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中华人民共和国商标法（2026修订）

Trademark Law of the People's Republic of China (2026 Revision)

时效性： 尚未生效

Validity: Not Yet Effective

发文机关： 全国人大常委会

Issuing Authority: Standing Committee of the National People's Congress

文号： 主席令第七十七号

Document No.: Order of the President No. 77

发文日期： 2026年06月26日

Date of Issuance: June 26, 2026

施行日期： 2027年01月01日

Effective Date: January 1, 2027

效力级别： 法律

Hierarchy: Law

《中华人民共和国商标法》已由中华人民共和国第十四届全国人民代表大会常务委员会第二十三次会议于2026年6月26日修订通过，现予公布，自2027年1月1日起施行。

The Trademark Law of the People's Republic of China, as revised and adopted at the 23rd Meeting of the Standing Committee of the Fourteenth National People's Congress of the People's Republic of China on June 26, 2026, is hereby promulgated and shall come into force on January 1, 2027.

中华人民共和国主席　习近平

Xi Jinping, President of the People's Republic of China

2026年6月26日

June 26, 2026

中华人民共和国商标法

Trademark Law of the People's Republic of China

（1982年8月23日第五届全国人民代表大会常务委员会第二十四次会议通过　根据1993年2月22日第七届全国人民代表大会常务委员会第三十次会议《关于修改〈中华人民共和国商标法〉的决定》第一次修正　根据2001年10月27日第九届全国人民代表大会常务委员会第二十四次会议《关于修改〈中华人民共和国商标法〉的决定》第二次修正　根据2013年8月30日第十二届全国人民代表大会常务委员会第四次会议《关于修改〈中华人民共和国商标法〉的决定》第三次修正　根据2019年4月23日第十三届全国人民代表大会常务委员会第十次会议《关于修改〈中华人民共和国建筑法〉等八部法律的决定》第四次修正　2026年6月26日第十四届全国人民代表大会常务委员会第二十三次会议修订）

(Adopted at the 24th Meeting of the Standing Committee of the Fifth National People's Congress on August 23, 1982; amended for the first time in accordance with the Decision of the 30th Meeting of the Standing Committee of the Seventh National People's Congress on February 22, 1993 on Amending the Trademark Law of the People's Republic of China; amended for the second time in accordance with the Decision of the 24th Meeting of the Standing Committee of the Ninth National People's Congress on October 27, 2001 on Amending the

Trademark Law of the People's Republic of China; amended for the third time in accordance with the Decision of the 4th Meeting of the Standing Committee of the Twelfth National People's Congress on August 30, 2013 on Amending the Trademark Law of the People's Republic of China; amended for the fourth time in accordance with the Decision of the 10th Meeting of the Standing Committee of the Thirteenth National People's Congress on April 23, 2019 on Amending Eight Laws including the Construction Law of the People's Republic of China; and revised at the 23rd Meeting of the Standing Committee of the Fourteenth National People's Congress on June 26, 2026)

第一章　总　则

Chapter I General Provisions

第一条　为了保护注册商标专用权，加强商标管理，规范商标的注册与使用，促使生产经营者保证商品和服务质量，维护商标信誉，保障消费者和生产经营者的利益，促进社会主义市场经济健康发展，制定本法。

Article 1 This Law is enacted for the purposes of protecting the exclusive right to use registered trademarks, strengthening trademark administration, regulating the registration and use of trademarks, encouraging producers and business operators to guarantee the quality of goods and services, maintaining the reputation of trademarks, safeguarding the interests of consumers and of producers and business operators, and promoting the sound development of the socialist market economy.

第二条　本法所称商标，是指用以识别和区分商品或者服务来源的标志，包括商品商标和服务商标。本法有关商品商标的规定，适用于服务商标。

Article 2 For the purposes of this Law, the term "trademark" means a sign used to identify and distinguish the source of goods or services, including trademarks for goods and service marks. The provisions of this Law concerning trademarks for goods shall apply to service marks.

本法所称商标的使用，是指将商标用于商品、商品包装或者容器以及商品交易文书上，或者将商标用于广告宣传、展览以及其他商业活动中，用于识别和区分商品来源的行为。

For the purposes of this Law, the use of a trademark means the act of using a trademark on goods, on the packaging or containers of goods and on transaction documents for goods, or using a trademark in advertising, exhibitions and other commercial activities, for identifying and distinguishing the source of goods.

前款所称商标的使用，包括通过互联网等信息网络实施的使用行为。

The use of a trademark mentioned in the preceding paragraph includes use carried out through the internet and other information networks.

第三条　商标工作应当贯彻党和国家知识产权战略部署，提升商标保护、运用、管理和服务水平。

Article 3 Trademark work shall implement the intellectual property strategic plans of the Party and the State, and raise the level of trademark protection, utilization, administration and services.

第四条　国务院商标管理部门负责全国商标注册、管理工作。县级以上地方人民政府管理商标工作的部门负责本行政区域的商标管理工作。

Article 4 The trademark administration department under the State Council shall be responsible for trademark registration and administration work nationwide. The departments in charge of trademark work of the local people's governments at or above the county level shall be responsible for the trademark administration work within their respective administrative regions.

县级以上人民政府承担商标执法职能的部门按照职责权限负责商标执法工作。

The departments assuming trademark law enforcement functions of the people's governments at or above the county level shall be responsible for trademark law enforcement work according to their functions and powers.

负责商标注册、管理工作的部门和负责商标执法的部门建立工作机制，加强信息共享和工作协调。

The departments responsible for trademark registration and administration work and the departments in charge of trademark law enforcement shall establish working mechanisms and strengthen information sharing and work coordination.

第五条　经国务院商标管理部门核准注册的商标为注册商标，商标注册人有权标明“注册商标”或者注册标记，享有注册商标专用权，受法律保护。

Article 5 A trademark approved and registered by the trademark administration department under the State Council is a registered trademark. The trademark registrant has the right to mark the words "registered trademark" or a registration symbol, enjoys the exclusive right to use the registered trademark, and is protected by law.

自然人、法人或者非法人组织在生产经营活动中，对其商品或者服务需要取得注册商标专用权的，应当向国务院商标管理部门申请商标注册。

Where a natural person, legal person or unincorporated organization, in the course of production or business operations, needs to acquire the exclusive right to use a registered trademark for its goods or services, it shall apply to the trademark administration department under the State Council for trademark registration.

第六条　本法所称集体商标，是指以行业协会等社会团体或者其他组织名义注册，供该组织成员在商事活动中使用，以表明使用者在该组织中的成员资格的标志。

Article 6 For the purposes of this Law, the term "collective mark" means a sign registered in the name of a social organization such as an industry association or another organization, for use by members of that organization in commercial activities, to indicate the user's membership in the organization.

本法所称证明商标，是指由对某种商品或者服务具有监督能力的组织所控制，而由该组织以外的单位或者个人使用于其商品或者服务，用以证明该商品或者服务的原产地、原料、制造方法、质量或者其他特定品质的标志。

For the purposes of this Law, the term "certification mark" means a sign controlled by an organization having the ability to supervise a certain kind of goods or services and used by entities or individuals other than that organization on their goods or services, to certify the place of origin, raw materials, manufacturing method, quality or other specific qualities of the goods or services.

集体商标、证明商标注册和管理的特殊事项，由国务院商标管理部门规定。

Special matters concerning the registration and administration of collective marks and certification marks shall be prescribed by the trademark administration department under the State Council.

第七条　两个以上的自然人、法人或者非法人组织可以共同向国务院商标管理部门申请注册同一商标，共同享有和行使该注册商标专用权。

Article 7 Two or more natural persons, legal persons or unincorporated organizations may jointly apply to the trademark administration department under the State Council for the registration of the same trademark, and jointly enjoy and exercise the exclusive right to use that registered trademark.

第八条　法律、行政法规规定必须使用注册商标的商品，应当申请商标注册，未经核准注册的，不得在市场销售。

Article 8 For goods for which a registered trademark must be used as prescribed by laws or administrative regulations, an application for trademark registration shall be filed; goods for which registration has not been approved may not be sold on the market.

第九条　申请注册和使用商标，应当遵循诚信原则，不得滥用权利损害国家利益、社会公共利益或者他人合法权益。

Article 9 Applications for trademark registration and the use of trademarks shall follow the principle of good faith, and rights may not be abused to harm the interests of the State, social and public interests, or the lawful rights and interests of others.

商标使用人应当对其使用商标的商品质量负责。各级负责商标管理工作、商标执法的部门应当依法加强商标管理和执法，制止欺骗消费者的行为。

Trademark users shall be responsible for the quality of the goods on which they use their trademarks. The departments in charge of trademark administration work and trademark law enforcement at all levels shall, in accordance with the law, strengthen trademark administration and law enforcement, and stop acts that deceive consumers.

第十条　申请商标注册或者办理其他商标事宜，可以自行办理，也可以委托依法设立的商标代理机构办理。

Article 10 An application for trademark registration or other trademark matters may be handled by the applicant itself or by a trademark agency established in accordance with the law entrusted thereby.

第十一条　外国人、外国企业或者外国其他组织在中国申请商标注册的，应当按其所属国和中华人民共和国签订的协议或者共同参加的国际条约办理，或者按对等原则办理。

Article 11 A foreigner, foreign enterprise or other foreign organization applying for trademark registration in China shall do so in accordance with the agreement concluded between the country to which it belongs and the People's Republic of China or the international treaty to which both are parties, or in accordance with the principle of reciprocity.

在中国没有经常居所或者营业所的外国人、外国企业或者外国其他组织在中国申请商标注册和办理其他商标事宜的，应当委托依法设立的商标代理机构办理。

A foreigner, foreign enterprise or other foreign organization having no habitual residence or business establishment in China that applies for trademark registration or handles other trademark matters in China shall entrust a trademark agency established in accordance with the law to act on its behalf.

第十二条　商标国际注册遵循中华人民共和国缔结或者参加的有关国际条约确立的制度，具体办法由国务院规定。

Article 12 International registration of trademarks shall follow the system established by the relevant international treaties concluded or acceded to by the People's Republic of China, and the specific measures shall be prescribed by the State Council.

第十三条　国务院商标管理部门加强信息化、智能化商标公共服务体系建设，提升商标业务办理的便利化程度，完整、准确、及时发布商标信息，提高商标信息服务和管理水平。

Article 13 The trademark administration department under the State Council shall strengthen the building of an information-based and intelligent public trademark service system, make trademark matters more convenient to handle, publish trademark information completely, accurately and in a timely manner, and improve the level of trademark information services and administration.

第二章　商标注册的条件

Chapter II Requirements for Trademark Registration

第十四条　任何能够将自然人、法人或者非法人组织的商品与他人的商品区别开的标志，包括文字、图形、字母、数字、三维标志、颜色组合、声音、动态标志等，以及上述要素的组合，均可以作为商标申请注册。

Article 14 Any sign capable of distinguishing the goods of a natural person, legal person or unincorporated organization from those of others, including words, devices, letters, numerals, three-dimensional signs, color

combinations, sounds, dynamic signs and the like, as well as combinations of the foregoing elements, may be applied for registration as a trademark.

第十五条　下列标志不得作为商标注册和使用：

Article 15 None of the following signs may be registered or used as a trademark:

（一）同中国共产党的名称、党旗、党徽、勋章或者重要理论成就、历史事件相关的标志性要素等相同或者近似的；

(1) those identical with or similar to the name, flag, emblem or medals of the Communist Party of China, or iconic elements relating to important theoretical achievements or historical events, and the like;

（二）同中华人民共和国的国家名称、国旗、国徽、国歌、军旗、军徽、军歌、勋章等相同或者近似的，以及同中央和国家机关的名称、标志、所在地特定地点的名称或者标志性建筑物的名称、图形相同的；

(2) those identical with or similar to the State name, national flag, national emblem, national anthem, military flag, military emblem or military anthem of the People's Republic of China, or medals and the like, and those identical with the name or sign of a central or State organ, the name of the specific place where it is located, or the name or device of a landmark building;

（三）同外国的国家名称、国旗、国徽、军旗等相同或者近似的，但经该国政府同意的除外；

(3) those identical with or similar to the State name, national flag, national emblem or military flag of a foreign country, except with the consent of the government of that country;

（四）同政府间国际组织的名称、旗帜、徽记等相同或者近似的，但经该组织同意或者不易误导公众的除外；

(4) those identical with or similar to the name, flag or emblem of an intergovernmental international organization, except with the consent of that organization or where the public is unlikely to be misled;

（五）与表明实施控制、予以保证的官方标志、检验印记相同或者近似的，但经授权的除外；

(5) those identical with or similar to an official sign or inspection hallmark that indicates control or guarantee, except with authorization;

（六）同“红十字”、“红新月”的名称、标志相同或者近似的；

(6) those identical with or similar to the name or sign of the Red Cross or the Red Crescent;

（七）带有民族歧视性的；

(7) those discriminating against any ethnic group;

（八）带有欺骗性，容易使公众对商品的质量、工艺、原料等特点或者产地产生误认的；

(8) those that are deceptive and likely to mislead the public with regard to the quality, craftsmanship, raw materials or other characteristics or the place of origin of the goods;

（九）违背公序良俗或者有其他不良影响的。

(9) those contrary to public order and good morals or having other adverse effects.

第十六条　县级以上行政区划名称或者公众知晓的外国地名，不得作为商标注册和使用。但是，地名具有其他含义或者作为集体商标、证明商标组成部分的除外；已经注册的使用地名的商标继续有效。

Article 16 Names of administrative divisions at or above the county level or foreign place names known to the public may not be registered or used as trademarks, except where the place name has another meaning or forms part of a collective mark or certification mark; registered trademarks in which place names are used shall remain valid.

国家公园标志、奥林匹克标志、特殊标志等标志作为商标注册和使用的，依照本法和有关法律、行政法规的规定执行。

Where signs such as national park signs, Olympic symbols or special signs are registered or used as trademarks, the provisions of this Law and relevant laws and administrative regulations shall apply.

第十七条　申请注册的商标，应当有显著特征，便于识别。下列标志不得作为商标注册：

Article 17 A trademark applied for registration shall have distinctive features and be easy to identify. None of the following signs may be registered as a trademark:

（一）仅有本商品的通用名称、图形、型号的；

(1) those consisting only of the generic name, device or model number of the goods concerned;

（二）仅直接表示商品的质量、主要原料、功能、用途、重量、数量及其他特点的；

(2) those consisting only of a direct indication of the quality, main raw materials, function, use, weight, quantity or other characteristics of the goods;

（三）其他缺乏显著特征的。

(3) those otherwise lacking distinctive features.

前款所列标志经过使用取得显著特征，并便于识别的，可以作为商标注册。

A sign listed in the preceding paragraph that has acquired distinctive features through use and is easy to identify may be registered as a trademark.

第十八条　以三维标志、颜色组合、声音、动态标志等申请注册商标的，仅由商品自身的性质产生的、为获得技术效果而需有的或者使商品具有实质性价值的形状、颜色组合、声音、动态效果等，不得注册为商标。

Article 18 Where a three-dimensional sign, color combination, sound, dynamic sign or the like is applied for registration as a trademark, a shape, color combination, sound or dynamic effect that results solely from the nature of the goods themselves, is necessary for achieving a technical effect, or gives substantial value to the goods may not be registered as a trademark.

第十九条　不以使用为目的，且明显超出正常生产经营需要申请商标注册的，不予注册。

Article 19 An application for trademark registration that is not filed for the purpose of use and obviously exceeds the needs of normal production and business operations shall not be approved for registration.

不得以欺骗或者其他不正当手段申请商标注册。

No application for trademark registration may be filed by fraudulent or other improper means.

第二十条　申请注册的商标，不得同他人在同一种商品或者类似商品上已经注册或者在先申请的商标相同或者近似。

Article 20 A trademark applied for registration may not be identical with or similar to another person's trademark already registered or applied for earlier on the same kind of goods or similar goods.

第二十一条　就相同或者类似商品申请注册的商标是复制、摹仿或者翻译他人未在中国注册的驰名商标，容易导致混淆的，不予注册并禁止使用。

Article 21 Where a trademark applied for registration on identical or similar goods is a copy, imitation or translation of another person's well-known trademark not registered in China and is likely to cause confusion, it shall not be approved for registration and its use shall be prohibited.

就不相同或者不相类似商品申请注册的商标是复制、摹仿或者翻译他人的驰名商标，误导公众，致使该驰名商标持有人的利益可能受到损害的，不予注册并禁止使用。

Where a trademark applied for registration on non-identical or dissimilar goods is a copy, imitation or translation of another person's well-known trademark, misleading the public so that the interests of the holder of the well-known trademark are likely to be harmed, it shall not be approved for registration and its use shall be prohibited.

第二十二条　未经授权，代理人或者代表人以自己的名义将被代理人或者被代表人的商标进行注册，被代理人或者被代表人提出异议的，不予注册并禁止使用。

Article 22 Where, without authorization, an agent or representative registers in its own name the trademark of the principal or the represented party, and the principal or the represented party raises an opposition, the trademark shall not be approved for registration and its use shall be prohibited.

就同一种商品或者类似商品申请注册的商标与他人在先使用的未注册商标相同或者近似，申请人与该他人具有前款规定以外的合同、业务往来关系或者其他关系而明知该他人商标存在，该他人提出异议的，不予注册。

Where a trademark applied for registration on the same kind of goods or similar goods is identical with or similar to another person's unregistered trademark previously used by another person, and the applicant, having a contractual or business relationship or other relationship with that person other than as prescribed in the preceding paragraph, clearly knew of the existence of that person's trademark, and that person raises an opposition, the trademark shall not be approved for registration.

第二十三条　商标中有商品的地理标志，而该商品并非来源于该标志所标示的地区，误导公众的，不予注册并禁止使用；但是，已经善意取得注册的继续有效。

Article 23 Where a trademark contains a geographical indication of goods but the goods do not originate from the region indicated by that sign, thus misleading the public, the trademark shall not be approved for registration and its use shall be prohibited; however, those already registered in good faith shall remain valid.

前款所称地理标志，是指标示某商品来源于某地区，该商品的特定质量、信誉或者其他特征，主要由该地区的自然因素或者人文因素所决定的标志。

The geographical indication mentioned in the preceding paragraph means a sign indicating that certain goods originate from a certain region and that the specific quality, reputation or other characteristics of the goods are mainly determined by the natural or human factors of that region.

第二十四条　申请商标注册不得损害他人现有的在先合法权益，也不得故意抢先注册他人已经使用并有一定影响的商标。

Article 24 An application for trademark registration may not impair the existing prior lawful rights and interests of others, nor may a trademark already used by another person and having a certain influence be deliberately preemptively registered.

第二十五条　商标代理机构除对其代理服务申请商标注册外，不得申请注册其他商标。

Article 25 A trademark agency may not apply for the registration of trademarks other than those for its own agency services.

第三章　商标注册的申请

Chapter III Application for Trademark Registration

第二十六条　商标注册申请人应当按规定的商品分类表填报使用商标的商品类别和商品名称，提出注册申请。

Article 26 An applicant for trademark registration shall fill in the class and name of the goods on which the trademark is to be used in accordance with the prescribed classification table of goods, and file an application for registration.

商标注册申请人可以通过一份申请就多个类别的商品申请注册同一商标。

An applicant for trademark registration may apply for registration of the same trademark for goods in multiple classes through a single application.

商标注册申请等有关文件，应当以书面形式提出。以电子数据交换等方式能够有形地表现所载内容，并可以随时调取查用的数据电文，视为书面形式。

Documents relating to trademark registration applications and the like shall be filed in writing. A data message, such as one in the form of electronic data interchange, that can tangibly represent its content and can be retrieved and used at any time shall be deemed to be in writing.

第二十七条　注册商标需要在核定使用范围之外的商品上取得注册商标专用权的，应当另行提出注册申请。

Article 27 Where a registered trademark needs to acquire the exclusive right to use the registered trademark on goods beyond the approved scope of use, a separate application for registration shall be filed.

第二十八条　注册商标需要改变其标志的，应当重新提出注册申请。

Article 28 Where a registered trademark needs to have its sign changed, a new application for registration shall be filed.

第二十九条　商标注册申请人自其商标在外国第一次提出商标注册申请之日起六个月内，又在中国就相同商品以同一商标提出商标注册申请的，依照该外国同中国签订的协议或者共同参加的国际条约，或者按照相互承认优先权的原则，可以享有优先权。

Article 29 Where an applicant for trademark registration, within six months from the date on which it first files an application for trademark registration in a foreign country, files an application in China for registration of the same trademark on identical goods, it may enjoy the right of priority in accordance with the agreement concluded between that foreign country and China or the international treaty to which both are parties, or in accordance with the principle of mutual recognition of the right of priority.

依照前款要求优先权的，应当在提出商标注册申请的时候提出书面声明，并且在三个月内提交第一次提出的商标注册申请文件的副本；未提出书面声明或者逾期未提交商标注册申请文件副本的，视为未要求优先权。

To claim the right of priority in accordance with the preceding paragraph, the applicant shall make a written declaration at the time of filing the trademark registration application and submit, within three months, a copy of the trademark registration application documents of the first filing; where no written declaration is made or the copy of the trademark registration application documents is not submitted within the time limit, the applicant shall be deemed not to have claimed the right of priority.

第三十条　商标在中国政府主办的或者承认的国际展览会展出的商品上首次使用的，自该商品展出之日起六个月内，该商标的注册申请人可以享有优先权。

Article 30 Where a trademark is first used on goods exhibited at an international exhibition sponsored or recognized by the Chinese Government, the applicant for registration of that trademark may enjoy the right of priority within six months from the date on which the goods are exhibited.

依照前款要求优先权的，应当在提出商标注册申请的时候提出书面声明，并且在三个月内提交展出其商品的展览会名称、在展出商品上使用该商标的证据、展出日期等证明文件；未提出书面声明或者逾期未提交证明文件的，视为未要求优先权。

To claim the right of priority in accordance with the preceding paragraph, the applicant shall make a written declaration at the time of filing the trademark registration application and submit, within three months, supporting documents such as the name of the exhibition at which its goods were displayed, evidence of the use of the trademark on the exhibited goods, and the date of the exhibition; where no written declaration is made or the supporting documents are not submitted within the time limit, the applicant shall be deemed not to have claimed the right of priority.

第三十一条　为申请商标注册所申报的事项和所提供的材料应当真实、准确、完整。

Article 31 The matters declared and the materials provided for an application for trademark registration shall be true, accurate and complete.

第四章　商标注册的审查和核准

Chapter IV Examination and Approval of Trademark Registration

第三十二条　对申请注册的商标，国务院商标管理部门应当自收到商标注册申请文件之日起九个月内审查完毕，符合本法有关规定的，予以初步审定公告。

Article 32 For a trademark applied for registration, the trademark administration department under the State Council shall complete its examination within nine months from the date of receipt of the trademark registration application documents, and if it conforms to the relevant provisions of this Law, give preliminary approval and announce it.

第三十三条　在审查过程中，国务院商标管理部门认为商标注册申请内容需要说明或者修正的，可以要求申请人作出说明或者修正。申请人未作出说明或者修正的，不影响国务院商标管理部门作出审查决定。

Article 33 In the course of examination, where the trademark administration department under the State Council considers that the content of a trademark registration application needs explanation or correction, it may require the applicant to make such explanation or correction. Failure of the applicant to make an explanation or correction shall not affect the trademark administration department under the State Council from making an examination decision.

第三十四条　申请注册的商标，凡不符合本法有关规定的，由国务院商标管理部门驳回申请，不予公告。

Article 34 Where a trademark applied for registration does not conform to the relevant provisions of this Law, the trademark administration department under the State Council shall reject the application and shall not announce it.

第三十五条　两个或者两个以上的商标注册申请人，在同一种商品或者类似商品上，以相同或者近似的商标申请注册的，初步审定并公告申请在先的商标；同一天申请的，初步审定并公告使用在先的商标，驳回其他人的申请，不予公告。

Article 35 Where two or more applicants for trademark registration apply for registration of identical or similar trademarks on the same kind of goods or similar goods, the trademark applied for first shall be preliminarily approved and announced; where the applications are filed on the same day, the trademark used first shall be preliminarily approved and announced, and the applications of the others shall be rejected and not announced.

第三十六条　对初步审定公告的商标，自公告之日起二个月内，在先权利人、利害关系人认为违反本法第二十条至第二十二条、第二十三条第一款、第二十四条规定的，或者任何人认为违反本法第十五条、第十六条第一款、第十七条至第十九条、第二十五条规定的，可以向国务院商标管理部门提出异议。公告期满无异议的，予以核准注册，发给商标注册证，并予公告。

Article 36 For a trademark preliminarily approved and announced, within two months from the date of announcement, a prior right holder or an interested party that considers it in violation of the provisions of Articles 20 through 22, the first paragraph of Article 23 or Article 24 of this Law, or any person that considers it in violation of the provisions of Article 15, the first paragraph of Article 16, Articles 17 through 19 or Article 25 of this Law, may raise an opposition to the trademark administration department under the State Council. Where no opposition is raised upon the expiration of the announcement period, the trademark shall be approved for registration, a trademark registration certificate shall be issued, and the registration shall be announced.

第三十七条　对驳回申请、不予公告的商标，国务院商标管理部门应当书面通知商标注册申请人。商标注册申请人不服的，可以自收到通知之日起十五日内向国务院商标管理部门申请复审。国务院商标管理

部门应当自收到申请之日起九个月内作出决定，并书面通知申请人。有特殊情况需要延长的，经国务院商标管理部门负责人批准，可以延长三个月。当事人对复审决定不服的，可以自收到通知之日起三十日内向人民法院起诉。

Article 37 For a trademark whose application is rejected and not announced, the trademark administration department under the State Council shall notify the applicant for trademark registration in writing. Where the applicant is not satisfied, it may, within fifteen days from the date of receipt of the notification, apply to the trademark administration department under the State Council for reexamination. The trademark administration department under the State Council shall make a decision within nine months from the date of receipt of the application and notify the applicant in writing. Where special circumstances require an extension, the extension may be three months upon approval by the person in charge of the trademark administration department under the State Council. Where a party is not satisfied with the reexamination decision, it may, within thirty days from the date of receipt of the notification, bring a suit before a people's court.

第三十八条　对初步审定公告的商标提出异议的，国务院商标管理部门应当听取异议人和被异议人陈述事实和理由，经调查核实后，自公告期满之日起十二个月内作出是否准予注册的决定，并书面通知异议人和被异议人。有特殊情况需要延长的，经国务院商标管理部门负责人批准，可以延长六个月。

Article 38 Where an opposition is raised against a trademark preliminarily approved and announced, the trademark administration department under the State Council shall hear the facts and reasons stated by the opponent and the opposed party, and after investigation and verification, make a decision on whether to approve the registration within twelve months from the expiration of the announcement period, and notify the opponent and the opposed party in writing. Where special circumstances require an extension, the extension may be six months upon approval by the person in charge of the trademark administration department under the State Council.

国务院商标管理部门作出准予注册决定的，发给商标注册证，并予公告。异议人不服的，可以依照本法第五十条、第五十一条的规定向国务院商标管理部门请求宣告该注册商标无效。

Where the trademark administration department under the State Council makes a decision approving registration, it shall issue a trademark registration certificate and announce it. Where the opponent is not satisfied, it may, in accordance with the provisions of Article 50 and Article 51 of this Law, request the trademark administration department under the State Council to declare the registered trademark invalid.

国务院商标管理部门作出不予注册决定，被异议人不服的，可以自收到通知之日起十五日内申请复审。国务院商标管理部门应当自收到申请之日起十二个月内作出复审决定，并书面通知异议人和被异议人。有特殊情况需要延长的，经国务院商标管理部门负责人批准，可以延长六个月。被异议人对复审决定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知异议人作为第三人参加诉讼。

Where the trademark administration department under the State Council makes a decision not to approve registration and the opposed party is not satisfied, it may, within fifteen days from the date of receipt of the notification, apply for reexamination. The trademark administration department under the State Council shall make a reexamination decision within twelve months from the date of receipt of the application and notify the opponent and the opposed party in writing. Where special circumstances require an extension, the extension may be six months upon approval by the person in charge of the trademark administration department under the State Council. Where the opposed party is not satisfied with the reexamination decision, it may, within thirty days from the date of receipt of the notification, bring a suit before a people's court. The people's court shall notify the opponent to participate in the litigation as a third party.

第三十九条　法定期限届满，当事人对国务院商标管理部门作出的驳回申请决定、不予注册决定不申请复审，或者对复审决定不向人民法院起诉的，驳回申请决定、不予注册决定或者复审决定生效。

Article 39 Where, upon the expiration of the statutory time limit, a party does not apply for reexamination of the decision of the trademark administration department under the State Council to reject an application or not to approve registration, or does not bring a suit before a people's court against the reexamination decision, the decision to reject the application, the decision not to approve registration or the reexamination decision shall take effect.

经审查异议不成立而准予注册的商标，商标注册申请人取得注册商标专用权的时间自初步审定公告二个月期满之日起计算。自该商标公告期满之日起至准予注册决定作出前，对他人在同一种或者类似商品上使用与该商标相同或者近似的标志的行为不具有追溯力；但是，因该使用人的恶意给商标注册人造成的损失，应当给予赔偿。

For a trademark approved for registration upon examination finding the opposition untenable, the time at which the applicant for trademark registration acquires the exclusive right to use the registered trademark shall be computed from the date of expiration of the two-month period of the preliminary approval announcement. From the date of expiration of the announcement period of the trademark until the making of the decision approving registration, there shall be no retroactive effect against another person's use of a sign identical with or similar to the trademark on the same kind of or similar goods; however, losses caused to the trademark registrant by the user's malicious intent shall be compensated.

第四十条　对商标注册申请和商标复审申请，国务院商标管理部门应当及时进行审查。

Article 40 The trademark administration department under the State Council shall examine applications for trademark registration and applications for trademark reexamination in a timely manner.

申请人对前款规定的事宜可以申请撤回。

The applicant may apply to withdraw the matters prescribed in the preceding paragraph.

第四十一条　国务院商标管理部门在商标异议审查、驳回复审、不予注册复审和无效宣告案件审理过程中，所涉及的在先权益的确定必须以人民法院正在审理或者行政机关正在处理的另一案件的结果为依据的，可以中止审查审理。中止原因消除后，应当及时恢复审查审理程序。

Article 41 Where, in the course of examination of a trademark opposition, reexamination of a rejection, reexamination of non-approval of registration, or trial of an invalidation case conducted by the trademark administration department under the State Council, the determination of the prior rights and interests involved must be based on the outcome of another case being tried by a people's court or being handled by an administrative organ, the examination or trial may be suspended. After the grounds for suspension cease to exist, the examination or trial procedure shall be promptly resumed.

第四十二条　商标注册申请人或者注册人发现商标申请文件或者注册文件有明显错误的，可以申请更正。国务院商标管理部门依法在其职权范围内作出更正，并通知当事人。

Article 42 Where an applicant for trademark registration or a registrant finds an obvious error in the trademark application documents or registration documents, it may apply for correction. The trademark administration department under the State Council shall, in accordance with the law and within the scope of its functions and powers, make the correction and notify the party concerned.

前款所称更正错误不涉及商标申请文件或者注册文件的实质性内容。

The correction of an error mentioned in the preceding paragraph shall not involve the substantive content of the trademark application documents or registration documents.

第五章　注册商标的续展、变更、转让和注销

Chapter V Renewal, Modification, Assignment and Cancellation of Registered Trademarks

第四十三条　注册商标的有效期为十年，自核准注册之日起计算。

Article 43 The term of validity of a registered trademark is ten years, computed from the date of approval of registration.

第四十四条　注册商标有效期满，需要继续使用的，商标注册人应当在期满前十二个月内按照规定办理续展手续；在此期间未能办理的，可以给予六个月的宽展期。每次续展注册的有效期为十年，自该商标上一届有效期满次日起计算。宽展期满未办理续展手续的，注销其注册商标。

Article 44 Where a registered trademark needs to continue to be used upon the expiration of its term of validity, the trademark registrant shall complete the renewal formalities in accordance with the provisions within twelve months before the expiration; where it fails to do so within this period, a grace period of six months may be granted. The term of validity of each renewed registration is ten years, computed from the day following the expiration of the preceding term of validity of the trademark. Where the renewal formalities are not completed upon the expiration of the grace period, the registered trademark shall be cancelled.

国务院商标管理部门应当对续展注册的商标予以公告。

The trademark administration department under the State Council shall announce renewed trademark registrations.

第四十五条　注册商标需要变更注册人的名义、地址或者其他注册事项的，应当提出变更申请。

Article 45 Where a registered trademark needs to have the name, address or other registered matters of the registrant changed, an application for modification shall be filed.

第四十六条　转让注册商标的，转让人和受让人应当签订转让协议，并共同向国务院商标管理部门提出申请。受让人应当保证使用该注册商标的商品质量。

Article 46 To assign a registered trademark, the assignor and the assignee shall sign an assignment agreement and jointly file an application with the trademark administration department under the State Council. The assignee shall guarantee the quality of the goods on which the registered trademark is used.

转让注册商标的，商标注册人对其在同一种商品上注册的近似的商标，或者在类似商品上注册的相同或者近似的商标，应当一并转让。

To assign a registered trademark, the trademark registrant shall assign together with it the similar trademarks registered by it on the same kind of goods, or the identical or similar trademarks registered on similar goods.

对容易导致混淆或者有其他不良影响的转让，国务院商标管理部门不予核准，书面通知申请人并说明理由。

The trademark administration department under the State Council shall not approve an assignment that is likely to cause confusion or has other adverse effects, and shall notify the applicant in writing and state the reasons.

转让注册商标经核准后，予以公告。受让人自公告之日起享有注册商标专用权。

An assignment of a registered trademark shall be announced after approval. The assignee shall enjoy the exclusive right to use the registered trademark from the date of announcement.

第四十七条　转让集体商标、证明商标的，受让人应当具备相应的主体资格和监督能力。

Article 47 To assign a collective mark or a certification mark, the assignee shall possess the corresponding subject qualification and supervisory capability.

第四十八条　商标注册人申请注销其注册商标或者注销其商标在部分指定商品上的注册，经国务院商标管理部门核准注销的，予以公告；该注册商标专用权或者该注册商标专用权在该部分指定商品上的效力自公告之日起终止。

Article 48 Where a trademark registrant applies for cancellation of its registered trademark or the cancellation of the registration of its trademark on some of the designated goods, upon approval of the cancellation by the trademark administration department under the State Council, the cancellation shall be announced; the exclusive right to use the registered trademark or the effect of the exclusive right to use the registered trademark on those designated goods shall terminate from the date of announcement.

第四十九条　商标注册人申请注销其注册商标的，自注销公告之日起一年内，国务院商标管理部门对他人在同一种或者类似商品上与该商标相同或者近似的商标注册申请，不予核准。

Article 49 Where a trademark registrant applies for cancellation of its registered trademark, the trademark administration department under the State Council shall, within one year from the date of the cancellation announcement, not approve applications for registration of trademarks identical with or similar to that trademark on the same kind of or similar goods.

第六章　注册商标的无效宣告

Chapter VI Declaration of Invalidity of Registered Trademarks

第五十条　已经注册的商标，违反本法第十五条、第十六条第一款、第十七条至第十九条、第二十五条规定的，由国务院商标管理部门宣告该注册商标无效；其他单位或者个人可以请求国务院商标管理部门宣告该注册商标无效。

Article 50 Where a registered trademark violates the provisions of Article 15, the first paragraph of Article 16, Articles 17 through 19 or Article 25 of this Law, the trademark administration department under the State Council shall declare the registered trademark invalid; any other entity or individual may request the trademark administration department under the State Council to declare the registered trademark invalid.

国务院商标管理部门作出宣告注册商标无效的决定，应当书面通知当事人。当事人不服的，可以自收到通知之日起十五日内申请复审。国务院商标管理部门应当自收到申请之日起九个月内作出决定，并书面通知当事人。有特殊情况需要延长的，经国务院商标管理部门负责人批准，可以延长三个月。当事人对复审决定不服的，可以自收到通知之日起三十日内向人民法院起诉。

The trademark administration department under the State Council shall notify the party concerned in writing of its decision to declare a registered trademark invalid. Where the party is not satisfied, it may, within fifteen days from the date of receipt of the notification, apply for reexamination. The trademark administration department under the State Council shall make a decision within nine months from the date of receipt of the application and notify the party in writing. Where special circumstances require an extension, the extension may be three months upon approval by the person in charge of the trademark administration department under the State Council. Where the party is not satisfied with the reexamination decision, it may, within thirty days from the date of receipt of the notification, bring a suit before a people's court.

其他单位或者个人请求国务院商标管理部门宣告该注册商标无效的，国务院商标管理部门收到申请后，应当书面通知有关当事人，并限期提出答辩。国务院商标管理部门应当自收到申请之日起九个月内作出维持注册商标或者宣告注册商标无效的裁定，并书面通知当事人。有特殊情况需要延长的，经国务院商标管理部门负责人批准，可以延长三个月。当事人对国务院商标管理部门的裁定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知商标裁定程序的对方当事人作为第三人参加诉讼。

Where any other entity or individual requests the trademark administration department under the State Council to declare a registered trademark invalid, the trademark administration department under the State Council shall, upon receipt of the application, notify the relevant parties in writing and set a time limit for them to submit a defense. The trademark administration department under the State Council shall, within nine months from the date of receipt of the application, make an adjudication upholding the registered trademark or declaring the

registered trademark invalid, and notify the parties in writing. Where special circumstances require an extension, the extension may be three months upon approval by the person in charge of the trademark administration department under the State Council. Where a party is not satisfied with the adjudication of the trademark administration department under the State Council, it may, within thirty days from the date of receipt of the notification, bring a suit before a people's court. The people's court shall notify the opposing party in the trademark adjudication procedure to participate in the litigation as a third party.

第五十一条　已经注册的商标，违反本法第二十条至第二十二条、第二十三条第一款、第二十四条规定的，自商标注册之日起五年内，在先权利人或者利害关系人可以请求国务院商标管理部门宣告该注册商标无效。对恶意注册的，驰名商标持有人不受五年的时间限制。

Article 51 Where a registered trademark violates the provisions of Articles 20 through 22, the first paragraph of Article 23 or Article 24 of this Law, a prior right holder or an interested party may, within five years from the date of registration of the trademark, request the trademark administration department under the State Council to declare the registered trademark invalid. For malicious registration, the holder of a well-known trademark is not subject to the five-year time limit.

国务院商标管理部门收到宣告注册商标无效的申请后，应当书面通知有关当事人，并限期提出答辩。国务院商标管理部门应当自收到申请之日起十二个月内作出维持注册商标或者宣告注册商标无效的裁定，并书面通知当事人。有特殊情况需要延长的，经国务院商标管理部门负责人批准，可以延长六个月。当事人对国务院商标管理部门的裁定不服的，可以自收到通知之日起三十日内向人民法院起诉。人民法院应当通知商标裁定程序的对方当事人作为第三人参加诉讼。

The trademark administration department under the State Council shall, upon receipt of an application for declaring a registered trademark invalid, notify the relevant parties in writing and set a time limit for them to submit a defense. The trademark administration department under the State Council shall, within twelve months from the date of receipt of the application, make an adjudication upholding the registered trademark or declaring the registered trademark invalid, and notify the parties in writing. Where special circumstances require an extension, the extension may be six months upon approval by the person in charge of the trademark administration department under the State Council. Where a party is not satisfied with the adjudication of the trademark administration department under the State Council, it may, within thirty days from the date of receipt of the notification, bring a suit before a people's court. The people's court shall notify the opposing party in the trademark adjudication procedure to participate in the litigation as a third party.

第五十二条　法定期限届满，当事人对国务院商标管理部门宣告注册商标无效的决定不申请复审或者对复审决定、维持注册商标或者宣告注册商标无效的裁定不向人民法院起诉的，国务院商标管理部门的决定、裁定生效。

Article 52 Where, upon the expiration of the statutory time limit, a party does not apply for reexamination of the decision of the trademark administration department under the State Council declaring a registered trademark invalid, or does not bring a suit before a people's court against the reexamination decision or the adjudication upholding a registered trademark or declaring a registered trademark invalid, the decision or adjudication of the trademark administration department under the State Council shall take effect.

第五十三条　依照本法第五十条、第五十一条的规定宣告无效的注册商标，由国务院商标管理部门予以公告，该注册商标专用权视为自始即不存在。

Article 53 A registered trademark declared invalid in accordance with the provisions of Article 50 or Article 51 of this Law shall be announced by the trademark administration department under the State Council, and the exclusive right to use the registered trademark shall be deemed never to have existed.

宣告注册商标无效的决定或者裁定，对宣告无效前人民法院作出并已执行的商标侵权案件的判决、裁定、调解书和负责商标执法的部门作出并已执行的商标侵权案件的处理决定以及已经履行的商标转让或者使用许可合同不具有追溯力。但是，因商标注册人的恶意给他人造成的损失，应当给予赔偿。

A decision or adjudication declaring a registered trademark invalid shall have no retroactive effect on judgments, rulings or mediation statements of trademark infringement cases made and enforced by a people's court before the declaration of invalidity, on handling decisions of trademark infringement cases made and enforced by the departments in charge of trademark law enforcement, or on trademark assignment or license contracts already performed. However, losses caused to others by the malicious intent of the trademark registrant shall be compensated.

依照前款规定不返还商标侵权赔偿金、商标转让费、商标许可使用费，明显违反公平原则的，应当全部或者部分返还。

Where, in accordance with the provisions of the preceding paragraph, the failure to return trademark infringement damages, trademark assignment fees or trademark license royalties would clearly violate the principle of fairness, they shall be returned in whole or in part.

第七章　商标管理

Chapter VII Trademark Administration

第五十四条　商标注册申请人存在下列恶意申请商标注册行为之一，造成不良影响的，由负责商标执法的部门给予警告，可以并处十万元以下的罚款：

Article 54 Where an applicant for trademark registration commits any of the following acts of malicious application for trademark registration, causing adverse effects, the department in charge of trademark law enforcement shall give it a warning and may impose a fine of not more than 100,000 yuan in addition:

（一）明知标志违反本法第十五条、第十六条第一款规定仍作为商标申请注册；

(1) applying for registration of a sign as a trademark while clearly knowing that the sign violates the provisions of Article 15 or the first paragraph of Article 16 of this Law;

（二）违反本法第十九条规定申请商标注册；

(2) applying for trademark registration in violation of the provisions of Article 19 of this Law;

（三）故意违反本法第二十一条、第二十二条、第二十四条规定申请商标注册。

(3) deliberately applying for trademark registration in violation of the provisions of Article 21, Article 22 or Article 24 of this Law.

第五十五条　商标注册人可以自己使用商标，也可以通过签订商标使用许可合同，许可他人使用其注册商标。许可人应当监督被许可人使用其注册商标的商品质量。被许可人应当保证使用该注册商标的商品质量。被许可人不履行质量保证义务的，许可人有权解除商标使用许可合同。

Article 55 A trademark registrant may use the trademark itself or, by concluding a trademark license contract, license another person to use its registered trademark. 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 its quality guarantee obligation, the licensor has the right to rescind the trademark license contract.

经许可使用他人注册商标的，必须在使用该注册商标的商品上标明被许可人的名称和商品产地。

Where another person's registered trademark is used under license, the name of the licensee and the place of origin of the goods must be indicated on the goods bearing the registered trademark.

许可他人使用其注册商标的，许可人应当将其商标使用许可报国务院商标管理部门备案，由国务院商标管理部门公告。商标使用许可未经备案不得对抗善意第三人。

Where a licensor licenses another person to use its registered trademark, the licensor shall report the trademark license to the trademark administration department under the State Council for recordation, and the trademark administration department under the State Council shall announce it. A trademark license that has not been recorded may not be asserted against a third party in good faith.

第五十六条　以误导公众的方式使用注册商标的，由负责商标执法的部门责令限期改正，违法经营额五万元以上的，可以处违法经营额五倍以下的罚款；没有违法经营额或者违法经营额不足五万元的，可以处二十五万元以下的罚款。逾期不改正的，由国务院商标管理部门撤销其注册商标。

Article 56 Where a registered trademark is used in a manner that misleads the public, the department in charge of trademark law enforcement shall order corrections to be made within a prescribed time limit; where the amount of illegal business revenue is 50,000 yuan or more, a fine of not more than five times the illegal business revenue may be imposed; where there is no illegal business revenue or the illegal business revenue is less than 50,000 yuan, a fine of not more than 250,000 yuan may be imposed. Where corrections are not made upon the expiration of the time limit, the trademark administration department under the State Council shall revoke the registered trademark.

第五十七条　商标注册人在使用注册商标的过程中，自行改变注册商标、注册人名义、地址或者其他注册事项，由负责商标执法的部门责令限期改正；逾期不改正的，处五万元以下的罚款；情节严重的，由国务院商标管理部门撤销其注册商标。

Article 57 Where a trademark registrant, in the course of using a registered trademark, on its own initiative changes the registered trademark, the name or address of the registrant or other registered matters, the department in charge of trademark law enforcement shall order it to make corrections within a prescribed time limit; where corrections are not made upon the expiration of the time limit, a fine of not more than 50,000 yuan shall be imposed; where the circumstances are serious, the trademark administration department under the State Council shall revoke the registered trademark.

注册商标成为其核定使用的商品的通用名称或者没有正当理由连续三年不使用的，任何单位或者个人可以向国务院商标管理部门申请撤销该注册商标。国务院商标管理部门应当自收到申请之日起九个月内作出决定。有特殊情况需要延长的，经国务院商标管理部门负责人批准，可以延长三个月。

Where a registered trademark becomes the generic name of the goods for which it is approved for use, or has not been used for three consecutive years without justifiable reasons, any entity or individual may apply to the trademark administration department under the State Council for revocation of the registered trademark. The trademark administration department under the State Council shall make a decision within nine months from the date of receipt of the application. Where special circumstances require an extension, the extension may be three months upon approval by the person in charge of the trademark administration department under the State Council.

注册商标有前款规定情形的，国务院商标管理部门可以撤销该注册商标。具体办法由国务院商标管理部门规定。

Where a registered trademark falls under the circumstances prescribed in the preceding paragraph, the trademark administration department under the State Council may revoke the registered trademark. The specific measures shall be prescribed by the trademark administration department under the State Council.

第五十八条　对国务院商标管理部门撤销或者不予撤销注册商标的决定，当事人不服的，可以自收到通知之日起十五日内向国务院商标管理部门申请复审。国务院商标管理部门应当自收到申请之日起九个月内作出决定，并书面通知当事人。有特殊情况需要延长的，经国务院商标管理部门负责人批准，可以延长三个月。当事人对复审决定不服的，可以自收到通知之日起三十日内向人民法院起诉。

Article 58 Where a party is not satisfied with the decision of the trademark administration department under the State Council to revoke or not to revoke a registered trademark, it may, within fifteen days from the date of receipt of the notification, apply to the trademark administration department under the State Council for reexamination. The trademark administration department under the State Council shall make a decision within nine months from the date of receipt of the application and notify the party in writing. Where special circumstances require an extension, the extension may be three months upon approval by the person in charge of the trademark administration department under the State Council. Where the party is not satisfied with the reexamination decision, it may, within thirty days from the date of receipt of the notification, bring a suit before a people's court.

第五十九条　法定期限届满，当事人对国务院商标管理部门作出的撤销注册商标的决定不申请复审或者对复审决定不向人民法院起诉的，撤销注册商标的决定、复审决定生效。

Article 59 Where, upon the expiration of the statutory time limit, a party does not apply for reexamination of the decision of the trademark administration department under the State Council to revoke a registered trademark, or does not bring a suit before a people's court against the reexamination decision, the decision to revoke the registered trademark or the reexamination decision shall take effect.

被撤销的注册商标，由国务院商标管理部门予以公告，该注册商标专用权自公告之日起终止。

A revoked registered trademark shall be announced by the trademark administration department under the State Council, and the exclusive right to use the registered trademark shall terminate from the date of announcement.

第六十条　集体商标、证明商标注册人有下列行为之一的，由负责商标执法的部门责令限期改正；逾期不改正的，处一万元以下的罚款；情节严重的，处一万元以上十万元以下的罚款：

Article 60 Where the registrant of a collective mark or a certification mark commits any of the following acts, the department in charge of trademark law enforcement shall order it to make corrections within a prescribed time limit; where corrections are not made upon the expiration of the time limit, a fine of not more than 10,000 yuan shall be imposed; where the circumstances are serious, a fine of not less than 10,000 yuan nor more than 100,000 yuan shall be imposed:

（一）怠于行使商标管理职责，对消费者造成损害；

(1) being remiss in performing trademark administration duties, causing damage to consumers;

（二）集体商标注册人无正当理由不准许其组织成员使用集体商标或者证明商标注册人无正当理由不许可符合条件的申请人使用证明商标；

(2) the registrant of a collective mark refusing, without justifiable reasons, to allow members of its organization to use the collective mark, or the registrant of a certification mark refusing, without justifiable reasons, to license a qualified applicant to use the certification mark;

（三）违反本法、有关行政法规和国家有关规定行使注册商标专用权，造成不良影响。

(3) exercising the exclusive right to use a registered trademark in violation of this Law, relevant administrative regulations or relevant State provisions, causing adverse effects.

第六十一条　违反本法第八条规定的，由负责商标执法的部门责令限期申请注册，违法经营额五万元以上的，可以处违法经营额百分之二十以下的罚款；没有违法经营额或者违法经营额不足五万元的，可以处一万元以下的罚款。

Article 61 Whoever violates the provisions of Article 8 of this Law shall be ordered by the department in charge of trademark law enforcement to apply for registration within a prescribed time limit; where the amount of illegal business revenue is 50,000 yuan or more, a fine of not more than twenty percent of the illegal business revenue may be imposed; where there is no illegal business revenue or the illegal business revenue is less than 50,000 yuan, a fine of not more than 10,000 yuan may be imposed.

第六十二条　将未注册商标冒充注册商标使用的，或者使用未注册商标违反本法第十五条、第十六条第一款规定的，由负责商标执法的部门责令限期改正，违法经营额五万元以上的，可以处违法经营额百分之二十以下的罚款；没有违法经营额或者违法经营额不足五万元的，可以处一万元以下的罚款。

Article 62 Whoever passes off an unregistered trademark as a registered trademark, or uses an unregistered trademark in violation of the provisions of Article 15 or the first paragraph of Article 16 of this Law, shall be ordered by the department in charge of trademark law enforcement to make corrections within a prescribed time limit; where the amount of illegal business revenue is 50,000 yuan or more, a fine of not more than twenty percent of the illegal business revenue may be imposed; where there is no illegal business revenue or the illegal business revenue is less than 50,000 yuan, a fine of not more than 10,000 yuan may be imposed.

第六十三条　为相关公众所熟知的商标，持有人认为其权利受到侵害时，可以依照本法规定请求驰名商标保护。

Article 63 Where the holder of a trademark that is well known to the relevant public considers that its rights have been infringed upon, it may request protection of the well-known trademark in accordance with the provisions of this Law.

在商标注册审查审理、查处商标违法案件或者查处不正当竞争案件过程中，当事人依法主张权利的，国务院商标管理部门根据处理案件的需要，可以对商标驰名情况作出确认。

In the course of examination or trial of trademark registration, or investigation and handling of trademark violation cases or unfair competition cases, where a party claims rights in accordance with the law, the trademark administration department under the State Council may, as needed for the handling of the case, make a confirmation on whether the trademark is well known.

在商标民事案件、商标行政案件或者不正当竞争案件审理过程中，当事人依法主张权利的，最高人民法院指定的人民法院根据审理案件的需要，可以对商标驰名情况作出确认。

In the course of trying civil trademark cases, administrative trademark cases or unfair competition cases, where a party claims rights in accordance with the law, the people's court designated by the Supreme People's Court may, as needed for the trial of the case, make a confirmation on whether the trademark is well known.

商标驰名情况应当根据当事人的请求，作为处理涉及商标案件需要认定的事实进行确认。确认商标驰名情况应当综合考虑下列因素：

Whether a trademark is well known shall, at the request of a party, be confirmed as a fact that needs to be found in handling a trademark-related case. The following factors shall be comprehensively taken into account in confirming whether a trademark is well known:

（一）相关公众对该商标的知晓程度；

(1) the extent to which the trademark is known to the relevant public;

（二）该商标使用的持续时间、方式和地域范围；

(2) the duration, manner and geographical scope of use of the trademark;

（三）该商标的任何宣传工作的持续时间、程度和地域范围；

(3) the duration, extent and geographical scope of any publicity work for the trademark;

（四）该商标受保护的记录，特别是作为驰名商标受保护的记录；

(4) the record of protection of the trademark, in particular the record of protection as a well-known trademark;

（五）该商标驰名的其他因素。

(5) other factors making the trademark well known.

第六十四条　生产经营者不得将“驰名商标”字样用于商品、商品包装或者容器上，或者用于广告宣传、展览以及其他商业活动中。

Article 64 Producers and business operators may not use the words "well-known trademark" on goods, on the packaging or containers of goods, or in advertising, exhibitions and other commercial activities.

违反前款规定的，由负责商标执法的部门责令改正，处十万元以下的罚款。

Whoever violates the provisions of the preceding paragraph shall be ordered by the department in charge of trademark law enforcement to make corrections and be fined not more than 100,000 yuan.

第六十五条　商标代理机构和商标代理从业人员应当遵循诚信原则，遵守法律、行政法规，恪守职业道德、执业纪律，履行勤勉尽责义务，维护委托人的合法权益，不得实施或者帮助委托人实施损害国家利益、社会公共利益或者他人合法权益的行为。

Article 65 Trademark agencies and trademark agency practitioners shall follow the principle of good faith, abide by laws and administrative regulations, adhere to professional ethics and practice discipline, perform the obligation of diligence and due care, safeguard the lawful rights and interests of their clients, and may not commit, or assist their clients in committing, acts that harm the interests of the State, social and public interests, or the lawful rights and interests of others.

商标代理机构应当按照委托人的委托办理商标注册申请或者其他商标事宜；对在代理过程中知悉的委托人的商业秘密，负有保密义务；委托人申请注册的商标可能存在本法规定不得注册情形的，商标代理机构应当明确告知委托人。

A trademark agency shall handle trademark registration applications or other trademark matters as entrusted by the client; it shall bear the obligation of keeping confidential the trade secrets of the client learned in the course of agency; where a trademark for which the client applies for registration may fall under the circumstances in which registration is not allowed as prescribed by this Law, the trademark agency shall explicitly inform the client.

商标代理从业人员应当根据商标代理机构的指派承办商标代理业务，不得自行接受委托。商标代理从业人员不得同时在两个以上商标代理机构从事商标代理业务。商标代理从业人员对其签名办理的商标代理业务负责。

A trademark agency practitioner shall undertake trademark agency business as assigned by the trademark agency and may not accept engagements on his own. A trademark agency practitioner may not engage in trademark agency business at two or more trademark agencies at the same time. A trademark agency practitioner shall be responsible for the trademark agency business handled under his signature.

商标代理机构应当将本机构及其商标代理从业人员的相关信息报国务院商标管理部门备案。各级负责商标管理工作、商标执法的部门应当加强对商标代理机构、商标代理从业人员的管理。

A trademark agency shall report the relevant information of the agency and its trademark agency practitioners to the trademark administration department under the State Council for recordation. The departments in charge of trademark administration work and trademark law enforcement at all levels shall strengthen the administration of trademark agencies and trademark agency practitioners.

第六十六条　商标代理行业组织是商标代理行业的自律性组织。

Article 66 A trademark agency industry organization is a self-discipline organization of the trademark agency industry.

商标代理行业组织应当按照章程规定，严格执行吸纳会员的条件，加强行业自律，制定行业自律规范和惩戒规则，开展业务培训和职业道德、执业纪律教育，组织引导会员依法依规从事商标代理业务，不断提高行业服务水平，对违反行业自律规范的会员实行惩戒。商标代理行业组织对其吸纳会员和实行惩戒的情况，应当及时向社会公布。

A trademark agency industry organization shall, in accordance with its charter, strictly enforce the conditions for admitting members, strengthen industry self-discipline, formulate industry self-discipline norms and

disciplinary rules, carry out business training and education in professional ethics and practice discipline, organize and guide members to engage in trademark agency business in accordance with laws and regulations, continuously improve the level of industry services, and impose disciplinary sanctions on members that violate industry self-discipline norms. A trademark agency industry organization shall promptly make public the members it admits and the disciplinary sanctions it imposes.

第六十七条　商标代理机构有下列行为之一的，由负责商标执法的部门责令限期改正，处一万元以上十万元以下的罚款，情节严重的，处十万元以上二十万元以下的罚款；对直接负责的主管人员和其他直接责任人员给予警告，并处五千元以上五万元以下的罚款，情节严重的，并处五万元以上十万元以下的罚款：

Article 67 Where a trademark agency commits any of the following acts, the department in charge of trademark law enforcement shall order it to make corrections within a prescribed time limit and impose a fine of not less than 10,000 yuan nor more than 100,000 yuan; where the circumstances are serious, a fine of not less than 100,000 yuan nor more than 200,000 yuan shall be imposed; the directly responsible persons in charge and other directly responsible persons shall be given a warning and fined not less than 5,000 yuan nor more than 50,000 yuan; where the circumstances are serious, a fine of not less than 50,000 yuan nor more than 100,000 yuan shall be imposed in addition:

（一）办理商标事宜过程中，伪造、变造或者使用伪造、变造的法律文件、印章、签名；

(1) forging, altering, or using forged or altered legal documents, seals or signatures in the course of handling trademark matters;

（二）以欺诈、诱骗或者诋毁其他商标代理机构等手段招徕商标代理业务；

(2) soliciting trademark agency business by fraud, inducement, disparagement of other trademark agencies or other such means;

（三）在同一商标案件中接受有利益冲突的双方当事人委托；

(3) accepting engagements from both parties with conflicting interests in the same trademark case;

（四）知道或者应当知道委托人申请注册的商标属于本法第十五条、第十六条第一款、第十九条、第二十一条、第二十二条、第二十四条规定情形，仍接受其委托；

(4) accepting an engagement while knowing or having reason to know that the trademark for which the client applies for registration falls under the circumstances prescribed in Article 15, the first paragraph of Article 16, Article 19, Article 21, Article 22 or Article 24 of this Law;

（五）违反本法第二十五条规定或者有本法第五十四条规定情形；

(5) violating the provisions of Article 25 of this Law or falling under the circumstances prescribed in Article 54 of this Law;

（六）以其他不正当手段扰乱商标代理市场秩序。

(6) disturbing the order of the trademark agency market by other improper means.

商标代理机构有前款规定的行为，情节严重的，国务院商标管理部门可以决定停止受理其办理商标代理业务，予以公告。

Where a trademark agency commits an act prescribed in the preceding paragraph and the circumstances are serious, the trademark administration department under the State Council may decide to stop accepting its trademark agency business, and announce it.

商标代理机构未依法备案的，由负责商标执法的部门责令限期改正；逾期不改正的，处一万元以上五万元以下的罚款。

Where a trademark agency fails to complete recordation in accordance with the law, the department in charge of trademark law enforcement shall order it to make corrections within a prescribed time limit; where corrections are not made upon the expiration of the time limit, a fine of not less than 10,000 yuan nor more than 50,000 yuan shall be imposed.

商标代理机构违反诚信原则，未履行勤勉尽责义务，侵害委托人合法利益的，应当依法承担民事责任，并由商标代理行业组织按照章程规定予以惩戒。

Where a trademark agency violates the principle of good faith, fails to perform the obligation of diligence and due care, and infringes upon the lawful interests of its client, it shall bear civil liability in accordance with the law and shall be disciplined by the trademark agency industry organization in accordance with its charter.

第六十八条　商标代理从业人员有下列行为之一的，由负责商标执法的部门责令限期改正，给予警告，并处五千元以上五万元以下的罚款；情节严重的，并处五万元以上十万元以下的罚款：

Article 68 Where a trademark agency practitioner commits any of the following acts, the department in charge of trademark law enforcement shall order him to make corrections within a prescribed time limit, give him a warning, and impose a fine of not less than 5,000 yuan nor more than 50,000 yuan in addition; where the circumstances are serious, a fine of not less than 50,000 yuan nor more than 100,000 yuan shall be imposed in addition:

（一）自行接受委托办理商标代理业务；

(1) accepting engagements to handle trademark agency business on his own;

（二）同时在两个以上商标代理机构从事商标代理业务；

(2) engaging in trademark agency business at two or more trademark agencies at the same time;

（三）其他严重扰乱商标代理市场秩序行为。

(3) other acts seriously disturbing the order of the trademark agency market.

第六十九条　在境外商标注册审查审理或者处理商标案件过程中，需要证明商标在中国境内为相关公众所熟知的，应当事人请求，国务院商标管理部门可以依照本法第六十三条的规定对商标驰名情况作出确认。

Article 69 Where, in the course of examination or trial of foreign trademark registration or in the course of handling a trademark case, it is necessary to prove that a trademark is well known to the relevant public within the territory of China, the trademark administration department under the State Council may, at the request of a party, make a confirmation on whether the trademark is well known in accordance with the provisions of Article 63 of this Law.

以欺诈等不正当手段为中国境内委托人办理境外商标注册申请或者其他商标事宜，损害委托人利益或者国家利益、社会公共利益、他人合法权益的，依照本法第六十七条的规定处理、处罚。

Whoever, by fraud or other improper means, handles foreign trademark registration applications or other trademark matters for clients within the territory of China, harming the interests of the clients or the interests of the State, social and public interests, or the lawful rights and interests of others, shall be handled and punished in accordance with the provisions of Article 67 of this Law.

第七十条　对于以误导公众的方式使用注册商标、侵犯注册商标专用权等违法行为，任何单位或者个人有权向负责商标管理工作、商标执法的部门投诉、举报。

Article 70 For illegal acts such as using a registered trademark in a manner that misleads the public or infringing upon the exclusive right to use a registered trademark, any entity or individual has the right to lodge a complaint or report with the departments in charge of trademark administration work or trademark law enforcement.

第八章　注册商标专用权的保护

Chapter VIII Protection of the Exclusive Right to Use Registered Trademarks

第七十一条　注册商标的专用权，以核准注册的商标和核定使用的商品为限。

Article 71 The exclusive right to use a registered trademark is limited to the trademark approved for registration and the goods approved for use.

第七十二条　有下列行为之一的，均属侵犯注册商标专用权：

Article 72 Any of the following acts constitutes an infringement of the exclusive right to use a registered trademark:

（一）未经商标注册人的许可，在同一种商品上使用与其注册商标相同的商标；

(1) using a trademark identical with a registered trademark on the same kind of goods without the permission of the trademark registrant;

（二）未经商标注册人的许可，在同一种商品上使用与其注册商标近似的商标，或者在类似商品上使用与其注册商标相同或者近似的商标，容易导致混淆；

(2) using, without the permission of the trademark registrant, a trademark similar to the registered trademark on the same kind of goods, or using a trademark identical with or similar to the registered trademark on similar goods, which is likely to cause confusion;

（三）销售侵犯注册商标专用权的商品；

(3) selling goods that infringe upon the exclusive right to use a registered trademark;

（四）伪造、擅自制造他人注册商标标识或者销售伪造、擅自制造的注册商标标识；

(4) forging or manufacturing without authorization the representations of another person's registered trademark, or selling such forged or unauthorized representations of a registered trademark;

（五）未经商标注册人同意，更换其注册商标并将该更换商标的商品又投入市场；

(5) altering a registered trademark without the consent of the trademark registrant and putting the goods bearing the altered trademark back onto the market;

（六）故意为侵犯他人注册商标专用权行为提供便利条件，帮助他人实施侵犯注册商标专用权的行为；

(6) intentionally providing convenience for acts infringing upon another person's exclusive right to use a registered trademark, or helping another person commit acts infringing upon the exclusive right to use a registered trademark;

（七）给他人的注册商标专用权造成其他损害。

(7) otherwise causing damage to another person's exclusive right to use a registered trademark.

第七十三条　注册商标中含有的本商品的通用名称、图形、型号，或者直接表示商品的种类、性质、质量、主要原料、功能、用途、重量、数量、价值、地理来源及其他特点，或者含有的地名，注册商标专用权人无权禁止他人正当使用。

Article 73 Where a registered trademark contains the generic name, device or model number 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 place name, the holder of the exclusive right to use the registered trademark has no right to prohibit others from fairly using such content.

三维标志、颜色组合、声音、动态标志等注册商标中含有的由商品自身的性质产生的、为获得技术效果而需有的或者使商品具有实质性价值的形状、颜色组合、声音、动态效果等，注册商标专用权人无权禁止他人正当使用。

Where a registered trademark of a three-dimensional sign, color combination, sound, dynamic sign or the like contains a shape, color combination, sound or dynamic effect that results from the nature of the goods

themselves, is necessary for achieving a technical effect, or gives substantial value to the goods, the holder of the exclusive right to use the registered trademark has no right to prohibit others from fairly using such content.

仅为指示所提供商品的用途、适用对象、应用场景等信息或者表明真实来源，使用相关注册商标的，注册商标专用权人无权禁止他人正当使用，但容易导致混淆的除外。

Where a relevant registered trademark is used solely to indicate information such as the use, intended users or application scenarios of the goods offered, or to indicate the true source, the holder of the exclusive right to use the registered trademark has no right to prohibit others from fairly using it, except where confusion is likely to be caused.

商标注册人申请商标注册前，他人已经在同一种商品或者类似商品上先于商标注册人使用与注册商标相同或者近似并有一定影响的商标的，注册商标专用权人无权禁止该使用人在原使用范围内继续使用该商标，但可以要求其附加适当区别标识。

Where, before a trademark registrant applies for trademark registration, another person has already used, ahead of the trademark registrant, a trademark identical with or similar to the registered trademark on the same kind of goods or similar goods with a certain influence, the holder of the exclusive right to use 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.

第七十四条　有本法第七十二条所列侵犯注册商标专用权行为之一，引起纠纷的，由当事人协商解决；不愿协商或者协商不成的，商标注册人或者利害关系人可以向人民法院起诉，也可以请求负责商标执法的部门处理。

Article 74 Where a dispute arises from any of the acts infringing upon the exclusive right to use a registered trademark listed in Article 72 of this Law, the parties shall resolve it through consultation; where they are unwilling to consult or the consultation fails, the trademark registrant or an interested party may bring a suit before a people's court, or request the department in charge of trademark law enforcement to handle the matter.

负责商标执法的部门处理时，认定侵权行为成立的，责令立即停止侵权行为，没收侵权商品和主要用于制造侵权商品、伪造注册商标标识的工具，违法经营额五万元以上的，可以并处违法经营额五倍以下的罚款，没有违法经营额或者违法经营额不足五万元的，可以并处二十五万元以下的罚款。对五年内实施两次以上商标侵权行为或者有其他严重情节的，应当从重处罚。销售不知道是侵犯注册商标专用权的商品，能证明该商品是自己合法取得并说明提供者的，由负责商标执法的部门责令停止销售。

Where the department in charge of trademark law enforcement, in handling the matter, finds the infringing act established, it shall order the immediate cessation of the infringing act and confiscate the infringing goods and the tools mainly used for manufacturing the infringing goods or forging the representations of the registered trademark; where the amount of illegal business revenue is 50,000 yuan or more, a fine of not more than five times the illegal business revenue may be imposed in addition; where there is no illegal business revenue or the illegal business revenue is less than 50,000 yuan, a fine of not more than 250,000 yuan may be imposed in addition. Whoever has committed trademark infringement twice or more within five years or under other serious circumstances shall be given a heavier punishment. Whoever sells goods without knowing that they infringe upon the exclusive right to use a registered trademark, and can prove that the goods were lawfully obtained by it and indicate the supplier, shall be ordered by the department in charge of trademark law enforcement to stop the sale.

对侵犯注册商标专用权的赔偿数额的争议，当事人可以请求负责商标执法的部门调解，也可以依照《中华人民共和国民事诉讼法》向人民法院起诉。经负责商标执法的部门调解，当事人未达成协议或者调解书生效后不履行的，当事人可以依照《中华人民共和国民事诉讼法》向人民法院起诉。

For a dispute over the amount of damages for infringement of the exclusive right to use a registered trademark, the parties may request mediation by the department in charge of trademark law enforcement, or bring a suit before a people's court in accordance with the Civil Procedure Law of the People's Republic of China. Where, after mediation by the department in charge of trademark law enforcement, the parties fail to reach an agreement or fail to perform after the mediation statement takes effect, the parties may bring a suit before a people's court in accordance with the Civil Procedure Law of the People's Republic of China.

第七十五条　对侵犯注册商标专用权的行为，负责商标执法的部门有权依法查处。

Article 75 The departments in charge of trademark law enforcement have the power to investigate and handle, in accordance with the law, acts infringing upon the exclusive right to use registered trademarks.

侵犯注册商标专用权涉嫌犯罪的，负责商标执法的部门应当及时移送公安机关依法处理；对依法不需要追究刑事责任或者免予刑事处罚，但应当给予行政处罚的，公安机关、人民检察院、人民法院应当及时将案件移送负责商标执法的部门依法处理。公安机关、人民检察院、人民法院商请负责商标执法的部门和负责商标注册、管理工作的部门提供专业支持、认定意见以及对侵权物品进行无害化处置等协助的，相关部门应当及时予以协助。

Where an infringement of the exclusive right to use a registered trademark is suspected of constituting a crime, the department in charge of trademark law enforcement shall promptly transfer the case to the public security organ for handling in accordance with the law; where criminal liability need not be pursued or criminal punishment is exempted in accordance with the law but an administrative penalty should be imposed, the public security organs, people's procuratorates and people's courts shall promptly transfer the case to the department in charge of trademark law enforcement for handling in accordance with the law. Where public security organs, people's procuratorates and people's courts request the department in charge of trademark law enforcement and the department responsible for trademark registration and administration work to provide professional support, confirmation opinions, or assistance such as the harmless disposal of infringing articles, the relevant departments shall promptly provide assistance.

第七十六条　负责商标执法的部门根据已经取得的违法嫌疑证据或者投诉举报，对涉嫌侵犯他人注册商标专用权的行为进行查处时，可以行使下列职权：

Article 76 When a department in charge of trademark law enforcement, on the basis of evidence of suspected violations already obtained or a complaint or report, investigates and handles an act suspected of infringing upon another person's exclusive right to use a registered trademark, it may exercise the following functions and powers:

（一）询问有关当事人，调查与侵犯他人注册商标专用权有关的情况；

(1) questioning the parties concerned and investigating the circumstances related to the infringement of another person's exclusive right to use a registered trademark;

（二）查阅、复制当事人与侵权活动有关的合同、发票、账簿、单据、文件、记录、业务函电、视听资料、电子数据以及其他有关资料；

(2) consulting and reproducing the parties' contracts, invoices, account books, vouchers, documents, records, business correspondence, audio-visual materials, electronic data and other relevant materials related to the infringing activities;

（三）对当事人涉嫌从事侵犯他人注册商标专用权活动的场所实施现场检查；

(3) conducting on-site inspections of the premises where the parties are suspected of engaging in activities infringing upon another person's exclusive right to use a registered trademark;

（四）检查与侵权活动有关的物品；对有证据证明是侵犯他人注册商标专用权的物品，可以查封或者扣押；

(4) inspecting articles related to the infringing activities; and sealing up or seizing articles for which there is evidence of infringement of another person's exclusive right to use a registered trademark;

（五）在证据可能灭失或者以后难以取得的情况下，可以先行登记保存。

(5) where evidence may be destroyed or may be difficult to obtain later, registering and preserving it in advance.

负责商标执法的部门依法行使前款规定的职权时，当事人应当予以协助、配合，不得拒绝、阻挠。

When a department in charge of trademark law enforcement exercises the functions and powers prescribed in the preceding paragraph in accordance with the law, the parties shall assist and cooperate and may not refuse or obstruct.

在查处商标侵权案件过程中，对商标权属存在争议或者权利人同时向人民法院提起商标侵权诉讼的，负责商标执法的部门可以中止案件的查处。中止原因消除后，应当恢复或者终结案件查处程序。

In the course of investigating and handling a trademark infringement case, where the ownership of the trademark right is in dispute or the right holder simultaneously brings a trademark infringement lawsuit before a people's court, the department in charge of trademark law enforcement may suspend the investigation and handling of the case. After the grounds for suspension cease to exist, the investigation and handling procedure of the case shall be resumed or terminated.

第七十七条　侵犯注册商标专用权的赔偿数额，按照权利人因被侵权所受到的实际损失或者侵权人因侵权所获得的利益确定；权利人的损失或者侵权人获得的利益难以确定的，参照该商标许可使用费的倍数合理确定。对故意侵犯注册商标专用权，情节严重的，可以在按照上述方法确定数额的一倍以上五倍以下确定赔偿数额。

Article 77 The amount of damages for infringement of the exclusive right to use a registered trademark shall be determined according to 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 the losses of the right holder or the benefits obtained by the infringer are difficult to determine, the amount shall be reasonably determined with reference to a multiple of the trademark license royalties. For intentional infringement of the exclusive right to use a registered trademark, where the circumstances are serious, the amount of damages may be determined at not less than one time nor more than five times the amount determined in accordance with the above method.

人民法院为确定赔偿数额，在权利人已经尽力举证，而与侵权行为相关的账簿、资料主要由侵权人掌握的情况下，可以责令侵权人提供与侵权行为相关的账簿、资料；侵权人不提供或者提供虚假的账簿、资料的，人民法院可以参考权利人的主张和提供的证据判定赔偿数额。

For the purpose of determining the amount of damages, where the right holder has made every effort to adduce 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 fails to provide them or provides false account books or materials, the people's court may determine the amount of damages with reference to the claims of the right holder and the evidence provided by it.

权利人因被侵权所受到的实际损失、侵权人因侵权所获得的利益、注册商标许可使用费难以确定的，由人民法院根据侵权行为的情节判决给予五百万元以下的赔偿。

Where 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 and the registered trademark license royalties are difficult to determine, the people's court shall, according to the circumstances of the infringing act, render a judgment awarding damages of not more than 5,000,000 yuan.

赔偿数额还应当包括权利人为制止侵权行为所支付的合理开支。

The amount of damages shall also include the reasonable expenses paid by the right holder to stop the infringing act.

人民法院审理商标纠纷案件，应权利人请求，对属于假冒注册商标的商品，除特殊情况外，责令销毁；对主要用于制造假冒注册商标的商品的材料、工具，责令销毁，且不予补偿；或者在特殊情况下，责令禁止前述材料、工具进入商业渠道，且不予补偿。

In trying a trademark dispute case, the people's court shall, at the request of the right holder, order the destruction of goods bearing a counterfeit registered trademark, except under special circumstances; order the destruction, without compensation, of the materials and tools mainly used for manufacturing goods bearing a counterfeit registered trademark; or, under special circumstances, order the prohibition, without compensation, of the aforesaid materials and tools from entering commercial channels.

假冒注册商标的商品不得在仅去除假冒注册商标后进入商业渠道。

Goods bearing a counterfeit registered trademark may not enter commercial channels after merely removing the counterfeit registered trademark.

第七十八条　注册商标专用权人请求赔偿，被控侵权人以注册商标专用权人未使用注册商标提出抗辩的，人民法院可以要求注册商标专用权人提供侵权行为发生前三年内实际使用该注册商标的证据。注册商标专用权人不能证明此前三年内实际使用过该注册商标，也不能证明因侵权行为受到其他损失的，被控侵权人不承担赔偿责任。

Article 78 Where the holder of the exclusive right to use a registered trademark requests compensation and the accused infringer raises a defense that the holder of the exclusive right to use the registered trademark has not used the registered trademark, the people's court may require the holder of the exclusive right to use the registered trademark to provide evidence of its actual use of the registered trademark during the three years before the infringing act occurred. Where the holder of the exclusive right to use the registered trademark can neither prove its actual use of the registered trademark during the preceding three years nor prove other losses suffered as a result of the infringing act, the accused infringer shall not bear liability for compensation.

销售不知道是侵犯注册商标专用权的商品，能证明该商品是自己合法取得并说明提供者的，不承担赔偿责任。

Whoever sells goods without knowing that they infringe upon the exclusive right to use a registered trademark, and can prove that the goods were lawfully obtained by it and indicate the supplier, shall not bear liability for compensation.

第七十九条　商标注册人或者利害关系人有证据证明他人正在实施或者即将实施侵犯其注册商标专用权的行为，如不及时制止将会使其合法权益受到难以弥补的损害的，可以依法在起诉前向人民法院申请采取责令停止有关行为和财产保全的措施。

Article 79 Where a trademark registrant or an interested party has evidence proving that another person is committing or is about to commit an act infringing upon its exclusive right to use the registered trademark, which, if not stopped in time, will cause irreparable damage to its lawful rights and interests, it may, in accordance with the law and before bringing a suit, apply to the people's court for measures ordering the cessation of the relevant act and for property preservation.

第八十条　为制止侵权行为，在证据可能灭失或者以后难以取得的情况下，商标注册人或者利害关系人可以依法在起诉前向人民法院申请保全证据。

Article 80 In order to stop an infringing act, where evidence may be destroyed or may be difficult to obtain later, the trademark registrant or an interested party may, in accordance with the law and before bringing a suit, apply to the people's court for evidence preservation.

第八十一条　对以恶意串通、单方捏造基本事实等方式提起商标诉讼的，由人民法院依法给予处罚；给对方当事人造成损失的，应当依法承担民事责任。

Article 81 Whoever brings a trademark lawsuit by means such as malicious collusion or unilaterally fabricating the basic facts shall be punished by the people's court in accordance with the law; where losses are caused to the opposing party, civil liability shall be borne in accordance with the law.

第八十二条　从事商标注册、管理和执法等工作的公职人员必须秉公执法，廉洁自律，忠于职守，文明服务。

Article 82 Public officials engaged in trademark registration, administration and law enforcement work must enforce the law impartially, be honest and self-disciplined, be devoted to their duties, and provide services with civility.

负责商标注册、管理工作的部门和负责商标执法的部门以及从事商标注册、管理和执法等工作的公职人员不得从事商标代理业务和商品生产经营活动。

The departments responsible for trademark registration and administration work, the departments in charge of trademark law enforcement, and public officials engaged in trademark registration, administration and law enforcement work may not engage in trademark agency business or in goods production and business operations.

第八十三条　负责商标注册、管理工作的部门和负责商标执法的部门应当建立健全内部监督制度，对负责商标注册、管理和执法等工作的公职人员执行法律、行政法规和遵守纪律的情况，进行监督检查。

Article 83 The departments responsible for trademark registration and administration work and the departments in charge of trademark law enforcement shall establish and improve internal supervision systems to supervise and inspect how public officials responsible for trademark registration, administration and law enforcement work enforce laws and administrative regulations and observe discipline.

第八十四条　从事商标注册、管理和执法等工作的公职人员，违反本法规定，从事商标代理业务、商品生产经营活动的，或者滥用职权、玩忽职守、徇私舞弊，有下列情形之一的，依法给予处分：

Article 84 Where a public official engaged in trademark registration, administration or law enforcement work, in violation of the provisions of this Law, engages in trademark agency business or goods production and business operations, or abuses his power, neglects his duties or engages in malpractice for personal gain, falling under any of the following circumstances, a sanction shall be given in accordance with the law:

（一）不符合商标注册条件准予商标注册，造成不良影响；

(1) approving the registration of a trademark that does not meet the requirements for trademark registration, causing adverse effects;

（二）依法应当作出责令改正、行政处罚等决定而未作出；

(2) failing to make a decision that should be made in accordance with the law, such as ordering corrections or imposing an administrative penalty;

（三）发现违法行为或者接到投诉举报不依法履行商标管理、执法职责；

(3) failing to perform trademark administration or law enforcement duties in accordance with the law upon discovering an illegal act or receiving a complaint or report;

（四）其他依法应当予以处分的行为。

(4) other acts for which a sanction should be given in accordance with the law.

第八十五条　违反本法规定，构成犯罪的，依法追究刑事责任。

Article 85 Whoever violates the provisions of this Law, where a crime is constituted, shall be pursued for criminal liability in accordance with the law.

第九章　附　则

Chapter IX Supplementary Provisions

第八十六条　申请商标注册和办理其他商标事宜的，应当缴纳费用，具体收费标准另定。

Article 86 Those applying for trademark registration and handling other trademark matters shall pay fees, and the specific charging rates shall be prescribed separately.

第八十七条　本法自2027年1月1日起施行。

Article 87 This Law shall come into force on January 1, 2027.

本法施行前已经注册的商标继续有效。

Trademarks registered before the implementation of this Law shall remain valid.