

## Paper Proposal for ATRIP 2018, Finland

The paper “Ordre public in the context of Chinese trademark law: Review Recent Cases” will examine the Article 10(8) of China’s Trademark Act, which states that marks “detrimental to socialist morality or have other harmful effects” shall not be used as trademarks. However, the meaning and scope of “socialist morality” and “other harmful effects”, which falls into the concept of “ordre public”, are far from clear. The ordre public had been interpreted broadly, to cover political, social, religious and cultural perspective. Recently, the high-profile decision of the Supreme People’s Court on Michael Jordan case in 2016 seems to shed some new light on the ambiguous concept. The Court ruled that a celebrity’s name has great economic value that should be attributed to the right holders, and should not be exploited. The decision seems to pave the way for the right of publicity. The decision came as the strong message from the top judicial body to show the willingness to enhance the protection for intellectual property, to match the primary goal to establish China as an innovative state.