

## China's Trademark Examiners Need to Step Things Up – Allowing the SIPO Trademark to be Stolen

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Recently, both the State Intellectual Property Office (SIPO) and the Chinese Trademark Office (CTO) came under media focus, due to a trademark application being allowed for registration, which covered SIPO's well known and well used "five-star IP" logo:

### *Comparison of the mark and the logo*

The disputed Trademark Application in the left part of the table below, was applied for registration by a company called Ningbo Sheng Bang International Logistics Co., Ltd., in relation to services, such as goods delivery, logistics transportation etc., in class 39 on July 17, 2015. The Trademark Application was examined, accepted and published for opposition purposes on June 13, 2016 – obviously this has drawn a lot of attention in trademark lawyer circles in China.

Trademark Application	SIPO's logo
	

Obviously, the trademark in the Trademark Application and SIPO's logo are virtually identical.

### *Comment*

In fact, this is not the first dispute involving the attempted registration of a sign that is similar to the mark of well known Chinese State organ. In 2002, a design trademark (No. 1218539, class 25) owned by a Shandong company was cancelled by the CTO due to its highly similarity with the logo of China's Customs Department (see below). The owner of that registration appealed, all the way to the Higher Court, but

was ultimately unsuccessful.

No. 1218539	China Custom's logo
	

In accordance with the current Article 10 of the Trademark Law, “*the following signs shall not be used as trademarks: (1) those identical with or similar to the State name, national flag, national emblem, national anthem, military flag, military emblem, military anthem or decorations and the like, of the People's Republic of China, with names and marks of the Central and State organs, with names of the places where the Central and State organs are located, or with the names and designs of landmark buildings; ...*”.

It is hoped that SIPO will oppose this application, and that the CTO examiners will step up their examination of applications for trademarks that clearly should not be owned by the particular applicant involved.

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