

中国知財ニュース IP NEWS in CHINA

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情報元：[中国法総合オンラインサービス〈Westlaw China〉](#)

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Proposed Legislation

[1] **The legislative research symposium for the Regulations for Service Invention (Draft) held**

[State Intellectual Property Office]

...The research team composed of officials from the State Intellectual Property Office, the Ministry of Agriculture, the Ministry of Industry and Information Technology etc. conducted legislative research for the Regulations for Service Invention (Draft) and held the research symposium. This research discussed the issues of the enterprises and institutions in the aspects of the intellectual property management system, the relevant authorship, the ownership of rights of service invention, reward and compensation standard, and use and implementation, supervision and inspection and legal responsibility of service invention and intellectual property rights, etc., which provided better guarantee for the drafting of Regulations for Service Invention.

[2] **The revision draft of the Trademark Law deliberated**

[NPC.gov.cn]

...On August 26, the fourth session of the 12th NPC Standing Committee deliberated on the revision draft of the Trademark Law. Some committee members stated that the draft has been revised for twice, absorbed the opinions from all sides and improved the provisions on protection of well-known trademarks, standardization of administrative practices, improvement of examination efficiency, and

protection of business operation in good faith. The draft was mature now and may be submitted for voting at this session. Meanwhile, there were some other revision opinions: with respect to Article 59 of the Draft, "before a trademark registrant applies for the registration of a trademark, others have used the trademark with certain influence identical or similar with the registered trademark at the same or similar commodities", the expression of "with certain influence" is ambiguous. The members suggest clarifying the scope and meaning of this expression in the supplementary provisions of the law. Other suggestions include enhancing the penalties for trademark agencies; increasing the provision on legal validity determination and regulatory responsibility on registered trademarks used on Internet; improving the conditions for applying for protection of well-known trademarks; applying well known trademarks to packaging and publicity; protecting famous trademarks; and increasing the specific meaning of geographical indications, how to apply or cancel etc.

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Adopted Legislation

[1] The NPC Standing Committee revised the Trademark Law

[NPC.gov.cn]

...The fourth session of the 12th NPC Standing Committee adopted on Aug 30 the Decision of the Standing Committee of the National People's Congress on Revising the Trademark Law of the People's Republic of China, which shall take effect on May 1, 2014. The Trademark Law is revised accordingly and promulgated anew. There are about 53 revisions this time, mainly including: 1. adding the provision for the trademark review time limit; 2. improving the trademark registration objection system; 3.regulating the trademark application and use and prohibiting the rush registration of others' trademarks and maintaining the market order of fair competition; and 6. regulating the trademark proxy acts.

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