新商標制度 New Trademark System

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新《商標條例》於二零零零年通過。商標 註冊處現正安裝新的電腦系統,使註冊 處能以電子方式為商標擁有人和公眾提 供法定服務

The new Trade Marks Ordinance was passed in 2000. IPD is putting into place a new computer system to deliver the Trade Marks Registry's statutory services to trademark owners and the public, electronically

令商標法例現代化 Modernising trademark law

新《商標條例》及《商標規則》旨在令商標 註冊制度現代化,並加強對註冊商標提供 保護

The new Trade Marks Ordinance and Rules aim to modernise the trademark registration system and to increase protection for registered trademarks

好處 - 加強保護 Advantages -increased protection

- 更多種類的標記可註冊為商標
 wider range of signs that can be registered as trade marks
- 為馳名商標提供更佳保護 better protection for well-known trade marks
- 擴闊可註冊成為防禦商標的範圍 broader scope of defensive registration
- 引進集體商標註冊 introduces registration of collective marks

好處 - 簡化及放寬 Advantages - simplifies and liberalizes

- 簡單、單一部的註冊紀錄冊,及於申請人要求下才紀錄卸棄

 simple unified register and disclaimers only entered at
 - simple, unified register and disclaimers only entered at applicant's request
- 減省有關轉讓註冊商標和商標註冊申請的繁瑣手續 removes red tape on assignment of trademarks and applications for trademarks
- 減省有關商標特許的繁瑣手續 removes red tape on licensing of trademarks

好處 - 平衡利益 Advantages - balance of interests

- 容許平行進口商標產品,只要貨品的狀況沒有改變或受損 allows parallel importation of goods, provided their condition is not changed or impaired
- 容許按照在工業或商業事宜中的誠實做法而作出的比較性 廣告宣傳
 - allows comparative advertising, in accordance with honest industrial and commercial practices
- 引進對無理威脅提出侵權訴訟的防護措施,與其他的知識 產權法例一致
 - introduces safeguards against groundless threats of infringement proceedings in line with other IP legislation

好處 - 電子交付 Advantages - electronic delivery

- 為以電子方式提供服務設立法定框架及商標註冊處工作程序
 - establishes a statutory framework and Trade Marks Registry working procedures for electronic service delivery
- 使公眾可於網上進行註冊申請,檢索有牴觸商標及查閱註 冊資料
 - makes application for registration, search for conflicting marks and registered information available on-line
- 以電子形式公布註冊申請(作反對註冊用)
 publishes applications for registration electronically for the purposes of opposition

好處 - 節省費用 Advantages - cost effectiveness

- 減低商標註冊申請人所須付的費用 reduces costs to applicants for registration
- 容許公眾免費查閱註冊資料 allows public search of registered information free of charge
- 申請人可以一份申請來同時就多個類別的貨品和服務申請 註冊某商標
 - applicants can apply to register a trade mark for goods and services simultaneously in several classes of the register

好處 - 程序上 Advantages - procedural

- 改善及加快申請程序 streamlines and speeds up applications
- 減省有關聲稱具有優先權利的繁瑣手續 cuts down red tape when claiming international priority
- 為商標就服務註冊引進新的服務分類 introduces a new classification for trademarks for services

註冊程序 Registration procedures

《商標規則》將規管基本上以電子方式進行的商標註冊程序

The Trade Marks Rules will regulate trade mark registration procedures in an essentially electronic environment

就對立權利作出裁決 Adjudicating on competing rights

《商標規則》將規管:

- ■反對商標註冊
- ■撤銷註冊
- ■宣布註冊無效等程序

The Rules will regulate trademark opposition, revocation and invalidity proceedings between rights owners

網上商標檢索 Online Trade Mark Search

http://ipsearch.ipd.gov.hk









