



Case Study and Updates in PRC Trademark Law & Practice

Vcan Intellectual Property Law Firm



I . About Vcan IP Law Firm

Vcan

- Young firm just established in 2019
- By a group of highly experienced senior lawyers working in Chinese top firms and serving large and small businesses in and abroad for at least 15 years
- Headquartered in Beijing, branches in Shenzhen and Zhengzhou

Patent

- Patent prosecution, management, analysis, invalidation, infringement, IP training and so on
- In all technical fields including computer vision, speech/voice recognition, IC, finance, medical care, security, transportation, UAV/industrial robot, biotechnology, AI-manufacture, communication device/network and so on

Trademark

- All aspects of trademark services in and abroad, including consultation on various trademark matters, trademark strategic planning, query and retrieval, registration, management, trademark rights protection, transfer, dispute resolution, etc.

I . Vcan Contacts

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**Vcan
Trademark**

II. Case Study: malicious trademark registration



Rejected!

- Similar goods ?
- Register other's famous mark with bad faith ?
- Violation of trade name right ?
- Violation of Personal name right ?
- Violation of rights of a well-known trademark holder ?
- Malicious registration !**

II. Case Study: malicious trademark registration



Rejected!

- Ding Zhen
- Huo Shenshan
- Lei Shenshan
- Novel coronavirus
- Li Wenliang

III. Updates in PRC Trademark Law & Practice

COVID-19 influence

Pandemic fails to halt growth of IP filings in China

China saw an increase in IP filings, more efficient intellectual property services and stronger IP protection despite the novel coronavirus.

In respect of trademark, by the end of June, the number of valid registered trademarks reached 33.548 million, up 22.4 percent year-on-year.

Meanwhile, foreign applicants registered 90,000 trademarks in China, up by 7.5 percent year-on-year.

III. Updates in PRC Trademark Law & Practice

1. Amendment of laws

The amendment to the Criminal Law took effect on March 1, 2021 and stipulates heavier criminal penalties for intellectual property rights (IPR) infringements, raising the maximum prison term for trademark and copyright infringements from seven to 10 years.

Other laws on patents, copyrights and trademarks have also been amended in recent years, with harsher punishments for IP violators and higher compensation for IP owners.



**Improving
IPR
protection
environment**

III. Updates in PRC Trademark Law & Practice

2. Cracking down on malicious IP registration

In recent years, the NIPA has shifted its focus from improving intellectual property quantity to quality. The protection of intellectual property is being intensified every step of the way.

An online patent quality monitoring system was set, reporting 38,000 abnormal patent applications and rejecting 39,000 abnormal trademark applications. The industry watchdog is continuing to take measures to curb abnormal applications and trademark hoarding.

Local law enforcement departments are also asked to inquire with, rectify and punish relevant people and agencies.



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3. Official efficiency substantially improved

a) The official processing time further shortened

The country's processing time for trademark applications has been reduced to less than 4.5 months, which is at the forefront globally, and will further be cut to within four months by the end of this year. By now, the review of each trademark registration in China takes only four and a half months on average.

The processing time is still being further shortened to improve processing efficiency and promote development of intellectual property rights.



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III. Updates in PRC Trademark Law & Practice

3. Official efficiency greatly improved

b) Online processing advanced

To facilitate the application, the trademark authorities provide 25 trademark-related services online. More than 98 percent of trademark registrations in China were applied for online in 2020. More online services including trademark review, oppositions, invalidation, non-use cancellation, etc. have been newly opened. Other related businesses are also underway.

Meanwhile, the Trademark Office of the NIPA made great efforts to promote the trademark adjudication documents open to the public and the trademark database freely accessible to the public. By the end of 2020, nearly 900,000 documents had been made public, and more than 50 million trademark stock data had been opened free of charge.



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III. Updates in PRC Trademark Law & Practice



**Strict
examination
standards**

Strict examination standards remain

China follows the first-filing principle and relatively stricter trademark registration examination standards than other countries in the world. Along with the increasing amounts of trademark filings in the recent ten years, and under the conditions that nice linguistic words and characters are limited, obtaining registered trademark rights becomes more difficult.

Therefore, applicants are recommended to schedule to register their trademarks in China as early as possible.



**Thank
You**

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