



July

1. Sanyou won the litigation involving invalidation of trademark representing Anker Innovation

Sanyou client: Anker Innovation Ltd.

Hearing authority: Trademark Office of CNIPA

Trial result: All disputed trademarks are invalidated.

Case facts

Anker Innovation was founded in 2011 and is one of the top globalized brands of consumer electronics products in China in terms of revenue scale. It focuses on the design, R&D, and sales of smart accessories and smart hardware. Anker Innovation opened its official flagship stores on JD.com and Tmall in 2015, dedicated to building a Chinese consumer electronics brand in the global market and showcasing the beauty of China's intelligent manufacturing.

The respondent Sun X is an individual business operator in the area of "hardware tools". He has applied for 77 generic trademarks, covering 28 classes. From 2016 to 2020, the respondent registered and applied for a series of trademarks such as "安克", "安克ANKER", and "安克创新" in the classes 6, 7, and 8 of "drugs", "musical instruments", "clothing", "financial services", "medical services" and other fields that were significant different from his own business scope. Plus these areas were marked with their strong industry attributes and special qualification requirements. Such actions are regarded as copying and imitating of the petitioner's tradename and core trademark "安克创新". The trademarks registered and applied for by the respondent have exceeded his normal business needs and are not for actual use. This violates the principle of good faith. Therefore, the petitioner Anker Innovation filed a request for invalidation of the above-mentioned trademarks.

The respondent argued that he had already registered the trademarks "安克" and "ANKER" in Class 8 before the petitioner's establishment in 2010, and that obtaining trademark rights for his安克 marks in multiple classes such as Classes 6, 7, and 8 was a reasonable continuation of its prior rights. There involved no bad faith to mention of and thus certainly did not disrupt any market order.

Sanyou's strategy

After investigation and analysis, Sanyou trademark team analyzed and discussed the basic business situation, number of applied trademarks, class coverage, time span, and other information of the respondent in the Reply Brief. The final determination of the Trademark Office is that the registration of the disputed trademark is likely to disrupt the normal order of trademark registration management and undermine the market order of fair competition, constituting the situation of "obtaining registration by other unfair means" referred to in Article 44 (1) of the 2013 Trademark Law. In accordance with Article 44 (1), (3), and Article 46 of the Trademark Law of the People's Republic of China, **the disputed trademark shall be declared invalid.**

Typical significance

安克创新, as the name and core trademark of the petitioner, has enjoyed a high level of recognition in the market. Although Sun X registered some related trademarks in the early stages, his subsequent trademark registration behavior had exceeded the normal business scope and with obvious bad-faith intention of trademark squatting. Moreover, this case also serves as a warning to companies that good faith are fundamental and that attempts of benefiting through improper means such as taking free rides of famous brands and trademark squatting is not worth the candle. Finally, this case demonstrates the important role of law in protecting trademark rights and maintaining market order, which helps to create a favorable business environment.

2. Sanyou is successfully registered as brand evaluation and consulting service agency for AAA well-known trademark

The China Trademark Association has launched the evaluation of AAA well-known trademark brands since 2023. Trademarks that have been recognized as AAA well-known trademark brands shall be well-known and have a high reputation among the relevant public in a certain region and related industries. They can be more clearly distinguished from other enterprises' goods or services in market competition, effectively preventing other enterprises from using similar or identical trademarks. They are also more likely to obtain legal protection in the event of trademark infringement and disputes. Currently, this certification is open to international enterprises, and enterprises that have passed the AAA (national level) well-known trademark brand evaluation will be issued a certificate by the China Trademark Association.

In accordance with the Management Measures for the Evaluation of Well-known Trademark Brands and the Management Measures for the Filing of Well-known Trademark Brand Evaluation Consulting Service Institutions of the China Trademark Association, Sanyou has been reviewed by the Well-known Trademark Brand Working Committee of China Trademark Association and is deemed of qualifying for being recorded as an agency for evaluating well-known trademarks. That means Sanyou is capable of providing well-known trademark brand evaluation consulting services to the public to better serve and assist enterprises in enhancing their brand influence, helping companies under evaluation to build a legal, compliant, and industry-specific trademark brand creation, application, management, and protection system.

Sanyou's senior trademark attorneys He Wei, Li Yueting, and Ding Xin have been certified as well-known trademark brand evaluation consultants.

3. Ranking of Patent Grants of Agencies for the First Half of 2024 released

MindFlow database and intellectual property media "Patent Teahouse" jointly released the Ranking of Patent Grants of Agencies for the First Half of 2024. With excellent and solid services, Sanyou ranks 5th with 5400 granted invention patents.

According to data from the first half of the year, there were only 6 agencies with over 5000 invention patent grants, and 17 agencies with over 3000 grants. Among the TOP 10, 6 firms are based in Beijing, indicating high agency activity and market concentration. The detailed list of Top 10 is as follows.

Rankings	Agency name	Invention patent grants
1.	Unitalen Attorneys At Law	9486
2.	Scihead IP Law Firm	7693
3.	Beyond Attorneys At Law	7527
4.	Advanced China IP Law Office	6169
5.	Beijing Sanyou Intellectual Property Agency Ltd.	5400
6.	Chofn Intellectual Property Service Co.,Ltd.	5064
7.	Liu Shen & Associates	4456
8.	CCPIT Patent and Trademark Law Office	4342
9.	Jiaquan IP Law	4244
10.	Kangxin Partners P.C.	4012

- Sanyou Awarded 5A Patent Agency
- Sanyou TM has been recognized as a 'Well-known Trademark / Brand in Beijing' in 2023
- Sanyou won the Trademark Opposition Case against "aotomechanika"
- Sanyou was again awarded the honorary title of 'China's Outstanding Intellectual Property Service Team'