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Ye Cai, Liangchen Zhang and Mingyan Zuo, 17 November 2025, first published by [WTR](#)

Chinese courts invalidated two BIQUGE trademarks because the term had become synonymous with online piracy

Although the registrant had no connection with piracy, the courts found it should have known of the term's associations with piracy

The decision highlights that trademarks can be rejected owing to external market associations and that public interests and public order will be prioritised over a registrant's own interests in the mark

Biquge (笔趣阁) was first known as the name of the online platform, www.biquge.com, which was created in 2011 and hosted pirated novels. The Biquge website was shut down in 2019 by law enforcement authorities.

After the Biquge founder made the source code public, several newly created websites hosting pirated content and seeking to increase website traffic assumed the name 'Biquge', disseminating pirated works, pornography and other content involving violence, gambling and fraud. The proliferation of these illegal websites and the emergence of Biquge mobile applications has made the term 'Biquge' synonymous with piracy in the online literature market.

Background

Shanwei Tieren Information Technology Co, Ltd (the registrant) owned registered BIQUGE trademarks in Class 9 (computer software, downloadable computer application software and electronic publications (downloadable)) and Class 16 (books, periodicals, graphic novel and comics).

In 2022, China Literature Limited, a prominent online literature platform, and other entities initiated an invalidation action against those registered trademarks before the China National Intellectual Property Administration (CNIPA). Among other things, they contended that the registration has 'other adverse influences', as prescribed by Article 10(8) of the Trademark Law. Under Article 10(8), signs that are 'detrimental to socialist ethics or customs, or that have other adverse influences' are prohibited from being registered and used as trademarks.

Decision

CNIPA overruled the invalidation requests on 19 April 2023 (Class 16) and 7 July 2023 (Class 9). Among the key considerations were the following:

In assessing the adverse influence of a trademark, should the assessment be based on general public perception or the perception of only the relevant population?

Can the claim of adverse influence be substantiated even if the registrant did not use the trademarks to host pirated novels online?

A further key point was that the literal meaning of Biquge does not have any negative connotation: bi means 'pen', qu means 'fun' and ge means 'attic'.

The trial court and the court of appeal found that external factors should be included in the determination of the connotation of Biquge to ascertain whether the disputed trademarks have derived any additional meaning other than the literal one. In this case, the facts and evidence show that the term 'Biquge' has been widely perceived as a byword for piracy in the online literature market.

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Regarding the assessment of adverse influence, given that the term 'Biquge' first appeared in the online literature market and was widely adopted by the market's user community, the designated goods of the disputed trademarks are closely associated with online literature in terms of function, usage, consumer group and sales channel; therefore, the courts determined that the assessment regarding whether the disputed trademarks have any adverse influence should be based on the perception of the relevant population (ie, the online literature community).

In this regard, the term 'Biquge' had already been linked to online piracy and had been identified as a search term for pirated online literature even before the application date of the disputed trademarks. This made 'Biquge' a de facto argot for piracy. The courts, therefore, found that the use of the disputed trademarks will have an adverse influence on public interest in the online literature market and on the copyright management framework.

Further, although the registrant had nothing to do with the piracy associated with the term 'Biquge', the courts determined that, as an operator in the online literature market, it should have known that 'Biquge' had become synonymous with piracy. Even after the registration of the disputed trademarks, 'Biquge' had been continuously used by numerous unspecified entities on online literature websites and mobile applications hosting pirated content, which further magnified its notoriety. The registrant's use of the BIQUGE trademarks was far from sufficient to offset this perception held by consumers and operators in the online literature market.

Finally, the courts found that the piracy associated with the term 'Biquge' not only has a negative financial impact on the major platforms hosting copyrighted contents and original content creators, but also seriously harms the framework for online copyright management. The courts determined that the registrant's interests over the registration and use of the disputed trademarks should be secondary to the preservation of public order and public interests.

Based on the above findings, the courts unanimously ruled that the BIQUGE trademarks should be declared invalid.

Comment

The invalidation of the disputed trademarks prevents the registrant from taking advantage of the notoriety of the term 'Biquge'. The court's confirmation of the adverse influence associated with 'Biquge' also strengthens the prohibition on its use, further facilitating the crackdown on piracy in the online literature market.

It is welcome that the courts clearly set out the parameters in determining the trademarks' adverse influence. The courts enumerate two scenarios in which adverse influence is present:

the sign's text, device or other component is derogatory; and
although the sign itself has no derogatory connotation, its registration or use by the registrant is likely to result in a negative or adverse influence on politics, economy, culture, religion, ethnicity or other societal interests, or public order.

The courts highlight that factors such as political, societal and historical backgrounds, cultural heritage, ethnic customs and religious policies, as well as the constituent elements of the trademark and the designated goods and services, should be considered in assessing the presence of adverse influence. The trademark applicant's intent, method of use and social impact may also serve as reference factors. In particular, the assessment shall be benchmarked against public experience, dictionaries, reference books, authoritative literatures and the general perception of professionals in the relevant fields.