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PRESS RELEASE

Opinions of the Supreme People's Court on Hearing Administrative Cases Regarding Assignment and Affirmation of Trademark Rights Issued

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Opinions of the Supreme People's Court on Hearing Administrative cases Regarding Assignment and Affirmation of Trademark Rights was distributed to all provincial, autonomous regional and municipal higher people's courts as well as PLA Military Tribunal and Division of Production and Construction Force under the Higher People's Court of Uygur, Xinjiang on 20 April 2010.

The opinions require that in hearing administrative cases regarding assignment and affirmation of trademark rights in which disputed trademarks have not yet been massively used, the people's courts may use reasonably high standard for assignment and affirmation of trademarks in examining and deciding similar marks and goods as well as other elements of assignment or affirmation of trademark rights and trialling conflicts between disputed trademarks and anticipatory trademarks. Interests of consumers and other players in the industry must be fully considered. Improper anticipatory registration must be effectively prevented. Interests in highly recognized and high distinctive anticipatory trademarks, companies' names and other business marks must be protected. The possibility of causing confusion of business marks must be minimized. For business marks in legal disputes that have been used for a considerable long period of time, enjoying relatively good market reputation and attracted the relevant public, the intention of balancing the protection of interests in use of business marks and maintenance of market order under the Trademark Law must be accurately understood. The differentiation of relevant business marks by the relevant public under the objective test must be well respected. The establishment and stability of the market order must be well protected.

Lehman, Lee & Xu is a prominent Chinese corporate law firm and trademark and patent agency with offices in Beijing, Shanghai, Shenzhen, Hong Kong, Macau, and Mongolia. The firm is managed by Mr. Edward Lehman who is a long-time China resident, and is recognized as a leading expert on corporate law with 21 years of practice experience in Mainland China.

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