

CTMO Publishes Opposition Decisions

By Mr. Xiaoming Liu

On February 18, 2020, the China Trademark Office (CTMO) of the China National IP Administration (CNIPA) announced that the CTMO, in order to strengthen the transparency of opposition examination, enhance public supervision, and promote legal administration, has decided to publish trademark opposition decisions online as of January 1, 2020.

A decision shall be published at its official website <http://sbj.cnipa.gov.cn/> within 20 days after the decision is mailed, but with three exceptions—**1.** A decision is related to a party's trade secret or personal privacy; **2.** A party requested for non-disclosure and the CTMO considered the request reasonable; or **3.** other special scenarios where the CTMO considers inappropriate.

If anybody has opinions or advice on the published decisions, he can provide his feedback by leaving message online or dial the enquiry hotline +86-10-63218500-5-7.

The published decisions are for the inquirers' reference only and carry no legal effect. Any harm caused by the illegal use of the information shall be undertaken by the illegal users.

In my opinion, this is an important step of the CTMO forward to transparency, years after the review decisions began to be published by the former Trademark Review and Adjudication Board (TRAB). Although the relevant parties' arguments and evidence shall not be published like in many other jurisdictions, at least it has become easier for the public to obtain some more official information about the case, which will be certainly helpful for the public supervision and knowledge.

As some opposition decisions might reveal the relevant parties' bad faith for filing the trademarks concerned, the database of the published opposition decisions can be another source to collect bad faith evidence, in addition to the databases of the litigation judgements published by the courts and the review decisions published by the former TRAB.

The CTMO's other types of decisions will not be included.

Link for the source of the news: http://sbj.cnipa.gov.cn/tzgg/202002/t20200218_311776.html