

The restriction and balance of prior rights on the right of enterprise name

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ABSTRACT

With the development of the market economy and the increasing awareness of intellectual property protection, the protection scope and balance between enterprise name rights and other prior rights have become increasingly prominent as an important commercial identification right. This article aims to explore the limitations of prior rights, especially prior trademark rights, on the ownership of enterprise names, and how to seek a reasonable balance between the two.

KEYWORDS

prior rights; Enterprise name rights; Limitations and Balance

1 Legal Protection of Enterprise Name Rights

1.1 Concept and Characteristics of Enterprise Name Right

Enterprise name is the text used to identify a company in its name and is an important intangible asset of the enterprise. As an important component of a company's commercial identity, the company name has characteristics such as distinctiveness, recognizability, and property. It is not only a symbol of a company's commercial activities in the market, but also an important basis for consumers to identify the company and its products or services. The protection of enterprise name rights not only involves the legitimate rights and interests of enterprises, but also relates to maintaining a fair competition market order and protecting consumer interests.

1.2 Legal Basis for Enterprise Name Rights

In the current legal system of our country, the protection of enterprise name rights is mainly reflected in laws and regulations such as the Anti Unfair Competition Law and the Regulations on the Administration of Enterprise Name Registration. The Anti Unfair Competition Law prohibits the unauthorized use of market entity specific names such as enterprise names and trade names that have certain influence on others, causing market confusion. The Regulations on the Administration of Enterprise Name Registration provide specific provisions for the registration, use, and protection of enterprise names. These laws and regulations together constitute the basic legal framework for the protection of enterprise name rights, providing a legal basis for enterprises to use and protect their name in accordance with the law.

1.3 Scope of Protection for Enterprise Name Rights

The protection scope of enterprise name rights mainly includes two aspects: first, enterprises have the right to use their registered name in accordance with the law; The second is to prohibit

others from using the same or similar brand name for related business activities without authorization. The determination of the scope of protection requires consideration of multiple factors, including the significance, popularity, usage time, and scope of the enterprise name. For enterprise names with higher visibility, their protection scope may be broader. At the same time, the scope of protection also needs to consider factors such as industry sector and geographical scope, in order to seek a balance between protecting the legitimate rights and interests of enterprises and maintaining fair market competition.

2 The restriction of prior trademark rights on enterprise name rights

2.1 Principle of prior application and trademark protection

In the field of trademark law, the principle of prior application is one of the fundamental principles. This principle stipulates that for identical or similar trademark registration applications on the same or similar goods, the first application shall prevail. The establishment of this principle aims to encourage trademark owners to register and protect their rights in a timely manner, while also providing clear standards for trademark registration examination. Based on this principle, if there are already identical or similar trademarks registered before the registration of the enterprise name, the prior trademark right may constitute a restriction on the enterprise name right. This restriction reflects the respect and protection of prior rights by intellectual property laws.

2.2 Restrictions on the Use of Enterprise Names

The constraints of prior trademark rights on the use of corporate cultural names are manifested in several key areas: when selecting and registering a name, companies need to ensure that they do not use vocabulary that is identical or similar to the registered trademark, in order to prevent disputes with existing trademark rights. Even if a company has already registered a name, if the name causes confusion with the registered trademark, it may still constitute trademark infringement. In this case, companies may need to change their name or take measures to prevent confusion when using it. Companies should not register their name as a trademark that is similar or identical to an existing trademark, in order to avoid using name registration to evade the rights of an existing trademark.

2.3 Criteria for determining conflicts between trademarks and trade names

When evaluating whether a trademark conflicts with a trade name, several factors are usually considered comprehensively: first, the similarity of the identification, covering similarities in text, pronunciation, meaning, etc.; second, the similarity of the goods or services, taking into account factors such as industry scope, target customers, sales channels, etc. Once again, the reputation and influence of both parties are mentioned. Generally, the more well-known identification will enjoy broader protection. In addition, attention should be paid to the specific methods of application, the possibility of market confusion, and the subjective will of users.

3 Balance between prior rights and enterprise name rights

3.1 Regional considerations

The protection of enterprise names is usually limited to a certain area, while the protection scope of registered trademarks may be broader. When evaluating whether intellectual property rights are

infringed, it is necessary to fully consider the actual business activities of both parties. If the enterprise name is only used in a specific area and does not overlap with the main use area of the existing trademark, the possibility of coexistence between the two will increase. This way of thinking shows the geographical limitations of intellectual property protection and also creates conditions for the coexistence of existing rights and enterprise name rights. However, when the scope of enterprise operation expands or the scope of trademark use extends, the originally conflict free situation may change, so timely adjustments are necessary.

3.2 Differentiation of Industry Fields

If a company name and an existing trademark, although similar or identical, belong to different industries and are not easily misunderstood, it is acceptable for them to coexist. This method takes into account the characteristics of different industries and the identification ability of consumers. For example, if the name of a machinery manufacturing enterprise and the trademark of the food industry use the same text, it usually will not cause consumers to misunderstand. However, the growth of the company's business scope or brand expansion may lead to convergence or intersection in originally differentiated industry fields. Therefore, in accepting the coexistence of different industry names and trademarks, it is necessary to continue to pay attention to future development trends.

3.3 Differences in usage methods

The use of a company name as a symbol of itself is different from using it as a trademark for goods or services. When evaluating whether it infringes trademark rights, it is necessary to fully consider the differences in usage methods. The company name often appears in company documents and advertisements, while the trademark is a proprietary mark used to distinguish goods or services. This difference in usage may lead to different understandings and possible confusion among consumers about the product. In some cases, even if the font size and trademark pattern are similar, due to significant differences in application methods, users can clearly identify the two and avoid confusion. In this case, the possibility of both the font name and the trademark coexisting can be considered.

3.4 Factors of popularity

For enterprise names that already have a high level of popularity, even if there is prior trademark rights, they should be protected to a certain extent to maintain the established market order. High visibility enterprise names usually have formed a stable directional relationship in the market, and consumers can accurately associate them with specific enterprises. In this case, even if there is prior trademark rights, it is necessary to balance the relationship between protecting prior rights and maintaining the established market order. At the same time, the determination of popularity requires objective standards and sufficient evidence support to avoid the abuse of popularity factors that may harm the legitimate rights and interests of prior rights holders.

4 Suggestions for Improving the Protection of Enterprise Name Rights

4.1 Improve legislation

In the current legal system, it is crucial to refine the boundaries of enterprise name rights and their interrelationships with intellectual property rights such as trademarks in order to safeguard

rights and interests. It is recommended to supplement specific provisions on the protection of enterprise name rights in relevant laws such as the Trademark Law and the Anti Unfair Competition Law, specifically defining the constituent elements, protection areas, and mechanisms for resolving conflicts with other rights of enterprise name rights. Special regulations or judicial interpretations on enterprise name protection can be considered to provide more detailed policy guidance for solving specific problems encountered in practice. When improving legislation, it is necessary to fully consider the actual needs of the market, balance the interests of all parties, and provide clearer and stronger legal basis for enterprise name rights.

4.2 Strengthen departmental collaboration

Relevant departments such as industry and commerce, as well as trademark management, need to enhance information exchange and cooperation to ensure smooth integration between enterprise name registration and trademark application processes, in order to reduce rights disputes. A cross departmental information sharing platform can be created to facilitate the exchange of key information such as enterprise names, trademarks, domain names, etc. During the enterprise name registration stage, the industry and commerce administration department can conduct preliminary queries on the applicant's proposed trade name to identify potential conflicts and hidden dangers. In the trademark registration process, the Trademark Office can consider the elements of the enterprise's name. By strengthening cooperation between departments, we can avoid potential rights conflicts in the early stages of problems, thereby improving the efficiency of government work. At the same time, this is also beneficial for us to provide better services to enterprises and better serve them. Protecting the rights and interests of enterprises.

4.3 Establish a dispute resolution mechanism

Explore efficient and professional dispute resolution mechanisms to quickly resolve conflicts between enterprise name rights and prior rights. Consider establishing a specialized process for resolving conflicts between enterprise names and trademarks within the current trademark dispute resolution framework. This could include adding a department within the Trademark Review and Adjudication Board to handle conflicts between name and trademark, or creating institutions within the Administration for Industry and Commerce to resolve such disputes. These institutions should be composed of professionals with relevant professional knowledge who can comprehensively consider various legal factors such as trademark law, company law, and anti-monopoly law. At the same time, it is advocated to use mediation, arbitration, and other dispute resolution methods to provide parties with richer choices and improve the speed and flexibility of dispute resolution.

5 Epilogue

The interrelationship between enterprise name rights and existing intellectual property rights such as trademark rights reveals the balance between market order and innovation rights protection. When dealing with legal issues, attention should be paid to protecting prior rights, while fully considering the legitimate rights and interests of enterprises and market conditions. Through the study of specific cases and balancing interests, fair and reasonable processing results should be pursued, and strategies such as improving legislation, strengthening departmental cooperation, establishing dispute resolution mechanisms, and guiding enterprises to protect themselves should be implemented, which is conducive to building a more scientific and reasonable enterprise name rights protection system. The moderate balance between protecting innovation and maintaining

market order is the key to creating a favorable legal environment and promoting healthy market development. In addition, in-depth research and resolution of this issue will greatly promote the soundness of the intellectual property legal system and contribute valuable resources to its practical and theoretical development.

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