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Wanhuida jointly organizes Justra Salon in Taiyuan

Time: Sept 07 2025

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On 7th September 2025, under the auspices of the China Trademark Association, Wanhuida Intellectual Property and its strategic partner Beijing JUSTRA Intellectual Property Center (JUSTRA) jointly organizes Justra Salon at the 15th China International Trademark & Brand Festival.

Themed “Overlap & Divergence: Regulating Confusion under the Trademark Law and the Newly Amended Anti-Unfair Competition Law”, the Salon offers a platform of discussion over an array of issues, including the regulatory control over confusion installed in the Trademark Law and the Anti-Unfair Competition Law, their divergence in institutional logic, applicable standards, and regulatory scope, as well as the nuances between their boundary and regulatory reach in this regard.

The Salon is moderated by Dr. Wang Ze, JUSTRA Vice President and Zhu Zhigang, Managing Partner at Beijing Wanhuida (Shanghai) Law Firm.



Tang Zhen, Member of the Adjudication Committee and Chief Judge of Intellectual Property Division, Shanghai High Court, delves into the “Definition of Relevant Public in Assessing Confusion of Commercial Signs”. Mr.

Tang identifies the difficulty in creating an explicit definition of “relevant public”, which includes “diverse criteria on relevance”, “inexplicit boundary of public”, “varying cognitive competence of public”, as well as “diversified application scenarios”. He therefore concludes that the definition of the relevant public has to factor into the spatiotemporal and geographical scope, virtual reality environment, category of goods and services, among others.

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Sun Mingjuan, Level I Division Rank Official, Response and Reconsideration Division, Trademark Office, CNIPA, speaks on the “Legal Regulation of Commercial Confusion”. Ms. Sun identifies the nuances of the Trademark Law and the Anti-Unfair Competition Law in terms of prerequisites to trigger regulatory control and the legal ramifications thereof. She advises rights owners to weigh on the specific commercial application scenarios and assess the damages in case of conjunction of trademark infringement and unfair competition.



Wang Yifei, Chief Judge, Intellectual Property Division, Zhejiang High Court, shares insights on “Dynamic Regulation and Judicial Discretion over Confusion-Causing Acts under the Anti-Unfair Competition Law”. Ms. Wang first prepares the floor on the two laws’ overlap (of the essence) and divergence (of the methodology) in regulating confusion acts. She underlines that against the backdrop of emerging business operations and neo commercial models, judges need to leverage the Anti-Unfair Competition Law to explore novel approaches to address the new challenges.



Jin Gaoping, Brand Legal Director, Alibaba (China), focuses his presentation on “Coordinated Application of Mechanisms in Regulating Confusion from a Corporate Perspective”. Mr. Jin analyses an array of case laws and advocates for leveraging both laws in achieving coordinated effect of ridding and penalizing bad actors in creating confusion.



Yao Jianjun, Vice President, Xi'an Intermediate Court, speaks on “How the attributes of goods influence the determination of likelihood of confusion?”. Mr. Yao underscores that attributes of goods, such as price, sales model, and the level of attention of the consumers could hold sway over the determination of likelihood of confusion. He believes it would be advisable for judges to elucidate in the decision as to what extent specific attributes of goods influence the assessment.



Liu Xiaopeng, Judge, Trademark and Unfair Competition Division, Guangzhou Intellectual Property Court, elaborates on “Judicial Determination of Confusion with Respect to Commercial Signs”. Mr. Liu proposes three fundamental principles, namely “comprehensive assessment”, “case-by-case assessment” and “balance of interests”. He uses case laws to demonstrate that the intention and the evidence on actual confusion should be taken into consideration in assessing likelihood of confusion.



Zhang Weijun, Professor, Zhejiang University Guanghua Law School, speaks on “Does the Confusion Provision Exhaust the Protection of Commercial Signs?”. Professor Zhang parses the provision of the Article 7 of the newly amended Anti-Unfair Competition Law (AUCL). He contends that the AUCL complements the specialized IP laws, and its enumerative clause does not exhaust the unfair competition acts. He stresses that the AUCL’s regulation of confusion acts derives from the attention over consumer’s interests. Therefore, Article 7 does not exhaustively enumerate the circumstances pertaining to the protection of commercial signs.



Dr. Huang Hui, Management Committee Member and Partner of Wanhuida, shares insights on “Application of the New Confusion Provision and the General Principles Clause under the Anti-Unfair Competition Law”. Dr. Huang delineates various judicial precedents and concludes that it is very welcome that the judiciary resorts to the general principles of the AUCL in addressing the newly emerging unfair competition acts that may slip through the net of the explicit confusion provisions.



The Salon is well attended.

