

中国规制商标恶意注册实践分享

Regulating Bad-Faith Trademark Registration: the China Experience

国家知识产权局商标局

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什么样的商标注册可称为商标恶意注册？

What constitutes bad-faith registration?

- 中国商标法法律条文中没有关于“恶意”的定义。

There is no definition of “bad-faith” in the TML.

- 《商标审查审理指南》：恶意是指商标申请人或者商标代理机构在申请商标注册或者办理其他商标事宜时，通过一定行为表现出来的，明显违背诚实信用原则，明知或者应知其行为违反法律规定、有碍公序良俗、损害公共利益或侵犯他人权利，但为了牟取不正当利益，仍然实施相应行为，并追求或者放任其后果发生的主观心理状态。

Guide on Trademark Examination and Adjudication: *Bad faith refers to the state of mind where applicants or agents who, in application or other matters relating to trademark, compromise the principle of good faith, know or should know their behavior violates the law / the public order and harms the public interest / the rights of others, but still act in such ways and allows such consequences to occur for improper gains.*



大量申请不以使用为目的的商标扰乱商标注册管理秩序

A large number of applications for trademarks not for use disturb the order of trademark registration management

第四条第一款—不以使用为目的的恶意商标注册申请

Article 4.1 – Bad-faith application for trademark registration not for the purpose of use

“傍名牌” “蹭热点” “搭便车” 抢注他人先权利等

Living off famous brands, exploiting reputation and popularity, free riding, pre-emptive registration of others' prior rights

第十条第一款七项—欺骗及误导 **Article 10.1.7** – Fraud & misleading

第十条第一款八项—不良影响 **Article 10.1.8** – Adverse effects

第三十、三十一条—在先近似 **Article 30, 31** – Prior similarity

第十三条—驰名商标 **Article 13** – Well-known marks

第十五条—代理人、代表人、特定关系人 **Article 15** – Agents, representatives and persons with specific relationship

第十六条—地理标志 **Article 16** – Geographical indications

第三十二条—在先使用、其他在先权利 **Article 32** – Prior use and other prior rights

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全国人大常委会审议通过了修改《中华人民共和国商标法》等 8部法律的决定。

The Standing Committee of the NPC approved the decision to amend eight laws including the TML.

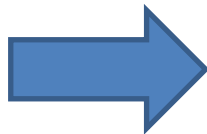
修改
内容
Amendment

第四条第一款

自然人、法人或者其他组织在生产经营活动中，对其商品或者服务需要取得商标专用权的，应当向商标局申请商标注册。

Article 4.1

Any natural person, legal person, or other organizations that needs to acquire the exclusive right to use a trademark in the production and operation activities shall file an application for trademark registration with the Trademark Office.



第四条第一款

自然人、法人或者其他组织在生产经营活动中，对其商品或者服务需要取得商标专用权的，应当向商标局申请商标注册。**不以使用为目的的恶意商标注册申请，应当予以驳回。**

Article 4.1

Any natural person, legal person, or other organizations that needs to acquire the exclusive right to use a trademark in the production and operation activities shall file an application for trademark registration with the Trademark Office.
The application for trademark registration that is malicious and not filed for the purpose of use shall be refused.

第六十八条第四款 对恶意申请商标注册的，根据情节给予警告、罚款等行政处罚；对恶意提起商标诉讼的，由人民法院依法给予处罚。

Article 68.4 *In the event of any bad-faith application for trademark registration, such administrative penalties as giving a warning and imposing a fine shall be given, depending on the specific circumstance; in the event of maliciously lodging a lawsuit regarding trademark, the People's Court shall impose penalties in accordance with the law.*

不以使用为目的的恶意商标注册申请——《商标法》第四条第一款 Bad-faith registration not for the purpose of use — Article 4.1, TML

- 商标法第四条所规定的“不以使用为目的的恶意商标注册申请”是指申请人并非基于生产经营活动的需要，而提交大量商标注册申请，缺乏真实使用意图，不正当占用商标资源，扰乱商标注册秩序的行为。

“*Bad-faith registration not for the purpose of use*” in Article 4 of TML refers to the behavior where the applicant, without reasonable economic reason, submits a large number of trademark applications but lacks intention to use, improperly takes up trademark availability, and disturbs the order of trademark registration.

- **综合考虑** 申请人所在的行业特点、经营范围、经营资质等基本情况；申请人提交的商标注册申请的数量、类别跨度和时间跨度等整体情况；提交的商标注册申请标志的具体构成、商标实际使用情况、以及申请人在先是否存在商标恶意注册及侵犯多个主体注册商标专用权等多方面因素。

Considerations should be given to — the applicant’s industry, scope of business, qualifications, etc.; the number, category and time span of applications submitted; breakdown of applications and the actual use, if any, of the marks; whether the applicant has a history of bad-faith registration and trademark infringement.

- **综合判断** 其申请是否明显不符合商业惯例、明显超出正当经营需要和实际经营能力以及明显具有牟取不正当利益和扰乱正常商标注册秩序的意图。

Considerations should also be given to — whether the applications are obviously inconsistent with business norms, beyond legitimate business needs and capabilities, and for the purpose of seeking illegitimate interests and disturbing the order of trademark registration.

以下情形不适用不以使用为目的的恶意商标注册申请：Circumstances where bad-faith registration not for the purpose of use does not apply:

- 申请人为防止他人抢注其注册商标，基于防御目的申请相同或近似商标 Defensive application of identical or similar marks to prevent squatting
- 申请人为具有现实预期的未来业务，预先适量申请商标 Reasonable application in realistic anticipation of future business

仅损害特定主体的民事权益，不涉及损害公共利益的，不属于本条款规定情形，如属于其他条款规制的恶意注册情形，可适用其他条款。

Where the bad-faith registration harms the civil rights of others but not the public interest, clauses *other than* Article 4.1 of TML might be applicable depending on the circumstances

适用情形 Applicability

- (1) 商标注册申请数量巨大, 明显超出正常经营活动需求, 缺乏真实使用意图, 扰乱商标注册秩序的; (1) High-volume filing which exceed business needs and lack intention to use, thus disturbing the order of trademark registration;
- (2) 大量复制、摹仿、抄袭多个主体在先具有一定知名度或者较强显著性的商标, 扰乱商标注册秩序的; (2) High-volume copying, imitating or plagiarizing of multiple entities' marks with fame or distinctiveness, thus disturbing the order of trademark registration;
- (3) 对同一主体具有一定知名度或者较强显著性的特定商标反复申请注册, 扰乱商标注册秩序的; (3) Repeated filing of a single entity's specific marks with fame or distinctiveness, thus disturbing the order of trademark registration;
- (4) 大量申请注册与他人企业字号、企业名称简称、电商名称、域名, 有一定影响的商品名称、包装、装潢, 他人知名并已产生识别性的广告语、外观设计等商业标识相同或者近似标志的; (4) High-volume filing of marks identical with or similar to other entities' trade names, abbreviations, e-commerce names, domain names, name / packaging / decoration of products with influence, reputed and identifiable slogans, designs or other business marks;
- (5) 大量申请注册与知名人物姓名、知名作品或者角色名称、他人知名并已产生识别性的美术作品等公共文化资源相同或者近似标志的; (5) High-volume filing of marks identical with or similar to the names of famous persons, works and characters thereof, or reputed and identifiable works of fine art, among others;
- (6) 大量申请注册与行政区划名称、山川名称、景点名称、建筑物名称等相同或者近似标志的; (6) High-volume filing of marks identical with or similar to the names of administrative divisions, mountains, rivers, scenic spots or buildings
- (7) 大量申请注册指定商品或服务上的通用名称、行业术语、直接表示商品或服务的质量、主要原料、功能、用途、重量、数量等缺乏显著性的标志的; (7) High-volume filing of marks without distinctiveness, such as common names and trade terms that directly indicate the quality, raw materials, functions, use cases, weights and quantities of specific goods or services;
- (8) 大量提交商标注册申请, 并大量转让商标, 且受让人较为分散, 扰乱商标注册秩序的; (8) High-volume filing and transferring of marks to a diversified group of assignees, thus disturbing the order of trademark registration;
- (9) 申请人有以牟取不当利益为目的, 大量售卖, 向商标在先使用人或者他人强迫商业合作、索要高额转让费、许可使用费或者侵权赔偿金等行为的; (9) Seeking improper gains through high-volume sale of marks, or using compulsion on prior users of marks to agree to business deals, or to pay high assignment fees, licensing fees or damages;
- (10) 其他可以认定为有恶意的申请商标注册行为的情形。 (10) Other circumstances that can be regarded as bad-faith registration.

适用情形：商标注册申请数量巨大，明显超出正常经营活动需求，缺乏真实使用意图，扰乱商标注册秩序

High-volume filing which exceed business needs and lack intention to use, thus disturbing the order of trademark registration

案例：某企业管理咨询公司于2017年起在30多个类别上累计共提交商标注册申请800多件，其中仅2019年12月就申请了100多件商标。

Case: Since 2017, a consultancy has filed more than 800 trademark applications in more than 30 classes, of which more than 100 applications were filed in December 2019 alone.

申请人：自然人独资的有限责任公司，成立于2017年，经营范围为太阳能热水器产品咨询、旅游咨询、企业形象策划咨询等。

Applicant: Individual ownership LLC founded in 2017. Business scope includes solar water heating system consultation, tourism consultation, public relations planning & consultation.

申请情况：在30多个类别上共提交800多件商标注册申请，包括与其营业范围行业跨度较大的类别如第30类食品和有较强行业属性及资质要求的特殊类别如第36类金融服务等，远超出其经营范围，不符合商业惯例。

Applications: More than 800 applications were filed in more than 30 classes, including diversified sectors such as food (Class 30) and specialized sectors with access control such as financial services (Class 36). The applications were far beyond the consultancy's scope of business and inconsistent with business norms.

结论：其提交商标注册申请数量巨大且合理性难以解释，明显超出正常经营活动需求，缺乏真实使用意图，因此认定构成不以使用为目的的恶意商标注册申请，适用商标法第四条予以驳回。

Conclusion: High-volume filing which unjustifiably exceed business needs and lack intention to use. Rejection based on Article 4 of TML (bad-faith registration not for the purpose of use).

适用情形：大量复制、摹仿、抄袭多个主体在先具有一定知名度或者较强显著性的商标，扰乱商标注册秩序的

High-volume copying, imitating or plagiarizing of multiple entities' marks with fame or distinctiveness, thus disturbing the order of trademark registration

某自然人在第24类、第25类商品上提交近百件商标注册申请。

A natural person filed close to 100 trademark applications in Classes 24 and 25.

41566861	25	威伐匡	41703034	24	娜塔富安
41550515	25	丹勇乔	41747688	25	库云宝优衣
41547252	25	乐力斐	41767195	25	库闽朵优衣
41643383	25	今丰古	42144465	25	司登依波
41629340	25	今胸古	42153633	25	司登魔波
41648046	25	今聚古	42695583	25	素盈地
41643360	25	慕神爱	42707835	25	弟持哥
41643352	25	慕翼爱			

结论：在类似及关联性较强的商品或服务类别上复制、摹仿、抄袭多个主体在先具有一定知名度、较强显著性的商标的行为，明显具有牟取不正当利益意图，构成不以使用为目的的恶意商标注册申请。

Conclusion: Copying, imitating or plagiarizing of multiple entities' marks with prior fame or distinctiveness in similar or associative classes of goods and services. Clear motive for improper gains. Bad-faith registration not for the purpose of use.

适用情形：大量申请注册与他人企业字号、企业名称简称、电商名称、域名，有一定影响的商品名称、包装、装潢，他人知名并已产生识别性的广告语、外观设计等商业标识相同或者近似标志的

High-volume filing of marks identical with or similar to other entities' trade names, abbreviations, e-commerce names, domain names, name / packaging / decoration of products with influence, reputed and identifiable slogans, designs or other business marks

- 某自然人，共申请100多件商标。 A natural person applied for more than 100 trademarks.
- 经核实，其申请的商标大多为天猫、淘宝、京东旗舰店名称或他人姓名、他人品牌名称。 Upon investigation, most of the trademarks applied were names of stores / brands on ecommerce platforms (Tmall.com, Taobao.com, JD.com, etc.).

6	汉德龙	旗舰店
9	汉德龙	旗舰店
20	汉德龙	旗舰店
21	汉德龙	旗舰店
27	樱惠	天猫店铺
27	佐诺	天猫店铺
6	LOHOP	旗舰店
9	佐诺	天猫店铺
9	宜氧	京东店铺
19	佐诺	天猫店铺
19	LOHOP	旗舰店
24	宜氧	京东店铺
19	帝洁雅	京东店铺
19	财富村	京东店铺
19	蒂菲丽	中国品牌网 旗舰店

结论：认定构成《商标法》第四条所指的“不以使用为目的的恶意商标注册申请”之情形。
Conclusion: Bad-faith registration not for the purpose of use under Article 4.1 of TML.

适用情形：大量申请注册与知名人物姓名、知名作品或者角色名称、他人知名并已产生识别性的美术作品等公共文化资源相同或者近似标志

High-volume filing of marks identical with or similar to the names of famous persons, works and characters thereof, or reputed and identifiable works of fine art, among others

某生物科技公司提交了“迈克尔克雷默”“詹姆斯皮布尔斯”“格雷格塞门扎”“米歇尔马约尔”等30余件商标注册申请，指定类别主要集中在第5类和第30类商品上。

A biotech firm filed more than 30 trademark applications mostly in Classes 5 and 30, e.g. “Michael Kremer”, “James Peebles”, “Gregg Semenza” and “Michel Mayor”.

经查，“迈克尔克雷默”“詹姆斯皮布尔斯”“格雷格塞门扎”“米歇尔马约尔”等均为诺贝尔奖获得者。

“Michael Kremer”, “James Peebles”, “Gregg Semenza” and “Michel Mayor” turned out to be translated names of Nobel laureates.

结论：该申请人大量申请知名人物姓名作为商标，扰乱正常的商标注册秩序，认定构成《商标法》第四条所指的“不以使用为目的的恶意商标注册申请”之情形。

Conclusion: High-volume filing of marks identical with the names of famous persons, thus disturbing the order of trademark registration. Bad-faith registration not for the purpose of use under Article 4.1 of TML.

适用情形：大量申请注册与行政区划名称、山川名称、景点名称、建筑物名称等相同或者近似标志的

High-volume filing of marks identical with or similar to the names of administrative divisions, mountains, rivers, scenic spots or buildings

某文化传媒有限公司在20多个类别上提交160余件商标注册申请，其中100余件为“四贤坊”“瓦市街”“马祖岩”等江西南昌、赣州的地点或景点名称。

A media firm filed 160+ trademark applications in more than 20 classes, of which 100+ were names of places or scenic spots in Jiangxi Province (Nanchang, Ganzhou), e.g., “Sixianfang”, “Washi Street” and “Mazuyan”.

孟衙巷	翹步街
标准钟	四贤坊
慈姑岭	宋城印象
合同巷	瓦市街
箩巷	王将庙
马祖岩	五道庙
宋城壹号	武学巷
醋巷	皂儿巷
王将庙	棋盘街
瓦市街	孟衙巷
宋城印象	标准钟
四贤坊	慈姑岭
广润门街	合同巷
船山路	箩巷
	马祖岩

某贸易有限公司，在短时间内集中提交了几十件省级行政区划简称与其他文字组合的商标注册申请

A trading firm filed dozens of trademark applications in a brief span of time. These applications followed the pattern of a Chinese province abbreviation followed by the Chinese character *li*.

甘礼	澳礼
鄂礼	澳礼
沪礼	澳礼
闽礼	港礼
青礼	港礼
琼礼	港礼
港礼	渝礼
甘礼	渝礼
津礼	渝礼
蜀礼	津礼

结论：认定构成《商标法》第四条所指的“不以使用为目的的恶意商标注册申请”之情形。

Conclusion: Bad-faith registration not for the purpose of use under Article 4.1 of TML.

适用情形：大量申请注册指定商品或服务上的通用名称、行业术语、直接表示商品或服务的质量、主要原料、功能、用途、重量、数量等缺乏显著性的标志的

High-volume filing of marks without distinctiveness, such as common names and trade terms that directly indicate the quality, raw materials, functions, use cases, weights and quantities of specific goods or services

某科技有限公司在第9类、第16类、第35类、第41类、第42类、第45类等商品和服务上提交数百件商标注册申请，大部分为各类职业资格考试名称。

A tech firm filed hundreds of trademark applications for goods and services in Classes 9, 16, 35, 41, 42 and 45; most of which were names of vocational qualification exams.

9/16/35/41/42	一级建造师+一点通	9/35/41	审计师+一点通	9/16/35/41/42/45	法考+一点通
9/35/41	中华会计+一点通	9/35/41	审计师考试+一点通	9/35/41	注会+一点通
9/35/41	中级会计师+一点通	9/35/41	导游证考试+一点通	9/16/35/41/42	注册会计师+一点通
9/35/41	二建考试+一点通	9/35/41	建工+一点通	9/16/35/41/42	消防工程师+一点通
9/16/35/41/42	二级建造师+一点通	9/35/41	建工考试+一点通	9/35/41	经济师+一点通
9/16/35/41/42	会计+一点通	9/16/35/41/42	建造师+一点通	9/35/41	经济师考试+一点通
9/35/41	会计师+一点通	9/16/35/41/42	执业医师+一点通	9/35/41	统计师+一点通
9/35/41	会计考试+一点通	9/16/35/41/42	执业护士+一点通	9/35/41	职业考试+一点通
9/16/35/41/42	公务员+一点通	9/16/35/41/42	执业药师+一点通	9/35/41	职考+一点通
9/35/41	公务员考试+一点通	9/16/35/41/42	护士+一点通	9/16/35/41/42	药师+一点通
9/16/35/41/42	公考+一点通	9/35/41	护士+一点通	9/16/35/41/42	计算机二级+一点通
9/35/41	初级会计师+一点通	9/16/35/41/42	教师+一点通	9/16/35/41/42	证券从业+一点通
		9/35/41	教师招聘+一点通		

结论：认定构成《商标法》第四条所指的“不以使用为目的的恶意商标注册申请”之情形。

Conclusion: Bad-faith registration not for the purpose of use under Article 4.1 of TML.

适用情形：大量提交商标注册申请，并大量转让商标，且受让人较为分散，扰乱商标注册秩序的

High-volume filing and transferring of marks to a diversified group of assignees, thus disturbing the order of trademark registration

- 某公司累计在30多个类别上提交了700余件商标注册申请，其中198件商标注册申请已转让给他人，受让人多达198人。

A firm filed 700+ trademark applications in 30+ classes, of which 198 had been assigned to 198 assignees.

- 该申请人大量提交商标注册申请的同时大量转让商标，且受让人较为分散，可以推断出申请人申请并非以使用为目的，而是为了大量售卖商标牟取不当利益，明显缺乏真实使用意图，扰乱了正常的商标注册秩序

High-volume filing and transferring of marks to a diversified group of assignees. The applications were not for the purpose of use but of sale and improper gains, which disturbed the order of trademark registration.

- 结论：构成不以使用为目的的恶意商标注册申请，适用《商标法》第四条予以驳回。

Conclusion: Rejection based on bad-faith registration not for the purpose of use under Article 4.1 of TML.

[2023年第一季度转让商标相关统计数据](#)

[Statistics on trademark assignments in the 1st Quarter of 2023](#)

其他可被
认定为
认定为有
恶意的
情形

Other
circumstances
that can
be regarded
as bad-faith
registration.

九江某商贸公司、九江某贸易公司等30家公司于2019年7月至2021年3月期间，在第3类、第5类、第7类、第9类、第10类、第11类、第12类、第14类、第16类、第18类、第20类、第21类、第24类、第28类、第29类、第30类、第31类、第32类、第35类、第41类、第43类、第44类等23个类别上，共计申请注册2700余件商标注册申请。

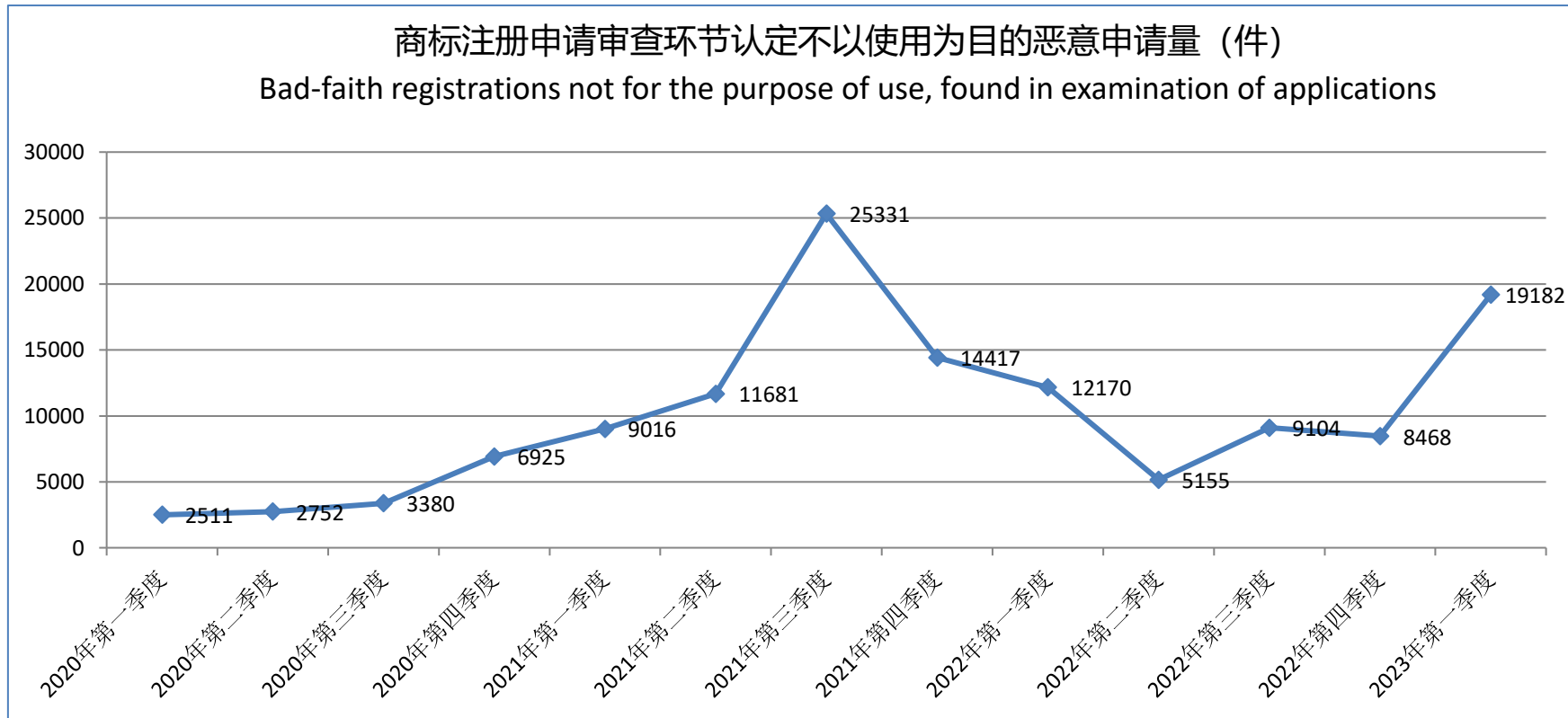
From July 2019 to March 2021, 30 firms in Jiujiang filed 2700+ applications in 23 Classes (3, 5, 7, 9, 10, 11, 12, 14, 16, 18, 20, 21, 24, 28, 29, 30, 31, 32, 35, 41, 43, & 44).

经核查，九江某商贸公司等30家商贸公司均为高某、岳某、李某和刘某等4名自然人密集注册，并以30家商贸公司名义提交商标注册申请，且商标样式多为无实际含义的英文字母组合，如“TIDD”“GEZO”“SBR”“CIBU”“JAHU”等。申请人未对其申请注册行为和商标使用意图作出合理、正当的解释说明。

Upon investigation, the 30 firms were all under the names of 4 natural persons (Gao, Yue, Li & Liu). The applications were mostly random combinations of English letters (e.g., “TIDD”, “GEZO”, “SBR”, “CIBU” & “JAHU”) The applicants failed to justify the applications and their purpose of use.

该4位自然人以其实际控制的30家公司名义，意图通过分散、少量提交商标申请的方式来规避《商标法》第四条第一款“不以使用为目的的恶意商标注册申请，应当予以驳回”的规定，主观恶意明显，严重扰乱商标注册秩序，构成不以使用为目的的恶意商标注册申请，适用《商标法》第四条予以驳回。

The 4 natural persons and the 30 firms under their control attempted to circumvent Article 4.1 of TML by dispersive low-volume applications. It was a clear example of bad-faith registration which disturbed the order of trademark registration. Rejection based on Article 4 of TML (bad-faith registration not for the purpose of use).



积极开展打击商标恶意注册专项行动 The CNIPA special campaign against bad-faith registration



国家知识产权局关于印发《打击商标恶意抢注行为专项行动方案》的通知

发布时间: 2021-03-24

字号: 大 中 小 分享:

国知发办函字〔2021〕35号

各省、自治区、直辖市和新疆生产建设兵团知识产权局,局机关有关部门,商标局:

为深入贯彻习近平总书记在中央政治局第二十五次集体学习时的重要讲话精神,切实落实全国知识产权局局长会议部署,进一步加大对商标恶意抢注行为打击力度,决定自2021年3月起,集中开展打击商标恶意抢注行为专项行动。现将《打击商标恶意抢注行为专项行动方案》印发给你们,请认真组织实施。

特此通知。

国家知识产权局

2021年3月15日

(联系人及电话: 戴书渊 张旭 63219639 63219707)

打击商标恶意抢注行为专项行动方案

为深入贯彻习近平总书记在中央政治局第二十五次集体学习时的重要讲话精神,认真落实全国知识产权局局长会议部署,进一步加大对商标恶意抢注行为打击力度,依据《中华人民共和国商标法》《中华人民共和国商标法实施条例》《规范商标申

国家知识产权局关于持续严厉打击商标恶意注册行为的通知

发布时间: 2022-04-12

字号: 大 中 小 分享:

国知发办函字〔2022〕54号

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:

风清气正的商标注册管理秩序是推动知识产权事业高质量发展、营造良好创新环境和营商环境的重要基础。全国知识产权系统认真贯彻落实习近平总书记关于知识产权工作的重要指示论述,始终保持严厉打击商标恶意注册的高压态势,集中开展打击商标恶意抢注专项行动,常态化打击商标恶意囤积行为,取得明显成效。为进一步落实2022年全国知识产权局局长会议部署,以“零容忍”的态度持续严厉打击商标恶意注册行为,构建部门协同、上下联动、社会共治的工作新格局,保护市场主体合法权益,维护社会公共利益,加速推进我国由知识产权大国向知识产权强国转变,现就有关事项通知如下:

打击商标恶意注册专项行动典型案例 Typical cases found in the campaign

浙江某有限公司、自然人张某、昆明某公司和贵州某公司恶意抢注“祝融号”商标案
Malicious squatting of trademark “Zhurong” by Zhang and firms in Zhejiang, Kunming, and Guizhou

2021年4月24日至29日，浙江某公司在第25类，自然人张某在第9类、第16类、第25类、第26类、第35类、第43类，昆明某公司在第30类、第35类，贵州某公司在第9类、第33类分别共提出了11件“祝融号”商标注册申请。

A total of 11 “Zhurong” applications were filed by Zhang (Classes 9, 16, 25, 26, 35, 43), the Zhejiang firm (Class 25), the Kunming firm (Classes 30, 35), and the Guizhou firm (Classes 9, 33) on April 24–29, 2021.



4月24日上午，在江苏南京举行的2021年中国航天日启动暨中国航天大会开幕仪式上，国家航天局正式公布我国首辆火星车命名为“祝融”，全称“祝融号”。新华社记者 季春鹏 摄

China's first Mars rover was named “Zhurong” during the opening ceremony of the 2021 China Space Day & China Space Conference in Nanjing on April 24th, the China National Space Administration announced.
(Photo credit: Ji Chunpeng/Xinhua News Agency)

祝融号

打击商标恶意注册专项行动典型案例 Typical cases found in the campaign

自然人胡某、呼伦贝尔某公司、广州某公司、大兴安岭某公司、福州某公司、深圳某公司、江西某公司、广州某公司恶意抢注数字人民币相关商标案

Malicious squatting of trademark relating to e-CNY by Hu and firms Hulunbuir, Guangzhou, Daxing'anling, Fuzhou, Shenzhen and Jiangxi

ECNY

DCEP

PBCDCEP

中国人民银行自2017年底开始数字货币研发工作，并于2018年3月9日首次公开提出其数字货币项目（Digital Currency Electronic Payment），简称“DCEP”。自2019年年末起，数字人民币试点工作在多个城市展开，自2020年10月的深圳试点开始，中国人民银行正式启用并对外公布e-CNY标识，作为数字人民币的英文缩写。

China's central bank, the PBOC, launched the e-CNY project in 2017 and announced its project code, DCEP (Digital Currency Electronic Payment), on March 9, 2018. Pilot programs started in late 2019 and were officially rolled out in Shenzhen in October 2020 with the adoption of "e-CNY" as the official logo.



数字人民币
e-CNY

打击商标恶意注册专项行动典型案例 Typical cases found in the campaign

海南某公司恶意抢注海南热带雨林国家公园标志商标案

Malicious squatting of trademark relating to the National Park of Hainan Tropical Rainforest by a firm in Hainan

海南某公司于2021年2月5日在第1-45类全类别上，提交了90件商标注册申请：

On February 5, 2021, a firm in Hainan filed 90 trademark applications in Classes 1–45:



海南省新闻办于2020年11月2日召开新闻发布会，对外发布海南热带雨林国家公园标志，并经人民网、新华网等中央媒体和海南广播电视台、海南日报等多家主流媒体报道和转载。

On November 2, 2020, the Hainan Provincial Information Office announced the logo of the National Park of Hainan Tropical Rainforest at a press conference. The event was covered by both national (People's Daily, Xinhuanet) and local (Hainan TV, Hainan Daily) media outlets.



打击商标恶意注册专项行动典型案例 Typical cases found in the campaign

宁波某公司恶意抢注检测认证行业通用名称、专业术语商标案

Malicious squatting of trademarks by a firm in Ningbo of common names and trade terms in the TIC (testing, inspection and certification) industry

GOST SASO EN71 AZO

SONCAP CPSC MSDS

GOST-R LFG B FDA

REACH-SVHC PAHS INMETRO

2022年审查审理打击商标恶意注册工作举措及成效 Measures and results in 2022

- 驳回不以使用为目的的恶意商标注册申请**3.5万件**
Rejection of **35,000** bad-faith registrations not for the purpose of use
- 开展打击囤积兜售型不以使用为目的的恶意商标注册行为专项行动，查实在售商标**10054**件，列入系统提示**270**人
Special campaign against bad-faith registration for the purpose of hoarding and peddling, which identified **10,054** trademarks on sale and **270** persons on the watchlist
- 上线全流程覆盖的重点监控名录，加注恶意行为人**1202**人次
Special watchlist with end-to-end surveillance, which included an addition of **1,202** bad-faith applicants
- 从快从严从重打击恶意抢注北京2022年冬奥会和冬残奥会、卡塔尔世界杯相关热词的商标**1769**件
Special raids against malicious squatting of **1,769** marks related to the 2022 Winter Olympics & Paralympics in Beijing and the 2022 FIFA World Cup in Qatar
- 依职权无效宣告恶意注册商标**2547**件，同比增长**47.3%**
Ex officio invalidation of **2,547** bad-faith registrations, up **47.3%** yoy
- 阻断恶意囤积商标转让牟利途径，不予核准转让**3522**件，为2021年的**8.4**倍
Rejection of **3,522** assignment requests to stop improper gains from hoarding, up **8.4 times** yoy
- 向保护司移送**110**条商标恶意注册案件线索，涉及**1239**件商标
Referral of **110** clues of bad-faith registration to the IP Protection Department, involving **1,239** trademarks
- 向运用促进司移送**161**条商标代理机构代理恶意注册申请线索
Referral of **161** clues of bad-faith registration by agents to the IP Utilization Promotion Department
- 累计打击恶意注册商标**37.21**万件，商标申请量同比下降**20.5%**
A total of **372,100** cases of bad-faith registration were found. Applications were down by **20.5%** yoy.



感谢聆听
Thank you



2023年5月5日
May 5, 2023