

China: CNIPA Proactively Refused and Invalidated Ambiguous-Concept Trademarks Such as "Zero Sucrose" and "Farm-Raised"

Many enterprises do not design trademarks to distinguish their goods from those of others - the core function of a trademark. Instead, they exploit the system to "privatize" common industry terminology. They treat the trademark registration certificate as a "legal free pass" to monopolize advertising messages (such as "Zero Sugar" or "Farm-Raised"). Armed with these registered marks, they can then turn around and restrict competitors from using descriptive terms that everyone should inherently have the right to use.

Cloaking vague and exaggerated descriptive terms under the guise of an "exclusively registered trademark" creates a false veneer of credibility. Consumers are easily misled into falsely believing that the product is genuinely superior, or that the state has officially "endorsed" claims like "Zero Additives" or "100% Pure." In the past, regulatory authorities typically waited for interested parties to file a dispute before taking action. However, this process is both costly and protracted. By proactively intervening *ex officio*, the [CNIPA](#) is sending a resolute message: Enterprises must compete on actual product quality, rather than relying on deceptive wordplay and ambiguous concepts to mislead the market.

To address socially debated trademarks such as "Zero Sucrose," "Farm-Raised," and "Yipin Beef" that deliberately exploit ambiguous concepts, regulatory authorities have firmly [refused their registration or invalidated](#) them on a case-by-case basis

According to the China National Intellectual Property Administration (CNIPA), investigations revealed that numerous trademarks were outright refused during the substantive examination phase. These include 2 trademarks containing "Anta Broken Size," 18 containing "Zero Sucrose," 22 containing "0 Sucrose," 4 containing "Earth from the Mountains," 5 containing "120W," and 1 containing "0 Added West."

Entering 2025, the CNIPA proactively exercised its *ex officio* power to invalidate the following trademarks:

- Two "**Dezi Native**" (德子土) trademarks for Class 29 "Poultry" and Class 31 "Live Animals."
- Two "**Farm-Raised**" (农家土) trademarks for Class 31 "Live Poultry" and Class 43 "Restaurant Services."
- The "**Fashion Delicious Yipin Beef**" trademark for Class 29 "Dried Meat."
- Three trademarks containing "**More Than Half a Bucket**" (多半桶) for Class 30 "Instant Noodles," including applications by Han Tai, Yue Xiang, and Baixiang.
- Two "**Chen Keming Hand-Rolled**" trademarks for Class 30 "Noodles."
- 27 registered trademarks fully incorporating "**Tree-Ripened**" (树上熟 / 树熟) for fruit-related goods.

Furthermore, 10 trademarks such as "Qianhe 0+" and "Qianhe Zero Plus," registered by Qianhe Condiment and Food Co., Ltd. for "Seasonings; Condiments," have been invalidated *ex officio*. For food-category trademarks like "Qianhe Zero" and "Qianhe 0," the CNIPA has directed local IP administrative departments to investigate their actual commercial use to determine further disposal actions.

Similarly, out of the 22 "**No. 1 Native Pig**" (壹号土猪) trademarks in Classes 29 and 31 applied for by Guangdong Yihao Food Co., Ltd., 4 registered marks have been invalidated *ex officio*. The company also filed 51 applications for similar marks like "Yihao Native," "Number One Native," and "1-Hao Native" in food categories; local IP authorities have been tasked with inspecting their actual use to reach a final determination.

Regarding the 13 "**Huiyuan 100%**" trademarks in Class 32 (Fruit Juice Beverages) filed by Beijing Huiyuan Food & Beverage Co., Ltd., and the "**3 MINUTE MIRACLE**" / "**Pantene 3 Minute Miracle**" trademarks in Class 3 (Hair Conditioners; Shampoos) registered by Procter & Gamble (P&G), local IP administrations have been instructed to strictly monitor how these enterprises utilize the marks in practice.

Concerning the 12 valid "**Supplying Hong Kong**" (供港) trademarks: The CNIPA previously invalidated two such marks for lactic acid beverages and milk in 2018, though they were temporarily maintained through judicial proceedings. Recently, the CNIPA proactively engaged with judicial organs and reached a preliminary consensus. Moving forward, invalidation procedures for similar historical controversies will be handled with greater consistency and prudence.

In-Depth Analysis

Over the past decade, the CNIPA has never invalidated trademarks on such a massive and concentrated scale, nor has it so heavily mandated local IP [administrations](#) to conduct physical usage investigations. Among

the targets are high-profile enterprises, with affected trademarks heavily concentrated in fast-moving consumer goods (FMCG) and food sectors. The recent centralized *ex officio* invalidation of mass-market commodities like "Dezi Native," "Qianhe 0," and "No. 1 Native Pig," alongside the mass refusal of applications like "Zero Sucrose," sends clear regulatory signals:

Core Signal: Trademark Examination Shifts from "Formal Compliance" to "Substantive Fairness"

Historically, trademark examination focused primarily on the formal requirements of the Trademark Law. If a mark did not conflict with prior rights or violate absolute grounds for refusal, it could generally be registered. This crackdown, however, signals a paradigm shift: [authorities](#) are now heavily scrutinizing whether the actual use of a trademark causes market confusion or constitutes deceptive marketing. Even post-registration, if a trademark holder "plays word games" or exploits consumer cognitive biases, the CNIPA will instantly trigger invalidation procedures rather than passively awaiting third-party disputes.

Drawing a Red Line for "Suggestive Trademarks": Prohibiting "Pseudo-Concepts" from Replacing "Objective Descriptions"

Many enterprises attempt to register marks like "Zero Sucrose" and "Farm-Raised" to monopolize generic or descriptive terminology, thereby securing an unfair, exclusionary advertising advantage. The recent regulatory actions establish two firm principles:

- **Descriptive terms cannot be monopolized:** Terms like "Zero Sucrose" objectively describe product ingredients. Allowing a single entity to monopolize such terms deprives competitors of their legitimate right to use them and misleads consumers into believing only that specific brand possesses those qualities.
- **Suggestive phrasing demands a factual basis:** While marks like "Qianhe 0+" do not explicitly state "Zero Additives," they implicitly suggest it through the visual "0." If this contradicts reality, it constitutes deceptive behavior. Authorities emphasize that trademark applicants cannot exploit suggestive symbols or homophones to create false associations.

Normalizing "Ex Officio Invalidation": Proactive Intervention, Reduced Reliance on Passive Enforcement

Typically, trademark invalidations are initiated by interested parties—a process fraught with long cycles and high legal costs. The CNIPA's proactive *ex officio* invalidations demonstrate that when trademarks jeopardize public interest and cause widespread confusion, state regulators will intervene directly. This not only reduces social governance costs but also serves as a stark warning: "Successful registration is not a permanent safe harbor."

Cross-Departmental Synergistic Governance: Closing the Loop Between "Registration" and "Use"

The bulletin's repeated mandate for "local IP administrative departments to investigate actual use" indicates a modernized regulatory framework:

- **Extended Supervision Chain:** Oversight no longer ends at registration. Post-registration commercial use is now subject to normalized monitoring. Severe deviations from initial registration claims will trigger penalties.
- **Local Enforcement Linkage:** For registered trademarks posing potential public controversy (e.g., "No. 1 Native," "Huiyuan 100%"), grassroots bureaus will directly investigate business operations, establishing a robust dual-track monitoring system spanning both the "registration" and "usage" phases.

Major Impact on the FMCG Sector: Cracking Down on "Pseudo-Concept Marketing"

The blacklisted trademarks are heavily concentrated in livelihood sectors (food, beverages, daily chemicals). For too long, these industries have weaponized the trademark system, turning subjective marketing buzzwords like "Native," "Zero Additives," or "Hand-Rolled" into exclusive IP rights. By stepping in, authorities are forcing enterprises back to genuine competition based on product quality, rather than creating information asymmetry through deceptive naming conventions.

Administrative-Judicial Consensus: Unifying Standards for Historical Disputes

Reaching a preliminary consensus regarding the "Supplying Hong Kong" trademarks marks a significant milestone. It bridges the historical gap between administrative examiners and judicial judges in public-interest trademark disputes, promising a more transparent, consistent, and predictable legal environment in the future.

Conclusion

This centralized wave of [invalidations](#) forcefully reaffirms the "boundaries of rights" within the IP system: A trademark right is not the outright "ownership" of a vocabulary word, but rather a functional identifier indicating the source of goods.

Whenever enterprises exploit legal loopholes to monopolize generic terms, descriptive words, or suggestive symbols to manipulate consumer perception, the CNIPA will proactively intervene to restore fair market competition. For business entities, the message is unequivocal: Trademark design must return to its core essence of "distinctiveness," abandoning the illusion that skirting the law can yield monopolistic marketing hype. More importantly, promotional messaging must accurately reflect actual product quality; otherwise, even the most legally sound registered trademarks remain at constant risk of invalidation.

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