

## Accessing Asian trade mark information:

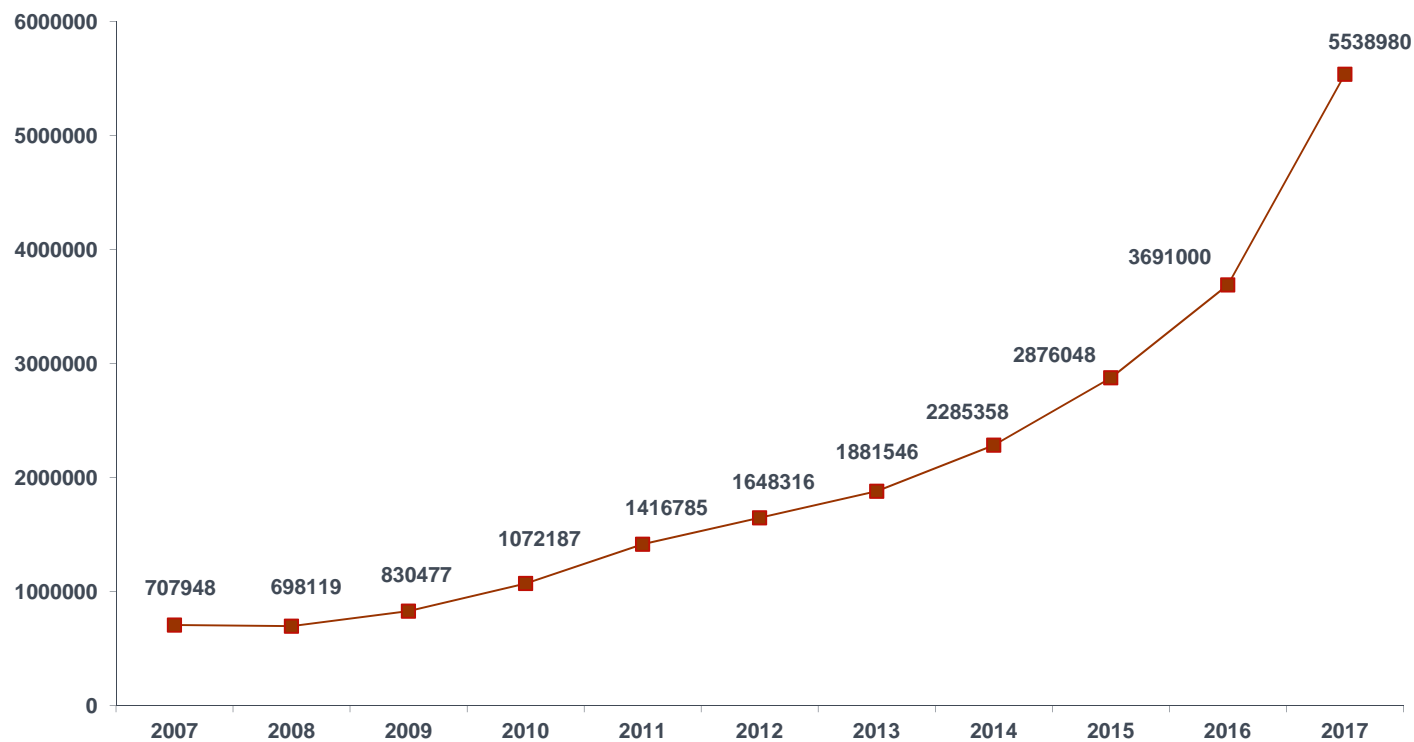
# China



- Introduction: Facts, figures & recent law amendments
- The registration procedure
- Special challenges with trade mark registration in China
- Searching Chinese trade marks

# Introduction: Facts, figures & recent law amendments

# Trade mark applications in China



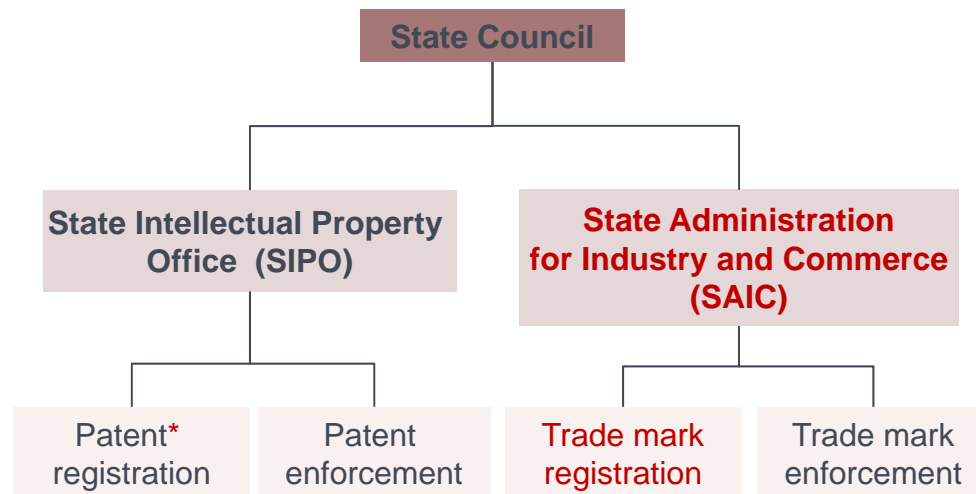
**2017:** Chinese trade mark applications cumulatively reached 27.842 million applications / 17.301 million registrations, ranking worldwide number 1 for consecutively 17 years!

## Recent government restructuring – IP authorities

- previous registration authority: China Trademark Office (CTMO) under the State Administration for Industry & Commerce (SAIC)
- restructuring in March 2018: State Intellectual Property Office (SIPO) also in charge of **trade marks** and **geographical indications**
- August 2018: State Intellectual Property Office (SIPO) re-named to **China National Intellectual Property Administration** (CNIPA)
- new URLs: [www.cnipa.gov.cn](http://www.cnipa.gov.cn) and [english.cnipa.gov.cn](http://english.cnipa.gov.cn)
- supervised by newly-established *State Administration for Market Regulation*
  - key regulator in supervising market order (business registration, market regulation, product and food safety, quality inspection etc.)

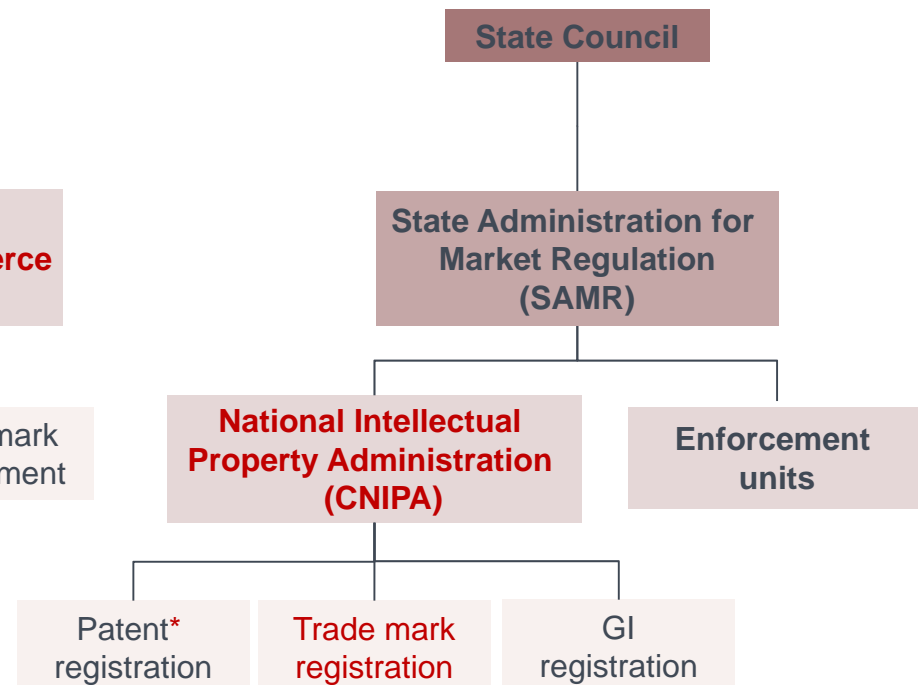
# Recent government restructuring

*Previous structure*



\*"patent" covers invention patents, utility models and designs

*New structure (since March 2018)*



# Evolution of the Chinese trade mark law

- research has shown that in 2700 BC, pottery in China was already marked with the manufacturer's identity
- complete brands existed since the Song Dynasty (960-1127); earliest surviving complete brand in the world white rabbit; used by needle manufacturer Master Liu, purpose: better recognition (widespread illiteracy)
- another famous mark: “Tongrentang” TCM, dating back to the Qing Dynasty (1644-1911); Tongrentang brand still exists until today



## Evolution of the Chinese trade mark law

- 1950: Provisional Measures for Registration of Trade Marks
- 1963: Trade Mark Administration Rules
- 1982: first complete Chinese Trade Mark Act
  - first modern piece of legislation with respect to intellectual property in China
- major reforms 1993 and 2000/2001
- key issues of latest revision in 2014:
  - aimed at improving efficiency, protection and enforcement
  - general principle of good faith (“honesty and credibility”) introduced into law
  - measures to counteract bad faith registrations/trade mark squatting
  - time lines for preliminary examination, opposition, cancellation etc. prescribed
  - possibility of filing multiple-class applications introduced

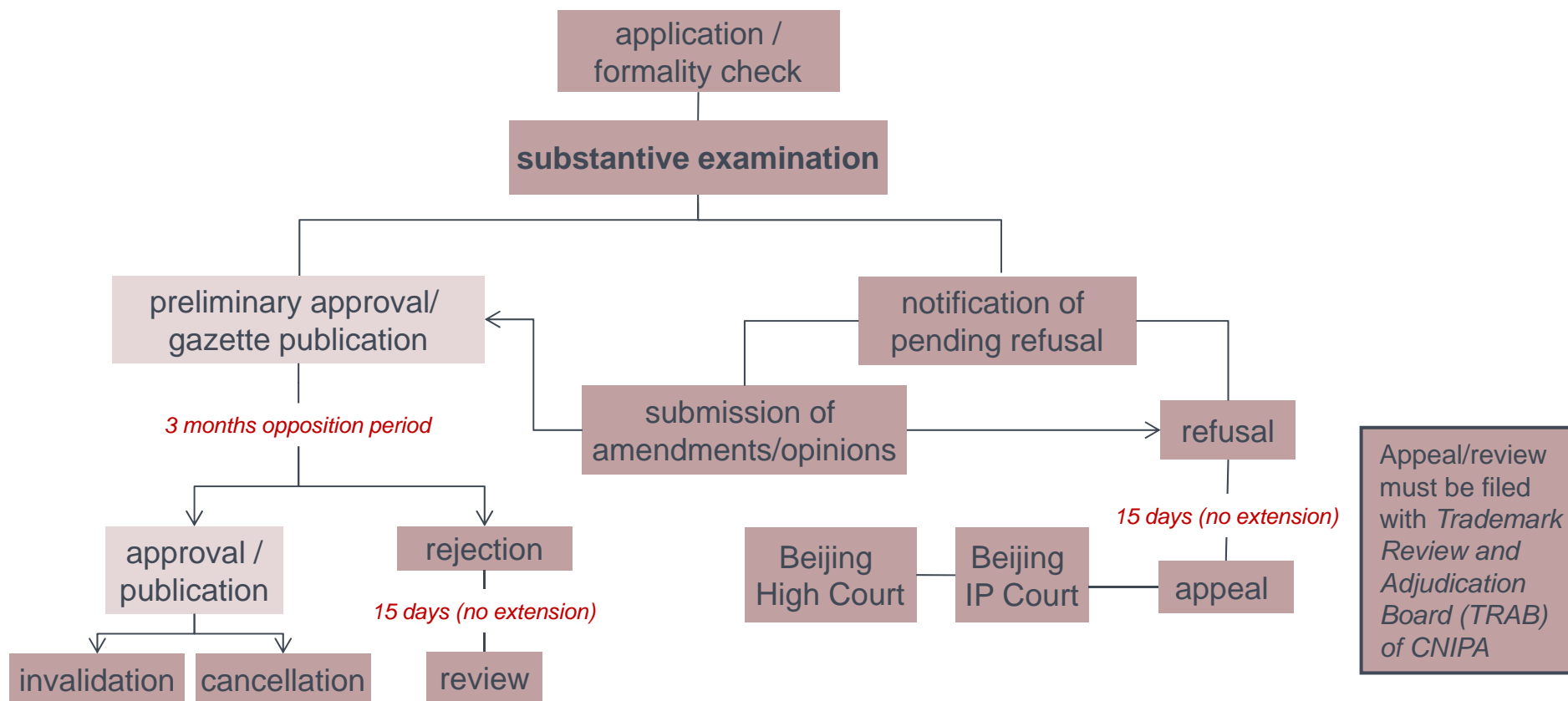
# The registration procedure: life of a Chinese trade mark file



## Background information

- first-to-file principle
- valid for 10 years, indefinitely renewable for subsequent 10-year periods
- application for renewal must be made within 6 months before expiration

# Trade mark registration procedure



## Registrable trade marks in China

- must not be identical or similar to marks registered by another party
- types of trade marks:
  - sound marks (since 2014)
  - collective marks
  - certification marks
- geographical indications may be registered as collective or certification marks
- scent and taste marks cannot be registered
- “well-known mark”: known widely by public, enjoying high reputation in China
  - mark by any party from any country can be recognised
  - registered or unregistered (evaluated on case-by-case basis)
  - status acquired via TRAB cases, administrative infringement, civil litigation

## Trade mark registration procedure

- foreign applicants: legally registered trade mark agency necessary
- priority period: 6 months (copy of certificate required within 3 months from filing)
- if trade mark is in foreign language, Chinese translation must be provided
- no series marks allowed (application of trade marks which resemble each other)
- formal examination (completeness, fee payment)
- substantive examination
  - legality, distinctiveness and non-functionality
  - identity/similarity with other approved/registered marks
- preliminary approval and publication:
  - within 9 months from application date (time limit prescribed since 2014)
- total processing time from filing to registration: approx. 18 months

# Trade mark registration procedure

- opposition:
  - within 3 months from preliminary approved publication
  - *by anyone* based on absolute grounds (e.g. lack of distinctiveness)
  - *by interested party* on relative grounds (e.g. existence of prior registration)
  - no (or unsuccessful) opposition: trade mark is registered and validity starts
  
- opposition review:
  - opposition may only be appealed by applicant
  - at Trademark Review and Adjudication Board (TRAB)
  - time limit: 15 days
  - opponent must request invalidation, if not satisfied with outcome of opposition

# Trade mark registration procedure

- invalidation:
  - *by any party at any time based on absolute grounds*
  - *by pre-existing rights holders / interested parties based on relative grounds*  
within 5 years from registration date (if well-known mark was registered in bad faith, genuine owner not restricted by 5-year limitation!)
  - to be filed with Trademark Review and Adjudication Board (TRAB)
  - in case of invalidation, right is considered non-existent from the beginning
  
- TRAB decision may be appealed at People's Court within 30 days

## Trade mark registration procedure

- cancellation:
  - request filed at CNIPA
  - by *any entity or individual*
  - if trade mark has not been used for uninterrupted period of three years (filed *later than 3 years from registration*)
  - if trademark has become generic (filed at *any time*)
  - partial cancellation possible
  
- CNIPA's decision may be appealed at TRAB within 15 days

# TM registration in China: Special challenges

## Classes and sub-classes

- Nice classification: 45 product and services classes
- CNIPA: further division into sub-classes (unique system!)
  - products in same sub-class: identical/similar
  - products in different subclasses (despite of same bigger class): dissimilar
- Example: class 41 (education; providing of training; entertainment; sporting and cultural activities) divided into the following sub-classes:
  - Subclass 4101 – education
  - Subclass 4102 – organising educational, cultural, and recreational activities
  - Subclass 4103 – library services
  - Subclass 4104 – publishing services
  - Subclass 4105 – sports and entertainment services
  - Subclass 4106 – animal training
  - Subclass 4107 – otherwise uncategorised services
- 7 identical trade marks - held by different entities - could coexist in class 41!



# TM registration in China: Special challenges

## Classes and sub-classes

- in the EU, a trade mark will cover all products in one Nice class
- in China, it will depend on the designated subclass(es)!
- international route:
  - CNIPA examiner selects sub-classes (errors; over- or underinclusiveness...)
- national route:
  - if not selected, CNIPA examiner will decide on sub-classes
  - registrations should be made in each relevant sub-class
  - applicant cannot select all sub-classes by default (will be refused)
  - companies often register in sub-classes which are marginally relevant, to avoid infringers from registering a similar mark in the sub-class

# TM registration in China: Special challenges

## Language issue

- translation of the mark in Chinese characters
  - registration in foreign language does not protect against use or registration of same or similar trade mark written in Chinese!
  - public will find “nicknames” for foreign language trademarks
  - trade mark more likely to be adopted by locals (easily pronounced and more memorable)

# TM registration in China: Special challenges

## Language issue

- various options:
  - literal translation, ex.: 苹果 *pingguo* – Apple, disadvantage: sounds different from original trade mark
  - elegant paraphrasing, ex.: “La Mer” not simply rendered as “ocean” 大海 but “secret of the blue sea” 海蓝之谜 – suitable for high-class cosmetics
  - phonetic translation, ex.: 麦当劳 *mai dang lao* – McDonalds, disadvantage: sound may have undesired meaning, e.g. in dialects

# TM registration in China: Special challenges

## Language issue

- ideal: combination of literal and phonetic, ex. – Coca Cola 可口可乐 (pronunciation: *kekou kele*, meaning: tasty & happy)



- example of failure: German beer brand “Warsteiner”, translated phonetically as 沃斯乐 *wò sī lè*; no specific/negative meaning, but pronunciation similar to 我死了 *wǒ sǐ lè* - “I am dead”

# TM registration in China: Special challenges

## Language issue

- in China, word marks and figurative marks are examined separately (for combined marks, both elements treated separately)
- trade mark squatters register sequences of Chinese characters as word marks, using a shape which gives the visual impression of another (figurative) mark
- proposed measure currently under discussion: treating such stylised word marks as “composite marks” and examine both elements together



# Searching Chinese trade mark information

## Trade mark numbering system

- application number 申请号 and registration number 注册号 are identical
- running serial number
- 6 digits (1980s) to 8 digits (since 2012)
- examples: 135112, 6307001, 28817014
- no kind codes, type of right indicators, years, ...
- other numbers included in the trade mark database:
  - case numbers of CNIPA/TRAB decisions: example: 2017000002897

## Official source: CNIPA trade mark search portal





# Official source: trade mark search portal

The screenshot shows the official Chinese trademark search portal. The header includes the website address [WWW.CTMO.GOV.CN](http://WWW.CTMO.GOV.CN) and [SBJ.SAIC.GOV.CN](http://SBJ.SAIC.GOV.CN), along with language options (中文, English) and a data update time of (2018/04/03). The main navigation bar contains links for Home, SISTM, SGTMI, STMAS, STMG, Error report, and Goo. The main content area features four search options: SISTM (similar/identical TM search), SGTMI (general TM search), STMAS (TM application status search), and STMG (TM Gazette search). A disclaimer and bulletin section are also visible on the right.

**NOTE:** Time delay of 3-6 months for update of register!

**SISTM:** Search for identical or similar TMs(SISTM): The system provides searching for similar or identical trademarks on the basis of figures and characters. It is used for identical and similarity checking.

**SGTMI:** Search for general TM information(SGTMI): Trademark information can be searched based on trademark number, trademark content, and name of applicant, etc.

**STMAS:** Search of TM application status (STMAS): The status of a trademark can be searched based on application number or registration number.

**STMG:** Search of TM Gazette

**Disclaimer:** This column is for trademark registration information inquiry. The system's data is not for real-time update of the information.

**Bulletin:** 新版网上检索系统于2017年5月5日上线运行。 2017年05月04日

**similar/identical TM search (English/Chinese)**

**general search (English/Chinese)**

**status search (English/Chinese interfaces)**

**gazette issues (Chinese interface only)**

# Search example: Similarity search, iPhone case

WWW.CTMO.GOV.CN SBJ.SAIC.GOV.CN 中文 English Help Instruction Data Update Time: (2018/04/04)

中國商標網 中华人民共和国国家工商行政管理总局商标局  
Trademark Office of The State Administration For Industry & Commerce of the People's Republic of China

Home **SISTM** SGTMI CTMAS STMG Error report

Automatic Search Selective S

similar/identical TM search

\* International Classification 18

Similar group Please enter international classification number first, no more than 5 items can be selected

\* Search mode Chinese character Chinese pinyin English Numeral Acronym Graph

\* Search Type

☐ Select all/Remove all

☒ Identical ☐ Partial identical ☐ Add letters

☐ Change letters ☐ Reduce letters ☐ Be contained in other trademarks

☐ Contain other trademarks ☐ Change order ☐ Inverted order

☐ 20% similar ☐ Same pronunciation

\* Trademark content iphone

Reset Search

**Background:** Famous trademark dispute regarding Apple's iPhone and registration by Chinese company Xintong

## Search example: Similarity search, iPhone case

WWW.CTMO.GOV.CN SBJ.SAIC.GOV.CN Help Instruction Data Update Time: (2018/04/04)

Sort  Print  Screening  Reference only, do not have any legal effect.

Search to9 trademarks

	Serial number	Application No./registration No.	Date of application	Trademark content	Name of applicant
<input type="checkbox"/>	1	28817014	2018年01月22日	IPHONE	苹果公司
<input type="checkbox"/>	2	6307001	2007年09月30日	IPHONE	温州市瓯海制革皮件厂
<input type="checkbox"/>	3	13932261	2014年01月17日	IPHONE	苹果公司
<input type="checkbox"/>	4	18014624	2015年09月30日	IPHONE	新通天地科技(北京)有限公司
<input type="checkbox"/>	5	24707587	2017年06月12日	IPHONE	新通天地科技(北京)有限公司
<input type="checkbox"/>	6	10519957	2012年02月22日	IPHONE	鹤山市必登高鞋业皮具有限公司
<input type="checkbox"/>	7	9913992	2011年08月31日	IPHONE	广州兴兴皮具有限公司
<input type="checkbox"/>	8	6788106	2008年06月17日	IPHONE	苹果公司
<input type="checkbox"/>	9	6304198	2007年09月29日	IPHONE	新通天地科技(北京)有限公司

**NOTE:** In the results list, also non-Chinese names are given in Chinese!

Apple

Xintong Tiandi Beijing Ltd.

Total pages:9 | Current page:1 / 1

# Details of database entry – Apple's iPhone

[trademark details](#)
[Trademark procedure](#)

iPhone

Goods/services 全: 手机; 系统软件; 计算机程序; show details

Similar group 1804;1805;1806;1807;

Application No./registration No. 6788106

Name of applicant (Chinese) 苹果公司

Name of applicant (English) APPLE INC.

Applicant address (Chinese) 美国加利福尼亚州库比蒂诺市艾默里大道1号

Applicant address (English) 1 INFINITE LOOP, CUPERTINO, CALIFORNIA 95014, U.S.A.

Public announcement number of first trial 1509

Public announcement number of registration 1521

Community marks No

Public announcement Date of first trial 2016/06/27

Public announcement Date of registration 2016/09/28

Exclusive right duration 2016/09/28 to 2026/09/27

Date of application 2008/06/17

International Classification 18

Type of trademark 一般

Form of trademarks

Public announcement number of first trial 1509

Public announcement number of registration 1521

Community marks No

Public announcement Date of first trial 2016/06/27

Public announcement Date of registration 2016/09/28

Exclusive right duration 2016/09/28 to 2026/09/27

Date of International Registration

Date of late formulation

Date of priority 2008/04/24(有效)

Agents name/receiving organization 北京英特普罗知识产权代理有限公司

Trademark procedure [Click to view](#)

Trademark status icon

LIVE/REGISTRATION/Published for Opposition

注册公告

Reference only, do not have any legal effect.

Print

Error report

application date

current duration of trade mark

European Patent Office

29

# Detailed procedural information – Apple's iPhone

WWW.CTMO.GOV.CN SBJ.SAIC.GOV.CN Help Instruction Data Update Time: (2018/04/01)

trademark details Trademark procedure

IPHONE  
App No./reg No.: 6788106  
International Classification : 18

	App No./reg No.	Business name	Name of the procedure	conclusion	date
○	20100000013557	驳回复审	打印受理通知	结束	2010年06月12日
○	20100000013557	驳回复审	申请收文	结束	2010年04月07日
○	6788106	商标注册申请	打印驳回通知	结束	
○	6788106	商标注册申请	补正收文	结束	2009年04月10日
○	6788106	商标注册申请	等待补正回文	结束	2009年04月10日
○	6788106	商标注册申请	补正收文	结束	2009年02月06日
○	6788106	商标注册申请	打印受理通知	结束	2008年10月06日
○	6788106	商标注册申请	申请收文	结束	2008年06月17日

rejection

application filed

Tech support: Economic Information Center of the State Administration for Industry and Commerce  
Copyright: State Administration for Industry and Commerce of the People's Republic of China  
Address: 8 Sanlihe Donglu, Xichengqu, Beijing, 100820, P. R. China  
IE8 or higher version of browser is required; resolution setting no under 1366"

WWW.CTMO.GOV.CN SBJ.SAIC.GOV.CN Help Instruction Data Update Time: (2018/04/01)

trademark details Trademark procedure

IPHONE  
App No./reg No.: 6788106  
International Classification : 18

Print

	App No./reg No.	Business name	Name of the procedure	conclusion	date
○	20100000013557	驳回复审	等待打印注册证	结束	2016年05月17日
○	20100000013557	评审应诉	判决结果	结束	2016年05月17日
○	20100000013557	评审应诉	申请收文	结束	
○	20100000013557	评审应诉	判决结果	结束	2014年11月13日
○	20100000013557	评审应诉	申请收文	结束	2014年08月12日
○	20100000013557	驳回复审	补充材料收文		

judgment

review at TRAB

trademark process status

**Note:** details in Chinese only, but can be copy/ pasted into a machine translation tool



# Details of database entry – Xintong's IPHONE

WWW.CTMO.GOV.CN SBJ.SAIC.GOV.CN

Help Instruction Data Update Time: (2018/04/04)

trademark details Trademark procedure

**IPHONE**

Goods/services 仿皮; 牛皮; 钱包; 小皮夹; 皮制绳索; 护照夹(皮革制); 护照夹(皮革制); 钥匙盒(皮制); 皮制带子; 家具用皮装饰; [show details](#)

Similar group 1801;1802;

Application No./registration 6304198

Name of applicant(Chinese) 新通天地科技(北京)有限公司

Name of applicant(English)

Applicant address(Chinese) 北京市丰台区丰管路16号9号楼3012房间

Applicant address(English)

Public announcement number of first trial 1201

Public announcement number of registration 1545

Community marks No

Public announcement Date of first trial 2010/01/27

Public announcement Date of registration 2017/03/28

Exclusive right duration 2010/04/28 to 2020/04/27

Date of International Registration

Date of late formulation

International Classification 18

application date (before Apple!)


“first trial” = preliminary search, publication for opposition; *registration took place 7 years later, due to opposition/opposition review/appeals in 2 instances...* (details see procedural information)

current duration of trade mark

Agents

name/receiving organization 温州尚标知识产权有限公司

Trademark procedure [Click to view](#)

Trademark status icon  LIVE/REGISTRATION/Issued and Active 注册

# Detailed procedural information – Xintong's IPHONE

trademark details		Trademark procedure				
IPHONE		App No./reg No. : 6304198	App No./reg No.	Business name	Name of the procedure	conclusion date
International Classification : 18						
		20100000016335	商标异议申请	打印答辩通知	结束	2010年09月20日
		20100000016335	商标异议申请	打印受理通知	结束	2010年07月28日
		20100000016335	商标异议申请	申请补充材料收文	结束	2010年07月28日
		20100000016335	商标异议申请	申请收文	结束	2010年04月26日
		6304198	商标注册申请	等待补正回文	结束	2008年04月23日
		6304198	商标注册申请	补正收文	结束	2008年04月23日
		6304198	商标注册申请	打印受理通知	结束	2007年10月25日
		6304198	商标注册申请	申请收文	结束	2007年09月29日

201600000161527	变更商标申请人/注册人名义/地址	补正通知打印发送	结束	2018年03月02日
20160000013943	评审应诉	申请收文	结束	2018年02月23日
20160000013943	无效宣告	等待实审发文	结束	2018年01月17日
20160000013943	无效宣告	评审分案	结束	2017年06月20日
20160000013943	无效宣告	等待证据交换发文	结束	2017年06月19日
201600000161527	变更商标申请人/注册人名义/地址	补正通知打印发送	结束	2017年05月24日
20120000053856	评审应诉	判决结果	结束	2017年03月10日
20160000013943	无效宣告	等待受理通知发文	结束	2017年02月14日
20120000053856	异议复审	答辩回文收文	结束	2013年10月21日
20120000053856	异议复审	打印受理通知	结束	2013年06月24日
20120000053856	异议复审	申请补充材料收文	结束	2012年11月09日
20120000053856	异议复审	申请收文	结束	2012年08月09日
20100000016335	商标异议申请	等待注册公告排版时刻	结束	2012年06月20日
20100000016335	商标异议申请	答辩书收文	结束	2011年09月26日

invalidation suit still ongoing!

invalidated by TRAB!

invalidation request filed after registration

opposition filed after preliminary publication

application filed

# Search example: Comparison feature, iPhone case

WWW.CTMO.GOV.CN SBJ.SAIC.GOV.CN Help Instruction Data Update Time: (2018/04/04)

Sort  Print  Screening

Search to 9 trademarks

Click to compare selected trade marks

Reference only, do not have any legal effect.

<input type="checkbox"/>	Serial number	Application No./registration No.	Date of application	Trademark content	Name of applicant
<input type="checkbox"/>	1	28817014	2018年01月22日	IPHONE	苹果公司
<input type="checkbox"/>	2	6307001	2007年09月30日	IPHONE	温州市瓯海制革皮件厂
<input type="checkbox"/>	3	13932261	2014年01月17日	IPHONE	苹果公司
<input type="checkbox"/>	4	18014624	2015年09月30日	IPHONE	新通天地科技(北京)有限公司
<input type="checkbox"/>	5	24707587	2017年06月12日	IPHONE	新通天地科技(北京)有限公司
<input type="checkbox"/>	6	10519957	2012年02月22日	IPHONE	鹤山市必登高鞋业皮具有限公司
<input type="checkbox"/>	7	9913992	2011年08月31日	IPHONE	广州兴兴皮具有限公司
<input checked="" type="checkbox"/>	8	6788106	2008年06月17日	IPHONE	苹果公司
<input checked="" type="checkbox"/>	9	6304198	2007年09月29日	IPHONE	新通天地科技(北京)有限公司

Apple

Xintong Tiandi Beijing Ltd.



# Search example: Comparison feature, iPhone case

**1-IPHONE (Apple)**

Application No./registration: 6788106

Date of application: 2008/06/17

International Classification: 18

Similar group: 1804;1805;1806;1807;

**Name of Registrant Info**

Name of applicant(Chinese): 苹果公司

Name of applicant(English): APPLE INC.

Applicant address(Chinese): 美国加利福尼亚州库佩蒂诺芬蒂环路1号

Applicant address(English): 1 INFINITE LOOP, CUPERTINO, CALIFORNIA 95014, U.S.A.

**Agents Info**

Agents name/receiving organization: 北京英特普罗知识产权代理有限公司

**Goods/services**

Goods/services: 1804- 伞  
1805- 手杖

**2-IPHONE (Xintong Tiandi Beijing Ltd.)**

Application No./registration: 6304198/6304198

Date of application: 2007/09/29

International Classification: 18

Similar group: 1801;1802;

**Name of Registrant Info**

Name of applicant(Chinese): 新通天地科技(北京)有限公司

Name of applicant(English): XINTONG TIANDI BEIJING LTD.

Applicant address(Chinese): 北京市丰台区丰管路10号5号楼5012房间

Applicant address(English): 5012, 5th floor, Building 10, Fengguan Road, Fengtai District, Beijing

**Agents Info**

Agents name/receiving organization: 温州尚标知识产权代理有限公司

**Goods/services**

Goods/services: 1801- 仿皮  
1801- 牛皮  
1802- 钱包  
1802- 小皮夹

**Comparison Notes:**

- Apple
- Xintong Tiandi Beijing Ltd.
- same Nice class: leather, leather imitations and certain goods made of those
- different "similar groups"

# Search example: Similarity search, iPhone case

The screenshot displays the CTMO (China Trademark Office) website interface for a similarity search. The search term '1-IPHONE' is entered, and the results are categorized into 'Goods/services' and 'Trademarks'. The 'Goods/services' section lists various leather goods, including umbrellas, canes, dog leashes, and purses. The 'Trademarks' section lists the names of the trademark holders, including Apple and Xintong Tiandi Beijing Ltd. The 'Registration Info' section provides details on the public announcement number, date, and duration of the trademarks.

**Apple**

**Xintong Tiandi Beijing Ltd.**

**leather goods, purses, wallets...**

**umbrellas, canes, dog leashes...**

**current duration of both trade marks, valid in the similar groups as indicated**

**Goods/services**

Goods/services : 1801- 仿皮

1801- 牛皮

1802- 钱包

1802- 小皮夹

1802- 皮制绳索

1802- 护照夹(皮革制)

1802- 护照夹(皮革制)

1802- 钥匙盒(皮制)

1802- 皮制带子

1802- 家具用皮饰物

**Trademarks**

1-IPHONE

2-IPHONE

**Registration Info**

Public announcement number of first trial : 1509

Public announcement Date of first trial : 2016/06/27

Public announcement number of registration : 1521

Public announcement Date of registration : 2016/09/28

Date of International Registration :

Date of priority : 2008-04-24 00:00:00(有效)

Exclusive right duration : 2016/09/28 to 2026/09/27

Public announcement number of first trial : 1201

Public announcement Date of first trial : 2010/01/27

Public announcement number of registration : 1545

Public announcement Date of registration : 2017/03/28

Date of International Registration :

Date of priority :

Exclusive right duration : 2010/04/28 to 2020/04/27

## Official sources: Trade mark gazette

WWW.CTMO.GOV.CN SBJ.SAIC.GOV.CN 中文 English Help Instruction Data Update Time: (2018/04/03)

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新版网上检索系统于2017年5月5日上线运行。  
2017年05月04日

# Trade mark gazette

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序号	公告期号	公告日期	公告类型	注册号	申请人	商标名称	公告详情
1	1593	2018-03-27	商标初步审定公告				<a href="#">查看</a>
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4	1593	2018-03-27	商标初步审定公告	8975710	福建惠安德隆体育用品有限公司	德隆牌	<a href="#">查看</a>
5	1593	2018-03-27	商标初步审定公告	11008146	埃斯顿(苏州)机器人有限公司	ASTON MARTIN	<a href="#">查看</a>
6	1593	2018-03-27	商标初步审定公告	11070627	福建伊泰斯公司	TABITHA SIMMONS	<a href="#">查看</a>
7	1593	2018-03-27	商标初步审定公告	11308943	星臣氏企业有限公司	星臣氏	<a href="#">查看</a>

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# Trade mark gazette



# TRAB decision database: iPhone invalidation case



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2018年04月19日 星期二 总局网站 English 移动应用 总局邮箱

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## 关于第6304198号“IPHONE”商标无效宣告请求裁定书

信息来源: 商评委

### 关于第6304198号“IPHONE”商标 无效宣告请求裁定书

商评字[2018]第0000000027号

申请人: 苹果公司  
委托代理人: 北京正见永申知识产权代理有限公司  
被申请人: 新通天地科技(北京)有限公司

申请人于2016年09月19日对第6304198号“IPHONE”商标(以下称争议商标)提出无效宣告请求。我委依法受理后,依照《商标评审规则》第六条的规定,组成合议组依法进行了审理,现已审理终结。

申请人的主要理由:一、争议商标与申请人在第9类上申请注册的第3339849号、第5621462号、第5621463号、国际注册第923726号“iphone及图”商标、第6207921号“iphone及图”商标(以下分别称引证商标一、二、三、四、五)构成近似商标。争议商标指定使用商品与引证商标所指定使用的“皮革或仿皮革制流动电话机套”等商品具有密切关系。争议商标在其指定使用商品的注册和使用易造成消费者的混淆和误认。根据《商标法》第三十条的规定,争议商标应当被宣告为无效。二、争议商标从申请、转让到注册均具有恶意,此外,被申请人屡次开展类似商标抢注行为,更在争议商标注册后明确表示其就是要针对申请人的消费

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