卓遠 ACCOLADE

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中國商標三年不使用撤銷

根據《中國商標法》第 49 條規定，註冊商標沒有正當理由連續三年不使用的，任何組織或個人可以向商標局申請撤銷該註冊商標。

三年不使用撤銷的作用是什麼？

當商標申請因存在在先的相似商標被駁回，提出三年不使用撤銷是掃除在先商標阻礙的有效方式之一，可以為新商標的成功註冊鋪平道路。在中國，撤銷人無需舉證，可直接提交撤銷申請。有效使用的舉證責任在於在先商標註冊人。

如何提出三年不使用撤銷申請？

提交《撤銷連續三年不使用註冊商標申請書》等文件。請聯繫我們索取申請表格。

三年不使用撤銷申請的審查期限多久？

9-12 個月。

三年不使用撤銷申請的費用是多少？

5800 元起。請聯繫我們索取具體的報價。

PRC Trademark 3-year Non-use Cancellation

According to Article 49 of Chinese Trademark Law, where a registered trademark has not been used for three consecutive years without any justifiable reasons, any organization or individual may request that the Trademark Office make a decision to cancel such registered trademark.

Why 3-year non-use cancellation?

If the application is objected due to prior similar mark(s), filing non-use application(s) is one of the most effective way to remove the prior similar obstacles. In mainland China, the applicant does not need to do any investigation and may file non-use cancellation(s) directly. The burden of proof lies with the registrant(s) of prior mark(s), they shall provide valid evidences of use.

How to cancel?

Submit application form, etc. Please feel free to contact us for more information.

How long is the processing time?

9-12 months.

How much?

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

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