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China's Trademark Office publishes Trademark Opposition Decisions (2020)

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Cai Ye, March 20, 2020

The China Trade Mark Office (CTMO) of CNIPA announced on 18 February 2020 that it will publish trademark opposition decisions as of 1 January 2020.

The decisions will be published online at <http://sbj.cnipa.gov.cn>, within 20 working days from the date of issuance, except where:

1. a trademark opposition decision may disclose the trade secret or personal privacy of the parties concerned;
2. a written request has been filed by the party concerned to withhold a trademark opposition decision, which the office finds tenable;
3. other exceptional circumstances justify the withholding of the opposition decision.

Up until 26 February 2020, a total of 221 opposition decisions made by the CTMO between the 2nd to the 6th January 2020 have been made available online.

The move is widely applauded by practitioners as a step toward the transparency of trademark examination procedure, at all levels. The Trademark Review and Adjudication Division (previously known as the TRAB) had already been publishing decisions of invalidation, review of opposition, non-use cancellation and refusal since December 2017.

In the long run, the publishing of the opposition decisions will allow practitioners to build a database, making it possible to analyze the evolution of the CTMO practice. Brand owners will also benefit from the approach as they will have a better chance to predict the outcome of opposition proceedings. This will help them to make informed decisions in their future actions.

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