AFD China
INTELLECTUAL PROPERTY LAW OFFICE

Newsletter
January, 2023

Table of Contents

The CNIPA issues *Interim Measures for the Handling of Relevant Matters after Accession to the Hague Agreement* and *Interim Measures for the Handling of Relevant Examination Matters after the Implementation of the Amended Patent Law*

In order to ensure the smooth implementation of the Hague Agreement Concerning the International Registration of Industrial Designs (1999 Act) (hereinafter referred to as the Hague Agreement) in China, and to respond to the urgent examination needs of domestic and foreign innovation entities, and in order to ensure the implementation of the amended Patent Law and respond to the urgent examination needs of innovative entities for partial designs and domestic priorities of designs, the China National Intellectual Property Administration (CNIPA) revised and issued the Interim Measures for the Handling of Relevant Matters after Accession to the Hague Agreement and the Interim Measures for the Handling of Relevant Examination Matters after the Implementation of the Amended Patent Law. Both of the Interim Measures came into force on January 11, 2023.

Some of the changes and adjustments that are involved in the Measures and important to applicants are sorted out here to facilitate the applicants' understanding and timely adjustment of their IP layout strategy.

Those relating to designs (including international design applications)

1. Patent applicants may file design patent applications for partial designs of a product from June 1, 2021 (inclusive);

2. For a design patent application filed after June 1, 2021, the applicant may claim priority to a prior domestic design patent application, and the prior application (in the case of a design patent application) shall be deemed to be withdrawn from the date of filing the later application, except that the applicant claims domestic priority to an invention or utility model patent application;

3. The term of design patents filed before May 31, 2021 (inclusive) is ten years, calculated from the filing date;

4. From May 5, 2022, Chinese entities or individuals may file international design applications, and the relevant fees stipulated in the Hague Agreement shall be paid by the applicant to the International Bureau directly;

5. An international design application, for which the date of international registration has been determined and in which China is designated, shall be deemed to be a design

patent application filed with the CNIPA, and the date of international registration shall be deemed as the filing date in China;

6. For international design applications, the applicants shall submit observations in Chinese when filing any response, and where the application text is amended, the amendments shall be in English;

7. For international design applications, the CNIPA does not charge priority claim fees;

8. The applicant of an international design application may file a divisional application with the CNIPA within two months from the date of publication of the international design application; if the applicant files a divisional application in accordance with the examination opinion, the divisional application shall be filed within two months from the date of domestic announcement of the original application at the latest;

9. If the applicant or patentee of an international design application/patent requests a change of rights, in addition to completing the relevant formalities with the International Bureau, they shall also submit supporting documents to the CNIPA. If the supporting documents are in a foreign language, a Chinese translation of the bibliography shall also be submitted;

10. After the announcement of the grant of an international design application, the applicant may request the CNIPA to issue a copy of the patent register of the international design application as proof of protection in China;

Those relating to patent term compensation:

11. For invention patents granted on or after June 1, 2021, the patentees may submit a request for patent term compensation in paper form within three months from the date of grant announcement;

12. Starting from June 1, 2021, patentees may submit a request for patent term compensation in paper form within three months from the date of marketing approval of a new drug;

Those relating to open license:

13. From January 11, 2023, patentees may voluntarily declare an open license for their patents;

Those relating to patent evaluation report:

14. From January 11, 2023, an alleged infringer may request the CNIPA to issue a patent evaluation report.

Full texts of the Measures may be found at the following links:

https://www.cnipa.gov.cn/art/2023/1/5/art_74_181248.html

https://www.cnipa.gov.cn/art/2023/1/5/art_74_181249.html

IP5 PPH Pilot Project Extended

The CNIPA, European Patent Office, Japan Patent Office, Korean Intellectual Property Office, and the United States Patent and Trademark Office have jointly decided to extend their IP5 Patent Prosecution Highway (PPH) pilot project for another three years from January 6, 2023, to January 5, 2026. The pertinent requirements and procedures governing applicants' PPH requests under the pilot project remain unchanged.

http://english.cnipa.gov.cn/art/2023/1/6/art_1340_181274.html

China and Czech Extend PPH Pilot Project

The CNIPA and the Industrial Property Office of the Czech Republic have jointly decided to extend their Patent Prosecution Highway (PPH) pilot project - which was activated on January 1, 2018 - for another three years from January 1, 2023, to December 31, 2025. The pertinent requirements and procedures governing applicants' PPH requests at the two offices remain unchanged.

http://english.cnipa.gov.cn/art/2023/1/6/art_1340_181275.html

Guangdong First in Country to Have Local GI Protection Act

The 47th Session of the Standing Committee of the 13th Guangdong People's Congress has deliberated and approved the Guangdong Geographical Indication Protection Regulation, which is effective on January 1, 2023. As the country's first comprehensive local GI act, the Regulation's pioneering move in GI local legislation has sparked widespread attention.

"The Regulation attends to those realistic issues concerning GI industry development, puts serving regional economic development as a key gist, fills the gap of GI branding work and shores up the fundamental elements supporting industry development to contribute to GI industry development and rural revitalization," an executive from Guangdong IP Administration told our China IP News reporter.

One big quality of the Regulation is building a GI protection system that seamlessly links with relevant national rules. On the one hand, the linkage aims to refine the GI protection system, effectively connects the national-level authority with local legislation and elevate the quality of legislative coverage of GI protection. On the other hand, in an effort to ramp up deterrence to GI violations, the Regulation emulates the Product Quality Law, providing for liabilities of GI violations. IP administrations above county level are vested with the authority to order rectification on a given time frame, seize products produced or sold illegally and impose fines under the equivalent value of the goods produced or sold. Illegal gains, if there is any, shall be seized. If the violation runs counter to the Trademark Law, Anti-Unfair Competition Law or other laws or regulations, the involved legislation shall be applied. If a criminal offense is triggered, criminal prosecution shall be sought.

In addition, in an effort to solve those popular and difficult problems impeding industry development, the Regulation plays up Guangdong's strength of a highly open market and dynamic external trade, conduct censuses of GI resources and bolster protection, build and improve a full GI industry development system, boost elevation of quality and efficiency of the industry, perform international cooperation, use multiple measures to refine the GI use system and upgrade GI products' market competitiveness and international influence.

http://english.cnipa.gov.cn/art/2022/12/21/art_2829_180932.html

Samsung Transfers 98 US Patents to Huawei

According to news from the Elec, Samsung has transferred 98 of its US patents to Huawei last month. Combined with the 81 patents it handed over in 2019 to Huawei, the Korean firm has given Huawei 179 patents in total so far. Previously in 2019, the two parties had signed a cross-licensing agreement to end their patent disputes. Huawei said it has reached patent cross-licensing agreements with 20 companies, including domestic and foreign companies. Samsung is Huawei's largest licensee among foreign companies in terms of the number of devices sold and the patents covered. The report notes that in cross-licensing agreements, sometimes one party pays more than the other due to differences in the quantity and quality of the patents. Samsung and Huawei's patent cross-licensing agreements mainly involve 5G patents, and Samsung has fewer patents than Huawei, making it possible to transfer the patents.

http://www.chinaipmagazine.com/en/news-show.asp?id=12701

China-EU GI Agreement Begins to Pay Dividends

Recently, the 2022 Roundtable Forum on Chinese and EU Geographical Indications

was held in Brussels. The representatives of Chinese and EU political, commercial and educational circles were assembled to have an in-depth research and discussion on a wide range of topics, such as the significance of China-EU Agreement on Cooperation on, and Protection of, Geographical Indications in keeping a closer relationship between China and European Union, and the new opportunities brought by the Agreement. The forum affirmed the important role of the Agreement in the protection of Chinese and EU geographical indications.

The China-EU Agreement on Cooperation and Protection of Geographical Indications is China's first comprehensive and high-level agreement on geographical indications (GI) negotiated and signed with a foreign party with the coverage of 275 GI products from each side - a landmark achievement of profound cooperation between China and the EU in the IP field. From its entry into force to October 2022, the Agreement has generated mutual protection of a total of 244 GIs from both China and the EU. On December 2, the CNIPA received applications of another 175 EU products like Inländer Rum for GI protection in China.

Guizhou Green Tea, Shu Embroidery, Sanya Melon from China, Bulgarsko Rozovo Maslo, Nürnberger Bratwürste, Elia Kalamatas from Europe...a bonanza of Chinese and EU GI products on the mutual recognition and mutual protection list of the Agreement have further boosted the development of bilateral trade of GI products and consolidated the economic and trade foundation of China-EU comprehensive strategic partnership.

http://english.cnipa.gov.cn/art/2022/12/23/art_2829_180977.html

China National Knowledge Infrastructure Hit with Heavy Fine After Antitrust Probe

On December 26, the State Administration for Market Regulation (SAMR) has imposed on China National Knowledge Infrastructure (CNKI), China's largest online academic database, a fine of 87.6 million yuan for its monopoly behavior, accounting for 5 percent of CNKI's domestic revenue last year.

Since 2014, CNKI has abused its dominant position to sell its database services at unfairly high prices. CNKI has been selling its database services at exorbitant prices through continuous, large increases in service prices and indirect hikes from splitting databases. Besides, CNKI has signed exclusive cooperation agreements that prohibit academic journal publishers and universities from authorizing any other third parties to use academic journals, or doctoral and master's dissertations, among other academic papers. CNKI has also used multiple rewards and penalties to ensure the exclusive partnerships, according to the SAMR.

It concluded that CNKI have impeded competition within China's academic database service market, infringed on the legitimate rights and interests of users, and affected the innovation and development of related markets and academic exchanges.

CNKI was urged to implement an overhaul plan and eliminate the consequences of its violations.

In a posting on its WeChat account on Monday, CNKI said it earnestly accepted and resolutely obeyed the SAMR decision.

The online academic database made public its 15-point overhaul plan that includes terminating exclusive cooperation agreements, substantially lowering service prices, protecting authors' legitimate rights, and

strengthening compliance and risk management.

http://www.chinaipmagazine.com/en/news-show.asp?id=12702

CNIPA: Patent Infringement in China is at a Historically Low Level

On December 28, 2022, the CNIPA held a press conference releasing the 2022 China Patent Survey Report and 2022 China Intellectual Property Development Status Evaluation Report. At the press conference, Mr. Ge Shu, Director of the Strategic Planning Department of the CNIPA, pointed out that the overall effectiveness of China's patent transfer and transformation is steadily improving, and the environment for intellectual property protection continues to be optimized.

First, the proportion of patentees who have encountered patent infringement is at a historically low level of 7.7% in 2022, lower than 8% for two consecutive years. The proportion was 10% and 28.4% respectively during the Thirteenth Five-Year Plan period （2016-2020）and the Twelfth Five-Year Plan period (2010-2015). Besides, In 2022, 72.7% of Chinese corporate patentees will take rights protection measures after suffering patent infringement, which has remained above 70% for four consecutive years. Another achievement is that the proportion of high-amount compensation for patent infringement is generally on the rise, with 7.0% amounted to more than 5 million yuan. In comparison, during the Thirteenth Five-Year Plan period, the highest proportion was 3.1%.

According to the CNIPA, the scope of the survey covers 24 provinces in China, involving 18,000 patentees.

http://www.chinaipmagazine.com/en/news-show.asp?id=12704

China National Knowledge Infrastructure Fined for Monopolistic Behavior

The State Administration for Market Regulation, China's top market regulator, imposed a fine of 87.6 million yuan ($12.58 million) on China National Knowledge Infrastructure, the country's largest online academic database, for monopolistic behaviors on Monday.

According to the SAMR, the fine was five percent of CNKI's domestic revenue last year. Since 2014, CNKI has abused its dominant position to sell its database services at unfairly high prices. It has also restricted academic journals and universities by signing exclusive cooperation agreements.

Such behaviors have impeded competition within China's academic database service market, infringed on the legitimate rights and interests of users, and affected the innovation and development of related markets and academic exchanges, the market regulator said.

In May, the SAMR launched an antitrust investigation into CNKI, weeks after the Chinese Academy of Sciences said it would suspend its use of the database because of its hefty annual fees.

https://english-ipraction.samr.gov.cn/NEWS/art/2022/art_42d1aaddc4d3410b9dd99213cc4d1d4f.html

IP Service Industry in China to Witness a Revenue of Over 500 Billion Yuan in 2023

The CNIPA and 17 other departments jointly issued the "Opinions on Accelerating the High-Quality Development of IP Services", according to news released on the official website of CNIPA on January 11, 2023. The Opinions set development goals of expanding high-quality and diversified IP services in 2023. IP service industry in China is expected to witness a revenue of more than 500 billion yuan, with IP service agencies to surpass

2000 and IP practitioners to reach 1.5 million, said the Opinion.

http://www.chinaipmagazine.com/en/news-show.asp?id=12712

Beijing IP Court Sets Up Quick Channel to Handle Core Tech Cases

A quick channel for dealing with cases concerning core technologies has been set up at the Beijing Intellectual Property Court to better contribute to the capital's high-quality development efforts, a senior judge said.

In paying greater attention to such cases, the court has focused more on resolving digital disputes as well as unfair competition and monopoly lawsuits related to emerging businesses and new technologies, said Song Yushui, vice-president of the court.

She added that the recent moves aim to strengthen IP protection and meet increased demand for judicial services in the rapidly developing internet and technology era.

Song said that the court concluded 23,757 cases last year, of which 3,370 involved foreign elements.

While ensuring equal protection to domestic and overseas market entities, the court has also helped the nation advance its reform and opening-up efforts by participating more in international governance in the IP field and increasing judicial exchanges with other countries and global organizations, she said.

https://english-ipraction.samr.gov.cn/NEWS/art/2023/art_6c0a818442e2480fb5e98ec4bfec7fbf.html

SUPPLEMENTARY ISSUE

SPC: The courts shall conduct a preliminary examination when adjudicating objections to jurisdiction

Recently, the Supreme People's Court (SPC) issued a case involving objections to jurisdiction over an infringement of new plant varieties, clarifying that "the people's court should conduct a preliminary examination of the legal and factual basis which relates to the jurisdiction over the case and on which the plaintiff claimed the rights, rather than simply rejecting the parties' objections to jurisdiction on the grounds that whether the alleged conduct is established requires a substantive trial to determine it."

The plaintiff in the first instance was a co-owner of the right to a new corn variety "M54", the defendant No.1 carried out the act of breeding "M54", using "M54" as a parent to breed "Denghai 939" and selling the same, and the defendant No. 2 sold propagating materials of "Denghai 939". The plaintiff filed a lawsuit against the above-mentioned infringement in the domicile of the defendant No. 2 who sold "Denghai 939", and the defendant No. 1 raised an objection to jurisdiction. The first instance made a ruling to transfer the case to the court of the place where the defendant No. 1 was domiciled; the plaintiff was not satisfied with the ruling and filed an appeal, and the second instance made a final ruling to dismiss the appeal and uphold the original ruling.

In the trial of this case, firstly it was necessary to determine the applicable law. The alleged infringement in this case occurred after January 1, 2016 and before March 1, 2022, so Seed Law amended in 2015 should apply to the trial of this case. According to the relevant provisions of the Seed Law (2015 version), only selling "propagating materials of another variety obtained by reusing the propagating materials of an authorized variety" was not an infringement expressly prohibited by law. Therefore, the defendant No. 2 who only sold "Denghai 939" did not commit an infringement under the Seed Law at that time, and the alleged act of the defendant No. 2 obviously did not constitute an arguable infringement. Moreover, the plaintiff did not claim that the defendant No. 2 and the other defendants constituted joint infringement or aided infringement, so the defendant No. 2 had no substantial connection with the dispute in this case. Therefore, the plaintiff’s claim that the defendant No. 2 constituted infringement and suing the defendant No. 2 as a co-defendant to determine the jurisdiction over the case lacked legal basis and factual basis, and the place where the alleged infringement occurred and the domicile of the defendant No. 2 did not constitute a connection point that could determine the jurisdiction over this case.

This case reflects the people's court's attitude towards the act of artificially creating a jurisdictional connection point to circumvent the law. When a plaintiff's relevant claims against a co-defendant based on which the jurisdiction over the case is determined obviously lack a legal basis or factual basis, the people's court shall not use the co-defendant as the jurisdictional connection point to determine the jurisdiction over the case.

Article 28 of the Seed Law is involved in this case. Article 28 of the newly amended Seed Law in 2021 is different from that of the 2015 version, and the two versions of Article 28 are listed here for reference.

Article 28 of the Seed Law amended in 2015:

Article 28 An entity or an individual that has bred a variety enjoys exclusive rights to the authorized variety. No entity or individual may, without the permission of the owner of the right to a new plant variety, produce, propagate or sell the propagating materials of the authorized variety, or reuse for commercial purposes the propagating materials of the authorized variety in the

production of the propagating materials of another variety, unless as otherwise provided for by this Law or any relevant law or administrative regulation.

Article 28 of the Seed Law amended in 2021:

Article 28 The owner of the right to a new plant variety that has bred the variety enjoys exclusive rights to the authorized variety. The owner of the new plant variety right may license the new plant variety right to others for implementation, and collect the license fee in accordance with the contract; the license fee can be collected at a fixed price or in the form of a commission from promotion income, etc.

No entity or individual may, without the permission of the owner of the right to a new plant variety, produce, propagate and process for propagation, offer for sale, sell, import, export, or store for implementing the above acts the propagating materials of the authorized variety, or reuse for commercial purposes the propagating materials of the authorized variety in the production of the propagating materials of another variety, unless as otherwise provided for by this Law or any relevant law or administrative regulation.

The implementation of the acts specified in the preceding paragraph involving harvested materials obtained from unauthorized use of the propagating materials of the authorized variety shall be approved by the owner of the new plant variety right, except where the owner of the new plant variety right has a reasonable opportunity to exercise its rights in the propagating materials.

Where any of the acts described in the second and third paragraphs of this Article are carried out on essentially derived varieties, the consent of the owner of the new plant variety right of the original variety shall be obtained.

The implementation steps and measures of essentially derived varieties shall be determined by the State Council.

Details of this case may be found at the following link:

https://ipc.court.gov.cn/zh-cn/news/view-2119.html

SPC: Parents of hybrid varieties may be protected as trade secrets

Recently, the SPC concluded and issued a case involving trade secrets of breeding materials, and the judgment clarified the conditions and significance of protecting corn inbred parents as trade secrets, which is of typical significance for protecting breeding results by comprehensively using various intellectual property protection means such as new plant variety rights and trade secrets, effectively stimulating original and continuous innovation in breeding, and building a diversified and three-dimensional comprehensive legal protection system for crop breeding results.

The plaintiff (appellee) in this case is the right holder of a new corn variety "Wannuo 2000", and the variety "W68" involved in this case is a stable inbred variety formed after six generations of selfing, and is the parent of the authorized hybrid variety "Wannuo 2000". The plaintiff protected "W68" in the form of technical secrets, held that the defendant's (appellant's) use of the technical information about "W68" in its production and business activities constituted infringement, and filed a lawsuit asking the defendant to bear infringement liability and compensate for economic losses and reasonable expenses incurred for rights protection. The court of first instance ruled in favor of the plaintiff, and then the defendant appealed to the SPC.

During the second instance, an in-depth analysis was made on the difficult issues in the application of law, such as whether the parents of hybrid species are objects of trade secret protection, and the conditions for protecting breeding materials as trade secrets. In the second-instance judgement, the SPC held that "breeding intermediate materials, inbred parents, etc. formed in the process of crop breeding are different from plant materials found in the nature, but are intellectual fruits of creative labor paid by breeders, and carry specific genes formed by breeders through selectively domesticating plant materials from the nature or selecting traits of existing varieties. The breeding materials involved in this case have the characteristics of both technical information and physical carriers, and the two are inseparable. Breeding materials that are of commercial value and obtained through breeding innovation activities may be legally protected as trade secrets under the condition that they are not known to the public and corresponding confidentiality measures are taken. The confidentiality measures for the breeding materials protected as trade secrets cannot be too harsh, since the growth of breeding materials depends on soil, moisture, air and sunlight and also requires field management, which makes it difficult for the right holder to take foolproof confidentiality measures for the crop materials. To determine whether the confidentiality measures are reasonable, it is necessary to consider the characteristics of the breeding materials per se, and it would be appropriate to take confidentiality measures to a degree that the breeding materials are prevented from being leaked under normal circumstances. Establishing a confidentiality system, signing a confidentiality agreement, prohibiting external spreading, using pronouns for propagating materials, etc., may all constitute reasonable confidentiality measures in specific circumstances". After review, the SPC held that "W68" has commercial value and competitive advantage in combining hybrid varieties with excellent agronomic traits and good seed yield, and that it meets the conditions of not being known to the public and being subject to corresponding confidentiality measures taken by the right holder, so it can be protected as a trade secret by the Anti-Unfair Competition Law. Therefore, the second-instance judgment dismissed the appeal and upheld the original judgment.

Through this case, the SPC particularly emphasized that there are differences between the two systems of new plant varieties and trade secrets in terms of the way rights are generated, the conditions for protection, and the scope of protection, etc., and right holders can choose different protection methods according to the actual situation. Breeding innovation results that have not obtained the protection of new plant varieties should be given protection against unfair competition under the condition that they comply with the provisions on trade secrets. This is not only an inevitable requirement for encouraging breeding innovation, but also the intent of strengthening intellectual property rights protection. The laws do not stipulate that crop breeding materials can only be protected by new plant variety rights and cannot be protected as trade secrets or by other intellectual property rights. Granting other intellectual property protections such as trade secret protection to crop breeding materials will not weaken the legal protection system of new plant varieties, but instead they will complement each other.

Details of this case may be found at the following link:

https://ipc.court.gov.cn/zh-cn/news/view-2097.html

The CNIPA issued the Guidelines on the Application for Registration and Use of Class 35 Service Trademarks

In December 2022, the CNIPA issued the Guidelines on the Application for Registration and Use of Class 35 Service Trademarks. The Guidelines are designed to help relevant market players correctly understand the connotation and extension of Class 35 service items, understand the intent of the relevant classification items, and reasonably apply for trademark registration.

The Guidelines first point out that Class 35 of services is characterized by the provision of "for others", rather than engaging in the relevant conduct for the right holder's own business needs. At the same time, the Guidelines explain each category under Class 35 services, which includes advertising-related services, business management assistance-related services, franchise-related services, import/export agency services, marketing services for others, online marketplace services for buyers and sellers of goods and services, personnel-related services, office-related services, accounting-related services, sponsorship search services, and retail or wholesale services for pharmaceuticals and medical supplies. Generally speaking, a general type of goods producer, which only manufactures or sells its goods as its business scope and does not engage in providing the above-mentioned services to other market entities or individuals, is not required to apply for a registered trademark on the relevant services in Class 35.

In terms of trademark use, the Guidelines clearly state that "the use of trademarks on storefronts is for the sale of goods produced by themselves, and does not belong to the use of 'marketing for others' services." When other market players claim infringement of the above-mentioned acts based on trademarks approved for other goods or services, the alleged infringer may still constitute an infringement of another's registered trademark or unfair competition, even if the registered trademark is obtained for 'marketing services for others'.

In terms of using evidence retention, the Guidelines advise on evidence collection for the intangible nature of Class 35 service items.

1. The service contract agrees on the service content. The service contract shall reflect the service trademark logo, trademark number, specific service items, and service content.

2. The contract should correspond to the invoices, payment vouchers, acceptance slips, etc., that is, the contract and invoices, payment vouchers, acceptance slips in the embodiment of the service trademark, goods, service amount, service content, time and other content can correspond one to one.

3. Pay attention to retaining evidence of the promotion of the service trademark through various media such as radio, television, newspapers, and magazines, as well as through electronic media and the Internet.

4. Service places shall be uniformly marked with trademarks, such as doorsteps, signboards, internal walls, service introduction manuals, staff attire, menus, price lists, office stationery, and other supplies related to the designated services should be marked with service trademarks; contracts and invoices entrusted to design companies for the design and production of the above carriers should reflect the service trademark.

5. When there is more than one trademark for the same class, and the significant part of the trademark is different, the user should consciously distinguish the use, and keep good evidence of the use of each trademark.

6. When the trademark is the same as the business name, it can be marked in the upper right corner of the trademark for differentiation when used as a trademark.

7. Collect and organize the relevant defense evidence when it cannot be put into use due to force majeure, government policy restrictions, bankruptcy, liquidation, etc.

Regarding the maintenance and exercise of rights, the Guidelines emphasize that the principle of honesty and credit should be followed, as the principle of non-abuse. Trademark rights holders should avoid abuse of rights or excessive defense of rights, and relevant parties should also avoid exceeding the limits of the use of behavior. For example, the right holder of the Class 35

service trademark cannot consider the services provided by other market entities in their business activities to be the same or similar services because of the characteristics of "commerciality" and "management", etc, or therefore consider it as infringing the exclusive right to use the registered trademark for its Class 35 services and prohibit other market players from properly providing the services. At the same time, the relevant market players should pay attention to the use and the boundaries of trademarks in business activities, avoid exceeding the necessary limits, and avoid the infringement of others' exclusive rights to service trademarks caused by the relevant specific use behavior..

For details of the original Guidelines, see:

https://www.cnipa.gov.cn/module/download/down.jsp?i_ID=180686&colID=66