



IP Cases



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 Yiyiyan (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 Yiyiyan, 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 Yiyiyan at the moment, thus he

had to convince the panelists that Baidu's Wenxin Yiyiyan has built high reputation within such a short period (six minutes) so that Wenxin Yiyiyan 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 Yiyiyan from various types of media including portal websites, mainstreams and official Media, 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 Yiyiyan for a long time, the voluminous evidences should suffice to prove that Wenxin Yiyiyan 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 *pinyin* (phonetic alphabets) Wenxin Yiyan than its English name ERNIE Bot.

affirm the reputation for such an unregistered right which had been promoted and advertised for just six minutes.

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



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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.

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