

Presented by



# Actions and Reactions: Exercising your China Trademark Rights





Renew



You need to **actively** protect  
your trademark



# Areas of Trademark Protection



 Regular Infringement

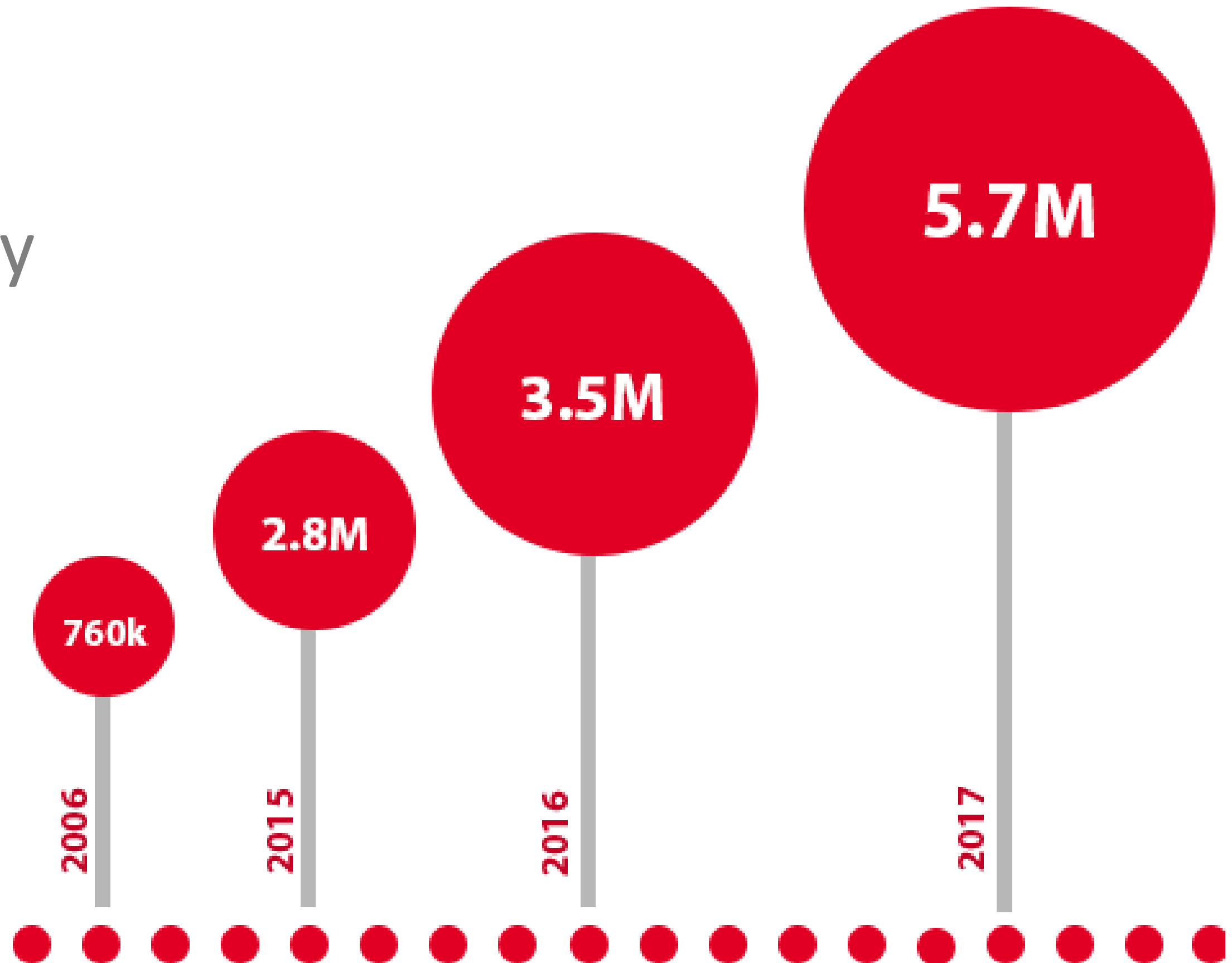


 Black Market Counterfeit



China is the **top**  
trademarking country  
in the **world**.

- Possible for a bad faith application to slip through.





So, policing your mark is an absolute must



Ever wondered if there are simple exercises you can do to strengthen your marks protection?

Yes, there are a couple of them!



# Subscribe to a Monitoring Service



Get notified of any trademarks that are similar to yours

Be quick to oppose any infringing marks before they hit the market

# Register with the General Administration of Customs (GAC)



- You will need a local PRC agent to help you register in Chinese.
- You will need to provide:
  - Your name and contact information
  - Your agent's contact information
  - You and your agent's business licenses
  - Registration type
  - Trademark registration number
  - A representation of your mark
  - A list of classes and goods
  - The name and pictures of the items you want protected with a description
  - Your trademark registration certificate
  - And the timeframe in which your IP registration is valid





You can give the GAC a list of priority items you want to protect as well as information on previous or suspected counterfeiters



Registration costs \$160 CAD and needs to be renewed every 10 years



The background of the slide is a close-up photograph of cracked asphalt. A semi-transparent yellow rectangular overlay covers the right side of the image. In the bottom right corner, there is a small graphic of a staircase made of yellow and blue squares.

Time to step up, take  
action, and exercise  
your trademark rights



# Places to Investigate Potential Cases of Infringement



State Administration of Industry and Commerce (SAIC)

- Operates by district (takes one to three months)
- Cheaper than going to court
- Equipped to deal with:
  1. Non- standard use of registered trademarks
  2. Unfair competition
  3. Violation of advertisement law
  4. Unlicensed business activities







- Civil actions take 6-12 months to be resolved and criminal actions can take 3-6 months, once the case is accepted

- Take civil or criminal infringement cases to the **People's court** at the intermediate level and appeals at higher level.



# Difference between SAIC and People's Court

## SAIC

- Cheaper and a lot faster
- Do not have to show evidence of damages or value in order to file a complaint
- Empowered to conduct raids, confiscate infringing goods and fine infringing parties.
- All you have to show is proof of infringement

## People's Court

- Takes long
- Case only holds if the infringement has hurt your company significantly.

## But, what if you incur damages?

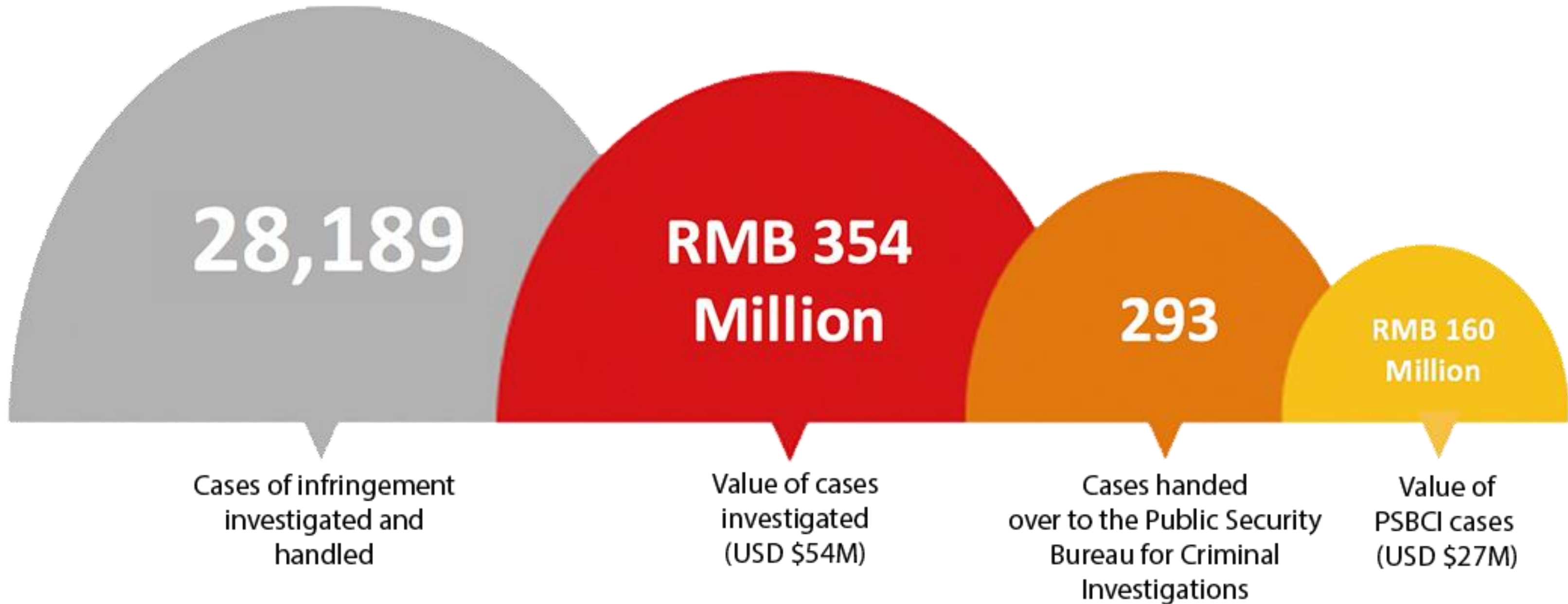
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- The SAIC can fine the infringer, but they do not have the power to give an injunction or require the defending party to give compensation for damages and legal fees.
- You should go to the People's Court if your company has incurred significant damages from infringement.





# 2016 SAIC Trademark Enforcement Statistics





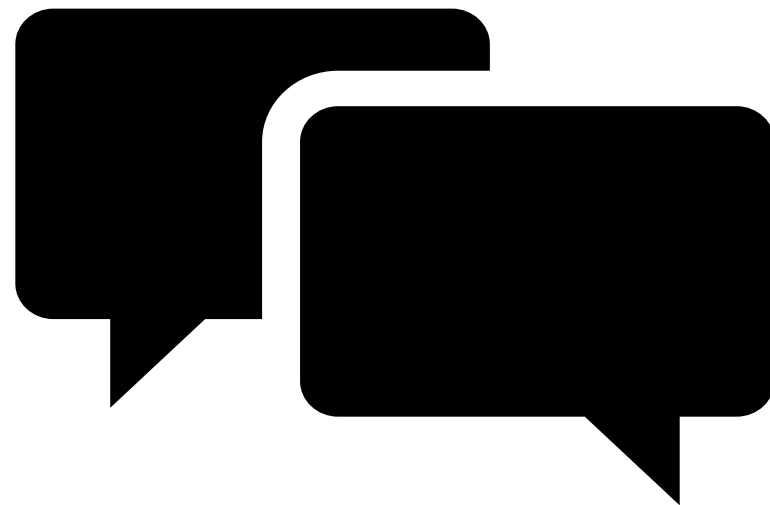
Our services cover 106 cities  
across China



Always useful and often necessary to work  
with someone with expertise in Chinese:

- Trademark Law
- Languages
- Market

# Have questions?



About the world of intellectual property protection, visit our website at  
<https://tm.witmart.com>

## Contact Us

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# Up Next

Common misconceptions and changing policies regarding  
China trademarks.