Chinese Trademark Office Cracks Down on Malicious Filing of Coronavirus-Related Trademarks

Thursday, February 27, 2020

In a notice dated February 27, 2020, the Chinese Trademark Office announced issuance of the Guidelines for the Examination of Epidemic Prevention and Control-Related Trademarks, which provides guidance on the examination of marks for the names of people involved in the epidemic, marks related to the epidemic virus and disease, marks related to epidemic-related drugs, marks for protective products (e.g., respirators), and other marks related to the epidemic.

Specifically mentioned examples include Huoshen Mountain Hospital (火神山医院, literally, Vulcan Mountain Hospital) and Leishen Mountain Hospital (雷神山医院, literally, Thor Mountain Hospital) and Doctor Li Wenliang (李文亮). The hospitals are frontline hospitals in Wuhan fighting the epidemic that were constructed in just weeks. Dr. Li was an ophthalmologist at Wuhan Central Hospital that died from the coronavirus after being disciplined by police for warning of the new virus before the virus was officially announced.

Registration of the hospital names by applicants other than the Hospitals as a trademark is likely to cause significant social adverse effects according to the Trademark Office and therefore can only be registered by the hospitals themselves. A Changsha company also submitted a trademark registration application for the name of Dr. Li, which aroused public concern. The Trademark Office stated
similarly, “the use or registration of his name as a trademark is likely to cause significant social adverse effects.” Accordingly, his name cannot be registered as a mark.

The Trademark Office has already taken action on over 1,000 trademark applications related to the coronavirus.

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