

Latest Trademark Law amendments double maximum statutory compensation

The proposed third amendments to China's Trademark Law have undergone a second reading during the third session of the 12th National People's Congress Standing Committee. Although the draft amendments were not made available to the public, details were posted on the National People's Congress website. The proposed amendments include several important new provisions, including an increase in the maximum statutory compensation for trademark infringement, a prohibition

on the use of well-known trademarks in advertisements and the introduction of shorter time limits for proceedings before the trademark authorities.

In particular, the current Trademark Law limits statutory compensation for trademark infringement to Rmb500,000, and the previous draft amendments proposed doubling the maximum amount of statutory compensation to Rmb1 million. The latest amendments now propose to double the maximum statutory compensation again to Rmb2 million.

In addition, the amendments will prohibit the use of the term 'well-known trademark' on products, packaging and containers, as well as in advertising or other commercial activities.

Moreover, under the amendments, the period for the examination of trademark applications shall be no longer than nine months, while the examination of oppositions will also be limited to nine months. The Trademark Review and Adjudication Board will have to review refusal decisions by the Trademark Office within six

months. If the Trademark Office dismisses the opposition, the review process shall be no longer than nine months. In special circumstances, these time limits can be extended upon approval by the State Administration for Industry and Commerce.

Finally, while the previous amendments to the Trademark Law provided for the possibility of registering single colours as trademarks, this provision was not included in the latest amendments.

The new Trademark Law is expected to come into effect later this year.

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