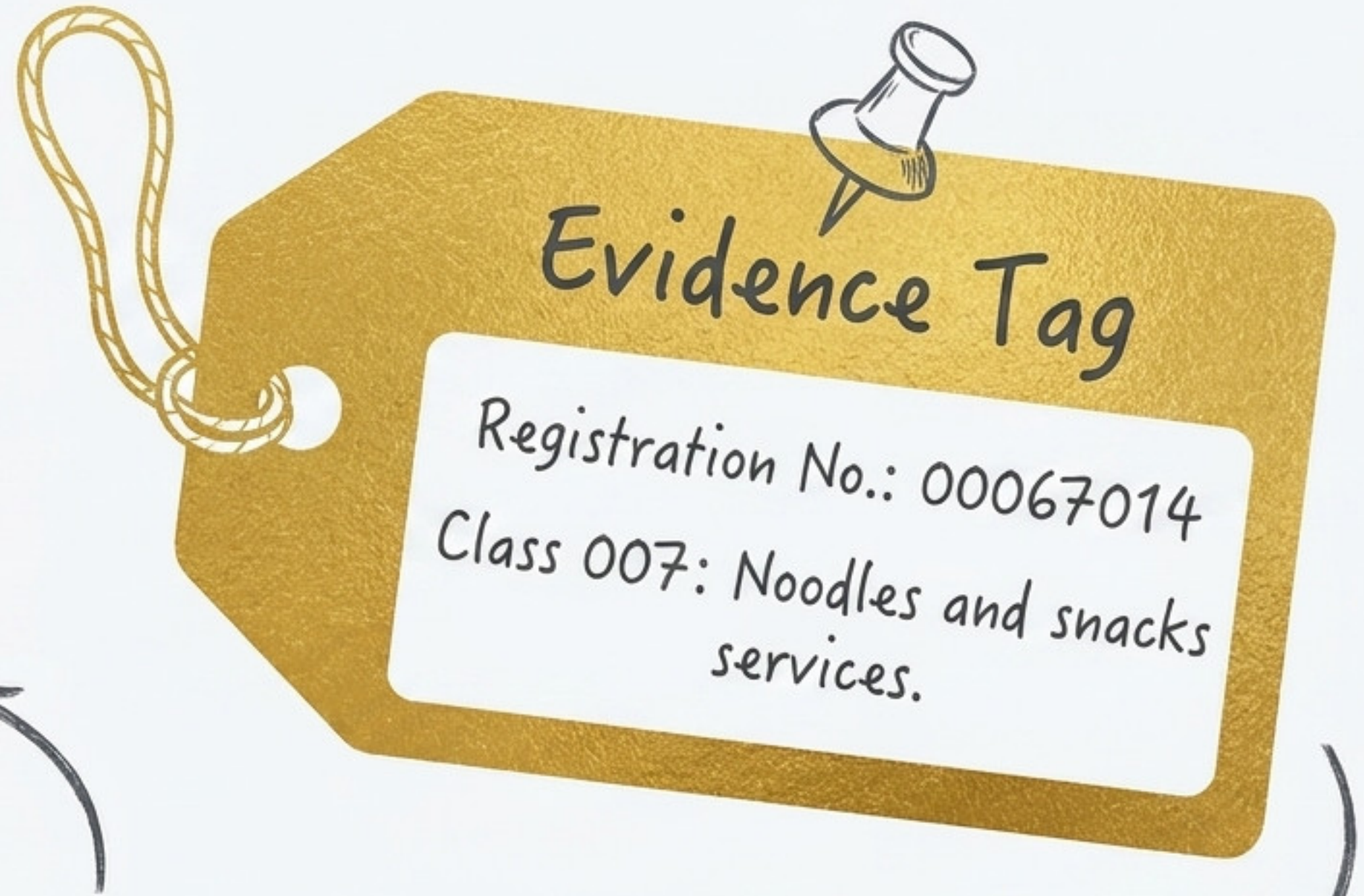


TRADEMARK TRANSFER DISPUTE: THE 'DO IT TRUE' CASE

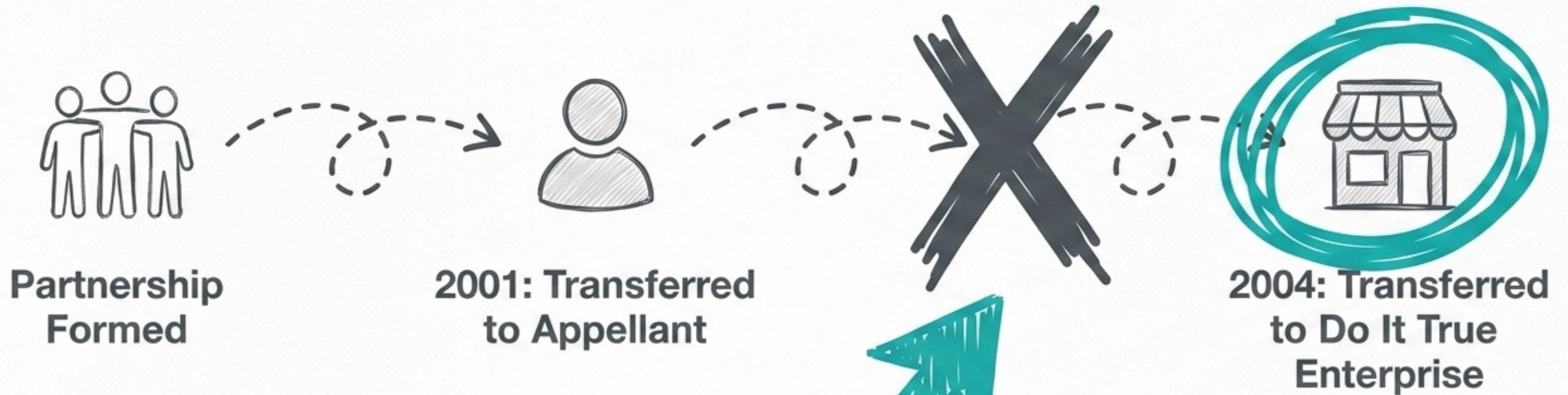
Analyzing the validity of partnership asset transfers and the burden of proof.



**Intellectual Property and
Commercial Court (IPCC)**
Case No.: 111 Min-Shang-Shang-1
Judgment Date: June 1, 2023



THE CORE QUESTION: If a trademark belongs to a partnership, does a transfer require the explicit written consent of every single partner to be legally valid?



THE APPELLANT'S CLAIM: The 2004 transfer is void due to Unauthorized Disposition. Reasoning: One partner (Mai) allegedly did not give consent.



THE APPELLANT'S CLAIM

- Transfer lacked unanimous partner consent.
- Constitutes Unauthorized Disposition.
- Goal: Invalidate all subsequent trademark transfers.



THE FACTUAL REALITY

- Appellant personally executed the 2004 transfer to the Enterprise.
- Appellant fully understood the registration process and effects.
- Conclusion: The transfer was officially registered with the IP Office by the Appellant's own hand.

The Legal Framework: Trademark Act Article 42

The Rule of Transfer

Trademarks are property rights and are freely transferable.

Transfer is effective the moment parties reach a mutual agreement (Contract Formation).

The Defense

Doctrine of Registration Antagonism.

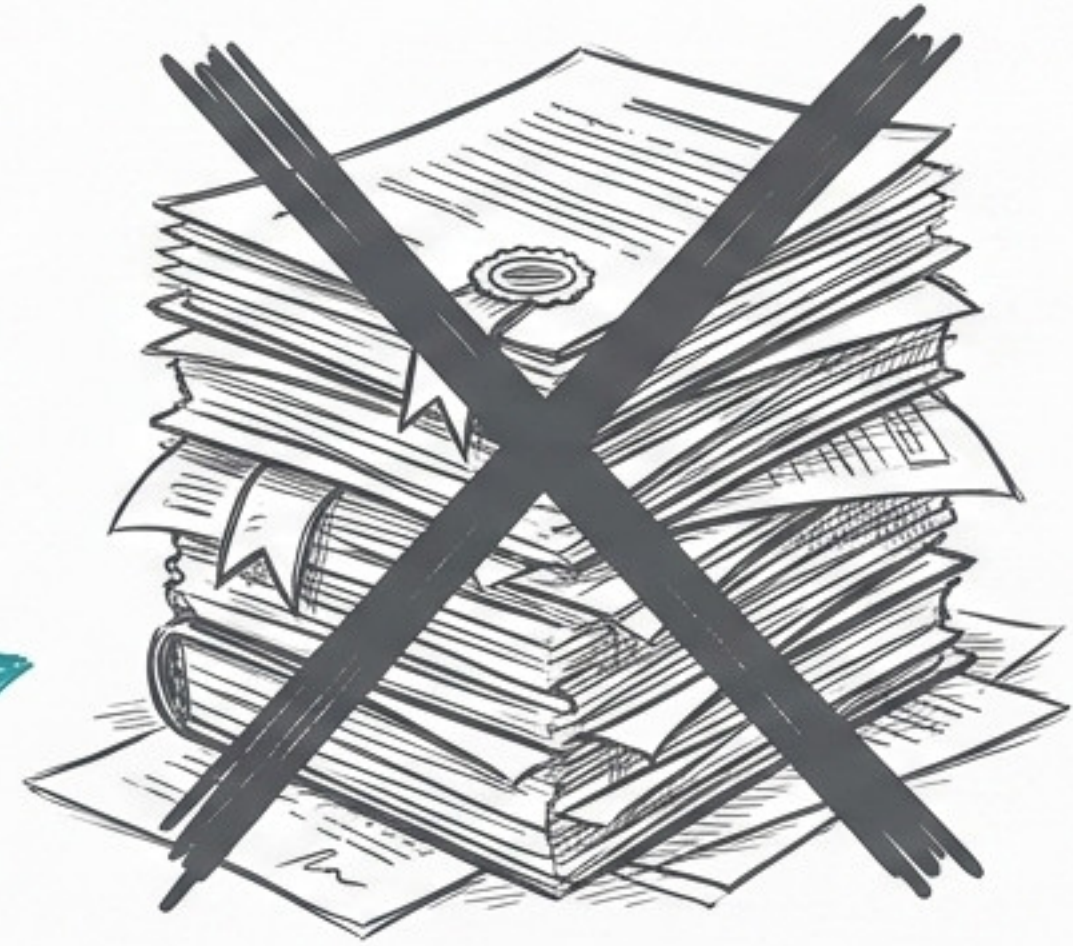
A transfer cannot be set up as a defense against third parties unless it is officially registered with the Intellectual Property Office.

Court's Analysis I: The Nature of the Act



Non-formalistic Act

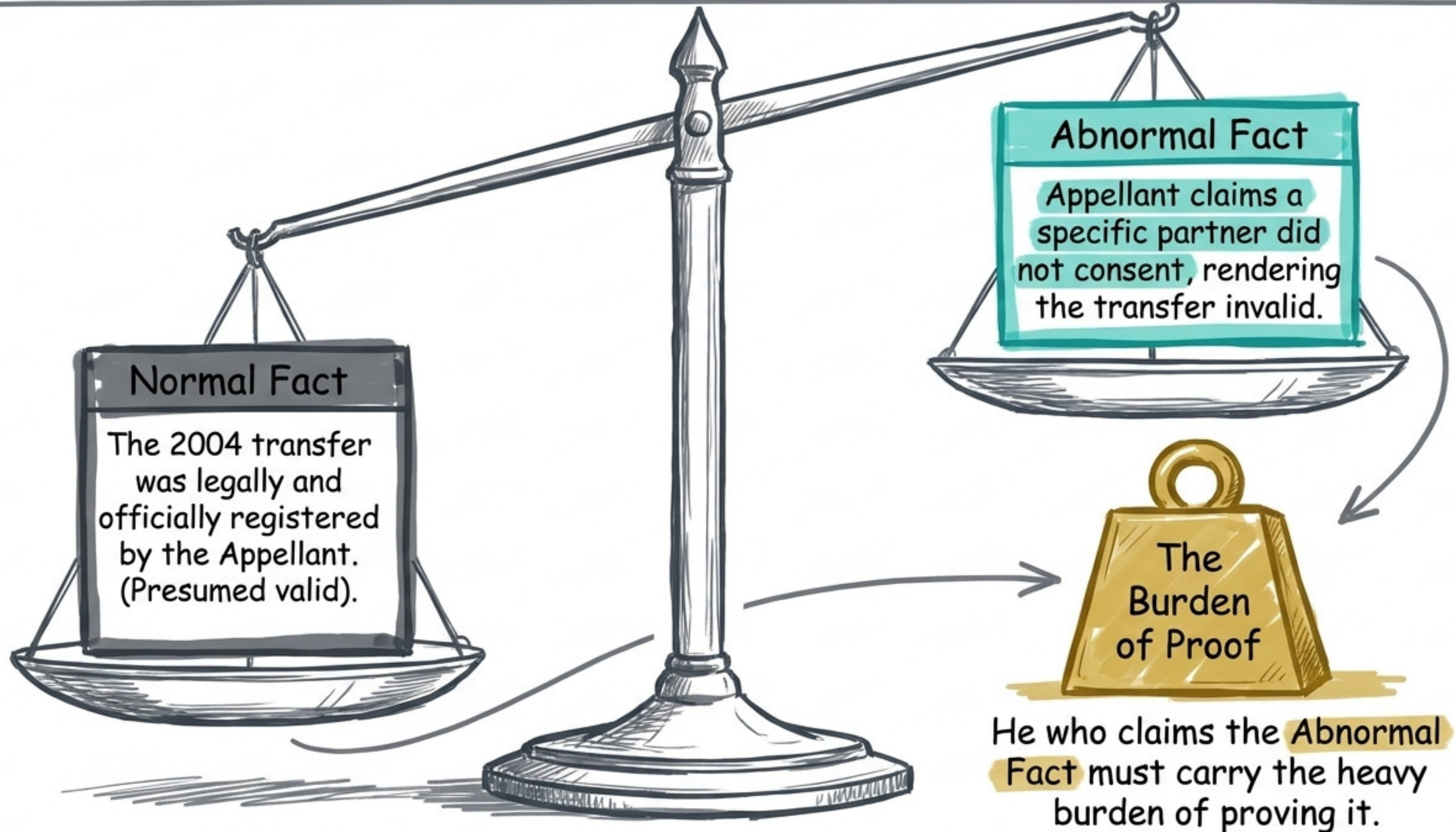
Trademark transfer does not require strict, formalistic procedures to be legally binding between the immediate parties. Mutual consent is sufficient.



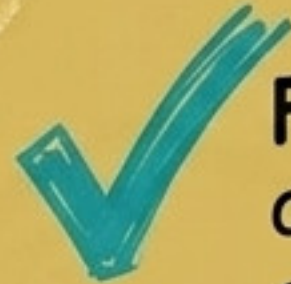
Administrative Papers $\neq$ Validity

The absence of a written partner consent form during the IP Office registration process does not nullify the underlying transfer agreement.

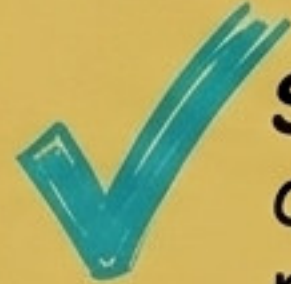
Court's Analysis II: The Scales of Evidence (Civil Procedure Law Art. 277)



The Court's Verdict



Failure of Proof: Appellant failed to provide any evidence that partner Mai did not consent. (Mai has never objected since 2004).



Self-Contradiction: Appellant personally completed the legal registration they are now trying to void.

**The 2004 transfer is legal and valid.
The appeal is DISMISSED.
Appellant bears all court costs.**

Key Takeaways & Business Implications

Formalities vs. Reality

Trademark transfers are **non-formalistic**.

Mutual agreement dictates internal validity, but **official registration** is required to protect the asset against third parties.

The Weight of Registration

An official IP Office registration establishes a **Normal Fact**. Undoing it requires **heavy, concrete evidence** from the challenger. Registration is your strongest shield.

Partnership Hygiene

When dealing with partnership IP, secure **explicit, documented consent** from all partners upfront. Even if the law allows informal transfers, **paper trails** prevent decades of costly litigation.