



## 中國商標無效宣告申請

根據《中國商標法》第 44 條規定的情況：

1. 不以使用為目的的惡意商標註冊
  2. 違反商標禁止使用、禁止註冊規定的
  3. 以欺騙手段或者其他不正當手段取得註冊
- 任何單位或個人可針對該註冊商標提無效。

根據《中國商標法》第 45 條規定的情況：

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
- 自商標註冊之日起五年內，在先權利人或者利害關係人可以針對該註冊商標提無效宣告申請。對惡意註冊的，馳名商標所有人不受五年的時間限制。

**無效宣告的作用是什麼？**

是新商標申請人掃除在先商標阻礙的有效方式之一；是已註冊商標權利人對其他已註冊商標的有效打擊措施；是保護在先權利（包括在先著作權、姓名權、商號權等）的有效途徑。

**無效宣告的審查期限多久？**

9-18 個月。

**無效宣告的費用是多少？**

23,200 NTD 起。請聯繫我們索取具體的報價。

## PRC 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 **NTD 23,200**. Please feel free to contact us.