



知产案例



**Tee & Howe Attorney-at-Law Scored a Historic Victory in
UDRP Action for Baidu**

✧ On April 26, 2023 China’s largest search engine Baidu (Nasdaq: BIDU) received a favorable decision from Asian Domain Name Dispute Resolution Center (ADNDRC) in the UDRP proceedings against *wenxinyiyan.com*. (Case Number: CN-2301530)

In the morning of February 7, 2023, the Chinese Internet giant Baidu officially announced that the name of its ChatGPT-like product had been confirmed as Wenxin Yiyan (文心一言), or ERNIE Bot in English. While Baidu was greeted with massive applause and media coverage in the launch moment, it also noted that an individual squatted the domain name *wenxinyiyan.com* just six minutes after the public announcement and then immediately posted the squatted domain name on website for sale at the price of RMB180,000 (around USD26,000). As the distinctive part of the domain name *wenxinyiyan* is exactly identical with Wenxin Yiyan, Baidu is determined to combat the bad faith squatting to remove potential confusion among the public.

As a 15-year counsel of Baidu, Tee & Howe senior

partner and attorney-at-law Mr. Hong Zheng was entrusted to handle the case. Mr. Zheng faced a very tricky issue: Baidu had not been granted trademark registration for Wenxin Yiyan at the moment, thus he had to convince the panelists that Baidu’s Wenxin Yiyan has built high reputation within such a short period (six minutes) so that Wenxin Yiyan can be protected as “*service name with high influence*” under *PRC Anti-Unfair Competition Law*. To solve this problem, Mr. Zheng conducted extremely extensive searches and located a considerable amount of news reports and coverage on Wenxin Yiyan from various types of media including portal websites, mainstreams and official medias, social platforms, professional media, video platforms, etc. Thanks to tremendous efforts of Mr. Zheng, the Panelists held that though Baidu has not been using Wenxin Yiyan for a long time, the

voluminous evidences should suffice to prove that Wenxin Yiyan has acquired high reputation due to intensive media coverage and spotlights under specific circumstances and it has become closely connected with Baidu. Finally, the Panelists upheld all the arguments of Mr. Zheng and ruled to transfer the domain name to Baidu.

The victory is very crucial to Baidu because most

Chinese people are more likely to identify the Chinese *phonetic alphabets* Wenxin Yiyan than its English name ERNIE Bot.

The favorable UDRP ruling will clear the obstacle for Baidu to utilize the disputed domain name in business. Also, it might be a historic record for the Panelists to affirm the reputation for such an unregistered right which had been promoted and advertised for just six minutes.



Hong ZHENG
Senior Partner; Attorney-at-Law

Mr. Zheng is a PRC attorney-at-law specialized in the field of IPRs prosecutions and enforcement. His areas of practice cover counseling on trademark, domain name, copyright, unfair competition law and patent infringement, including advising on securing and defending IP rights, taking legal actions against bad faith applications, counterfeits and infringing acts, negotiating for acquisition of trademarks, licensing and handling UDRP actions.

Mr. ZHENG has acted for many multinationals in managing and protecting trademark portfolios in China and handled hundreds of trademark prosecution cases. He has also represented many leading companies in over 200 both civil and administrative litigations in China, some of which were widely recognized as landmark cases in the IP field.

北京天昊联合知识产权代理有限公司——IP 期刊

地址：北京市东城区东长安街 1 号东方广场东方经贸城

西一办公楼 5 层 5-12 室

电话：(86 10) 8529 5526

传真：(86 10) 8529 5528

邮箱：teehowe@teehowe.com

网址：www.teehowe.com

微信公众号



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