



中国商标无效宣告申请

根据《中国商标法》第 44 条规定的情况：

1. 不以使用为目的的恶意商标注册
2. 违反商标禁止使用、禁止注册规定的
3. 以欺骗手段或者其他不正当手段取得注册
任何单位或个人可针对该注册商标提无效。

根据《中国商标法》第 45 条规定的情况：

1. 复制、摹仿或者翻译他人驰名商标
2. 代理人或代表人以自己的名义抢注商标
3. 与他人在相同或类似商品上的在先商标相同或近似的
4. 损害他人现有的在先权利，以不正当手段抢先注册他人已使用并有一定影响的商标
自商标注册之日起**五年内**，**在先权利人或者利害关系人**可以针对该注册商标提无效宣告申请。对恶意注册的，驰名商标所有人不受五年的时间限制。

无效宣告的作用是什么？

是新商标申请人扫除在先商标阻碍的有效方式之一；是已注册商标权利人对其他已注册商标的有效打击措施；是保护在先权利（包括在先著作权、姓名权、商号权等）的有效途径。

无效宣告的审查期限多久？

9-18 个月。

无效宣告的费用是多少？

SGD 1,050 起，请联系我们索取具体的报价。

China Trademark Invalidation

According to Article 44 of PRC Trademark Law,

1. A trademark registration is made in bad faith and not for use
2. A trademark registration violates the relevant prohibition rules
3. A trademark registration is made by fraud or any other illegal means

Any **organization or individual** may file an invalidation application.

According to Article 45 of PRC Trademark Law,

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 any interested party** may, **within five years** from the date of registration, file an invalidation application. Where the registration was obtained with ill will, the owner of a famous trademark shall not be bound by the five-year limitation.

Why invalidation?

One of the most effective ways for new applicants to remove previous trademark obstacles; An effective way for trademark registrants to crackdown other similar registered trademarks; An effective way to protect prior rights (copyright, right of personal name, right of trade name, etc.)

How long is the processing time?

9-18 months.

How much?

From **SG 1,050**. Please feel free to contact us.