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CNIPA and EAPO Extend PPH Pilot Program

The China National Intellectual Property Administration (CNIPA) and the Eurasian Patent Organization (EAPO) have jointly decided to extend their Patent prosecution highway (PPH) pilot program for an indefinite time period from April 1, 2023.

Benefiting from the addition of PCT-PPH to the existing PPH program according to the extended pilot program, patent applicants from both sides may file a PPH request with CNIPA or EAPO by quoting the work results from the Patent Cooperation Treaty (PCT) international stage. The updated CNIPA-EAPO PPH Guideline remains controlling the pertinent requirements and procedures governing applicants' PPH requests at the two offices.

PPH is a fast track linking patent examination duties of different countries or regions, allowing patent examination authorities to speed up patent examination by work sharing. Since the initiation of the first PPH pilot program in November 2011, the CNIPA has locked PPH ties with patent authorities of 30 countries/regions.

With members spanning across multiple Eurasian countries, the EAPO issues patents that are instantly effective in its members once published. The extension of the CNIPA-EAPO PPH program is believed to facilitate IP

cooperation among countries/regions along the Belt and Road, and serve Chinese and Eurasian innovators to accelerate patent examination.

http://english.cnipa.gov.cn/art/2023/4/10/art_1340_183526.html

China and Norway Extend PPH Pilot Program

The CNIPA and the Norwegian Industrial Property Office (NIPO) have jointly decided to extend their Patent Prosecution Highway (PPH) pilot program for another five years from April 1, 2023 to March 31, 2028. The established Guideline of CNIPA-NIPO PPH Request remains controlling the pertinent requirements and procedures governing applicants' PPH requests at the two offices.

http://english.cnipa.gov.cn/art/2023/4/7/art_1340_183398.html

China Leads Global Battery Patent Race for Post-lithium-ion Era

China ranked first in battery patents in the post-lithium-ion era, accounting for more than half of the world's total, according to statistics over the past decade published by Nikkei Asia. Nikkei commissioned the Mitsui & Co. Global Strategic Studies Institute for an analysis using the patent analysis tool from LexisNexis. According to the analysis, there were 9,862

global patents in force as of December. In terms of country, China ranked first with 5,486 patents, accounting for more than 50% of the total. Japan was next with 1,192 patents, followed by the U.S.(719), South Korea(595) and France(128). China also stands out in the ranking of patents by organization. It has seven institutions in the top 10, including the Chinese Academy of Sciences (CAS) and Contemporary Amperex Technology (CATL), the world's largest maker of automotive batteries.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12738>

China's Top Intellectual Property Court Handles 18% More Cases in 2022

The Intellectual Property Court of China's Supreme People's Court (SPC) handled 6,183 cases in 2022, up 18% from 2021, according to a report released by the SPC on April 6, 2023. Of the new cases handled in 2022, 1338 concerned strategic emerging industries, accounting for 30.4% of the total new cases, 3.5% higher than that in 2021. Among them, cases involving the new generation of information technology, biomedicine, high-end equipment manufacturing, standard essential patents, drug patent linkage, integrated circuit layout design, and new plant varieties, increased markedly, said the report.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12736>

Shanghai Intellectual Property Protection Center Launched

The pace is picking up to develop a new national intellectual property protection, or IP center, in Shanghai in East China.

A meeting was held in the city on March 16 to advance the work of the Shanghai Intellectual Property Protection Center, designed to be a national platform for collaborative IP protection and services.

Rui Wenbiao, director of the Shanghai Intellectual Property Administration, or SIPA, said that developing the Shanghai Intellectual Property Protection Center was of great significance for enhancing IP protection and services in China.

He urged the center to accelerate the establishment of a full-chain, one-stop IP collaborative protection system.

At the meeting, a letter from the CNIPA confirming that Shanghai Intellectual Property Protection Center had passed acceptance was announced. The relevant functions and services of the center were then introduced.

The center opened its pre-examination service platform last November and the first batch of 107 enterprises has applied for filing declarations.

The center has formed an 80-person mediator professional team and has established 24 sub-centers or workstations for IP protection assistance.

What's more, it has set up an overseas IP dispute guidance expert think tank.

https://english-ipraction.samr.gov.cn/NEWS/art/2023/art_65b22fa6ecf44036a4e8ef0b8f664098.html

China Files Record Number of European Patent Applications in 2022

Chinese companies and inventors filed a record high of 19,041 patent applications at the European Patent Office (EPO) in 2022, the Patent Index 2022 of the office revealed Tuesday.

This marks an increase of 15.1 percent year-on-year, the highest among the 20 major patent filing countries.

Overall, the Patent Index 2022 shows that despite the pandemic and economic uncertainties around the globe, activities related to technical innovation remained robust. The office received 193,460

applications in 2022, up 2.5 percent from the previous year.

The top five applicant countries are the United States, Germany, Japan, China, and France, with China and the United States being the main engines of growth in patent filings.

In the company ranking, Huawei was still the largest patent applicant at the EPO in 2022, filing 4,505 patents, up more than 27 percent year-on-year. LG of South Korea, Qualcomm of the United States and Samsung of South Korea ranked second to fourth.

Apart from Huawei, eight other Chinese companies also figured among the 50 largest patent applicants at the EPO, including OPPO, ZTE and Tencent.

Digital communication was once again the field with the most patent applications last year, with a total of 16,705 applications, up 11.2 percent year-on-year, closely followed by medical technology and computer technology with 15,683 and 15,193 ones respectively.

Patent filings from China, now accounting for nearly 10 percent of the total applications at the office, have more than doubled over the past five years and are nearly five times the level of a decade ago, Luis Berenguer Gimenez, an EPO spokesperson, told Xinhua.

China is not only strong in digital communication and computer technology and AI, but also growing more active in patenting in many other areas such as biotechnology and medical technology, he noted.

Given the country's focus on protecting intellectual property rights to help boost its economic growth, the record number of Chinese patent applications has a global significance for the protection of intellectual property rights, he stressed.

https://english-ipraction.samr.gov.cn/NEWS/art/2023/art_909316d5f31b49da9eada4ef767be72b.html

TCL Joins Via Licensing's Advanced Audio Coding Patent Pool

On Wednesday, Via Licensing Corporation and TCL® announced that TCL has secured a license to Via's Advanced Audio Coding (AAC) patent pool. Advanced Audio Coding is defined by a set of International Standards from ISO/IEC. It specifies a coding method that allows consumers to enjoy high-quality audio with high compression efficiency, reducing the amount of data to be transmitted and the processing power required for playback. Nearly 1,000 companies around the world are licensed to this audio compression standard through the patent pool administered by Via Licensing. "Via's AAC patent pool is delighted to welcome TCL..." said Heath Hoglund, President of Via Licensing. This agreement reinforces the value and efficiency this established patent pool continues to deliver to the industry."

<http://www.chinaipmagazine.com/en/news-show.asp?id=12742>

Baidu Sues Apple over Fake Ernie Bot Apps

Chinese search engine giant Baidu has filed lawsuits against Apple over fake copies of its Ernie bot app available on Apple's app store. The company's artificial intelligence powered Ernie bot, launched last month, has been regarded as China's closest answer to the U.S.-developed chatbot ChatGPT. Baidu said it had lodged lawsuits in Beijing Haidian People's Court against the developers behind the counterfeit applications of its Ernie bot, including Apple company. "At present, Ernie does not have any official app," Baidu said in a statement late last Friday posted on its official "Baidu AI" WeChat account. "Until our company's official announcement, any Ernie app you see from App Store or other stores are fake," it said.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12740>

SUPPLEMENTARY ISSUE

AFD China Recognized As a Recommended Firm Again by WTR 1000

In March, 2023, the internationally renowned trademark research directory WTR 1000 announced its 2023 rankings. Our firm AFD China, by virtue of its last year's steady performance in trademark prosecution and strategy, was again honored as a recommended firm by the WTR 1000. Ms. Xia Zheng, the founder of AFD China, was also honored as a recommended individual (silver band) for her extensive and excellent trademark expertise.

The WTR 1000 focuses exclusively on trademark practice and provides the public with objective data, information and rankings about trademark law firms. Fully integrating resources about trademark law firms around the world, it has become an important window and platform for the public to understand the service quality and professional capability of trademark law firms in key jurisdictions. Each year the WTR 1000 undertakes a comprehensive research of each firm's number of cases, business layout, recent development, core clients, representative cases and client feedback, etc., identifying top firms around the world based on horizontal and vertical evaluations of their size, market presence and client influence.

AFD China has been recognized as a recommended firm by the WTR 1000 for several consecutive years, which is not only an affirmation of our service quality and professional capability but also a recognition of our persistence in the principle of "providing clients with targeted solutions based on legislative intent". Here we would like to express our sincere gratitude to all of our clients who have been supporting and trusting us. Going ahead, we will continue to use our expertise to help you better protect your trademark rights.

Meantime, we also want to thank all our colleagues who have been growing together with AFD China, and hope that in the new year we can continue to work hard together and find new and better ways to ensure the continuous and steady development of our firm.

In addition, our attorney Ms. Xia Zheng was also lauded for being highly sensitive and super responsive to clients' issues.

In 2023, we will forge ahead as always and make our contribution to the healthy development of the Chinese trademark market.

AFD China Rated as a Four-star Intellectual Property Service Agency

On March 31, 2023, the Capital Intellectual Property Services Association announced the results of its first ranking of intellectual property service agencies. AFD China was fortunate enough to participate in this first ranking and was rated as a four-star intellectual property service agency (the highest level that can be achieved in the first year of participation).

The ranking of intellectual property service agencies is organized by the Capital Intellectual Property Services Association with the aim of improving the quality and level of intellectual property services through rating evaluations of intellectual property service agencies in Beijing. The evaluation comprehensively considers various aspects of each agency, such as the size, personnel development and training, clients, publicity, party building, industry activity participation, social responsibility, awards received, business operation status, etc., and sets objective scoring criteria. Then, the agencies are awarded with corresponding level marks based on their final scores.

The ranking of intellectual property service agencies is divided into five levels, ranging from one star to five stars. Agencies which participate for the first time can only be awarded with four stars and below, and cannot apply for five stars until one year after being awarded with four stars. AFD China's achievement of this four-star rating could not have been possible without the strong support from our clients over the years or the full cooperation of our all colleagues during the difficult times of the pandemic. Here we would like to express our sincere gratitude to all our clients. We will continue to learn and improve our professional skills, and provide you with more comprehensive, meticulous, and in-depth intellectual property agency services with a professional attitude. We would also like to thank all our colleagues who have grown together with the firm. Each achievement made by AFD China represents their hard work and persistence. By providing a fair competition platform, we will continue to help our colleagues learn and improve their professional capabilities during work, and help them achieve sustainable development in the field of intellectual property.

We believe that every growth is a gift from time and every honor is a sparkle accumulated from the mundane daily work. We believe in always looking ahead to the future. We will continue to adhere to our service philosophy of "reaching goals based on good faith and integrity" and the principles of being down-to-earth and honest in both life and work. We give top priority to service quality and regard the firm's reputation as the cornerstone of our development, while considering client satisfaction as our ultimate goal. We hope that you will continue to accompany us on this journey for the next ten years and beyond.

Reform to Build China into IP Powerhouse

The recently concluded annual session of the 14th National People's Congress passed the State Council's institutional reform plan, signaling the start of a new round of reform which will improve China's development policy and governance system. The plan includes the restructuring of certain departments, adjusting their functions and responsibilities, and creating new State Council agencies.

The plan also includes the establishment of a "national financial supervision administration" and a "national data bureau", and the restructuring of the Ministry of Science and Technology. In China's push for innovation-driven development and better protecting intellectual property rights (IPR), the improvement of the intellectual property management system is an important part in the State Council's institutional reform.

As a crucial component of the country's opening-up policy, the new round of reform is critical to strengthening the rule of law, enhancing administrative efficiency, and advancing national and social development. Of particular importance is the plan to improve the management of IPR, which involves adjusting and coordinating the functions of the CNIPA and the State Administration for Market Regulation (SAMR). This is another important reform in China's administrative management system to better protect IPR.

The purpose of this round of reform is also to expeditiously build China into an intellectual property powerhouse, and boost the creation, use, protection, management and services of intellectual property.

In September 2021, the Communist Party of China Central Committee and the State Council, China's Cabinet, issued the outline of building China into a strong intellectual property country (2021-35). Hence, the reform of the administrative management system for IPR reflects not only

the importance of building China into an intellectual property powerhouse but also China's determination to strengthen IPR protection and promote its utilization.

With the implementation of the new reform plan, China will better manage and protect IPR at the national level through the coordinated efforts of the SAMR and the CNIPA. The former will handle the administrative law enforcement work related to patents and trademarks, while the latter will provide professional guidance for the work. Also, the CNIPA will be responsible for patent and trademark authorization, foreign intellectual property affairs, and public management of intellectual property.

IPR is an exclusive right enjoyed by intellectual property owners who legally own their creations for use in commerce and industry. Today, intellectual property has become a strategic resource for national development and a core element of global competitiveness. It is a major issue at the national strategic level. And the intellectual property system is highly globalized, with industrialized Western countries having developed and implemented the intellectual property system from a national strategic perspective.

On Jun 5, 2008, the State Council issued the National Intellectual Property Strategy Outline, which has helped China make remarkable achievements in improving the intellectual property system, strengthening IPR protection, and promoting the effective use of intellectual property.

In the context of the development of the digital economy and emerging technologies, the status and role of intellectual property in the economic and social spheres have become increasingly prominent. Recognizing this, China has launched the Intellectual Property Strong Country Construction project.

The Outline of the Construction of Intellectual Property Strong Country (2021-35) proposes to build a modern socialist intellectual property system, create a world-class business environment with a mechanism for protecting intellectual property, and establish efficient systems for incentivizing innovation through intellectual property markets and facilitating public intellectual property services, promote a humanistic social environment for the high-quality development of intellectual property, and participate in global intellectual property governance.

These strategic measures and policies also include improving the management system of intellectual property and strengthening collaborative protection. For example, it proposes to "construct a management system with unified responsibilities, scientific norms, and excellent services", "establish a convenient, efficient, strict, fair, open, and transparent administrative protection system", and develop "a collaborative protection pattern with unified leadership, smooth connections, and fast and efficient coordination".

In fact, the recent reform in IPR protection and administrative management has enabled the SAMR and the CNIPA to better fulfill their functions in IPR protection and management, and strengthen China's strategy for applying intellectual property in commerce and industry, in order to transform China into an innovation-driven country and an intellectual property powerhouse.

https://english-ipraction.samr.gov.cn/NEWS/art/2023/art_4c27d4ba30dd4aaea9d1ee0001563ee0.html

CNIPA issues “Guidance on Application, Registration and Use of Trademarks Containing Geographic Names” and “Guidance on Signs Prohibited from Being used as Trademarks”

On January, 2023, the CNIPA issued “Guidance on Application, Registration and Use of Trademarks Containing Geographic Names” and “Guidance on Prohibition of Marks from Being used as Trademarks”, which extracted the main contents of the Guidelines for Trademark Examination and Trial, sorted them out based on topics and made specific explanations in combination with examples. Compared with the Guidelines, these two documents are easier to understand and to consult for trademark applicants. Furthermore, the two documents help trademark applicants to better understand the risks and legal consequences of violating Article 10 of the Trademark Law, guide market entities to establish correct awareness of trademark application, registration and use, advocate socialistic core values, maintain public order and social ethics, and promote high-quality development of intellectual property cause.

To facilitate the understanding of the two documents, we list the main contents thereof below:

Item 2, 7, 8 of Paragraph 1 and Paragraph 2 of Article 10 of the Trademark Law specifically stipulate that some signs containing geographical names are prohibited from being used as trademarks, and if these provisions are violated, the relevant trademark applications will be refused, and the relevant registered trademarks are likely to be declared invalid according to law.

The “Guidance on Application, Registration and Use of Trademarks Containing Geographic Names” elaborates the relevant provisions on the prohibited signs.

1. State names: trademarks containing the State name of a country or containing signs identical with or similar to the State name of a country shall not be registered or used.

[Exceptions: where consent has been given by the government of the country, or the relevant sign explicitly has another meaning and will not mislead the public, or the State name part is independent from other significant part of the sign and is only for faithfully indicating the country which the applicant belongs to.]

2. Geographical names of administrative divisions at or above the county level: the following signs shall be not be registered or used as trademarks:

1) signs consisting of the geographical name of an administrative division at or above the county level;

2) signs containing the geographical name of an administrative division at or above the county level;

3) signs in which the word or phrase part is not completely identical with the geographical name of an administrative division at or above the county level, but its character pattern or pronunciation is similar enough to cause the public to mistake it as the geographical name, thereby being liable to mislead the public about the place of origin;

4) signs consisting of abbreviations of geographical names of two or more administrative divisions, being liable to mislead the public about characteristics such as the place of origin;

5) signs containing a geographical name which, although having another meaning, clearly indicates the name of a place when used in combination with words such as “city”, “county”, and “district”.

To look up the geographical names of China's administrative divisions at or above the county level, you may log in the official website of the Ministry of Civil Affairs: <http://xzqh.mca.gov.cn/map>

3. Foreign geographical names well-known to the public: the following signs shall be not be registered or used as trademarks:

- 1) signs consisting of a foreign geographical name well-known to the public;
- 2) signs containing a foreign geographical name well-known to the public, being liable to mislead the public about the place of origin;
- 3) signs in which the word or phrase part is not completely identical with a foreign geographical name, but its character pattern or pronunciation is similar enough to cause the public to mistake it as the geographical name, thereby misleading the public about the place of origin;
4. Geographical names of administrative divisions below (not including) the county level famous for producing certain goods or providing certain services, or foreign geographical names not well-known to the Chinese public: the above signs shall not be registered or used as trademarks if the relevant administrative divisions are famous for producing certain goods or providing certain services, and using the signs on designated goods or services is liable to mislead the public about the place of origin.
5. Geographical names with political significance: Geographical names which have certain political significance, such as names of red revolutionary bases or places where major political events happened, shall not be registered or used as trademarks.

6. Names of state-level new districts or state-level major development zones: Signs identical with or similar to the name or standard short name of a state-level new district or a state-level major development zone which is closely related to China's overall development strategy shall not be registered or used as trademarks.

[Exception: where the applicant can provide written evidence document proving that consent has been given by the State Council or its authorized department.]

7. Names of places or venues for religious activities: Signs identical with or similar to the name of a place or venue for religious (Buddhist, Taoist, Islamic, Christian, Catholic, and other religious sects or branches) activities and folk belief activities shall not be registered or used as trademarks.

8. Names of national major events containing geographical names: Signs identical with or similar to the names of a national major event or major project which is closely related to China's political, economic, cultural or social development shall not be registered or used as trademarks.

[Exception: where the applicant can provide written evidence document proving that consent has been given by the relevant department, and the registration or use as trademarks will not have any negative or adverse impact on the public interests and public order of Chinese society.]

9. Names of mountains, rivers, scenic spots and buildings: Names of public resources such as mountains, rivers, scenic spots and buildings shall not be registered or used in large quantity as trademarks which are not for the purpose of use.

[Exception: 1) where the geographical name contained in the trademark and other elements which have distinct characteristics are independent from each other, and the geographical name is only for faithfully indicating where the applicant is located; or 2) the geographical name is part of a collective mark or a certification mark.]

This Guidance also points out that when using a registered trademark, the trademark owner shall use it in accordance with the approved sign and the approved goods or services, and shall not voluntarily alter, highlight, simplify, add, transform, or split, etc., the geographical name contained in the trademark. Trademark owners shall abide by the principle of honesty and good faith and the principle of prohibition of abuse of rights, and reasonably exercise and safeguard their rights. Bona fide use of a relevant geographical name only for indicating the origin of place, which is not a trademark use under the trademark law, shall be deemed as a fair use, and the trademark owner shall have no right to prohibit such use on the grounds that the geographical name is identical with that contained in its registered trademark. A trademark owner shall not assign its trademark which contains a geographical name to an assignee whose actual use of the trademark will mislead the public about the place of origin or the source.

The “Guidance on Prohibition of Marks from Being used as Trademarks” elaborates the prohibition of or limitation on the use of other signs than geographical names as trademarks.

Signs identical with or similar to the State name, national flag, national emblem, national anthem, military flag, army emblem, military anthem, or decorations, etc. of the People’s Republic of China, and signs identical with the name or symbol of a central government department of the State, or with the name of the particular place, or with the name or image of the symbolic building, where a central government department of the State is located, shall not be registered or used as trademarks.

Common types include:

- 1) signs identical with or similar to the State name, national flag, national emblem, national anthem, military flag, army emblem, military anthem, or decorations, etc. of the People’s Republic of China;
- 2) signs identical with the name or symbol of a central government department of the State, or with the name of the particular place, or with the name or image of the symbolic building, where a central government department of the State is located;
2. Signs identical with or similar to the State name, national flag, national emblem or military flag, etc. of a foreign country shall not be registered or used as trademarks.

Common types include:

- 1) signs identical with or similar to the State name of a foreign country;

[Exception: where the applicant can provide written evidence document proving that consent has been given by the government of the foreign country, or where the applicant has obtained registration of the trademark on identical or similar goods in the foreign country.]

- 2) signs identical with or similar to the national flag, national emblem or military flag, etc. of a foreign country.

[Exception: where the applicant can provide written evidence document proving that consent has been given by the government of the foreign country, or where the applicant has obtained registration of the trademark on identical or similar goods in the foreign country.]

3. Signs identical with or similar to the name, flag or emblem, etc. of an international intergovernmental organization shall be registered or used as trademarks.

[Exception: where the applicant can provide written evidence document proving that consent has been given by the international intergovernmental organization; or the sign has a clear different meaning or a specific pattern of representation and will not mislead the public.]

4. Signs identical with or similar to an official sign or hallmark indicating control and warranty shall not be registered or used as trademarks.

[Exception: where the applicant can provide written evidence document proving that authorization has been given by the official authority; or the sign has a clear different meaning or a specific pattern of representation and will not mislead the public.]

5. Signs identical with or similar to the name or symbol of the Red Cross, the Red Crescent or the Red Crystal shall not be registered or used as trademarks.

[Exception: where the sign has a clear different meaning or a specific pattern of representation and will not mislead the public.]

6. Signs having the nature of discrimination against any nationality shall not be registered or used as trademarks.

7. Signs having the nature of fraud, being liable to mislead the public about the characteristics of the goods such as the quality or the place of origin shall not be registered or used as trademarks.

Common types include:

- 1) signs liable to mislead the public about the quality, character, function, usage, raw material, content, weight, quantity, price, technique, technology and other characteristics of the goods or services;
- 2) signs liable to mislead the public about the place of origin or the source of the goods or services;
- 3) other signs liable to mislead the public, such as “央儲”.

[Exception: where the public, based on their daily life experiences, will not be misled about the characteristics, such as quality, or the source of the goods or services designated by the signs.]

8. Signs detrimental to socialist morality or customs, or having other unhealthy influences shall not be registered or used as trademarks. Signs having unhealthy influences include circumstances where the signs per se have unhealthy influences, where the signs per se do not have unhealthy influences but are liable to produce unhealthy influences when used on certain goods or services, and where the signs, when registered or used by certain applicants, are liable to produce unhealthy influences, etc.

Common types include:

- 1) words or symbols against social public order and good customs and socialistic core values, including uncivilized, vulgar or low-taste words or symbols that relate to terror, violence, obscenity, pornography, gambling, feudal superstition, or words or symbols that have negative impacts on the relevant public or a certain group of people or that carry demeaning undertones, or signs similar to the pattern or pronunciation of the aforementioned words or symbols;
- 2) Signs having politically unhealthy influences: including signs that undermine national sovereignty, dignity, image, or endanger national security or damage national unification; signs identical with or similar to the name of a leader of China or the CPC or a leader of any other country, region, or political international organization known to the public; signs identical with or

similar to the important theoretical achievements, scientific judgments, political discourses, etc. of the CPC, or identical with or similar to national strategies, policies, important meetings of the CPC and China, etc.; signs containing the name of an event, a place or a number, etc. that has a political significance; and signs identical with or similar to the name or symbol of a terrorist organization, a cult organization, a gangland organization or an organization of a gangland nature, or the name or code name of a relevant leader thereof; other signs having politically unhealthy influences.

3) signs liable to have unhealthy influences on economy, culture, nation, religions and society: including signs identical with or similar to the name or symbol of the legal tender of a country; signs containing non-standard Chinese characters or non-standard usage of idioms; signs detrimental to the dignity or feelings of a nation or a race; signs detrimental to religious beliefs, religious feelings or folk beliefs; signs identical with or similar to the name or short name of a party and government department, an army, a police or military unit, a party, a government body, a social group, or other units or organizations, or identical with or similar to a relevant title, post, rank or emblem, etc.; signs identical with or similar to the name or standard short name of a state-level new district or a state-level major development zone which is closely related to China's overall development strategy, or identical with or similar to the names of a national major project or major science and technology program which is closely related to China's political, economic, cultural or social development; signs identical with or similar to a major natural disaster, major accident, public health event, social safety event, etc. or containing relevant particular words; signs containing the name or photo of a hero or martyr, or deeds, spirits or slogans relating thereto; signs identical with or similar to the name of a public figure relating to politics, economy, culture, nation and religion; other signs that are liable to have unhealthy influences on China's economy, culture, nation, religions and social public interest and public order.

This Guidance also specifies the legal consequences of registering and using absolutely prohibited signs as trademarks:

Trademark applications for the relevant signs set forth in this Guidance will be refused for violating the Article 10 (1) of the Trademark Law, and relevant registered trademarks may be declared invalid. Where relevant trademark applications are filed in bad faith, penalties such as a warning or a fine will be imposed on the applicants, and the penalty information will be included in the national enterprise credit information publicity system and be released to the public.

Where the relevant signs mentioned in this Guidance are used as trademarks without registration, the users will be ordered, according to law, to stop the use and rectify the situation within a specified time limit, and may also face penalties such as a notice of criticism or a fine.

Should you have any questions about the two documents, please do not hesitate to contact us and we would be glad to assist.

Please see the following links for the original texts of the two documents:

https://www.cnipa.gov.cn/art/2023/1/19/art_66_181565.html

https://www.cnipa.gov.cn/art/2023/1/19/art_66_181566.html