



**China National Intellectual Property Administration (CNIPA)**  
[www.cnipa.gov.cn](http://www.cnipa.gov.cn)

# WORK PRACTICE TO TACKLE BAD FAITH TRADEMARK REGISTRATIONS IN CHINA

**Danqi Wu**  
**Trademark Opposition Division VI, Trademark Office, CNIPA**



# **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**



## **STATISTICS FOR 2023**

- **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%.**



# (1) 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.

## 国家知识产权局文件

国知发办字〔2023〕17号

### 国家知识产权局关于印发《系统治理商标 恶意注册促进高质量发展工作方案 (2023—2025年)》的通知

各省、自治区、直辖市和新疆生产建设兵团知识产权局，四川省知识产权服务促进中心；国家知识产权局局机关有关部门，商标局：

为深入贯彻《知识产权强国建设纲要（2021—2035年）》和《“十四五”国家知识产权保护和运用规划》确定的目标任务，进一步落实2023年全国知识产权局局长会议部署要求，巩固近年来打击商标恶意注册工作成果，全领域深化商标恶意注册行为治理，制定《系统治理商标恶意注册促进高质量发展工作方案



# **(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





# CASE ABOUT BAD FAITH TRADEMARK HOARDING DURING OPPOSITION EXAMINATION

9	抖市	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门鹿来教
38	抖么	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门鹿来教
35	翻抖	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门首观
42	抖娇	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门太卷
41	抖陌	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门晒晒信
41	满抖	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门首观
9	抖帅	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门犀立电
38	胜抖	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门再享文
38	抖兽	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门周衍
9	抖兽	北京字节跳动科技有限公司	北京盈天科地知识产权代理有	厦门周衍

**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**