

Determination of Applied-for Trademark's Prejudice to Prior Name Right:

Comments on Administrative Dispute over Opposition and Review of "IVERSON & Device" Trademark¹

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Case brief

The present case involved review on the decision of opposition against the registration of "IVERSON and device" trademark, which was designated for use on goods such as imitation leather, cattle skins, umbrellas, and pelts (animal skins) in class 18. The application for registration of the opposed trademark was filed in the name of Lin Zedong, i.e., the third party of the case.



"IVERSON and device" trademark

In respect of the opposed trademark, Reebok International Ltd. ("Reebok") was authorised by NBA basketball star Allen Iverson to file an opposition with the China Trademark Office ("CTMO") of the State Administration for Industry and Commerce of China. The CTMO after investigation and verification dismissed Reebok's opposition.

Dissatisfied with the opposition decision, Reebok filed a request for review with the Trademark Review and Adjudication Board ("TRAB") within the statutory time limit, on the principal grounds that registration of the opposed trademark would prejudice Allen Iverson's right of name, thus violating the provision of Article 31 of the Trademark Law of China [as promulgated in 2001] that "an application for the registration

of a trademark shall not prejudice the existing prior right of another person.” Reebok also opined that the application for registration of the opposed trademark should not be approved because it violated Articles 10.1(8), 13 and 41.1 of the Trademark Law.

Reebok submitted evidence in support of the fact that Allen Iverson as a famous NBA basketball player enjoyed a high degree of recognition in China. It also showed from the existing evidence that apart from the opposed trademark, the trademark applicant Lin Zedong had registered 30-odd trademarks in connection with Allen Iverson, including not only words related to “Iverson”, but also a figure of Allen Iverson playing basketball.

The TRAB after review held that: “Iverson” *per se* was a common U.S. family name and not the full name of Allen Iverson, and hence Reebok’s claim that registration of the opposed trademark prejudiced the name right of Allen Iverson was untenable. The other reasons as submitted were also untenable. The opposed trademark therefore should be approved for registration.

Reebok was dissatisfied with TRAB’s adjudication and brought a lawsuit to Beijing No.1 Intermediate People’s Court on the same grounds as put forward during the opposition review stage.

Holding and reasoning

Beijing No.1 Intermediate People’s Court in trial held that: Allen Iverson as a natural person enjoyed the right to

the name of Allen Iverson, which was a right protected by the Chinese law. Accordingly, he was entitled to legally prohibit others from using this name for illicit purposes.

As shown by existing evidence, keyword searches using “Iverson” on Baidu and Google would come up with vast amount of results pointing to NBA basketball star Allen Iverson, and four magazines published prior to the filing date of the opposed trademark were found to contain feature articles covering NBA basketball star Allen Iverson. This evidence indicated that Allen Iverson had achieved a high degree of recognition in China and was usually referred to by the public as Iverson. This was further supported by the 400-odd pieces of press coverage dated prior to the filing date of the opposed trademark submitted by Reebok for the litigation. Accordingly, the court established that NBA basketball star Allen Iverson enjoyed high recognition among the relevant public in China and was usually referred to as Iverson. Along with the fact that Lin Zedong had registered 30-odd trademarks in connection with Iverson, wherein some included not only words but also a figure of Allen Iverson playing basketball, Lin Zedong should have been aware of the relationship between Iverson and basketball. Further evidence in support of this point included: an enterprise in connection with Lin Zedong practically engaged in manufacturing of basketball shoes, and publicity on the website of the enterprise was directed to a considerable extent to NBA basketball star Allen Iverson. In view of the said facts, the court held that although Iverson was a foreign family name, Lin Zedong should have known that Allen Iverson was an NBA basketball star, and his

registration for the opposed trademark had the illicit purposes of taking advantage of the reputation of NBA basketball star Allen Iverson, which constituted prejudice to the name right of Allen Iverson.

Although Reebok and NBA basketball star Allen Iverson were not the same civil subjects, given the fact that the present case was a trademark opposition review case which placed no special limitations on the qualification of a review requestor as the subject of the request, and Reebok had obtained from Allen Iverson the written authorization for right assertion, the court supported Reebok's claim that the opposed trademark prejudiced the name right of NBA basketball star Allen Iverson. The registration of the opposed trademark was in violation of the provision of Article 31 of the Trademark Law [as promulgated in 2001] that "an application for the registration of a trademark shall not prejudice the existing prior right of another person."

In conclusion, the appealed adjudication was erroneous in finding that the registration of the opposed trademark did not violate the above provision. Pursuant to Article 54.2 of the Administrative Procedure Law of China, the court made a ruling of revoking TRAB's appealed adjudication and ordering TRAB to reissue adjudication in respect of Reebok's opposition review request.²

Subsequent to the first-instance ruling, no appeal has been made by any of the parties to date.

Comments and analysis

Article 31 of the 2001 Trademark Law provides that "an application for the registration of a trademark shall not prejudice the existing prior right of another person." Although existing cases involving prior name rights are not in great number, this type of cases tends to draw much attention from the public as they usually involve celebrities.

(I) Different approaches of determining prejudice to name right

As far as existing cases are concerned, no consistency in rules of determining prejudice to name right has yet been reached, and major discrepancies are reflected in the following two issues:

1. Preconditions for name right protection

There are two ways in practice among existing cases as regards under what conditions the name of a civil subject gets protection from right of name.

(1) A natural person automatically gets name right pro-

tection for his name

This approach was adopted in the present case. As pointed out in the judgment of the present case, "Allen Iverson as a natural person enjoyed the right to the name of Allen Iverson, which was a right protected by the Chinese law." It can be seen that the precondition for the protection of a name right in the present case is whether the subject is a natural person. That is, if the subject is a natural person, he unquestionably enjoys the right to his name, with no conditions attached.

This approach has also been adopted in other cases. For instance, in the case involving the "TOM FORD" mark, the same statement was made by the court in its judgment.³

(2) The name of a natural person gets name right protection only upon satisfaction of certain conditions

In some other cases, the court or TRAB held that the name of a natural person did not necessarily get protection, unless certain preconditions had been satisfied. In terms of the preconditions, there may be the following differences among existing cases as regards the approach of deciding what the conditions are.

Approach 1: Only a natural person who has achieved "certain public recognition" in China may be eligible for name right protection.

For instance, in the case involving the "KATE MOSS" mark, the TRAB held that "the evidence submitted by the requestor was able to prove that "KATE MOSS" was the name of the model who enjoyed certain recognition in the fashion industry, and the use of the disputed trademark on the designated goods might prejudice the right to another person's name."⁴

In the case involving the "ELLE MACPHERSON" mark, however, it was on the same grounds that the court did not support the right of name claimed by the plaintiff. It was stated in the judgement of the court that the evidence as presented by the plaintiff was "inadequate to prove that the name Elle Macpherson had achieved high recognition among the relevant public in China prior to the filing date of the opposed trademark, nor was it adequate to prove that registration of the opposed trademark would cause confusion and misidentification among the relevant public in China, thereby prejudicing the rights and interests in her name."⁵

Approach 2: Only a natural person who has achieved "certain public recognition" in China as well as who has an "exclusive correspondence" formed to his name among the relevant public may be eligible for name right protection.

For instance, in the case involving the “QIAODAN” mark, although the TRAB did not deny the public recognition of the name Qiaodan (the Chinese transliteration for “Jordan”) in China, it deemed that “Jordan” was a common English family name, and did not have exclusive correspondence to the sportsman Michael Jordan outside the basketball field.

In the case involving the “BRITNEY” mark, the court adopted the same approach. The court in its judgment stated that although the plaintiff as a U.S. pop singer had high recognition among the relevant public, “‘Britney’, however, was a common female name in Europe and the U.S., with unclear specification, and there was no evidence showing that attached correspondence had been formed between the word and Britney Spears. As such, it could not be established that registration of the opposed trademark would prejudice the name right of Britney Spears.”⁶

2. Required elements for establishment of prejudice to name right

Apart from deciding on different preconditions for name right protection, existing cases also vary in under what conditions the registration of a disputed trademark will be regarded as prejudicing another person’s right of name.

(1) Subjective criterion, which considers whether the registrant of a disputed trademark has illicit purposes.

This was the approach adopted in the present case. It was stated in the judgment of the present case that: “As a general rule, infringement of another person’s name right should take illicit purposes as the required element, rather than being established automatically by the use of another person’s name alone, wherein ‘illicit purposes’ included profit-making, malpractices for selfish ends, victimising others, and circumvention of the law.”

In the “TOM FORD” case, the court pointed out that the plaintiff was entitled to the right of name of Tom Ford, and had the right to legally prohibit others from using this name for illicit purposes. The applicant of the disputed trademark “should have known that Tom Ford was a well-known designer in fashion circles, and the application for registration of the disputed trademark had the illicit purposes of taking advantage of the plaintiff’s reputation, which constituted prejudice to the name right of the plaintiff.”⁷

(2) Objective criterion, which considers whether registration of a disputed trademark objectively results in the relevant public’s belief that the disputed trademark is associated with the natural person.

In the case involving the “YIJIANLIAN” mark, the court pointed out that “under normal circumstances, a person’s right of name would possibly be prejudiced only when the relevant public at the sight of a trademark naturally associated it with the name of the person and believed that the trademark or the provider of the goods using the trademark was associated with the person”. The plaintiff’s registration, without permission, of the disputed trademark, which was identical with the name Yi Jianlian, on goods such as sports shoes had caused the relevant public to form a correspondence relationship between the disputed trademark and Yi Jianlian, and to readily believe that the goods originated from Yi Jianlian or were somewhat related to Yi Jianlian, thereby prejudicing Yi Jianlian’s relevant interests that might have generated from his public recognition.”⁸

In the above-mentioned “BRITNEY” case, the court concluded with a different finding, although the same criterion as the “YIJIANLIAN” case was applied. It was stated in the judgment that: “the evidence submitted by the plaintiff was able to prove that Britney Spears enjoyed certain recognition in the music and entertainment field. However, as the goods for which the disputed trademark was designated, including graveclothes and non-woven fabrics, belonged to a field of marked difference from that the plaintiff enjoyed certain recognition in, and the relevant public of the goods also differed substantially from those of the music and entertainment field, it was difficult to form an exclusive correspondence between ‘BRITNEY’ and the plaintiff.” Accordingly, the registration of the disputed trademark was found not prejudicing the name right of the plaintiff.⁹

(II) Rules for determination of prejudice to another person’s existing prior right according to Article 31 of the 2001 Trademark Law

To decide on the legitimacy of the above approaches, we cannot depart from the understanding of the general rule for determination of prejudice to another person’s prior rights as provided in Article 31 of the 2001 Trademark Law. Although the said provision stipulates that “an application for the registration of a trademark shall not prejudice the existing prior right of another person”, there is, however, no further stipulation in the Trademark Law as regards under what circumstances the registration of a trademark constitutes prejudice to another person’s prior right. Having said that, it is not difficult to ascertain the rule of determining such prejudice when taking into account the legislative intent of the provision. A more commonly agreed view in practice is that the

provision intends to avoid conflict of rights, and prevent the use of a registered trademark from constituting infringement on or unfair competition with a prior right of another person. In light of this, in determining whether the registration of a disputed trademark constitutes prejudice to another person's prior right, the rules for establishing civil infringement or unfair competition with respect to a prior right should be applied. That is, if the actual use of the disputed trademark constitutes infringement on or unfair competition with a prior right, prejudice of the registration of the trademark to the prior right is established. Otherwise, it is unable to arrive at such a conclusion.

This approach has been adopted in some cases. For instance, in the "JINTAILUN" case involving a prior patented design, it was explicitly pointed out in the judgment rendered by the court that in respect of whether the registration of the disputed trademark constituted prejudice to a prior design patent, the principle of determining infringement of a design patent should be applied.¹⁰

Similarly, in the "LAORENCHENG and device" case involving a prior copyright, the court held that "in determining whether the registration of the disputed trademark constituted prejudice to the copyright of Lin Zedong, the criterion for determining copyright infringement should be used. That is, if Reebok had come across the cited mark prior to the filing date of the disputed trademark, and the disputed trademark is substantially similar to the cited trademark in whole or in part, prejudice of the registration of the disputed trademark to the copyright of Lin Zedong should be established."¹¹

(III) Rules for determination of prejudice to prior name right

It is clear from the above analysis that in determining prejudice to prior name right, it should be based on the required elements for establishing prejudice to name right. That is, if the registration of the disputed trademark constitutes infringement on another person's name right, prejudice to prior name right should be established.

Relevant provisions in existing Chinese law concerning the protection of name right are mainly set forth in the General Principles of the Civil Law and the Opinions of the Supreme People's Court on Several Issues Concerning the Implementation of General Principles of the Civil Law (for Trial Implementation) ("Opinions on General Principles of the Civil Law" for short).

It is provided in Article 99 of General Principles of the Civil Law that: "a citizen enjoys the right to his name, and has

the right to decide on, use, and, in accordance with relevant provisions, change his name, with no interference, usurpation, and fraudulent use allowed." Whereas in Article 141 of Opinions on General Principles of the Civil Law, it is provided that: "where usurpation or fraudulent use of another person's surname and/or given name results in damage, infringement of the right to name should be established."

It shows from the above provisions that a name right is not only a positive right (it entitles the right owner to decide on, use, and, in accordance with relevant provisions, change his name), but also a preventive right (it entitles the right owner to disallow interference, usurpation, and fraudulent use). The provision on prejudice to prior right in Article 31 of the 2001 Trademark Law mainly effectuates the preventive right aspect, which means that the right owner has the right to prohibit others from registering his name as a trademark. In combined analysis of the above provisions, this writer has the following conclusions regarding the required elements for establishment of prejudice to prior name right in the context of Article 31 of the 2001 Trademark Law:

1. All natural persons enjoy name right with no conditions attached.

Under the existing Chinese law, "a natural person" is the only required element for name right protection. In other words, a civil subject claiming a name right needs to fulfil no further evidential requirements than his being a natural person.

Accordingly, a civil subject, regardless of whether he has public recognition or the relevant public have formed a correspondence relationship between him and his name, he is entitled to the protection under the right to his name. In other words, not only celebrities like Yao Ming and Yi Jianlian may claim the right to their own names, general public are also entitled to such right. This does not mean that public recognition is not a factor that influences the establishment of name right protection; it only means that public recognition is not a precondition for name right protection.

In the present case, it is based on the above understanding that the court established Allen Iverson's right to his name as a right protected by the Chinese law.

2. Application for registration of another person's name as trademark for illicit purposes without permission is prejudice to prior name right.

Generally speaking, for establishment of infringement on civil rights, both subjective and objective elements should be taken into consideration. Objective elements are behaviour-

related elements, which relate to the behaviours a right owner can prohibit others from performing; whereas subjective elements appeal to the subjective state of a performer, that is, whether a behaviour is performed with subjective intent or out of negligence.

With respect to objective elements, although the behaviours that infringe name right may exist in many forms, usurpation and fraudulent use of another person's name are surely major ones among them, and can be understood as use of another person's name without permission. Since registration of another person's name as a trademark is obviously use of another person's name, unless the trademark applicant can prove that he has got permission from the name right owner, such behaviour satisfies the objective element of name right infringement in trademark administrative cases.

In the present case, as the trademark applicant has submitted no evidence in support of any permission from Allen Iverson, his application for registration of the opposed trademark satisfies the objective element of name right infringement.

For subjective elements, although they are not explicitly defined in law, subjective fault and illicit purposes of the performer are generally required. Such subjective elements not only can be inferred from the phrase "usurpation and fraudulent use of names" employed by the existing provision, but also are well-accepted in the academic circles. According to a Chinese civil law scholar, "creating intentional confusion by using identical names or parallel names is also an infringement of name right."¹²

As pointed out by the court in the present case, "infringement of another person's name right, as a general rule, should take illicit purposes as the required element, rather than being established automatically by the use of another person's name alone, wherein 'illicit purposes' included profit-making, malpractices for selfish ends, victimising others, and circumvention of the law."

For trademark administrative cases, the determination of subjective elements mainly takes into account whether the trademark applicant, when applying for registration of a trademark using the name of another person, has knowledge of the name. If he knows there is such a name and there are no justifiable reasons for registration of the mark, it is often presumable that he has illicit purposes. Illicit purposes of a trademark applicant may be manifested in a variety of ways, such as using the public recognition of the natural person

concerned to cause the relevant public to believe that his goods or services are associated with the celebrity; using such recognition to attract consumers' attention even if no association is formed among the relevant public; or just to make profit through the registration itself, say, by preventing the natural person from applying for registration of his own name as a trademark and selling the trademark to gain profit.

As for individual cases, establishment of subjective knowledge and illicit purposes of a trademark applicant should take into account the specific conditions of respective cases. Some of the common factors for consideration include: degree of public recognition of the natural person concerned, prominence of the name used as the trademark, any association between the trademark applicant and the natural person, and whether the trademark applicant and the natural person are engaged in the same industry.

Although public recognition is not the precondition for name right protection, as mentioned above, whether the natural person concerned has public recognition will directly influence the establishment of the subjective state of a trademark applicant. The judgment of the present case also pointed out that "whether the name right owner had public recognition was usually one of the factors for judging whether the user of the name had illicit purposes."

Along with the recognition factor, prominence of the name should also be incorporated for consideration. If a name comes from current vocabulary, even if the name is that of a celebrity, it should not be taken for granted that a trademark applicant seeking registration of the name has illicit purposes. Combined consideration of other factors is advisable.

For instance, in the case involving the "LIMING (literally meaning 'dawn' in Chinese)" mark designated for services such as realty letting in class 36, the Hong Kong singer Li Ming filed an opposition against the registration of the trademark. In respect of the opposition, the CTMO held that: "'Li Ming' was a common phrase in modern Chinese vocabulary, rather than a unique, coined word. As such, goods in circulation using the 'LIMING' mark would not cause the consumers to believe that the goods were associated with a particular person. Thus, the opposition filed by the opponent was untenable, and the opposed trademark was approved for registration."¹³ In this case, "LIMING" indeed is a phrase from existing vocabulary, it is therefore hard to determine that the trademark applicant has illicit purposes solely because of the public recognition of the singer Li Ming.

In most cases, however, it is unlikely to be a coincidence when trademark applicants seek registration of other persons' names as trademarks, and they tend to do it for illicit purposes. Of course, factors for consideration vary from case to case. For the present case, the main factors considered by the court are public recognition of Allen Iverson, as well as conditions related to the application and use of other trademarks by the disputed trademark applicant.

In the present case, the NBA basketball star Allen Iverson had high recognition among the relevant public in China and was often referred to as Iverson. Although Iverson was a common U.S. family name, a fact not to be ignored was that the disputed trademark applicant had registered 30-odd trademarks in connection with Iverson, including words, a figure of Allen Iverson playing basketball, and even a pattern of Iverson's tattoo. It thus shows that the applicant must be aware of Iverson as well as the relationship between Iverson and basketball. In addition, an enterprise in connection with the disputed trademark applicant was practically engaged in manufacturing of basketball shoes, and publicity on the website of the enterprise was directed to a considerable extent to the NBA basketball star Allen Iverson. In combined consideration of these factors, the disputed trademark applicant apparently is aware of Allen Iverson as an NBA basketball star, and the purpose of his application for the registration of the disputed trademark is to take advantage of the reputation of the NBA basketball star Allen Iverson. The disputed trademark applicant's illicit purposes are discernible and hence, his application for the trademark registration constitutes prejudice to the name right of Allen Iverson.

It should be noted that public recognition is only one of the factors, rather than the sole factor, for establishing whether a disputed trademark applicant has illicit purposes. In some cases, even though the natural person concerned has little public recognition in China, the illicit purposes of the disputed trademark applicant may still be established by combined consideration of other factors of the case, among which prominence of the name involved is the most important one.

For instance, in the case involving the "ZANG TOI" mark, it was unable to identify the public recognition of Zang Toi (洗书瀛) in China. This name clearly did not make a current phrase, nor was it an accessible foreign name to the public in China. On this basis, the possibility of coincidence in respect of the identicalness between the disputed trademark and the name is very slim. Unless justifiable explana-

tion is provided by the disputed trademark applicant, it can be presumed that his application for registration of the trademark is made with the knowledge of this name. In the absence of relevant evidence submitted by the disputed trademark applicant, it can be determined just on the basis of this factor that the disputed trademark applicant knows the name. The court certainly has considered some other factors, including public recognition of Zang Toi abroad, as well as the disputed trademark applicant's business association with Zang Toi and his company on matters related to the Zang Toi brand's entry into China.¹⁴

Similarly, in the "KATE MOSS" case, although both words in the name of Kate Moss came from current English vocabulary, there was no evidence to support that such a combination represented a common name. The disputed trademark applicant's registration of the name as a trademark under these conditions with no justifiable explanation renders it presumable that he subjectively has illicit purposes.¹⁵

(IV) Common misconceptions regarding determination of prejudice to name right

1. Misidentification by the relevant public and prejudice to name right

There is a view in practice that protection of name right should take into account the likelihood of misidentification by the public, i.e., the likelihood of believing that the disputed trademark is associated with the name right owner. Application of this view to a case often results in the outcome that if the goods designated for a disputed trademark are not related or only remotely related to the industry in which the name right owner practically engages, the trademark is usually deemed as not constituting infringement on another person's name right.

In fact, the said view was once adopted by the Beijing Higher People's Court in its Guidelines for Adjudication of Administrative Cases Involving Grant and Affirmation of Trademarks (Draft for Comments), wherein Article 19 reads: "as whether correspondence relationship between a name and a particular natural person is formed among the relevant public varies with the fields of the goods and services concerned, determination of the specific protection scope of a name right should also take into account the particular circumstances of relevant goods and services." This provision, however, was removed from the officially promulgated version of the Guidelines.

The misconception of the said view arises from the ap-

plication of the rules for determining trademark infringement under the Trademark Law to the establishment of prejudice to name right. While the confusion and misidentification factor is one of the elements for establishment of trademark infringement under the Trademark Law, it is not a required element for establishment of infringement on name rights. The key to establishment of prejudicing another person's prior name right is whether an application for registration of the trademark is made for illicit purposes, rather than whether confusion and misidentification occur. Confusion and misidentification among the relevant public may be used to prove to some extent the illicit purposes of the disputed trademark applicant, but the absence of confusion and misidentification does not necessarily mean the non-existence of illicit purposes. As pointed out above, illicit purposes of a disputed trademark applicant may relate to the intent of causing confusion and misidentification among the relevant public or that of attracting the relevant public's attention, or it may concern merely with profit making through registration of the trademark. In light of this, if other purposes are adequately established, prejudice to another person's name right can be established even the factor of misidentification among the relevant public is absent.

In the present case, although Allen Iverson as a basketball player was engaged in an industry remotely associated with such goods as "imitation leather, cattle skins, umbrellas, and pelts (animal skins)" for which the disputed trademark was designated, the court still established that the application for registration of the disputed trademark was for illicit purposes and thus constituted prejudice to the name right of Allen Iverson on the grounds that such behaviour was apparently intended to attract the relevant public's attention for gaining illegitimate interests.

2. Whether name right has a property aspect

In General Principles of the Civil Law, name right is prescribed as a personality right, whereas trademark right is a property right. Thus, there is a view in practice that name right as a personality right does not entitle the right owner to prohibit others from using a name as property, and hence a name right owner may not forbid others from registering his name as a trademark.

As this article is not intended to elaborate on the nature of name right, only a brief comment will be provided below. For the property aspect of personality rights, it is provided for in the existing Chinese law. According to Article 120 of General Principles of the Civil Law, "in case a citizen's right to

name, portrait, reputation, or honour is harmed, he has the right to demand cessation of the harm, restoration of the reputation, elimination of the defamatory effects, and an apology, and may ask for compensation for loss". It is known from the above provision in relation to the liability of compensation for loss that General Principles of the Civil Law is positive toward the property aspect of personality right. A Chinese scholar has also expressed the view that certain rights of personality, such as the rights to personal name, portrait, and title, have a property right aspect.¹⁶ In this sense, a name right owner should have the right to prohibit others from using his name without permission for profit-making purposes, including registration of his name as a trademark. ■

The author: Judge of the Beijing Intellectual Property Court

¹ See the Beijing No.1 Intermediate People's Court Administrative Judgment No. Yizhongzhixingchuzi 1384/2012.

² *ibid.*

³ See the Beijing No.1 Intermediate People's Court Administrative Judgment No. Yizhongzhixingchuzi 2409/2013.

⁴ See the TRAB Adjudication No. Shangpingzi 27162/2009 on Dispute over KATE MOSS Trademark No. 3271558.

⁵ See the Beijing No.1 Intermediate People's Court Administrative Judgment No. Yizhongzhixingchuzi 2435/2013.

⁶ See the Beijing No.1 Intermediate People's Court Administrative Judgment No. Yizhongzhixingchuzi 2208/2013.

⁷ See *supra* note 3.

⁸ See the Beijing No.1 Intermediate People's Court Administrative Judgment No. Yizhongzhixingchuzi 707/2010.

⁹ See *supra* note 6.

¹⁰ See the Beijing No.1 Intermediate People's Court Administrative Judgment No. Yizhongxingchuzi 519/2008.

¹¹ See the Beijing No.1 Intermediate People's Court Administrative Judgment No. Yizhongxingchuzi 1461/2009.

¹² Wang Liming (2013, January). *Chinese Civil Law Cases and Theoretical Studies -- General Provisions* (p.52). China Legal Publishing House.

¹³ See the CTMO Adjudication No. Shangbiaoyifuzi 8/1996 on Opposition of "Li Ming" Trademark.

¹⁴ See the Beijing No.1 Intermediate People's Court Administrative Judgment No. Yizhongzhixingchuzi 1954/2012.

¹⁵ See the Beijing No.1 Intermediate People's Court Administrative Judgment No. Yizhongzhixingchuzi 534/2010.

¹⁶ Wang Liming (2009). *On Personality Rights Law* (p.3). China Renmin University Press.