

INTA Comments to the State Council Legislative Affairs Office

ANTI-UNFAIR COMPETITION LAW OF THE PEOPLE'S REPUBLIC OF CHINA Draft Revision

March 21, 2016

The International Trademark Association (INTA) commends the State Council Legislative Affairs Office (SCLAO) on the current draft revision of the Anti-Unfair Competition Law. This draft legislation will further protect consumers in China and further deter unfair business practices to create a rational, efficient and orderly marketplace essential for continued growth and prosperity.

INTA is a not-for-profit association of trademark owners and professionals dedicated to supporting trademarks and related intellectual property in order to protect consumers and to promote fair and effective commerce. On behalf of the 6,750 member organizations of INTA, including 239 members in China, we are pleased to submit comments to SCLAO again – having submitted comments on the draft Trademark Law in 2012.

Most of the amendments proposed in the Draft are welcome. INTA does seek clarity for certain key terms and given the increasingly important role of international trade, INTA also urges consideration of provisions that explicitly protect translation and transliteration of certain commercial marks, including trade names.

INTA urges the SCLAO to align the definitions contained in the Anti-Unfair Competition Law with the Trademark Law of the People's Republic of China. In addition, INTA proposes that the threshold for a finding of unfair competition should be a likelihood of causing market confusion and not actual confusion. Finally, in view of ever changing technology and business practices, we encourage the SCLAO to consider adding a Miscellaneous Provision to the proposed law.

This submission is submitted on behalf of the Unfair Competition Committee, the Enforcement Committee and INTA staff. We welcome the opportunity to further consult on the proposed Anti-Unfair Competition law and remain available to assist the SCLAO in these efforts. If there are any questions or concerns, please contact Asia-Pacific Chief Representative, Mr. Seth Hays, at [shays@inta.org](mailto:shays@inta.org).