WORK PRACTICE TO TACKLE BAD FAITH TRADEMARK REGISTRATIONS IN CHINA

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PART 1:
THE LEGAL FRAMEWORK FOR TACKLING BAD FAITH TRADEMARK REGISTRATIONS
COMMON TYPES OF MALICIOUS INTENT AND RELEVANT PROVISIONS OF THE TRADEMARK LAW

- Art 4—bad faith and without genuine intent to use
- Art 10, Paragraph 1, Item (8)—Bad faith for trademark registration that are prone to adverse effects
- Art 13—Malicious copying, imitation, and translation of well-known trademarks by others
- Art 15—Preemptive registration of trademarks based on specific commercial relationships
- Art 32—Malicious infringement of prior rights of others or improper registration of trademarks that have already been used by others and have a certain impact
- Art 44.1—registration obtained by fraudulent or other illegitimate means
THE EXAMINATION AND ADJUDICATION PROCESS FOR TACKLING BAD FAITH TRADEMARK REGISTRATIONS

- ex officio
  - registration examination
  - Invalidation declaration
  - Transfer examination

- inter partes proceedings
  - Opposition examination
  - Review of opposition decision rejecting registration
  - Invalidation declaration
  - Cancellation examination
PART 2:
THE WORK OF CNIPA FOR TACKLING BAD FAITH TRADEMARK REGISTRATIONS
Cracked down on 471,900 cases of malicious registration of trademarks in 2023, an increase of 27% compared to 2022.

The applicant voluntarily terminated illegal and irregular activities totaling 393,000 cases, accounting for 83.3%.
STRENGTHEN THE GOVERNANCE OF BAD FAITH TRADEMARK REGISTRATIONS

1. Strengthen policy supply

In April 2023, CNIPA issued the Work Plan for Systematic Governance of Malicious Trademark Registration to Promote High Quality Development (2023-2025) to promote the upgrading of the fight against bad faith trademark registration from cracking down on rectification to systematic governance.
(1) STRENGTHEN THE GOVERNANCE OF BAD FAITH TRADEMARK REGISTRATIONS

2. Safeguard the legitimate rights and interests of business entities and thoroughly crack down on bad faith trademark registrations.

3. Purify the industry ecosystem in the trademark field and key govern bad faith trademark hoarding in accordance with the law.

4. Other respects
Article 4, bad faith trademark registration applications that are not intended for use shall be rejected.
(2) DEEPENING THE GOVERNANCE OF BAD FAITH REGISTRATION OF TRADEMARKS

- Strengthen departmental collaboration and central & local

- Strengthening the link up of administration and justice
PART 3:

NEXT STEPS

◆ Enhancing the Rule of Law for the governance of bad faith registration of trademarks
  1. Improve the prohibition and prohibition clauses
  2. Regulating dishonest behavior such as providing false materials
  3. Standardize the exercise of rights
THANK YOU
FOR LISTENING