THE SUPREME PEOPLE’S COURT’S ANNUAL REPORT ON INTELLECTUAL PROPERTY CASES (2016) (China)

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Abstract: The Supreme People’s Court of China began publishing its Annual Report on Intellectual Property Cases in 2008. The Annual Report summarizes intellectual property cases, such as patent, trademark, copyright, trade secrets, and unfair competition cases. This 2016 Annual Report examines 27 cases and includes general guidelines for legal application. It reflects the Supreme People’s Court’s thoughts and approaches for ruling on new, difficult, and complex IP and competition cases.


I. INTRODUCTION‡

In 2016, the Intellectual Property (IP) Division of the Supreme People’s Court (SPC) accepted a total of 724 new IP cases in 2016. Among the new cases, there were 2 counter-appeal cases, 7 second-trial cases, 99 review cases, 601 retrial cases, 3 appeal cases, and 12 instruction cases.

When categorized by type of object involved in the cases, there were 227 patent cases, 1 new variety of plant case, 337 trademark cases, 64 copyright cases, 2 integrated circuit layout design case, 2 monopoly cases, 12 trade secrets cases, 23 other unfair competition cases, 38 IP contract cases, and 18 other cases (mainly related to IP trial management matters). When categorized by the nature of the cases, there were 352 administrative cases, of which there were 84 administrative patent cases, 268 administrative trademark cases, and a total of 372 civil cases.

The IP Division tried and finished 735 IP cases in total, including 2 counter-appeal cases, 11 second trial cases, 96 review cases, 614 retrial cases and 12 instruction cases. Among the 614 retrial cases, there were 283 administrative retrial cases, 331 civil retrial cases. The IP Division rejected

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454 retrial cases, reviewed 76 cases, retried 31 cases, and withdrew 18 cases (including reconciliation). There were 35 cases that the IP Division decided to settle in other ways.

The characteristics and trends of the cases handled by the SPC in 2016 are as follows:

1. The proportion of IP cases related to patents and trademarks has still remained the highest;
2. Authorization and confirmation of administrative trademark cases increased;
3. Evaluation of novelty and creativity is still the core controversy in most administrative patent cases;
4. Among the cases involving chemistry and medical biology, the main legal issue is whether the instructions have been disclosed completely and whether the right of claim bill has been supported by the instructions;
5. It is common for the status and function of patent evaluation reports to be misunderstood;
6. The role of the technology investigator system in identifying technical facts is not yet clear and needs to be continuously monitored;
7. The number of trademark cases has remained large, including a great amount of administrative trademark cases;
8. Whether the trademarks at issue has adverse effects, the condition and scope of prior rights protection, and how to apply the laws still remain controversial in trademark cases;
9. Ruling standards in trademark cases need to be clear and unified;
10. The amount of protection a trademark receives can depend on the significance and popularity of the trademark, which can be determined by considering factors such as similarity of trademarks, whether confusion of trademarks exists, and market value of the trademark. This demonstrates that the harmonious proportion principle in civil trademark cases is trending.
11. The number and proportion of copyright cases has remained stable, of which there were more cases related to Karaoke owners and other litigation subjects. It is very common that the process of evidence collection completed by the parties are below the standards and the standards of evidence identification
is inconsistent;
12. The proportion of trade secret disputes is large in competition cases, which focus on the legal issues related to the proof of basic rights, including the confidentiality of relevant information and whether the parties took any confidential measures;
13. At the same time, the number of monopoly cases has increased; and
14. The parties’ litigation competence still needs to improve.

The following are the 39 legal issues significant to the field of IP in China, published in the 2016 Supreme People’s Court Annual Report on Intellectual Property Cases.
I. PATENT CASES

A. Civil Patent Cases

1. The recognition of manufacturing process of alleged infringing medicine in patent infringement dispute of medicine manufacturing method

In the patent infringement dispute case, *Lilai Co. v. Changzhou Huasheng Pharmaceutical Co., Ltd.*, the SPC held that, in the patent infringement dispute of a medicine manufacturing method, its registered manufacturing method in the medicine regulatory department shall be assumed as its actual manufacturing method in the absence of other contrary evidence; if any evidence proves that the registered manufacturing method is not real, courts shall determine the actual manufacturing method, according to the law, by fully reviewing technology sources, production process and records, filing documents, and other evidence of the allegedly infringing medicine. If the manufacturing method of the allegedly infringing medicine is too complicated, courts can find the truth by hiring technology investigators, expert assistants, judicial appraisers, and scientific consultants.

2. Whether the product instructions are publications under the patent law

In the patent infringement dispute case, *ThyssenKrupp Airport System (Zhongshan) Co., Ltd. v. China International Marine Containers (Group) Co., Ltd.*, the SPC held that product operation and maintenance instructions are publications under the patent law, in that the user received the instructions and the product together, and the user and other people who have the instructions have no obligation of confidentiality, and it can be obtained by any person. The time of delivery to the user is considered the publication time.
3. The understanding of “retrospective effect” under Article 47 Clause 2 of People’s Republic of China’s (PRC) Patent Law

In the utility model patent dispute case, *Shanghai Youzhou Electronic Technology Co., Ltd. v. Shenzhen Jinghualong Security Equipment Co., Ltd.*, the SPC pointed out that if courts held that there was an infringement of a patent before the patent right was declared void, the invalidation of the patent does not have retroactive effect on the prior decision. Once the patent is invalidated, the technology plan will go public and any business or individual can implement that plan without any limitation. The patent’s previous owner has no right to stop the implementation.

**B. Administrative Patent Cases**

4. Judgment of the practicability of the patent

In the review of patent reexamination administrative dispute case, *Gu Qingliang v. Patent Reexamination Board of the State Intellectual Property Office of the P.R.C. (“SIPO”)* (hereinafter referred as review of “Magnetic Levitation and Power Engine” patent reexamination administrative dispute case), the SPC held that patents should have practical meaning, which means that the design should conform with the laws of nature and be applied and industrialized in reality.

5. The relationship between “be able to be manufactured or used” and “be able to be implemented” under patent law

In the above review of *Magnetic Levitation and Power Engine* patent reexamination administrative dispute case, the SPC held that “[to] be able to be manufactured or used” under Article 22 Clause 4 of PRC Patent Law means that the invention or utility model preserves the possibility to be manufactured or used in an industry. “To be able to be
implemented” under Article 26 Clause 3 means that technicians in the specific field should be able to implement the invention or utilize the model according to the instructions. The two criteria have no similarities and necessary connections between them.

6. The requirement of sufficient disclosure on chemical patent applications

In the review of patent reexamination administrative dispute case, Mitsubishi Tanabe Pharma Corp. v. Patent Reexamination Board of SIPO, the SPC held that an application for a chemical patent should have sufficient disclosure of the product’s function and/or effect. If the technicians in the specific area believe the invention is unable to perform the described function and/or unable to cause effect by using the existing technology, the instructions shall include the date of any qualitative or quantitative experiments sufficient to prove that the invention is able to implement the described function and/or effect.

7. The standard of using existing technology’s public content in determining the novelty of compounds

In the review of patent reexamination administrative dispute case, Genetic Technology Co., Ltd. v. Patent Reexamination Board of SIPO, the SPC held that to determine whether the compound is or is not novel and whether existing technical publications have disclosed the compound, the standard is whether an average technician can make or separate the compound based on the existing publication.

8. The judgment on the instructions in support of a biological sequence patent that is based on homology and defined by the source and function

In the invalid patent administrative dispute
case, *Patent Reexamination Board of SIPO v. Jiangsu Boli Bioproducts Co., Ltd.*, the SPC held that, in determining whether the instructions support a biological sequence patent, courts need to consider the effect of the homology, source, function, and other technical factors on limiting the biological sequence patent. If the limitations of those factors result in very limited biological sequences contained in the patent and those very limited biological sequences can be predicted to achieve the purpose of the invention and desired technical effect, the patent can be supported by the instructions.

II. TRADEMARK CASES

A. Civil Trademark Cases

9. The general rules for exercising rights by trademark co-owners

In the trademark infringement dispute case, *Zhang Shaoheng v. Cangzhou Tianba Farm Mach. Co., Ltd.*, the SPC held that, when the trademark owners share the trademark in common, the exercise of the trademark shall be governed by the principle of autonomy, and the trademark shall be exercised by consensus; if there are no consensus or proper reasons, none of the parties can prevent other co-owners from permitting others to use the trademark.

10. The protection of trademark shall be consistent with its significance and popularity

In the trademark infringement dispute case, *Hangzhou Aupu Kitchen and Bathroom Appliances Technology Co., Ltd. v. Zhejiang Modern Xinnengyuan Co., Ltd.*, the SPC held that the protection of trademark shall be proportional to its significance and popularity. If the use of a trademark does not harm the identification and distinguished function of the trademark or cause market confusion, it is not prohibited by law.
11. The use of non-infringing trademarks on a sales invoice is lawful

In the trademark infringement and unfair competition dispute case, *Wuxi Little Swan Co., Ltd. v. Inner Mongolia Baotou Department Store Co., Ltd.*, the SPC held that, in determining whether the use of trademarks on a sales invoice is lawful, it depends on whether the relevant goods or service itself is legal.

12. The commercial use of citizens’ names cannot conflict with other people’s prior legal rights

In the trademark infringement and unfair competition dispute case, *Qingfeng Stuffed Bun House v. Shandong Qingfeng Restaurant Management Co., Ltd.*, the SPC held that citizens have a legal title right to use their names reasonably without violating the principle of good faith and infringing upon the prior rights of others. If a person knows that another person’s registered trademark or trade name has higher reputation, and still registers the same parts of another person’s trademark or trade name as his or her own and highlights the same parts in order to obtain the reputation of the other person’s registered trademark, such use of name will be unreasonable and constitute trademark infringement and unfair competition.

13. The judgment on determining the existence of a prior right for a trademark

In the trademark infringement and unfair competition dispute case, *Lianghuo v. Anhui Caidiexuan Cake Group Co., Ltd.* (hereinafter referred to as “Caidiexuan” trademark infringement and unfair competition case), the SPC held that a party claiming to have the prior right of use shall prove that it started to use the mark before the other party.
use the trademark before the filing date of the registered trademark and that the unregistered trademark has had some reputation due to its act of use.

14. The amount of damages should be calculated in accordance with the principle of proportionality

In the above Caidiexuan trademark infringement and unfair competition case, the SPC held that sales revenue is closely related to not only the use and popularity of the trademark, but also production scale, advertisement, quality of goods, and other factors. And there is no legal basis to support a claim that the calculation of profits off of infringement is based on only sales revenue and profitability.

B. Administrative Trademark Cases

15. Trademarks harming religious sentiments can be identified as “having other adverse effects”

In the administrative trademark dispute case, Taishan Gypsum Co., Ltd. v. Shandong Wanjia Building Material Co., Ltd., the SPC held that, for trademarks which have religious meanings, generally courts can regard them as having “other adverse effects” due to the harming of religious sentiments, religious belief, or civil belief. To determine whether a trademark that claim to have religious meanings actually have such meaning, courts should look to evidence provided by the parties, recognition by religion experts, the historical origin of the religion, and social reality.

16. Determining the proof for the distinctiveness of trademarks

In the retrial of denial of the administrative dispute case, Bulutesi SIG Co., Ltd. v.
Trademark Review and Adjudication Bd. of State Administration for Industry & Commerce, the SPC pointed out that the Trademark Law provides specific requirements for proving the identity of an applicant, the subject of a trademark application, and basic functions of the trademark. The distinctiveness requirement for registering trademarks shall also apply to proving trademarks.

17. The standard of review for evidence proving well-known trademarks

In the retrial of trademark dispute case, Apple Co., Ltd. v. Trademark Review and Adjudication Bd. of State Administration for Industry & Commerce, the SPC noted that in judging whether evidence can prove that a trademark qualifies as a well-known trademark, the company’s history and popularity does not necessarily correspond to the trademark’s history and popularity. Courts shall consider whether the public can recognize and get to know the trademark through formal and effective media. General publications, rather than advertising for the trademark, could not sufficiently prove whether a particular trademark has been widely advertised in China to qualify as a well-known trademark.

18. Whether a stable association exists between the Chinese and foreign trademarks should be considered in determining similarity between the two trademarks

In the retrial of trademark dispute case, Château Lafite Rothschild v. Trademark Review and Adjudication Bd. of State Administration for Industry & Commerce (hereinafter referred as “Lafite”), the SPC ruled that in determining the similarity between a Chinese trademark and a foreign trademark, courts should consider the components of the trademarks and their overall similarity, the trademarks’ distinctiveness and popularity, the similarity between their

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17. 驰名商标认定的证据审查标准

在再审申请人苹果公司与被申请人国家工商行政管理局商标评审委员会、一审第三人高通天地科技（北京）有限公司商标异议复审行政纠纷案【（2016）最高法行申2159号】中，最高人民法院认为，在判断相关证据能否证明引证商标驰名与否时，应当注意，公司的经营历史及知名度与引证商标的宣传、使用历史及知名度并不必然等同；相关公众能否通过正规、有效的渠道，认知和了解引证商标；一般性的消息报道，而非针对引证商标的广告宣传，不足以作为认定特定商标已在中国经广泛商业宣传达到驰名程度的事实依据。

18. 判断中外文商标是否构成近似应当考虑二者是否已经形成了稳定的对应关系

在再审申请人拉菲罗斯柴尔德酒庄与被申请人国家工商行政管理局商标评审委员会、南京金色希望酒业有限公司商标争议复审行政纠纷案【（2016）最高法行再34号】（简称“拉菲庄园”商标争议案）中，最高人民法院指出，判断中文商标与外文商标是否构成近似，不仅要考虑商标构成要素及其整体的近似程度、相关商标的显著性和知名度、所使用商品的关联程度等因素，还应考虑二者是否已经在相关公众之间形成了稳定的对应
products carrying the trademarks, and whether the two has formed a stable association among the public.

19. Determining whether a registered trademark has formed a stable market order

In the preceding Lafite case, the SPC ruled that to determine if a registered trademark has established a high market reputation and formed the relevant public groups, courts should apply an objective standard to see if the relevant public groups can distinguish the trademarks in the market to avoid confusion.

20. The role of a co-existing agreement under Article 28 of the Trademark Law amended in 2001

In denying a retrial of trademark administrative dispute case, Google Inc. v. Trademark Review and Adjudication Bd. of State Administration for Industry & Commerce, \(^\text{17}\) the SPC pointed out that the existence of a co-existing agreement is a critical factor in determining if a trademark application violates Article 28 of the Trademark Law amended in 2001. But if a co-existing agreement does not harm the interests of the State, the public, or the legitimate rights and interests of a third party, it shall not be ruled inadmissible because it allegedly harms the interest of consumers.

21. The name right constitutes a "prior right" under the protection of the Trademark Law

In the retrial of trademark dispute case, Michael Jeffery Jordan v. Trademark Review and Adjudication Bd. of State Administration for Industry & Commerce (hereinafter referred as “Jordan”), \(^\text{18}\) the SPC ruled that the name right is an important personal right of a natural person. The name right can constitute a prior right under Article 31 of the Trademark Law amended in 2001.
22. A natural person may use the name right to protect a specific name which is not actively used.

In the preceding Jordan case, the SPC pointed out that “using” a name is only one part of the name rights people enjoy. It is not an obligation or a legal condition to claiming protection over his or her name. Pursuant to conditions of protecting the name right, a natural person has the right to protect an unused specific name under Article 31 of the Trademark Law amended in 2001.

23. Conditions must be met for a natural person to claim the protection of a specific name.

In the preceding Jordan case, the SPC pointed out that when a natural person claims his or her name right on a specific name, the specific name shall meet three conditions: (1) the specific name has a certain level of popularity and it is known by the relevant public in China, (2) the relevant public uses the specific name to refer to the natural person, and (3) a stable association exists between the specific name and the natural person. If the Chinese translation of the natural person’s foreign name meets the three conditions, the person can claim protection over the name right.

24. The commercial success and market order achieved without good faith are not valid reasons to maintain a trademark registration.

In the preceding Jordan case, the SPC ruled that the market order, or commercial success in the case, were not achieved with good faith. To some extent, the success was a result of the public’s misunderstanding. Maintaining such market order or commercial success will harm legitimate rights and interests of the owner of the name right, the consumers, and the trademark registration system and the user environment.
25. The trademark application or the registrant's information does not constitute signatures attributed to the author under copyright laws.

In the retrial of trademark administrative dispute case, Geligaoli Hiking Equipment Co. Ltd. v. Trademark Review and Adjudication Bd. of State Administration for Industry & Commerce (hereinafter referred as “Geligaoli”), the SPC ruled that the applicant and registration information of a trademark can only show the ownership of the trademark. The ownership is different from an author’s signature under the Copyright Law.

26. The legal effect of a copyright registration certificate in proving existing copyrights.

In the preceding Geligaoli case, the SPC held that if a copyright registration certificate is obtained prior to the trademark filing date, the certificate can prove the copyright registration certificate owner’s existing prior copyright if the work is original absent contrary evidence. If the copyright registration certificate is obtained after the filing date of the trademark application, the certificate does not prove the existence of prior copyright.

III. COPYRIGHT CASES

27. Understanding and determining the originality and tangible form of copyrighted work

In Sun Zhengxin v. Ma Jukui, the SPC ruled that if an intellectual property product can only be presented in one form and such presentation fails to differentiate from an existing work, the intellectual property product does not meet the requirement of originality. As an essential requirement of its tangible form, an intellectual product must incorporate distinguishable features so that a third-party can tell and ascertain its specificity.
28. Rules on exercising copyright on works containing other’s prior rights

In the retrial of copyright case, *Zhuji Kaixinmao Food Ltd. v. Zhuji Youlaike Food Store,* the SPC ruled that a copyright owner must follow principles of legality, good faith, and prudence when exercising his or her rights. The copyright owner should reasonably avoid prior rights if such prior rights exist within its work due to historical reasons.

IV. UNFAIR COMPETITION CASES

29. Determining the standing of parties in unfair competition cases

In the preceding *Caidiexuan* case, the SPC ruled that whether the plaintiff is in direct competition with the defendant is not the sole dispositive factor in determining the plaintiff’s standing.

30. Determining reasonable confidentiality measures in shared trade secret cases

In the trade secret dispute case, *Department of Chemical Industry Nantong Composite Material Factory v. Nantong Wangmao Industry Co., Ltd.*, the SPC ruled that despite the parties sharing trade secrets, the parties have developed their confidential information separately. As a result, measures taken by one party does not relieve the other parties’ obligations to take reasonable measures in protecting the trade secrets.

28. 对包含他人合法在先权利的作品的著作权行使规则

在再审申请人诸暨市心猫食品有限公司与被申请人诸暨市优莱客食品商行、王坤、何铁永、傅凤丽、广东飞鹅包装彩印有限公司、长沙市裕得康食品贸易有限公司侵害商标权纠纷案【（2016）最高法民申 1975 号】中，最高人民法院指出，著作权人在行使自身权利之时，应遵循合法、善意及审慎的原则，对于因历史原因而包含于作品当中的他人合法的在先权利，应当合理避让。

四、不正当竞争案件审判

29. 不正当竞争案件中当事人诉讼主体资格的确定

在前述“采蝶轩”侵害商标权及不正当竞争案中，最高人民法院指出，不正当竞争案件中原告主体资格的确定，不能仅依据其与被告是否为具有直接竞争关系的产品经营者判断。

30. 商业秘密共有案件中合理保密措施的认定

在上诉人化学工业部南通合成材料厂、南通星辰合成材料有限公司、南通中蓝工程塑胶有限公司与被上诉人南通市旺茂实业有限公司、周传敏、陈建新、陈晰、李道敏、戴建勋侵害商业技术秘密和商业经营秘密纠纷案【（2014）民三终字第 3 号】中，最高人民法院指出，当事人虽对相关商业秘密主张共有，但涉案信息实际上是在各当事人处分别形成。故某一当事人采取的保密措施，不能取代其他当事人应分别对涉案商业秘密采取的合理保密措施。
V. MONOPOLY CASES

31. Determining dominant market positions

In the retrial of bundle sales dispute case, *Wu Xiaojin v. Shanxi Radio and Television Media Group Co., Ltd.* (hereinafter referred as “Radio and Television Group Bundle Sale”), the SPC ruled that because the defendant is the only legally authorized cable television transmitting and broadcasting business in the area, it has advantages over other businesses in market entry, market share, market position, and business scale. The evidence can lead to the conclusion that the defendant is in a dominant market position.

32. Determining the character of “Bundle Sale” in abuse of dominant market position cases

In the preceding *Radio and Television Group Bundle Sale* case, the SPC ruled that the defendant has taken advantage of its dominant market position by bundling basic cable maintenance fee and paid digital television program fee together. The defendant has thus forced the customers to pay for both. The bundle sale practice infringes the customers’ right to choose and disadvantages businesses in the paid digital television program market. In rare cases, the defendant collected the two fees separately from some customers, but the practice still constituted a bundle sale prohibited by Antitrust Law.

VI. TECHNOLOGY CONTRACT CASES

33. The basic principle in determining if there is fraud in a technology development contract

In the contract dispute case, *Qinzhou Ruifeng Vanadium & Titanium Iron Technology Co., Ltd. v. Beihang University* (hereinafter referred as “Vanadium & Titanium Iron Mine” case), the SPC ruled that in determining whether the developer committed fraud under a technology contract, the court should respect the technical development activities.
The development contract, courts shall be mindful of the characteristics and nature of technology development. Courts shall distinguish between different stages in technology development, and consider what the parties could have foreseen at the signing of the contract based on known facts to determine if the developer intentionally misrepresented the facts or concealed any facts.

34. Understanding the term "product" in technology development contracts and determining fraudulent activities

In the preceding Vanadium & Titanium Iron Mine case, the SPC noted that courts shall take into consideration the different stages and the differences among products in each stage in order to understand the term “product.” When the developer assigned different definitions to the term “product,” courts shall consider the stage and procedures involved in each definition in determining if the developer misrepresented the projected product to commit fraud.

35. Understanding "technology development cost" and the determination of fraud in the technology development contract

In the preceding Vanadium & Titanium Iron Mine case, the SPC ruled that the costs to develop technology include, but are not limited to, the costs of testing equipment. And the costs are only one of the key factors in pricing technology development contracts. Courts shall determine the costs to develop technology in conformity with the objective components of the development costs and basic rules of technology development contract pricing. Based on the determined costs, courts shall determine if the developer committed fraud by overstating the costs of development.
36. Clients shall use their own business judgment under technology development contract and the determination of fraud committed by the developer.

In the preceding Vanadium & Titanium Iron Mine case, the SPC ruled that in determining whether the client of a technology development contract made an error in business judgment due to fraud, courts shall fully respect the characteristics of technology development activities, and consider the client’s business knowledge, available information, reasonably foreseeable situations, and other factors. In case the developer has met its duty to inform and disclose, the client’s failure to use its business judgment does not prove fraud by the developer.

VII. INTEGRATED CIRCUIT BOARD DESIGN CASES

37. Judging whether legitimate source constitutes an affirmative defense in integrated circuit board design infringement cases

In Nanjing Weimeng Electronic Co., Ltd. v. Quanxin Electronic Technology (Shenzhen) Co., Ltd., the SPC pointed out that typical announcements of integrated circuit board designs include only the description of the project instead of the specific design. If there is evidence that the infringing products have obtained the design through legitimate sources, and there was no reason to know that the design was made from illegal copies of copyrighted design, the legitimate source constitutes an affirmative defense.

VIII. INTELLECTUAL PROPERTY LITIGATION PROCEDURES AND EVIDENCE

38. The trademark rejection review procedure usually should not consider the evidence relating to popularity.
In denying administrative retrial of the trademark dispute case, Shenzhen Bosen Household Products Co. Ltd. v. Trademark Review and Adjudication Bd. of State Administration for Industry & Commerce, the SPC pointed out that because the re-trial process of a denied application is unilateral, the applicant of a trademark has no opportunity to submit evidence to prove the trademark’s popularity. In order to maintain the legitimacy of the process, courts shall not consider evidence in relation to popularity in reviewing denied trademark applications.

39. The treatment of the legal application of a faulty but correct judgment of the second trial

In the retrial of trademark dispute administrative case, Huang Xiaodong v. Trademark Review and Adjudication Bd. of State Administration for Industry & Commerce, the SPC pointed out that the retrial court applied the wrong law. However, the result was correct. Referring to the Civil Procedures and relevant judicial explanations, courts shall correct the defects in the application of the law but dismiss the application for retrial.

39. 对法律适用存在瑕疵但裁判结果正确的二审判决的处理方式

在再审申请人黄小东与被申请人国家工商行政管理总局商标评审委员会商标准复复审行政纠纷案【（2016）最高法行申356号】中，最高人民法院指出，二审判决在适用法律方面存在瑕疵，但裁判结果正确，可参照适用民事诉讼法及相关司法解释的规定，对二审判决适用法律存在的瑕疵予以纠正的基础上，裁定驳回再审申请。


10 Wuxi Xiaotiane Youxian Gongsi yu Neimenggu XuYouxian Gongsi Qinhai Shangbiaoqu Zhlunliquan Ji Buzhengdang Jingzheng Jiuafenan (无锡小天鹅股份有限公司与内蒙古包头百货大楼集团股份有限公司及内蒙古包头百货大楼集团股份有限公司侵害被诉商标权及不正当竞争纠纷案) [Wuxi Little Swan Co. v. Inner Mongolia Baotou Dep’t Store Co.], CIVIL RETRIAL NO. 2216 (Sup. People’s Ct. 2016).


18 Maike’er Jiefuli Qiaodan Yu Guojia Gongshang Xingzheng Zongji Shangbiao Pingshen Weiuyuan Hui, Qiaodan Tiyu Gufen Youxian Gongsyi Shangbiao Zhengyi Xingzheng Jiufenan (迈克尔·杰弗里·乔丹与国家工商行政管理总局商标评审委员会、乔丹体育股份有限公司商标争议行政纠纷案) [Michael Jeffrey Jordan v. Trademark Review and Adjudication Bd. of State Admin. for Indus. & Commerce], ADMINISTRATIVE RETRIAL NO. 27 (Sup. People’s Ct. 2016).


20 Sun Zhengxin Yu Ma Jukui Qinhai Zhuzuoquan Jiufenan (孙新争与马居奎侵害著作商标权纠纷案) [Sun Zhengxin v. Ma Jukui], CIVIL RETRIAL NO. 2136 (Sup. People’s Ct. 2016).


