

中華商標協會

China Trademark Association

Brazil · Rio de Janeiro

2019. Aug

一

- 协会简介—— 商标代理人、商标权利人的全国性组织
- Introduction of CTA — The National Organization of Trademark Attorney and Trademark Owners

二

- 主要活动——中国国际商标品牌节
- Main Events of CTA — CTF(China Trademark Festival)

三

- 交流概要——知识产权海外维权：中企视角和外企视角
- Leading Opinion — Oversea IP Protection from perspectives of Chinese and Foreign Enterprises
-

四

- 您心中的好商标好品牌——告诉我们南美答案
- The Good Trademark in Your Heart — Tell me the answer in South America

一、协会简介

(一) 基本情况

- ◆ 中华商标协会（CTA）成立于1994年，是由国内知名企业发起、经国家民政部批准成立的商标领域全国性专业社团组织，承担着宣传商标政策法律、加强商标代理行业自律、服务商标品牌建设、促进商标品牌国际交流等职能，在《国务院关于新形势下加快知识产权强国建设的若干意见》《中国制造2025》《“十三五”国家知识产权保护和运用规划》等一系列重要文件的任务分工中承担职责。协会的业务指导单位为国家知识产权局。

一、Introduction

(一) Brief Introduction of CTA

- ◆ Established in 1994, China Trademark Association (CTA) is a national-level organization founded by some well-known domestic enterprises upon approval by the Ministry of Civil Affairs. It is composed of enterprises, trademark agencies, related organizations, experts, scholars and members of the public. It is a non-profit social organization. It undertakes the functions of promoting trademark policies and laws, strengthening self-discipline of trademark agency industry, providing service to trademarks & brands building, promoting international exchange of trademarks & brands, so on and so forth. CTA is responsible for the duties in a series of important documents, such as the State Council's Opinions on Speeding up the Construction of a Powerful Intellectual Property Country under the New Situation, Made in China 2025, and The 13th Five-year Plan for the Protection and Application of Intellectual Property Rights. CTA's business guidance bureau is National Intellectual Property Administration.

一、协会简介

(二) 组织机构

中华商标协会下设办公室、会员部、法律部、宣传部、国际部、中国商标品牌研究院秘书处等6个部门、中企商标鉴定中心、中企商标发展中心、《中华商标》杂志社3个下属实体，以及中华商标协会代理分会、地理标志分会、老字号商标分会、品牌商标维权联盟、商标海外维权委员会、国际交流发展委员会等。

一、Introduction

(二) Organization Structure

CTA consists of General Office, Legal Affairs Division, Membership Division, Zhongqi Trademark Development Center, Expert Committee of Zhongqi Trademark Verification Center, China Trademark Journal Press, International division and Secretariat of China Trademark and Brand Institute.

一、协会简介

(三) 主要任务

- ◇ 宣传、贯彻商标法律法规，增强全社会的商标意识；
- ◇ 指导和协助会员企业实施商标品牌战略，提高商标运用、保护和管理水平；
- ◇ 为会员企业提供商标法律咨询服务；
- ◇ 举办学术活动，开展商标品牌调研工作，向政府有关部门提出建议；
- ◇ 传播国内外商标最新信息，推广先进的理论和成功经验；
- ◇ 开展商标国际交流与合作；
- ◇ 出版发行商标专业资料、刊物等。

一、Introduction

(三) Main task

- ◇ Raise the social awareness of trademarks by publicizing and implementing trademark laws and regulations
- ◇ Upgrade the level of use, protection and management of trademarks by guiding and assisting member enterprises in implementing trademark strategies
- ◇ Provide legal advisory services to member enterprises, hold academic activities
- ◇ Provide legal advisory services to member enterprises, hold academic activities
- ◇ Make suggestions to government authorities;
- ◇ Conduct international communication and cooperation in the field of trademarks;
- ◇ Publish and distribute professional documents and publications, etc.

一、协会简介

(四) 会员组成

- ◆ 中华商标协会的会员分为单位会员和个人会员。
- ◆ 单位会员是由商标知名度高，经济效益好的企业、商标代理机构以及相关团体等单位组成。
- ◆ 个人会员是由对商标理论有相当的造诣，经验丰富的专家学者或法律工作者组成。

一、Introduction

(四) Membership

- ◇ There are two types of CTA members, namely corporate members and individual members.
- ◇ The corporate members are enterprises with strong economic strength and high trademark reputation, and trademark agencies and relevant organizations.
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- ◇ .

二、主要活动 Main Event



二、主要活动

——中国国际商标品牌节概况



中国国际商标品牌节是原国家工商行政管理总局批准举办、中华商标协会主办的国内规格最高、规模最大、影响最广的商标品牌盛会，受到国内外政府部门、国际组织、企业家及商标界人士的广泛关注。每年一度的商标品牌节集商标信息发布、商标理论探讨、商标保护咨询、商标战略经验交流、中外商标文化及知名品牌展示等为一体，主要由中国商标年会、中华品牌博览会以及一系列内容丰富、形式多样的主题活动构成，既是展示中外商标品牌文化和内涵、总结推广商标品牌战略经验的平台，也是中外商标品牌界理论研讨和交流合作的平台，更是推动中国产品向中国品牌转变、走向世界的重要平台。每届商标品牌节均邀请国家工商总局领导及相关司局领导出席，来自国家相关部委、法院、地方政府、各级工商和市场监管部门、知识产权国际组织、境外政府和民间机构以及国内外知名企业代表数千人参会、参展，《人民日报》、新华社、中央电视台等数十家中央媒体对商标品牌节相关活动进行广泛宣传报道，在国内外产生了广泛的影响。商标品牌节已成为名副其实的国际商标品牌界盛会。迄今为止，中国国际商标品牌节已成功举办十一届。

二、Main Events

—— CTF(China Trademark Festival)



CTF(China Trademark Festival) is the largest and most influential trademarks - brands event approved by the former state administration of industry and commerce which sponsored by the China trademark association. There are two main activities of CTF, which is Annual meeting and trademark-brand Expo. It contains trademark information release, trademark theory discussion, trademark protection consulting, trademark strategy experience exchange and many other activities. It is the great platform to share Chinese and international IP theories and products to the world. Every year, CTF invites many top government officials to attend main forum and sub forum, such as SAIC, The Supreme Court, local government, official press and many related departments. So far, CTF has been successfully held for 11 years.



商标信息发布
Release
Trademark
Information

商标理论探讨
Discuss
Trademarks
Theory

商标保护咨询
Consult
Trademarks
Protection

商标战略经验交流
Exchange
Trademarks
Strategy

中外商标文化及
知名品牌展示
Showcase
Trademarks &
Brands Culture

CTF

二、主要活动 Main Events

——第十一届中国国际商标品牌节精彩花絮 11th CTF Highlights



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——第十一届中国国际商标品牌节精彩花絮 11th CTF Highlights



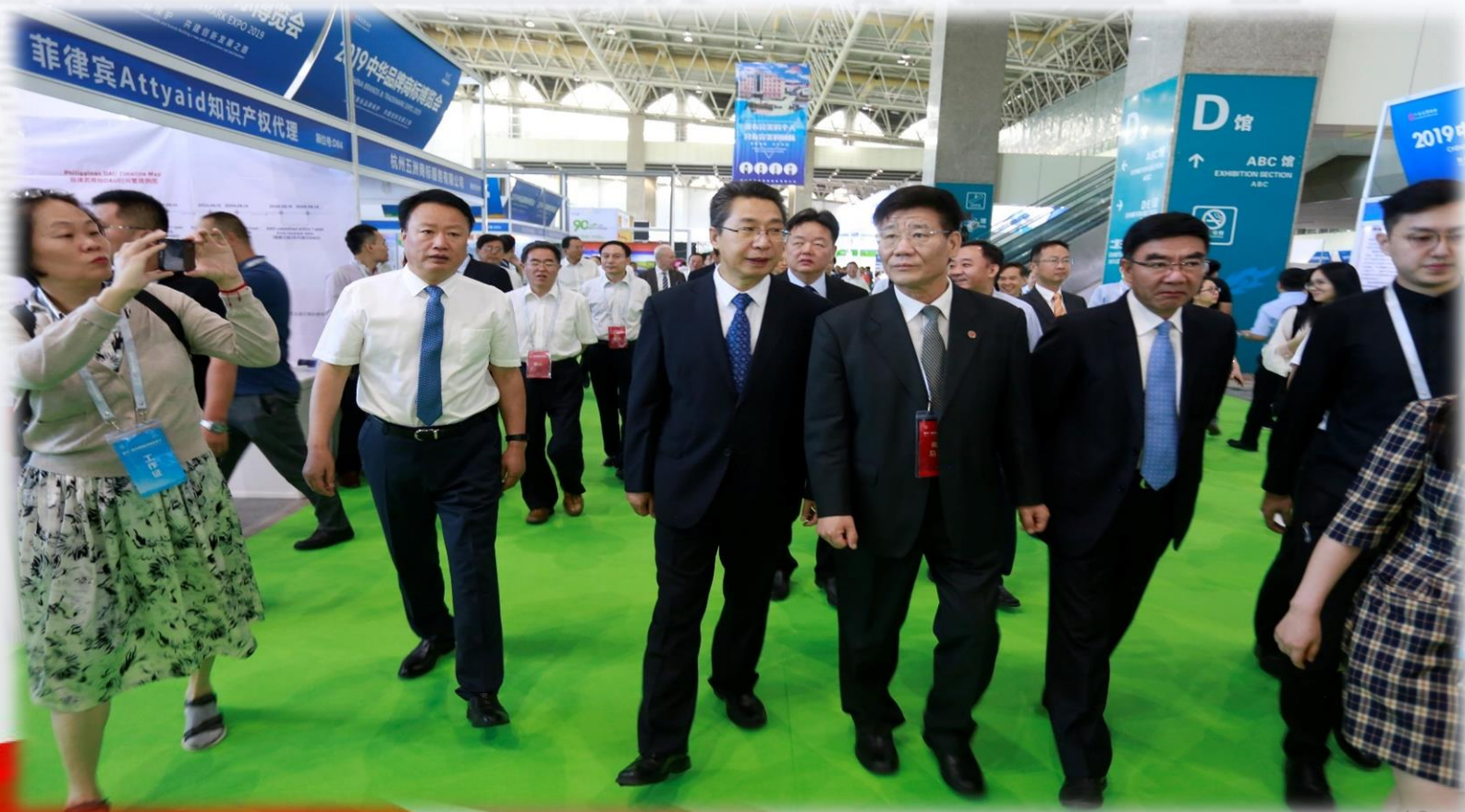
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三、交流概要

——知识产权海外维权的中企视角

（一）中国做法：严格保护知识产权、持续优化营商环境

着力加强顶层设计，努力推进制度创新
围绕企业痛点难点，鼓励外资深化合作
设立专业知产法庭，树立国际知产旗帜
严抓严打侵权假冒，全面优化营商环境

三、交流概要 Leading Opinion

——知识产权海外维权的中企视角

IP Oversea Protection by Chinese Comapany 's Perception

(二) 面临的问题:

商标海外被抢注

Oversea malicious trademark registration

侵权频发需关注

Focus on the infringing act

三、交流概要 Leading Opinion

——知识产权海外维权的中企视角

IP Oversea Protection by Chinese Comapany 's Perception

(三) 对策与建议:

坦然面对冲突	Face challenge
积极进行维权	Defend rights
发挥平台作用	Build platform
加大援助力度	Keep helping

三、交流概要 Leading Opinion

——在中国如何应对商标侵权

前言

How trademarks to cope with Infringement in China

- ◆ 在商标领域，海外企业大多关注在中国如何应对商标侵权。中国受理涉外知识产权案件呈逐年上升趋势，中国对知识产权的司法保护力度也在不断加大。
- ◆ 近年来中国商标法进行了多次修改，最新修改的《商标法》将于2019年11月1日起实施，增加了“不以使用为目的恶意商标注册，应当予以驳回”的条款，同时提高了侵犯商标专用权的赔偿数额，还新增加内容规定，在审理商标纠纷案件中，人民法院根据权利人的请求，可以责令销毁假冒注册商标的商品和主要制假材料、工具，假冒产品不得仅去除商标后进入商业渠道。旨在进一步加强知识产权保护，优化营商环境，遏制商标恶意注册。

三、交流概要 Leading Opinion

——在中国如何应对商标侵权

Introduction

How trademarks to cope with Infringement in China

The Trademark Law has been amended several times in recent years, the new edition will be effective on November 1st, 2019, with the highlighted articles of

- ◆ “A mala fide applied trademark without intention of actual use shall be rejected, and no publication shall be made.”
- ◆ The maximum of compensation will be raised.
- ◆ In lawsuit of trademark disputes, the China's court, at the request of the obligee, may sentence destruction of counterfeit commodities, main materials and tools for producing counterfeits. Counterfeit products may not enter commercial channels even after the trademark is removed.

The above amendments aim to strengthen the protection of intellectual property, improve the business environment and curb malicious trademark registration

三、交流概要 Leading Opinion

——在中国如何应对商标侵权

How trademarks to cope with Infringement in China

1、商标侵权行为包括：

未经商标注册人许可和同意的情况下：

擅自使用商标 ； 销售侵权产品

伪造商标标识 ； 协助商标侵权

更换商标后侵权产品再投入市场

三、交流概要 Leading Opinion

——在中国如何应对商标侵权

How trademarks to cope with Infringement in China

Topic 1. Trademark Infringement

- ◆ Unauthorized use of another party's trademark
- ◆ Sale of any goods that have infringed the exclusive right to use any registered trademark
- ◆ Counterfeiting or producing, without authorization, labels of another's registered trademark
- ◆ 4) Change of any trademark of a registrant, and selling goods bearing such replaced trademark on the market.
- ◆ 5) Providing, intentionally, convenience for activities infringing upon others' exclusive right of trademark use, and facilitating others to commit infringement on the exclusive right of trademark use; or
- ◆ 6) Other acts that have caused any other damage to another's exclusive right to use a registered trademark.

三、交流概要 Leading Opinion

——在中国如何应对商标侵权

How trademarks to cope with Infringement in China

2、维权的法律途径

2种保护途径：

◆行政：——市场监管（知识产权）部门

◆司法：——法院诉讼

三、交流概要 Leading Opinion

——在中国如何应对商标侵权

How trademarks to cope with Infringement in China

Topic 2: Legal Approach to Protect Rights

◆ Administrative and Judicial Protection

- 1、Administrative Approach:
Complain to the Market Supervision Bureau
- 2、Court Lawsuit :
Bring a lawsuit to the competent court in accordance with the Civil Procedure Law
3. If it constitutes a criminal offense, the case can be transferred to a judicial authority for settlement in accordance with the law.

三、交流概要 Leading Opinion

——在中国如何应对商标侵权

How trademarks to cope with Infringement in China

3、案件管辖

- ◆ 侵权人住所地
- ◆ 侵权行为地
- ◆ 网络服务器所在地

三、交流概要 Leading Opinion

——在中国如何应对商标侵权

How trademarks to cope with Infringement in China

Topic 3: Jurisdiction

Generally, it is the place where the infringer has his domicile or where the infringer commits an infringement. If the infringer infringes on the Internet, the location of the server is usually considered as the place where the infringer commits an infringement.

四、您心中的好商标好品牌

The Good Trademark in Your Heart



——告诉我们南美答案

Tell me the answer of South America

四、您心中的好商标好品牌

The Good Trademark in Your Heart

——告诉我们南美答案

Tell me the answer of South America

中国答案
Answer
of China



欧盟答案
Answer
of EU



南美答案
Answer
of SA

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感谢聆听！
Thanks for listening



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