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China's Project Against Malicious Filing in 2021

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On 24 March 2021, the China National Intellectual Property Administration (CNIPA) announced the Special Project to Crack Down Malicious Trademark Filing, aiming at ten types of conducts harming either the public or private interests or rights, namely:

1. Maliciously squatting the names of national or regional strategies, major events, policies, projects, and scientific and technological programs;
2. Maliciously squatting the terms and signs relating to such public emergencies as major natural disasters, accidents, public sanitary incidents, and social security incidents, which harms the public interests;
3. Maliciously squatting the names and logos of high-profile tournaments and exhibitions;
4. Maliciously squatting such public resources as the names of administrative divisions, mountains and rivers, scenic spots, and buildings;
5. Maliciously squatting such public business resources as the generic names of goods or services and industrial terms;
6. Maliciously squatting the names of public figures, famous works or characters;
7. Maliciously squatting others' famous and highly distinctive trademarks or commercial signs, which harms others' prior rights and interests;

8. Evident violation of the forbidden scenarios prescribed in Article 10 of the Trademark Law or violation of the public order and good customs, which imposes passive and negative social impact on China's politics, economy, cultures, religions and ethnic groups;
9. The trademark agencies' acceptance of representation or disturbance of the trademark representation order by other unfair means even though the agencies have known or should have known the aforesaid conducts; and
10. Other conducts evidently violating the principle of honesty and credibility.

In the first phase, the local intellectual property offices and trademark examination centers were required to collect and report the clues of malicious filing to the Trademark Office for actions in March 2021. During the second phase of implementation from April through October 2021, the recognized squatters and agencies will be punished. In November and December 2021, the CNIPA will appraise and conclude the Project and announce the results.

As China is strong in administrative enforcement, we expect that the rampant malicious filing will be curbed in a way and the relevant filers and agencies will be punished.