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Media Center > Insights > Trademark

## Beijing High Court: Zeekr's “极氪” trademarks are registrable

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# Beijing High Court: Zeekr's “极氪” trademarks are registrable

### Media Center > Insights > Trademark

Authored by Du Tong

Zeekr is a Chinese electric vehicle brand established in 2021 by Geely Group. The brand focuses on the premium electric vehicle market, aiming to deliver outstanding driving experiences through innovative design and smart technology. Zeekr's lineup includes luxury electric cars that cater to consumers seeking high performance, comfort, and advanced technology. While making significant strides in the domestic market, Zeekr also expands internationally, enhancing its presence in the global electric vehicle industry.

Geely Group filed applications to register Disputed Trademark 1 “ 极氪” No. 69330809 on January 31, 2023, and Disputed Trademark 2 “极氪 X” No. 69364451 on February 2, 2023, both designating goods like “automobiles, electric vehicles, automotive chassis” in Class 12.

The CNIPA refused the applications, reasoning that the Chinese component “氪”, which refers to Krypton, was a chemical element and the use of the two Disputed Trademarks on the designated goods is likely to mislead consumers regarding the raw materials of the goods.

Geely Group initiated review of refusal procedure but failed. Geely Group later filed administrative lawsuits with Beijing Intellectual Property Court but to no avail. The trial court dismissed the suit, citing the same reasons.

Geely Group appealed to the Beijing High Court, arguing that:

The Chinese characters “极氪” of the Disputed Trademarks should be recognized as a whole, rather than being interpreted separately. “极氪” is a coined term and a brand created by the Geely Group for its electric vehicle, with no other meaning. Based on daily life experience and general understanding, the public would not mistakenly associate the Disputed Trademarks with the raw materials of the goods, and the registrations of the Disputed Trademarks did not violate Article 10.1.7 of the Trademark Law.

Geely Group had already applied to register the “极氪” series of trademarks in Class 12, designating “automobiles” as well as other categories of goods. The Disputed Trademarks were the extension of the prior trademark applications. Furthermore, “极氪” trademarks registered by third parties in other classes before and after the Disputed Trademarks were not found misleading. The CNIPA's inconsistent rulings had significantly hampered Geely Group's brand development, not only preventing Geely Group from stopping infringement but also allowing squatter to gain undue advantages through malicious litigation.

Since the launch of the brand “极氪” in 2021, Geely Group had continuously used and promoted the brand. The use of “极氪” on automobiles and other goods had already established a corresponding relationship with Geely Group among relevant consumers. Trademarks that had already established stable market recognition should be respected and not refused lightly.

The Beijing High Court, after examination, held that the character “氪” referred to a chemical element, but when the characters “极氪” were used as a trademark on goods such as “motorcycles, automobiles”, the public, based on their daily life experience and usual level of knowledge and understanding, is not likely to associate them with the raw materials or ingredients of these goods, thereby would not lead to misconceptions. The evidence submitted by Geely Group showed that the brand “极氪” had been heavily marketed and widely promoted both domestically and internationally, and had gained a certain level of recognition on the automobiles. Its use had not led to the public's misconception about the raw materials or ingredients of the

Time: Nov 06 2025

[Media Center > Insights > Trademark](#)

goods. Therefore, the applications of Disputed Trademarks on the designated goods did not violate Article 10.1.7 of the Trademark Law.

The Court of Appeal therefore revoked the CNIPA's decisions and the first-instance judgments, ordered the CNIPA to reissue the decisions. Both trademarks were approved for registration on September 28, 2025.

#### Comments

In this case, the Beijing High Court underscored that the application of Article 10.1.7 shall be predicated on the daily life experience and general understanding of the public, the reputation of trademark, as well as the presence of misconception in actual use. The decisions could serve as a point of reference for future cases.

In recent years, the CNIPA has adopted stricter criteria for examining trademark applications, frequently citing absolute grounds for refusal. These include marks deemed deceptive, descriptive, harmful to social morality, or not intended to be used. With the sheer number and proportion of decisions citing such grounds on the rise since 2020, applicants often stand a very slim chance in overcoming a preliminary refusal based on these grounds. If the Disputed Trademarks were denied registration, it would have an extremely detrimental impact on the business operation of the client's Zeekr brand. It is therefore very welcome that the Beijing High Court rebutting the erroneous findings of the CNIPA, paving the way for the registration of the Disputed Trademarks.