

## Chinese IP Updates

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### 1. Chinese Trademark Office requires commitment of honesty and creditability for request well-known trademark protection

On August 6, 2021, the Chinese Trademark Office issued an official notification at its website ([http://sbj.cnipa.gov.cn/tzgg/202108/t20210806\\_333421.html](http://sbj.cnipa.gov.cn/tzgg/202108/t20210806_333421.html)) to require the parties concerned to commit to honesty and creditability for request for well-known trademark protection. The parties concerned include the opponents, invalidation applicants, trade agencies, and trademark attorneys.

The notification shall be applicable to all the Office's corresponding cases filed on or after 1 September 2021. The notification will function to regulate the parties' conducts and warn them of the potential consequences.

Together with the notification, the Office released a sample letter of commitment for the parties to use. **Chofn IP has put the sample letter into English for our colleagues' easy information and use. If you need the translated sample letter, please feel free to let us know.**

### 2. Serious IPR infringers to be listed in China's credit system

On 30 July 2021, the State Administration for Market Regulation (SAMR) released in its Order No. 44, *The Rules on Administering the Seriously Illicit or Dishonest List in Market Supervision and Administration*, to take effect as from 1 September 2021.

The prescribed seriously illicit and dishonest conducts cover unfair competition, trade secret infringement, willful IPR infringement, abnormal patent filing, bad-faith trademark filing, and seriously illicit patent and trademark

representation in addition to conducts relating to the safety of food, medicines, medical devices, and cosmetics, product quality, infringement of the consumers' rights and interests, fair competition and market order. The parties shall be kept on the list for three years if no appeal or request for earlier removal is initiated. The listed parties shall be faced with stricter and more frequent inspections and cannot receive AMRs' awards.

This is another useful weapon to combat the IPR infringers and bad-faith filers. Considering the potentially serious impact on the listed parties, the legitimate IPR holders should take the opportunity to warn the bad-faith trademark filers and agents and serious IPR infringers and press for favorable results.

### **3. SPC releases the 28th Batches of Guiding Cases**

On 15 July, the Supreme People's Court (SPC) of China released **the 28th batches of Guiding Cases** Nos. 157-162, including copyright infringement case, No. 157, patent ownership case, No. 158, invention patent infringement case, No. 159, new plant variety case, No. 160, false advertisement case, No. 161, and trademark invalidation case, No. 162.

The cases represent the SPC's interpretation of the relevant IPR laws. The principles behind the cases will be binding on all Chinese courts in judging similar cases and can be cited as precedents.