising the exclusive right to use the registered trademark in violation of this Law, relevant administrative regulations, and state provisions, causing adverse effects.
<p>Article 51 Where the provisions of Article 6 of this Law are violated, the local administrative department for industry and commerce shall order an application for registration to be filed within a time limit. Where the illegal business turnover is 50,000 yuan or more, a fine of up to 20 percent of the illegal business turnover may be imposed. Where there is no illegal business turnover or the illegal business turnover is less than 50,000 yuan, a fine of up to 10,000 yuan may be imposed.</p>	<p>Article 60 Where the provisions of Article 8 of this Law are violated, the department responsible for trademark law enforcement shall order an application for registration to be filed within a time limit. Where the illegal business turnover is 50,000 yuan or more, a fine of up to 20 percent of the illegal business turnover may be imposed. Where there is no illegal business turnover or the illegal business turnover is less than 50,000 yuan, a fine of up to 10,000 yuan may be imposed.</p>
<p>Article 52 Where an unregistered trademark is passed off as a registered trademark, or the use of an unregistered</p>	<p>Article 61 Where an unregistered trademark is passed off as a registered trademark, or the use of an unregistered</p>

Current Law	Revised Draft
<p>trademark violates the provisions of Article 10 of this Law, the relevant local administrative department for industry and commerce shall stop such acts, order rectification within a time limit, and may circulate a notice on the matter. Where the illegal business turnover is 50,000 yuan or more, a fine of up to 20 percent of the illegal business turnover may be imposed. Where there is no illegal business turnover or the illegal business turnover is less than 50,000 yuan, a fine of up to 10,000 yuan may be imposed.</p>	<p>trademark violates the provisions of Article 15 of this Law, the department responsible for trademark law enforcement shall order rectification within a time limit. Where the illegal business turnover is 50,000 yuan or more, a fine of up to 20 percent of the illegal business turnover may be imposed. Where there is no illegal business turnover or the illegal business turnover is less than 50,000 yuan, a fine of up to 10,000 yuan may be imposed.</p>
<p>Paragraph 1 of Article 13 A trademark well-known to the relevant public may, when the holder believes its rights are infringed, claim protection as a well-known trademark in accordance with the provisions of this Law.</p> <p>Paragraph 1-4 of Article 14 A well-known trademark shall be recognized as a fact that needs to be ascertained in dealing with a trademark-related case upon request by the party concerned. The following factors shall be taken into consideration in the recognition of a well-known trademark:</p> <ol style="list-style-type: none"> (1) The degree of knowledge of the trademark among the relevant public; (2) The duration of use of the trademark; (3) The duration, extent and geographical spread of any publicity work for the trademark; (4) The records of protection for the trademark as a well-known trademark; and (5) Other factors contributing to the well-known status of the trademark. <p>In the process of trademark registration examination, or investigation and handling of trademark violation cases by the administrative department for industry and commerce, where a party claims rights according to Article 13 of this Law, the trademark office may, based on the needs of examining or handling the case, recognize the well-known status of the trademark.</p> <p>In the process of handling of a trademark dispute, where a party claims rights according to Article 13 of this Law, the trademark review and adjudication board may, based on the needs of handling the case, recognize the well-known status of the trademark.</p>	<p>Article 62 A trademark well-known to the relevant public may, when the holder believes its rights are infringed, claim protection as a well-known trademark in accordance with the provisions of this Law.</p> <p>In the process of trademark registration examination and hearing, investigation and handling of trademark violation cases, or investigation and handling of unfair competition cases, where a party claims rights according to law, the trademark administration department of the State Council may, based on the needs of handling the case, confirm the well-known status of the trademark.</p> <p>In the process of hearing trademark civil or administrative cases or unfair competition cases, where a party claims rights according to law, the people's court designated by the Supreme People's Court may, based on the needs of hearing the case, confirm the well-known status of the trademark.</p> <p>The well-known status of a trademark shall be confirmed as a fact requiring determination for handling trademark-related cases, upon the request of the party concerned. To confirm the well-known status of a trademark, the following factors shall be comprehensively considered:</p> <ol style="list-style-type: none"> (1) The degree of knowledge of the trademark among the relevant public; (2) The duration, manner, and geographical scope of the use of the trademark; (3) The duration, extent, and geographical scope of any publicity work for the trademark; (4) The records of protection of the trademark, especially records of protection as a well-known trademark; (5) Other factors contributing to the well-known

Current Law	Revised Draft
In the process of hearing trademark civil or administrative cases, where a party claims rights according to Article 13 of this Law , the people's court designated by the Supreme People's Court may, based on the needs of hearing the case, recognize the well-known status of the trademark.	status of the trademark.
<p>Paragraph 5 of Article 14 Producers or operators shall not use the wording "well-known trademark" on goods, packaging or containers of goods, or in advertising, exhibition, or other commercial activities.</p> <p>Article 53 Anyone violating the fifth paragraph of Article 14 of this Law shall be ordered to make corrections by the relevant local administrative department for industry and commerce, and be fined 100,000 yuan.</p>	<p>Article 63 Producers or operators shall not use the wording "well-known trademark" on goods, packaging or containers of goods, or in advertising, exhibition, or other commercial activities.</p> <p>Anyone violating the provisions of the preceding paragraph shall be ordered to make corrections by the department responsible for trademark law enforcement, and may be fined up to 100,000 yuan.</p>
<p>Paragraphs 1-2 of Article 19 Trademark agencies shall comply with the principle of good faith, abide by laws and administrative regulations, handle applications for trademark registration or other trademark matters as entrusted by the principals; they have a duty of confidentiality for trade secrets of the principals learned during the agency process.</p> <p>Where a trademark applied for registration by a client may fall under circumstances where registration is not permitted under this Law, the trademark agency shall clearly inform the client.</p>	<p>Article 64 Trademark agencies and trademark agency practitioners shall comply with the principle of good faith, abide by laws and administrative regulations, uphold professional ethics and discipline, safeguard the lawful rights and interests of clients, and shall not implement or assist clients in implementing acts that harm national interests, public interests, or the lawful rights and interests of others.</p> <p>Trademark agencies shall handle applications for trademark registration or other trademark matters as entrusted by clients; they have a duty of confidentiality for trade secrets of clients learned during the agency process; where a trademark applied for registration by a client may fall under circumstances where registration is not permitted under this Law, the trademark agency shall clearly inform the client.</p> <p>Trademark agency practitioners shall undertake trademark agency business as assigned by the trademark agency and shall not accept authorization independently. Trademark agency practitioners shall not engage in trademark agency business in two or more trademark agencies simultaneously. Trademark agency practitioners are responsible for the trademark agency business they handle under their signature.</p>
<p>Article 20 The trademark agency industry organization shall, in accordance with its articles of association, strictly implement the conditions for admitting members, and impose discipline on members violating</p>	<p>Article 65 The trademark agency industry organization is a self-disciplinary organization of the trademark agency industry.</p>

Current Law	Revised Draft
<p>industry self-disciplinary norms. The trademark agency industry organization shall timely announce to the public the members admitted and the disciplinary sanctions against its members.</p>	<p>The trademark agency industry organization shall, in accordance with its articles of association, strictly implement the conditions for admitting members, strengthen industry self-discipline, formulate industry self-disciplinary norms and disciplinary rules, carry out business training and education on professional ethics and discipline, organize and guide members to engage in trademark agency business according to laws and regulations, continuously improve the service level of the industry, and impose discipline on members violating industry self-disciplinary norms. The trademark agency industry organization shall timely announce to the public its admission of members and the imposition of discipline.</p>
<p>Paragraphs 1-3 of Article 68 Where a trademark agency commits one of the following acts, the administrative department for industry and commerce shall order rectification within a time limit, give a warning, and impose a fine of between 10,000 yuan and 100,000 yuan; the person in charge directly responsible and other directly responsible persons shall be given a warning and fined between 5,000 yuan and 50,000 yuan; where a crime is constituted, criminal liabilities shall be born in accordance with law:</p> <ol style="list-style-type: none"> (1) In the process of handling trademark matters, forging or altering or using forged or altered legal documents, seals, or signatures; (2) Soliciting trademark agency business by defaming other trademark agencies, or disrupting the order of the trademark agency market by other improper means; or (3) violating the provisions of Article 4, and the third and fourth paragraph of Article 19 of this Law. <p>Where a trademark agency commits an act prescribed in the preceding paragraph, the administrative department for industry and commerce shall record such matters in the credit files; if the circumstances are serious, the trademark office or the trademark review and adjudication board may concurrently decide to stop accepting its handling of trademark agency business and make a gazettal.</p> <p>Where a trademark agency violates the principle of good faith and infringes upon the lawful interests of a client, it shall bear civil liability according to law, and shall be subject to discipline by the trademark</p>	<p>Article 66 Where a trademark agency commits one of the following acts, the department responsible for trademark law enforcement shall order rectification within a time limit and impose a fine of between 10,000 yuan and 100,000 yuan. If the circumstances are serious, a fine of between 100,000 yuan and 200,000 yuan shall be imposed. The person in charge directly responsible and other directly responsible persons shall be given a warning and fined between 5,000 yuan and 50,000 yuan. If the circumstances are serious, they shall be fined between 50,000 yuan and 100,000 yuan:</p> <ol style="list-style-type: none"> (1) In the process of handling trademark matters, forging or altering or using forged or altered legal documents, seals, or signatures; (2) Soliciting trademark agency business by means of fraud, enticement, defamation of other trademark agencies, etc.; (3) Accepting authorization from both parties with conflicting interests in the same trademark case; (4) Knowing or should have known that the trademark applied for registration by a client falls under the circumstances specified in Articles 15, 18, 20, 21, or 23 of this Law, yet still accepting the entrustment; (5) Violating the provisions of Article 24 of this Law or having the circumstances specified in Article 53 of this Law; (6) Disrupting the order of the trademark agency market by other improper means.

Current Law	Revised Draft
<p>agency industry organization in accordance with its articles of association.</p> <p>Paragraph 3 of Article 19 A trademark agency shall not accept the entrustment of a principal if it knows or should know that the trademark of which the registration application is entrusted falls under any of the circumstances in Articles 4, 15 and 32 of this Law.</p>	<p>Where, by fraud or other improper means, a domestic client is assisted in applying for overseas trademark registration or other matters, harming the client's interests, it shall be handled according to the provisions of the preceding paragraph.</p> <p>Where a trademark agency commits an act specified in the preceding two paragraphs and the circumstances are serious, the trademark administration department of the State Council may decide to stop accepting its handling of trademark agency business and make gazettal.</p> <p>Where a trademark agency violates the principle of good faith and infringes upon the lawful interests of a client, it shall bear civil liability according to law, and shall be subject to discipline by the trademark agency industry organization in accordance with its articles of association.</p>
	<p>Article 67 Where a trademark agency practitioner commits one of the following acts, the department responsible for trademark law enforcement shall order rectification within a time limit, give a warning, and impose a fine of between 5,000 yuan and 50,000 yuan. If the circumstances are serious, a fine of between 50,000 yuan and 100,000 yuan shall be imposed:</p> <ul style="list-style-type: none"> (1) Independently accepting authorization to handle trademark agency business; (2) Engaging in trademark agency business in two or more trademark agencies simultaneously; (3) Other acts that seriously disrupt the order of the trademark agency market.
<p>Chapter VII: Protection of the Exclusive Right to Use a Registered Trademark</p>	<p>Chapter VIII: Protection of the Exclusive Right to Use a Registered Trademark</p>
<p>Article 56 The exclusive right to use a registered trademark is limited to the trademark approved for registration and the goods approved for use.</p>	<p>Article 68 The exclusive right to use a registered trademark is limited to the trademark approved for registration and the goods approved for use.</p>
<p>Article 57 Any of the following acts constitutes an infringement of the exclusive right to use a registered trademark:</p>	<p>Article 69 Any of the following acts constitutes an infringement of the exclusive right to use a registered trademark:</p> <ul style="list-style-type: none"> (1) Using a trademark identical with a registered trademark on the same kind of goods without

Current Law	Revised Draft
<p>(1) Using a trademark identical with a registered trademark on the same kind of goods without permission of the trademark registrant;</p> <p>(2) Using a trademark similar to a registered trademark on the same kind of goods, or using a trademark identical with or similar to a registered trademark on similar goods, without permission of the trademark registrant, which is likely to cause confusion;</p> <p>(3) Selling goods that infringe the exclusive right to use a registered trademark;</p> <p>(4) Counterfeiting, or making without authorization, representations of another person's registered trademark, or selling such counterfeited or unauthorized representations;</p> <p>(5) Replacing a registered trademark without the trademark registrant's consent and putting the goods bearing the replaced trademark on the market again;</p> <p>(6) Intentionally facilitating conditions for infringing another person's exclusive right to use a trademark, or assisting another person in implementing infringement of the exclusive right to use a trademark;</p> <p>(7) Causing other harm to another person's exclusive right to use a registered trademark.</p>	<p>permission of the trademark registrant;</p> <p>(2) Using a trademark similar to a registered trademark on the same kind of goods, or using a trademark identical with or similar to a registered trademark on similar goods, without permission of the trademark registrant, which is likely to cause confusion;</p> <p>(3) Selling goods that infringe the exclusive right to use a registered trademark;</p> <p>(4) Counterfeiting, or making without authorization, representations of another person's registered trademark, or selling such counterfeited or unauthorized representations;</p> <p>(5) Replacing a registered trademark without the trademark registrant's consent and putting the goods bearing the replaced trademark on the market again;</p> <p>(6) Intentionally facilitating conditions for infringing another person's exclusive right to use a trademark, or assisting another person in implementing infringement of the exclusive right to use a trademark;</p> <p>(7) Causing other harm to another person's exclusive right to use a registered trademark.</p>
<p>Article 58 Whoever uses a registered trademark or an unregistered well-known trademark of another party as the trade name in its enterprise name and misleads the public, which constitutes unfair competition, shall be dealt with in accordance with the Anti-Unfair Competition Law of the People's Republic of China.</p>	
<p>Article 59 The exclusive right holder of a registered trademark has no right to prohibit others from fair use if the registered trademark contains the generic name, design, or model of the goods concerned, or directly indicates the quality, main raw materials, function, use, weight, quantity, or other characteristics of the goods, or contains a geographical name.</p> <p>The exclusive right holder of a three-dimensional sign registered as a trademark has no right to prohibit others from fair use of shapes contained in the registered trademark that result from the inherent nature of the goods concerned, required to</p>	<p>Article 70 The exclusive right holder of a registered trademark has no right to prohibit others from fair use if the registered trademark contains the generic name, design, or model of the goods concerned, or directly indicates the kind, nature, quality, main raw materials, function, use, weight, quantity, value, geographical origin, or other characteristics of the goods, or contains a geographical name.</p> <p>The exclusive right holder of a three-dimensional sign, combination of colors, sound, moving image, etc. registered as a trademark has no right to prohibit others from fair use of shapes, combinations of colors, sounds, moving effects,</p>

Current Law	Revised Draft
<p>obtain a technical result, or give substantial value to the goods.</p> <p>Where, before a trademark registrant applies for trademark registration, another person has already used a trademark identical with or similar to the registered trademark on the same kind of goods or similar goods and that trademark has gained a certain influence, the exclusive right holder of the registered trademark has no right to prohibit that user from continuing to use the trademark within the original scope of use, but may require it to add an appropriate distinguishing sign.</p>	<p>etc. contained in the registered trademark that result from the nature of the goods themselves, are required to obtain a technical result, or give substantial value to the goods.</p> <p>The exclusive right holder of a registered trademark has no right to prohibit others from fair use of the relevant registered trademark when it is used merely to indicate the purpose, applicable target, application scenario, etc. of the goods provided or to indicate the true source, unless such use is likely to cause confusion.</p> <p>Where, before the trademark registrant applies for trademark registration, another person has already used a trademark identical with or similar to the registered trademark on the same kind of goods or similar goods and that trademark has gained a certain influence, the exclusive right holder of the registered trademark has no right to prohibit that user from continuing to use the trademark within the original scope of use, but may require it to add an appropriate distinguishing sign.</p>
<p>Article 60</p> <p>Where a dispute arises from any infringement of the exclusive right to use a registered trademark listed in Article 57 of this Law, it shall be settled by the parties concerned through negotiation. If they are unwilling to negotiate or the negotiation fails, the trademark registrant or interested party may initiate legal proceedings in a people's court or request the administrative department for industry and commerce to handle the matter.</p> <p>When the administrative department for industry and commerce handles the matter and determines that infringement has been established, it shall order the immediate cessation of the infringement, confiscate and destroy the infringing goods and the tools mainly used for manufacturing infringing goods and counterfeiting registered trademark representations. Where the illegal business turnover is 50,000 yuan or more, a fine of up to five times the illegal business turnover may be imposed. Where there is no illegal business turnover or the illegal business turnover is less than 50,000 yuan, a fine of up to 250,000 yuan may be imposed. Where trademark infringement has been committed twice or more within five years or there are other serious circumstances, a heavier punishment shall be imposed. Where a seller sells goods infringing the exclusive right to use a registered trademark without knowledge and can prove that the goods were obtained legally and identify the supplier, the administrative</p>	<p>Article 71</p> <p>Where a dispute arises from any infringement of the exclusive right to use a registered trademark listed in Article 69 of this Law, it shall be settled by the parties concerned through negotiation. If they are unwilling to negotiate or the negotiation fails, the trademark registrant or interested party may initiate legal proceedings in a people's court or request the department responsible for trademark law enforcement to handle the matter.</p> <p>When the department responsible for trademark law enforcement handles the matter and determines that infringement has been established, it shall order the immediate cessation of the infringement, confiscate the infringing goods and the tools mainly used for manufacturing infringing goods and counterfeiting registered trademark representations. Where the illegal business turnover is 50,000 yuan or more, a fine of up to five times the illegal business turnover may be imposed. Where there is no illegal business turnover or the illegal business turnover is less than 50,000 yuan, a fine of up to 250,000 yuan may be imposed. Where trademark infringement has been committed twice or more within five years or there are other serious circumstances, a heavier punishment shall be imposed. Where a seller sells goods infringing the exclusive right to use a registered trademark without knowledge and can prove that the goods were obtained legally and identify the supplier, the department responsible</p>

Current Law	Revised Draft
<p>department for industry and commerce shall order it to cease selling.</p> <p>Disputes over the amount of compensation for infringement of the exclusive right to use of a trademark may be mediated by the administrative department for industry and commerce that addresses the dispute upon request of the parties concerned, or the parties concerned may initiate legal proceedings in a people's court in accordance with the Civil Procedure Law of the People's Republic of China. Where, after mediation by the administrative department for industry and commerce, the parties concerned fail to reach an agreement or fail to perform after the mediation agreement takes effect, the parties concerned may initiate legal proceedings in a people's court in accordance with the Civil Procedure Law of the People's Republic of China.</p>	<p>for trademark law enforcement shall order it to cease selling.</p> <p>Disputes over the amount of compensation for infringement of the exclusive right to use a trademark may be mediated by the department responsible for trademark law enforcement upon request of the parties concerned, or the parties concerned may initiate legal proceedings in a people's court in accordance with the Civil Procedure Law of the People's Republic of China. Where, after mediation by the department responsible for trademark law enforcement, the parties concerned fail to reach an agreement or fail to perform after the mediation agreement takes effect, the parties concerned may initiate legal proceedings in a people's court in accordance with the Civil Procedure Law of the People's Republic of China.</p>
<p>Article 61 The administrative department for industry and commerce has the power to investigate and deal with acts infringing the exclusive right to use a registered trademark; where a crime is suspected to have been committed, the case shall be transferred to the judicial organ for handling in accordance with law.</p>	<p>Article 72 The department responsible for trademark law enforcement has the power to investigate and deal with acts infringing the exclusive right to use a registered trademark according to law. Any person may complain or report such acts to the department responsible for trademark law enforcement.</p> <p>Where infringement of the exclusive right to use a registered trademark is suspected of constituting a crime, the department responsible for trademark law enforcement shall promptly transfer the case to the public security organ for handling according to law. Where criminal responsibility need not be pursued or criminal punishment shall be exempted according to law, but administrative punishment should be given, the public security organ, people's procuratorate, or people's court shall promptly transfer the case to the department responsible for trademark law enforcement for handling according to law. Where the public security organ, people's procuratorate, or people's court requests the department responsible for trademark law enforcement and the department responsible for trademark registration and administration to provide professional support, determination opinions, assistance in harmless disposal of infringing articles, etc., the relevant departments shall provide assistance in a timely manner.</p>
<p>Article 62 When investigating and dealing with acts suspected of infringing the exclusive right to use another person's registered trademark based on obtained</p>	<p>Article 73 When investigating and dealing with acts suspected of infringing the exclusive right to use another person's registered trademark based on evidence of</p>

Current Law	Revised Draft
<p>evidence or reports of suspected illegality, an administrative department for industry and commerce at or above the county level may exercise the following powers:</p> <ol style="list-style-type: none"> (1) Inquiring of the relevant parties concerned and investigating circumstances related to infringement of another person's exclusive right to use a registered trademark; (2) Consulting and copying contracts, invoices, account books, and other relevant materials of the parties concerned related to the infringing activities; (3) Conducting on-site inspection of the premises where the parties concerned are suspected of engaging in activities infringing another person's exclusive right to use a registered trademark; (4) Inspecting articles related to the infringing activities; articles for which there is evidence proving they infringe another person's exclusive right to use a registered trademark may be sealed up or seized; <p>When the administrative department for industry and commerce exercises the powers prescribed in the preceding paragraph according to law, the parties concerned shall assist and cooperate and shall not refuse or obstruct.</p> <p>In the process of investigating and dealing with trademark infringement cases, where there is a dispute over trademark ownership or the right holder simultaneously initiates trademark infringement litigation in a people's court, the administrative department for industry and commerce may suspend the investigation and handling of the case. Upon elimination of the cause for suspension, the investigation and handling procedure shall be resumed or terminated.</p>	<p>suspected illegality obtained or complaints/reports received, the department responsible for trademark law enforcement may exercise the following powers:</p> <ol style="list-style-type: none"> (1) Inquiring of the relevant parties concerned and investigating circumstances related to infringement of another person's exclusive right to use a registered trademark; (2) Consulting and copying contracts, invoices, account books, vouchers, documents, records, business correspondence, audio-visual materials, electronic data, and other relevant materials of the parties concerned related to the infringing activities; (3) Conducting on-site inspection of the premises where the parties concerned are suspected of engaging in activities infringing another person's exclusive right to use a registered trademark; (4) Inspecting articles related to the infringing activities; articles for which there is evidence proving they infringe another person's exclusive right to use a registered trademark may be sealed up or seized; (5) Where evidence may be destroyed or lost or difficult to obtain later, it may be preserved in advance. <p>When the department responsible for trademark law enforcement exercises the powers prescribed in the preceding paragraph according to law, the parties concerned shall assist and cooperate and shall not refuse or obstruct.</p> <p>In the process of investigating and dealing with trademark infringement cases, where there is a dispute over trademark ownership or the right holder simultaneously initiates trademark infringement litigation in a people's court, the department responsible for trademark law enforcement may suspend the investigation and handling of the case. Upon elimination of the cause for suspension, the investigation and handling procedure shall be resumed or terminated.</p>
<p>Article 63 The amount of compensation for infringement of the exclusive right to use a trademark shall be determined based on the actual losses suffered by the right holder as a result of the infringement; if it is difficult to determine the actual losses, the amount of compensation may be determined</p>	<p>Article 74 The amount of compensation for infringement of the exclusive right to use a trademark shall be determined on the basis of the actual losses suffered by the right holder as a result of the infringement or the benefits obtained by the infringer as a result of the infringement. Where it is difficult to determine</p>

Current Law	Revised Draft
<p>according to the benefits obtained by the infringer as a result of the infringement; where it is difficult to determine the losses of the right holder or the benefits obtained by the infringer, it may be reasonably determined by reference to the multiple of the trademark license fee. . For bad faith infringement of exclusive trademark rights where the circumstances are serious, the amount of compensation may be determined between one time and five times the amount determined according to the above methods. The amount of compensation shall include the reasonable expenses paid by the right holder to stop the infringement.</p> <p>For the purpose of determining the amount of compensation, where the right holder has tried its best to provide evidence and the account books and materials related to the infringing act are mainly in the possession of the infringer, the people's court may order the infringer to provide the account books and materials related to the infringing act. Where the infringer does not provide or provides false account books and materials, the people's court may determine the amount of compensation by referring to the claims and evidence provided by the right holder.</p> <p>Where it is difficult to determine the actual losses suffered by the right holder as a result of the infringement, the benefits obtained by the infringer as a result of the infringement, or the registered trademark license fee, the people's court shall award compensation of up to 5,000,000 yuan based on the circumstances of the infringement.</p> <p>When hearing trademark dispute cases, the people's court shall, upon the request of the right holder, order the destruction of goods that are counterfeit registered trademark goods, except under special circumstances; order the destruction of materials and tools mainly used for manufacturing counterfeit registered trademark goods, without compensation; or, under special circumstances, order the prohibition of the aforementioned materials and tools from entering commercial channels, without compensation.</p> <p>Counterfeit registered trademark goods may not enter commercial channels after merely removing the counterfeit registered trademark.</p>	<p>the losses of the right holder or the benefits obtained by the infringer, it may be reasonably determined by reference to the multiple of the trademark license fee. For intentional infringement of exclusive trademark rights where the circumstances are serious, the amount of compensation may be determined between one time and five times the amount determined according to the above methods.</p> <p>For the purpose of determining the amount of compensation, where the right holder has tried its best to provide evidence and the account books and materials related to the infringing act are mainly in the possession of the infringer, the people's court may order the infringer to provide the account books and materials related to the infringing act. Where the infringer does not provide or provides false account books and materials, the people's court may determine the amount of compensation by referring to the claims and evidence provided by the right holder.</p> <p>Where it is difficult to determine the actual losses suffered by the right holder as a result of the infringement, the benefits obtained by the infringer as a result of the infringement, or the registered trademark license fee, the people's court shall award compensation of up to 5,000,000 yuan based on the circumstances of the infringement.</p> <p>The amount of compensation shall also include the reasonable expenses paid by the right holder to stop the infringement.</p> <p>When hearing trademark dispute cases, the people's court shall, upon the request of the right holder, order the destruction of goods that are counterfeit registered trademark goods, except under special circumstances; order the destruction of materials and tools mainly used for manufacturing counterfeit registered trademark goods, without compensation; or, under special circumstances, order the prohibition of the aforementioned materials and tools from entering commercial channels, without compensation.</p> <p>Counterfeit registered trademark goods may not enter commercial channels after merely removing the counterfeit registered trademark.</p>
<p>Article 64 Where the exclusive right holder of a registered trademark claims compensation, and the alleged infringer raises a defense that the exclusive right holder has not used the registered trademark, the</p>	<p>Article 75 Where the exclusive right holder of a registered trademark claims compensation, and the alleged infringer raises a defense that the exclusive right holder has not used the registered trademark, the</p>

Current Law	Revised Draft
<p>people's court may require the exclusive right holder to provide evidence of actual use of the registered trademark within the past three years. If the exclusive right holder of the registered trademark cannot prove actual use of the registered trademark within the preceding three years, nor prove other losses suffered due to the infringement, the alleged infringer shall not bear compensation liability.</p> <p>A seller who sells goods infringing the exclusive right to use a registered trademark without knowledge and can prove that the goods were obtained legally and identify the supplier shall not bear compensation liability.</p>	<p>people's court may require the exclusive right holder to provide evidence of actual use of the registered trademark within three years before filing the lawsuit. If the exclusive right holder of the registered trademark cannot prove actual use of the registered trademark within the preceding three years, nor prove other losses suffered due to the infringement, the alleged infringer shall not bear compensation liability.</p> <p>A seller who sells goods infringing the exclusive right to use a registered trademark without knowledge and can prove that the goods were obtained legally and identify the supplier shall not bear compensation liability.</p>
<p>Article 65 Where a trademark registrant or interested party has evidence proving that another person is committing or is about to commit an act infringing its exclusive right to use a registered trademark and that failure to stop it in time will cause irreparable harm to its lawful rights and interests, it may, according to law, apply to a people's court before filing a lawsuit for measures ordering the cessation of relevant acts and property preservation.</p>	<p>Article 76 Where a trademark registrant or interested party has evidence proving that another person is committing or is about to commit an act infringing its exclusive right to use a registered trademark and that failure to stop it in time will cause irreparable harm to its lawful rights and interests, it may, according to law, apply to a people's court before filing a lawsuit for measures ordering the cessation of relevant acts and property preservation.</p>
<p>Article 66 For the purpose of stopping infringement, where evidence may be destroyed or lost or difficult to obtain later, the trademark registrant or interested party may, according to law, apply to a people's court before filing a lawsuit for evidence preservation.</p>	<p>Article 77 For the purpose of stopping infringement, where evidence may be destroyed or lost or difficult to obtain later, the trademark registrant or interested party may, according to law, apply to a people's court before filing a lawsuit for evidence preservation.</p>
<p>Paragraph 4 of Article 68 For bad faith application of the trademark registration, administrative punishment such as warnings and fines shall be imposed based on the circumstances; for bad faith initiation of trademark litigation, the people's court shall impose punishment according to law.</p>	<p>Article 78 For bad faith initiation of trademark litigation, the people's court shall impose punishment according to law. If losses are caused to the other party, civil liability shall be borne according to law.</p>
<p>Article 69 Employees of state organs engaged in trademark registration, administration, and review work must enforce the law impartially, maintain integrity and self-discipline, be loyal to their duties, and provide civilized service.</p> <p>Employees of state organs working in the trademark office and the trademark review and adjudication board or engaged in trademark registration, administration, and review work shall not engage in trademark agency business or goods production and business operations.</p>	<p>Article 79 Public officials engaged in trademark registration, administration, law enforcement, and other work must enforce the law impartially, maintain integrity and self-discipline, be loyal to their duties, and provide civilized service.</p> <p>The departments responsible for trademark registration and administration, the departments responsible for trademark law enforcement, and public officials engaged in trademark registration, administration, law enforcement, and other work shall not engage in</p>

Current Law	Revised Draft
	trademark agency business or goods production and business operations.
Article 70 Administrative departments or industry and commerce shall establish and improve internal supervision systems to supervise and inspect the implementation of laws and administrative regulations and compliance with discipline by state organ employees engaged in trademark registration, administration, and review work .	Article 80 The departments responsible for trademark registration and administration and the departments responsible for trademark law enforcement shall establish and improve internal supervision systems to supervise and inspect the implementation of laws and administrative regulations and compliance with discipline by public officials engaged in trademark registration, administration, law enforcement , and other work.
Article 71 State organ employees engaged in trademark registration, administration, and review work who neglect their duties, abuse their powers, engage in malpractice for personal gain, or illegally handle trademark registration, administration, and review matters, accept money or things of value from parties concerned, or seek improper interests, which constitute crimes, shall be held criminally liable in accordance with law. Where the case does not constitute a crime, he shall be given sanctions in accordance with law.	Article 81 Public officials engaged in trademark registration, administration, law enforcement , and other work who neglect their duties, abuse their powers, engage in malpractice for personal gain, or illegally handle trademark registration, administration, law enforcement , and other matters shall be given sanctions according to law.
Article 67 In the case of using, without licensing from the registrant of trademark, an identical trademark on the same kind of goods, which constitutes a crime, criminal liability shall be pursued according to law in addition to imposition of compensation for losses suffered by the infringed. In the case of counterfeiting or making without authorization the representations of another person's registered trademark or sells such representations, which constitutes a crime, criminal liability shall be born in accordance with law in addition to imposition of compensation for losses suffered by the infringed. In the case of knowingly selling goods bearing counterfeit registered trademarks, which constitutes a crime, criminal liability shall be born in accordance with law in addition to imposition of compensation for losses suffered by the infringed.	Article 82 Where a violation of this Law constitutes a crime, criminal liability shall be pursued according to law.
Chapter VIII: Supplementary Provisions	Chapter IX: Supplementary Provisions
Article 72 Fees shall be paid for applying for trademark registration and handling other trademark matters.	Article 83 Fees shall be paid for applying for trademark registration and handling other trademark matters.

Current Law	Revised Draft
Specific charging standards shall be separately prescribed.	Specific charging standards shall be separately prescribed.
Article 73 This Law come into force on March 1, 1983. The Regulations on Trademark Administration promulgated by the State Council on April 10, 1963 shall be revoked simultaneously, and other regulations concerning trademark administration that conflict with the provisions of this Law shall be nullified at the same time. Trademarks already registered before the implementation of this Law shall continue to be valid.	Article 84 This Law shall come into force on ** year ** month ** day. Trademarks already registered before the implementation of this Law shall continue to be valid.