

Interpretation on People's Courts Subjecting Rights in Registered Trademarks to Property Preservation

(Promulgated on 2 January 2001 and effective as of 21 January 2001.)

The following Interpretation concerning relevant issues in people's courts subjecting rights in registered trademarks to property preservation measures, is issued in order that property preservation measures against the rights in registered trademarks are carried out correctly and to avoid duplication of preservation.

Article 1 When a people's court adopts property preservation measures pursuant to relevant provisions of the Civil Procedure Law, and such measures need to be carried out against the rights in a registered trademark, it shall send a notice to assist in execution to the Trademark Office of the State Administration for Industry and Commerce (TMO). The notice shall state the name, registrant and registration certificate number of the registered trademark against which the people's court is requesting assistance in execution from the TMO, the term of preservation and the particulars of the preservation for which assistance in execution is requested, including such matters as prohibiting the assignment or deregistration of the registered trademark, the amendment of the registered particulars, the registration of a pledge of the trademark rights, etc.

Article 2 The term for preserving the rights in a registered trademark may not exceed six months at a time. Such term shall run from the date of receipt by the TMO of the notice to assist in execution. If the preservation measures against the rights in the registered trademark need to be extended, the people's court shall, before the expiration of the term of preservation, send a new notice to assist in execution to the TMO, requesting that it extend the term of preservation. Otherwise, the rights in the registered trademark shall be deemed to have been automatically released from the property preservation measures.

Article 3 The People's Court may not duplicate preservation measures against the rights in a registered trademark that are already subject to preservation.

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