

## 《“杨倩”“陈梦”“全红婵”等109件商标注册申请被依法驳回》

针对近期发生的杨倩、陈梦、全红婵等奥运健儿姓名被申请注册商标事宜，8月19日，国家知识产权局发布通告，依法驳回相关商标注册申请。



全红婵在展示女子10米跳台金牌。

The National Intellectual Property Administration rejected 109 applications for trademark registration using names of Olympic athletes on Thursday in a bid to protect the name rights of public figures.

国家知识产权局8月19日依法驳回109件使用奥运健儿姓名的商标注册申请，以强化对公众人物姓名的保护。

### 【知识点】

《中华人民共和国商标法》规定：

任何能够将自然人、法人或者其他组织的商品与他人的商品区别开的标志，包括文字、图形、字母、数字、三维标志、颜色组合和声音等，以及上述要素的组合，均可以

作为商标注册。

Any signs, including words, graphs, letters, numerals, three-dimensional symbols, color combinations, sound or any combination thereof, that are capable of distinguishing the goods of a natural person, legal person or other organizations from those of others may be applied for registration as trademarks.

申请注册的商标，应当有显著特征，便于识别，并不得与他人在先取得的合法权利相冲突。

A trademark submitted for registration shall bear noticeable characteristics and be readily distinguishable, and it may not conflict with the legitimate rights obtained by others earlier.

今年3月，国家知识产权局印发的《打击商标恶意抢注行为专项行动方案》，重点打击商标恶意抢注（malicious trademark registrations）、图谋不当利益（profiteering），扰乱商标注册管理秩序（disrupt order of trademark registration management），造成较大不良社会影响的行为，其中包括“恶意抢注具有较高知名度的公众人物姓名、知名作品或者角色名称”。

国家知识产权局发布的通告指出：

Some enterprises attempted to maliciously use the names of Olympic players to apply for trademarks.

个别企业把奥运健儿姓名等相关特定指代含义的热词进行恶意抢注，提交商标注册申请。

The behavior, which is to benefit from others' reputation, has not only harmed Olympic athletes' rights and interests, but also brought negative effects to society, according to the note.

该行为攫取或不正当利用他人市场声誉，侵害他人姓名权及其合法权益，已产生了恶劣的社会影响。

It said the administration will intensify efforts to fight malicious trademark registrations and keep a sound business environment, adding applicants or agencies that use improper means to apply for trademarks will be punished in line with the law.

国家知识产权局将保持严厉打击商标恶意抢注行为的高压态势，对恶意申请商标注册的申请人及其委托的商标代理机构，依法依规严肃处理，持续营造良好的创新环境和营商环境。

8月18日，中国奥委会也就此发表声明。

Without getting permission from the Olympic athletes or guardians of players who are minors, no one should maliciously register their names as trademarks or take other action infringing on the right of their names or other rights, the committee said.

如未获得运动员本人或未成年运动员监护人授权，不得以奥运健儿姓名恶意抢注商标或其他侵犯运动员姓名权等合法权益的行为。

"If such acts occur, the application for trademark registration should be suspended or withdrawn in a timely manner," it said, adding that the athletes or guardians of young players have the right to sue infringers.

有上述行为的，应及时撤回和停止实施商标注册申请。运动员及未成年运动员监护人有依法追究相关侵权行为人法律责任的权利。

《中华人民共和国民法典》规定：

自然人享有姓名权，有权依法决定、使用、变更或者许可他人使用自己的姓名，但是不得违背公序良俗。

A natural person enjoys the right to name and is entitled to determine, use, change, or allow others to use his name in accordance with law, provided that public order and good morals are not offended.

任何组织或者个人不得以干涉、盗用、假冒等方式侵害他人的姓名权或者名称权。

No organization or individual may infringe upon other's rights to name or rights to entity name by means such as interference, misappropriation, impersonation, or the like.

#### 【相关词汇】

商标抢注 trademark squatting

商标盗用 trademark appropriation

商标仿冒 trademark imitation

知识产权保护 intellectual property rights protection

知识产权归属 intellectual property (IP) ownership

参考来源：中国日报网、中国人大网