

中华人民共和国商标法实施细则(2) 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_499661.htm Chapter II

Applications for Trademark Registration Article 9 When applying for registration of a trademark , applicants shall file the application with respect to each class of goods as outlined in the published Classification of Goods. Each trademark registration application submitted to the Trademark Office must be accompanied by an Application for Trademark Registration , 10 prototypes of the requested trademark (prototypes of colored trademarks must be submitted in the exact color) , and one black and white copy of the design blueprint. Prototypes of the trademark must be clearly discernible adhesive images printed on durable paper with a smooth finish , or otherwise be a photograph. The length or width shall be between 5 to 10 centimeters. Article 10 Application forms for trademark registration and related papers shall be completed in pen and ink , writing brush and ink , or typed. All information must be clearly written or typed. The name , stamp or seal of the applicant applying for trademark registration shall be the same as that approved or registered. The subject item shall not go beyond the approved or registered scope of business. The designation of items shall be filed in accordance with the table for the classification of goods. A description must be attached for items not listed in the aforementioned table. Article 11 Applications for trademark registration of pharmaceuticals for human consumption must bear

an attached certificate issued by the administrative department for public health. Applications for trademark registration of cigarettes , cigars or packed cut tobacco must bear attached papers indicating certified production approval by competent State authorities responsible for tobacco products. Applications for trademark registration of other goods which require a registered trademark in accordance with the stipulations shall bear attached papers certifying the approval of relevant competent departments. Article 12 The date of application for registration of a trademark shall be the date the Trademark Office receives the application form and related papers. In cases when the applicant has completed all required application procedures and has completed the application form and related papers in accordance with relevant stipulations , the Trademark Office shall assign the application a file number and issue a Notification of Acceptance. However , should the applicant fail to properly complete necessary procedures or in some way fail to complete the application form and related papers in accordance with relevant stipulations , the application form shall be returned to the applicant , and no date of application shall be reserved. In cases when application procedures are basically complete or the application form and the related papers are basically in conformity with the relevant stipulations , but there is a need for the applicant to provide necessary supplementary information or make corrections thereto , the Trademark Office shall notify the applicant to submit said information or make said changes and will require the latter to resubmit the supplementary or corrected application to the

Trademark Office within fifteen days of receipt of the notification. The filing date shall be reserved if requested supplementary information of or corrected application is resubmitted to the Trademark Office within the specified time limit. However , the failure to submit requested supplementary information or corrected application by the expiration of the specified period or thereafter , the application form shall be returned to the applicant , and no date of application shall be reserved.

Article 13 Should two or more applicants apply for registration of an identical or a similar trademark for the same or similar items on the same day , they shall within 30 days after receiving notification from the Trademark Office furnish requested proof of the dates on which they began using their respective trademarks. In cases when use of the trademark began on the same date , or in other cases when a trademark is not yet in use , applicants shall be required to settle the matter through consultations , and further to submit their written agreement to the Trademark Office within 30 days. If no agreement can be reached within said 30 day period , the applicants in question shall draw lots to determine trademark rights. The Trademark Office shall either preside over the process , or shall otherwise adjudicate the matter.

Article 14 Applicants for trademarks shall submit a Power of Attorney authorizing a trademark agency to file required applications for the registration of trademarks , or for all other matters arising concerning said trademark. The Power of Attorney shall indicate content and competent authorization. In addition , in cases when the applicant is a foreigner or foreign enterprise , the

Power of Attorney shall clearly indicate the nationality of the party granting authorization. Foreigners or foreign enterprises shall use the Chinese language when applying for trademark registration or when handling related trademark matters. Notarization and authentication procedures for Powers of Attorney and relevant certificates shall be completed in accordance with the principle of reciprocity. Chinese translations shall be attached to the completed application form and all related papers submitted in a foreign language. Article 15 The Trademark Office maintains the option to review claims for priority in all applications for trademark registration. Specific procedures shall be followed as prescribed and promulgated by the State Administration for Industry and Commerce. 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