

中华人民共和国商标法实施细则(4) PDF转换可能丢失图片或格式，建议阅读原文

https://www.100test.com/kao_ti2020/499/2021_2022__E4_B8_AD_E5_8D_8E_E4_BA_BA_E6_c92_499659.htm Upon making a final adjudication of whether to maintain or cancel the disputed registered trademark , the Trademark Review and Adjudication Board shall notify interested parties of the decision in writing , and shall transfer the case to the Trademark Office for corresponding processing. If the grounds for cancellation involve only certain registered components , trademark registration for components involved therein shall be cancelled. Should adjudication result in cancellation , the proprietor of the disputed trademark shall , within fifteen days of receipt of the notification of adjudication , return the original Certificate of Trademark Registration to the Trademark Office. Article 25 Paragraph 1 , Article 27 of the Trademark Law outlines the following fraudulent or unfair acts committed in the acquisition of a trademark registration : (1) Fabricating , withholding the truth or forging an application and related registration documents ; (2) Violating the principles of honesty and full faith and credit to reproduce , counterfeit or translate the well-known trademark of another party in the registration ; (3) Acquiring a trademark registration in the name of the trademark agent , but without the authorization of the trademark proprietor who has entrusted the registering party ; (4) Infringing on any prior legal right of another party in the registration ; and (5) Using any other unfair means to acquire a registration. In accordance with Paragraph 1 ,

Article 27 of the Trademark Law , trademark registrants dissatisfied with the decision of the Trademark Office to cancel a trademark registration may , within fifteen days of receipt of the notification of the decision , apply for review by submitting an Application for Review of the Cancellation of an Improperly Registered Trademark to the Trademark Review and Adjudication Board. The Trademark Review and Adjudication Board shall render a final decision thereon , notify the applicant in writing and transfer the case to the Trademark Office for the corresponding processing. Any organization or individual claiming that a trademark has been improperly registered may apply for adjudication by submitting two copies of an original Application for the Cancellation of Improperly Registered Trademark to the Trademark Review and Adjudication Board. The Trademark Review and Adjudication Board shall render a final adjudication thereon , notify interested parties of the decision in writing , and transfer the case to the Trademark Office for the corresponding processing. The Trademark Office shall publish notification of the cancellation of improperly registered trademarks. The trademark registrant in question shall , within fifteen days of receipt of the notification of the decision or adjudication , return the original Certificate of Trademark Registration to the Trademark Office. In cases when a registered trademark is cancelled in accordance with Paragraph 1 and Paragraph 2 , Article 27 , of the Trademark Law , exclusive use rights shall be deemed invalid from the registered date. In cases when registered trademarks have been cancelled in accordance with a

decision or adjudication , there shall be no recourse concerning any such judgement or orders concerning trademarks involving infringement cases adjudicated and enforced by peoples courts , or for any such decisions rendered and enforced by the administrative authority for industry and commerce , as well as any such trademark assignments or trademark licensing contracts in place prior to said cancellation. However , compensation shall be paid should the bad faith actions of a trademark registrant result in damages to any other party. 100Test 下载频道开通 , 各类考试题目直接下载。详细请访问 www.100test.com