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标 题: 全国人大常委会关于修改《中华人民共和国著作权法》的决定

发行部门: 全国人大常委会

类 别: 知识产权

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全国人大常委会第十一届全国人大常委会第十三次会议于2月26日表决通过了全国人大常委会关于修改《中华人民共和国著作权法》的决定, 国家主席胡锦涛签署第26号主席令予以公布。

新修订的著作权法的内容包括以下两个方面: 1) 将第四条修改为: “著作权人行使著作权, 不得违反宪法和法律, 不得损害公共利益。国家对作品的出版、传播依法进行监督管理。” 删除原来对非法出版物不予保护的条款, 增加规定依法进行监督管理的规定。2) 增加一条, 作为第二十六条: “以著作权出质的, 由出质人和质权人向国务院著作权行政管理部门办理出质登记。” 新著作权法自2010年4月1日起施行。

Statute Title: Decision of the Standing Committee of the National People's Congress on Amending the Copyright Law of the People's Republic of China

Issuing: Standing Committee of the National People's Congress

Category: Intellectual Property

Date Issued: 26 February 2010

Date Effective: 01 April 2010

The 11th Standing Committee's 13th session of the National People's Congress (NPC Standing Committee) of China adopted the Copyright Law amendment on 26 February, 2010. President Hu Jintao signed Presidential Decree No. 26 shall be announced.

The revised Copyright Law mainly in the following two aspects: 1) Article 4 is amended as: "Copyright owners, in exercising their copyright, shall not violate the Constitution and laws, shall not prejudice the public interest. The publication or distribution of the work shall be supervision and management by State in accordance with the law. Removed the original provision "Works the publication or distribution of which is prohibited by law shall not be protected by this Law." 2) Added an provision as Article 26, "In case of pledge of copyright, the pledger and the pledgee shall go through registration of the pledge with the copyright administration under the State Council." The new Copyright Law will be implemented on 1 April 2010.

标 题: 最高人民法院印发《关于审理商标授权确权行政案件若干问题的意见》的通知

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发行部门: 最高人民法院

类别: 商标/行政诉讼

发布日期: 2010年04月20日

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最高人民法院 25 日公布了《最高人民法院关于审理商标授权确权行政案件若干问题的意见》，首次以规范性文件的方式，对商标授权确权行政案件的若干司法审查标准提出指导性意见。

《意见》共 20 条，对总体性司法政策导向、商标是否具有显著特征的审查判断、驰名商标的保护、代理人或者代表人抢注、商品类似和商标近似判断、在先权利的保护、注册商标连续三年停止使用的审查判断等商标授权确权司法审查较为突出的问题提出指导性意见。

Statute Title: Several Opinions of the Supreme Court on the Trial of Administrative cases on Trademark Authorization and Ownership Determination

Issuing Department: The Supreme Court

Category: Trademark / Administrative action

Date Issued: 20 April 2010

Date Effective: 20 April 2010

On the date of 25th April 2010, the Supreme People's Court announced the "Supreme People's Court on the Trial of Administrative cases of Trademark Authorization and Ownership Determination Opinions". It's the first time in the way of normative documents, to give the criteria of judicial review guidance for the trial of trademark authorization and ownership determination such administrative cases.

"Opinions" is total of 20 Articles, focus on the overall justice policy-oriented, review and judgment of trademark a significant feature, protection of well-known trademark, rush registration of agent or representative, judgment of similar products and similar trademarks, priority protection, review and judgment of registration trademark for three consecutive years stop using, etc.,

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