

New Manual favors foreign companies' trademark applications in China

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At the end of 2021, CNIPA released the Trademark Manual of Examining Procedure to replace the original Standards for Trademark Examination and Trial. The new Manual has already come into effect on January 1, 2022. The Manual is an important basis for trademark examination, as well as a concrete guide for the public to handle trademark registration and other trademark matters. On the other hand, the newly released Manual is also the wind vane of CNIPA on trademark examination matters in recent years. This article will briefly describe the changes in the Guide for foreign-related business.

In terms of the Madrid International Registration, there are no significant changes in substance. However, it should be noted that in the new Manual, the Madrid International Registration section will be separated into a single chapter, and the relevant provisions originally scattered in various parts will be systematically summarized in this unit. As stated in the first paragraph, we believe such a change is a positive signal from the State Intellectual Property Office to encourage trademark applications both outwardly and inwardly through the Madrid international registration channel. This will be very beneficial to foreign clients with relevant needs.

The new Manual clarifies that a defensive application does not constitute a "bad faith application not for using purposes". Defensive applications are limited to trademarks that are identical or similar to their registered trademarks. Moreover, the new Manual explicitly stipulates that the examination of bad faith applications will be based on the evidence provided by CNIPA in the registration examination stage, while in the opposition and reviewing procedures, the in-process procedures will be the main focus. For foreign applicants, this undoubtedly greatly reduces the difficulty of ascertaining the rights and broadens the way of defending their rights.

In general, this new Manual puts in writing and standardizes the expression of many practical experiences and informal rules that have been substantially used in the past. Although there are not many substantial additions or deletions in the foreign-related section, many of the original provisions have been systematically categorized and summarized in a separate chapter. Such a change not only responds to the general trend of the current boom in domestic applications by foreign clients, but also enhances the confidence of foreign clients in applying for registered trademarks in China by concretizing vague concepts, promotes the intention of foreign clients to apply for registered trademarks in China, and provides a reliable guarantee for foreign clients to more easily inquire about the relevant provisions. We believe that this has full positive significance and promotion for foreign clients to apply for Chinese trademarks.

For your reference, the following is the [official link to the PDF document of the Trademark Manual of Examining Procedure \(Chinese version\)](#).

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