



## 中國商標異議申請

根據《中國商標法》第 33 條規定的情況：

1. 違反商標禁止使用、禁止註冊規定的
2. 不以使用為目的的惡意商標註冊

自商標局初步審定予以公告之日起**三個月內**，**任何單位或個人**可針對該公告商標提異議。

1. 複製、摹仿或者翻譯他人馳名商標
2. 代理人或代表人以自己的名義搶注商標
3. 與他人在相同或類似商品上的在先商標相同或近似的
4. 損害他人現有的在先權利，以不正當手段搶先註冊他人已使用並有一定影響的商標

自商標局初步審定予以公告之日起**三個月內**，**在先權利人或者利害關係人**可以向商標局提出異議。

### 異議的作用是什麼？

當商標申請因存在公告中的在先相似商標被駁回，提出異議是掃除在先商標阻礙的有效方式之一；也是已註冊的商標權利人對在後申請人的有效監督措施，可以避免在後申請人獲得不應得到的商標專用權。

### 異議的審查期限多久？

12-18 個月。

### 異議的費用是多少？

**5800** 元起。請聯繫我們索取具體的報價。

## PRC Trademark Opposition

**According to Article 33 of PRC Trademark Law,**

1. A trademark registration violates the relevant prohibition rules
2. A trademark registration is made in bad faith and not for use

Any **organization or individual** may file an opposition application, **within three months** from the date of publication.

1. A well-known trademark is copied, imitated or translated
2. An agent or a representative applies for registration of a trademark without authorization
3. A trademark is identical with or similar to other's registered trademark used for the same or similar goods
4. The existing prior rights of any other party are infringed upon, or registering a trademark (with a certain influence already used by another party) by illegal means

Any **holder of prior rights or interested party** may file an opposition application, **within three months** from the date of publication.

### Why opposition?

If the application is objected due to prior similar mark(s) which is in publication, filing opposition is one of the most effective ways to remove the previous trademark obstacles; and it is also an effective way for registered trademark owners to supervise subsequent trademark applications.

### How long is the processing time?

12-18 months.

### How much?

From **HKD 5,800**. Please feel free to contact us for more detailed quotation.