

## CNIPA's Notice on Public Consultation on "Trademark Examination & Trial Standards (Draft for Comment)" 《商标审查审理标准（征求意见稿）》

On 11 June 2021, the China National Intellectual Property Administration (“**CNIPA**”) 国家知识产权局 published the revised "Trademark Examination & Trial Standards (Draft for Comment) 商标审查审理标准（征求意见稿）" ("**Draft Standards**"标准) for public consultation. The Draft Standards 标准 aims at ensuring the uniform application of laws and standards in all facets to further implement the spirit of General Secretary Xi Jinping’s important instructions on intellectual property (“**IP**”) work – deepening the reform of "delegation, management and service 放管服" in IP; optimizing innovation and business environments; and adapting to revisions of the trademark law, the implementation of the civil code and the promulgation of relevant laws and regulations:

[https://www.cnipa.gov.cn/art/2021/6/11/art\\_75\\_159963.html](https://www.cnipa.gov.cn/art/2021/6/11/art_75_159963.html)

The Draft Standards mainly cover 2 aspects:

- (1) Adding formality examination standards / criteria by clarifying the general requirements for formality examination; providing procedural details of trademark registration, opposition, review and cancellation; stipulating key elements for class specifications and search for word and device marks; and detailing the operations of Madrid trademark registration for designating China.
- (2) Revising and improving the substantive examination standards / criteria by adding a new “Overview 概述” chapter; fine-tuning the examination / review standards based on Article 4 of the Trademarks Law 商标法第四条 on bad faith applications without intention to use and elaborating the applicable criteria for other legal provisions with more guiding cases / examples provided.

We will provide you with more updates on the subject matter when available.

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