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## **Chinese Supreme Court Releases Ten Typical IP Cases of 2025**

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On 20 April 2026, on the occasion of the upcoming World Intellectual Property Day, the Supreme People's Court (SPC) of China released *Ten Typical Cases of Intellectual Property Rights Protection of 2025*, covering patents, trade secrets, unfair competition, data rights, and criminal enforcement. Four of the cases are related to trademark, which reflects the SPC's continued efforts to clarify the boundaries of trademark rights, combat bad faith applications, and enhance punitive damages.

To assist trademark holders in better understanding the trend of trademark protection, we have summarized the four trademark cases as follows. If you are interested in the original full text of all ten cases, please refer to the official post via the link below:

[\[https://ipc.court.gov.cn/zh-cn/news/view-5630.html\]](https://ipc.court.gov.cn/zh-cn/news/view-5630.html)

### **Case #1: Phrase Mark “The Tragedy of Lord George” – Acquired Distinctiveness**

Penhaligon's Limited applied for registration of the phrase mark “乔治勋爵的悲剧 (‘THE TRAGEDY OF LORD GEORGE’ in Chinese)” for perfumes. The China National Intellectual Property Administration (CNIPA) and the 1<sup>st</sup> and 2<sup>nd</sup>-instance courts rejected it for lack of inherent distinctiveness. The Supreme People's Court overturned the earlier judgement, ruling that the phrase is not a common or fixed expression in the perfume industry, has a unique composition and meaning, and is neither descriptive nor a promotional slogan for perfumes. It can be enhanced by the fact that similar formative trademarks were granted approval on perfumes such as “蓬帕杜夫人的茶杯 (‘MADAME DE POMPADOUR'S TEA CUP’ in Chinese)”, “花花公主的秘密 (‘PLAYGIRL SECRET’ in Chinese)”, etc. Moreover, evidence showed that consumers had already used the phrase to refer to a specific Penhaligon's perfume, thus the mark had acquired distinctiveness through use.

### **Case #3: Refurbished Switch Resale as Trademark Infringement with Punitive Damages**

In this case, six defendants purchased used switches and components, refurbished them by disassembling, cleaning, replacing parts, changing serial numbers and repainting, reattached the plaintiff's registered trademarks, and sold them as new devices. The criminal court had already convicted the defendants of counterfeiting. In the subsequent civil lawsuit, the Beijing Haidian District People's Court held that the same conduct constituted willful trademark infringement with serious circumstances, and applied three-

fold punitive damage. Despite the criminal fines already paid, the court ordered the six defendants to jointly pay CNY20 million ( $\approx$ USD3 million) as damage and CNY100,000 ( $\approx$ USD15,000) for reasonable expenses.

This case shows that punitive damages remain applicable to infringers notwithstanding prior criminal sanctions, and the paid criminal fine will be taken into account to lower the punitive damages multiplier.

### **Case #7: From Civil to Criminal – Fake Battery Case**

While hearing a civil trademark infringement dispute, the Shandong Yiyuan County People's Court noted that the infringing products by the defendant originated from an individual named Deng and transferred the criminal clues to the Public Security Bureau (PSB, i.e., the police). Upon investigation, Deng was found to have been assembling counterfeit batteries by purchasing unmarked batteries and counterfeit packaging bearing the registered mark of Fujian Nanping Nanfu Battery Co., Ltd., and was subsequently prosecuted and convicted of counterfeiting a registered trademark, with very serious circumstances. He was sentenced a three-year imprisonment with a suspension of three years, a fine of CNY200,000 ( $\approx$ USD30,000), and the infringing products were destroyed.

This case demonstrates the effective integration of civil, administrative and criminal procedures to cut off the entire counterfeit supply chain.

### **Case #10: Repeated and Malicious Squatting – Unfair Competition and Agency Liability**

Lanmei Beer (Guangzhou) Co. Ltd. owned the famous “蓝妹 (‘BLUE SISTER’, pronounced as ‘Lan-Mei’)” trademark for beer. A company in the same province, a competitor, repeatedly applied for similar marks such as “蓝魅 (‘BLUE CHARM’, pronounced exactly as ‘Lan-Mei’)” and “蓝味 (‘BLUE TASTE’, pronounced as ‘Lan-Wei’ and last characters of the two marks similar in overall appearance)” from 2017 to 2022, and even licensed two of them to others. Several CNIPA's and court's decisions had already invalidated these marks as bad-faith registrations. Nevertheless, the Company continued its conducts. The court held that the Company's repeated filing act is beyond normal business needs and constituted malicious trademark registration and unfair competition. Furthermore, its representing Agency, a professional trademark agency located in the same region, continued to provide services even after the negative judicial rulings, and constituted contributory infringement. The court ordered the said Company to pay CNY500,000 ( $\approx$ USD74,600) as damages, with its Agency jointly liable for CNY100,000 ( $\approx$ USD15,000).

In this case, the trademark agency who knowingly assists in malicious filing was also held liable for the infringement.

**Author's comments:** These typical cases represent the SPC's determination to curb bad-faith trademark filing, trademark infringement, and representation of malicious trademark filers. The cases can be cited as strong precedents in similarly comparable cases.