

随着知识产权制度和其理论研究的不断健全与深化，我国对知识产权法的利益平衡问题予以更深切的关注。其中，在商标法中的原则和具体规则中，很多都影射了协调商标产权人与社会公众之间利益冲突的思路。可以说，商标法就是一种典型的利益平衡机制。

另一方面，2008年的一场金融海啸，突显了我国在国际经济体系中愈见重要的地位。随着我国逐渐加大内需，可以预期我国将从世界各国输进更多的产品。另外，世界各地的公司纷纷来华投资，跨国公司的投资也已经成为我国利用外资的一个重要组成部分。

虽然跨国公司在我国一直积极采取各种行动维护其驰名商标权的利益，但是当中却因为种种原因而遇上不少障碍与困难，往往使不法份子有机可乘，令驰名商标人及消费大众蒙受损失。换个角度看，我国也有不少善意竞争性厂商，经常埋怨跨国公司在我国的维权行动过份积极严格，甚至无理取闹。因此，检视跨国公司在我国的商标保护策略并平衡各方利益，显然是具有高度的现实意义的。

本文试探讨三个与跨国公司的驰名商标相关而且较为突出的商标维权问题，包括了商标淡化、商标名称与公司名称的冲突及平行进口，并以利益平衡理论作为基础，游走于国家、跨国公司与及其它市场参与者的具体利益之间，根据现时我国的一些特有情况检阅跨国公司在我国的商标保护策略。随着我国在国际经济角色的转变，跨国公司在我国的经济活动之不断深化，以及国民对知识产权意识的提升，都会促使跨国公司调整其商标保护策略，并且引发了一次又一次新的利益平衡的检阅。

With the seeds of Intellectual Property germinating under the soil of China, there are growing concerns regarding the balance of interests in the intellectual property laws. In fact, the balancing exercises of interests between trade mark owners and the general public have already been readily reflected in the principles of trade mark laws and regulations. In other words, the trade mark laws is a classic mechanism for balancing interests.

On the other hand, China becomes more and more important in the global economy is more and more important, as evidenced by the financial tsunami in 2008. With domestic demands boosted, more products will probably be imported into China. Moreover, many companies from all over the world come investing in the Chinese market. In fact, investments from multi-national corporations play a significant part in the Chinese economy.

While Multi-national corporations have spent a lot of resources for trade mark enforcement actions in China, they have encountered a lot of obstacles and difficulties for varied reasons. That gives ways to bad faith infringers, and caused serious damages to the famous mark owners and the general public. Contrastingly, it is also not uncommon that local good faith competitors keep grumbling about the over-aggressive approaches taken by the multi-national corporations. In the circumstances, it is highly practical to review the enforcement strategies of multi-national corporations in China and try to balance the interests of different market players.

Three acute issues relating to the famous marks of multi-corporations, namely, dilution of trade marks, the conflicts between trade mark and company names, as well as parallel imports, are discussed in this thesis. Based on the theory of balance of interests, the enforcement strategies of the multi-national corporations in China will be reviewed in light of the contemporary interests of the nation, the multi-national corporations and other market participants.

The change of role of China in the international trade, the increasing investment in the Chinese market by the multi-national corporations, and the growing awareness of intellectual property rights by the

Chinese, will all lead to adjustment of trade mark enforcement policies of the multi-national corporations and embark on another fresh review for balance of interests.