

Newsletter



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In this issue

➤ **Trademark Office announces Acceptable Names of Goods and Services for Trademark Application**

In order to facilitate trademark registration, China Trademark Office announced 3 batches of acceptable goods and service names for trademark registration, on July 13, August 23 and September 19 respectively, totaling 3,220 items.

The Chinese versions of the new items can be found in the following links:

1st Batch: <http://sbj.saic.gov.cn/tz/201607/W020160713522089272825.xlsx>

2nd Batch: <http://sbj.saic.gov.cn/tz/201608/W020160824308372317062.xlsx>

3rd Batch: <http://sbj.saic.gov.cn/tz/201609/W020160920407950702242.xlsx>

In correspondence to the most urgent needs of our clients, Unitalen has completed translation of the first-batch items into English. Whoever interested in getting a copy of this, please contact mail@unitalen.com.

➤ **China First Time Found among Top 25 of Global Innovation Index**

According to Farhan Haq, Deputy Spokesman for the Secretary-General of United Nation (UN), on August 15, Switzerland remains at the top of the Global Innovation Index (GII) while China is found among the Top 25 for the very first time this year. The 2016 GI was co-announced on the same day by UN World Intellectual Property Center and other organizations including US Cornell University in Geneva, Switzerland.

Starting from 2007, GI is published annually. The top runner this year is the same as last year - Switzerland, followed by Sweden, UK, US, Netherlands and Singapore. Aside from Singapore, other Asian countries / regions found in the top rows are Korea (No. 11), Japan (No. 16), Hong Kong China (No. 14) and China, which raised from No. 29 last year to No. 25 this year. The World Intellectual Property Center acclaimed that through the study of the innovation capabilities of over 100 countries and areas over the last 9 years, China has made significant progress in innovation, although mostly those in the leading positions of GI are highly advanced economic entities.

In 2016 GII, Japan, US, UK and Germany stand out in the aspect of “innovation quality”. “Innovation quality” is one of the top-tier benchmarks to examine the quality of universities, science publications and international patent filing amount. China is at No. 17 in “innovation quality”, which positions it at the top of the middle-income economic entities ranking, followed by India.

➤ **SAIC : Every 10,000 Chinese Market Entities own 1,389 Trademarks**

According to State Administration of Industry and Commerce (SAIC), the accumulated trademark filing in China reached 20.143 million as of the end this June, accumulated trademark registration 13.257 million, and registered trademark 11.223 pieces, with all of the above-mentioned numbers surpass 10 million for the first time. Up to now every 10,000 Chinese market entities own 1,389 trademarks in China.

➤ **preliminary Injunction Issued in copyright infringement litigation**

Case Summary:

The plaintiffs - Blizzard Entertainment, copyright owner of “World of Warcraft” (WoW) online game, and Shanghai Netease Internet Technology Development Ltd.(Netease), the sole distributor of WoW in mainland China (jointly as the plaintiffs) filed a lawsuit against Chengdu Qiyou Technology Ltd. (Qiyou), the developer of “All Star of Warcraft” (ASoW, original name as “Chief of Tribe Thrall”), Beijing ReKoo Mobile Game (ReKoo) , the sole distributor of ASoW, and Guangzhou Dongjing Computer Tech Ltd. (Dongjing), the provider of game download service for infringing the copyright of WoW art work, with ReKoo further accused of unfair competition for making fraudulent advertisement and using the special names and decorations of the well-known WoW game without permission. The plaintiffs applied for preliminary injunction along with the lawsuit, requesting the court to order all defendants cease infringement acts immediately and provide cash deposit worth of 10 million yuan. Guangzhou Intellectual Property Court issued the injunction ruling after holding a hearing with both sides, which remained effective until a judgement was made, while the provision of balance checking and refund services to the ASoW gamers were not be affected during the injunction period.

Observation:

To ensure “proactively cautious and reasonably effective” injunctions, the courts put emphasis on examining the plaintiffs’s chance of winning and whether the plaintiff is enduring irreparable losses. In this case, considering the market share of the plaintiffs’ newly released games that would be taken by the defendant’s game, the online game’s characteristic of gaining popularity at fast speed and broad

range within short life cycle, which would make it difficult to measure and quantify the damages to the plaintiffs' interest, as well as the damage that would be caused to the plaintiff's business reputation by the off-taste marketing of the defendant's game, the court issued the preliminary injunction. Meanwhile, in order to protect the public gamers' interest, the injunction did not affect the defendant's services of balance enquiry and refund, which need be provided continuously to the gamers. This case symbolizes the determination of China's courts to enforce juridical protection over IP rights and this was enlisted as one of the typical cases published by the Supreme Court in 2015.