



The brief introduction of Trademark registration in China

- Legal Basis
- Types of Marks
- Types of Marks
- Registrable Marks
- Search Procedure
- Trademark Application Procedure
- Examination Procedure
- Term for a Registered Trademark & Trademark Renewal
- Trademark Infringements
- Criminal Penalty

Legal Basis

The Chinese Trademark Law came into force on March 1, 1983. It was revised on February 22, 1993 and the revised law came into force on July 1, 1993. On October 27, 2001, it was revised again and the revised law came into force on December 1, 2001. The Implementing Regulations of the Chinese Trademark Law was enforced on September 15, 2002. It was revised on 30th.Aug.2013 as third time and the revised law came into force on September 1, 2013.

China became a member of the World Intellectual Property Organization (WIPO) on June 3, 1980. On March 19, 1985, China acceded to the Paris Convention for the Protection of Industrial Property (Stockholm Act). China became party to the Madrid Agreement Concerning the International Registration of Marks on October 4, 1989 and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks on December 1, 1995. China became a party to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks on August 9, 1994.

Types of Marks

The term "trademark" used in the trademark law refers to trademarks used on goods and service marks. Collective marks and certification marks are also registrable.

Said collective marks mean signs, which are registered in the name of a group, an association or other organisations to be used by the members thereof in their commercial activities to indicate their membership of the organisations.

Said certification marks mean signs which are controlled by organisations capable of supervising certain goods or services and used by entities or individual persons outside the organisation for their goods or services to certify the origin, material, mode of manufacture, quality or other characteristics of the goods or services.

Geographical indication can be registered as collective mark or certification mark.



Registrable Marks

Registrable marks are any visually perceptible signs capable of distinguishing the goods or services, including words, devices, letters of an alphabet, numerals, three-dimensional signs, combinations of colours as well as the combination of such signs.

Registered trademarks shall be so distinctive as to be distinguishable, and shall not conflict with any prior right acquired by another person.

Search Procedure

Before applying for registration our agency first conducts a preliminary search. Based on the results we recommend to our applicants whether or not to proceed with official trademark registration. Although the preliminary search results have no legal effect we have found that they play an important role in our client’s decisions.

Trademark Application Procedure

Applications for trademark registration are handled in accordance with China’s Trademark Law and the Implementing Regulations of the Trademark Law.

In applying for trademark registration, the following documents should be submitted to the relevant authorities: Application for Trademark Registration with company seal or personal chop, the copy of Business license or Personal ID, a foreign individual must provide a copy of identification card or passport, ten copies of the reproductions of the trademark (if colour is claimed, three copies of the black and white design thereof). The reproductions of the trademark must be clear and easy to be pasted up and should be printed on smooth and clear durable paper or substituted by photographs, the length and width of which should be less than 10 cm but more than 5 cm each.

The applicant must use the corresponding Chinese-translated names of goods and services as they exist in the “International Classification of Goods and Services for the Purpose of Registration of Marks” (WIPO) when completing applications.

Examination Procedure

According to the Trademark law of the People’s Republic of China, the Trademark office preliminarily approves all trademark registrations within 9 months of the application date if the examiner finds no similar registered marks and publishes the results. The trademark office sends a Notification of Refusal to Trademark Gazette each month. From the Publication date any person can propose an opposition within 3 month against the preliminarily approved trademark, Without any justifiable opposition the Trademark Office approves the registration, issues a trademark registration certificate and publishes the final results.

The registration process takes about 12-15 months.

Term for a Registered Trademark & Trademark Renewal



The period of validity of a registered trademark shall be ten years, counted from the date of approval of the registration.

If the registrant intends to continue to use of the registered trademark beyond the expiration of the period of validity, an application for renewal of the registration shall be made within six months before the said expiration. Where no application therefore has been filed within the said period, a grace period of six months may be allowed. If no application has been filed at the expiration the grace period, the registered trademark shall be cancelled.

The period of validity of each renewal of registration shall be 10 years.

Trademark Infringements

The following acts shall constitute an infringement:

- (1) To use a trademark that is identical with or similar to a registered trademark in respect of the identical or similar goods without the authorization from the trademark registrant
- (2) To sell goods that he knows bear a counterfeited registered trademark
- (3) To counterfeit, or to make, without authorization, representations of a registered trademark of another person, or to sell such representations of a registered trademark as were counterfeited, or made without authorization
- (4) To replace, without the consent of the trademark registrant, its or his registered trademark and market again the goods bearing the replaced trademark or
- (5) To cause, in other respects, prejudice to the exclusive right of another person to use a registered trademark

Criminal Penalty

If any party uses, without the authorization from the trademark registrant, a trademark identical with a registered trademark, and the case is so serious as to constitute a crime, he shall be prosecuted, according to law, for his criminal liabilities in addition to his compensation for the damages suffered by the infringe.

We hope that above referenced materials are helpful to you and we look forward to serving all your needs in trademark related matters.

