



Presented by



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International Business Services

**China Trademark Registration
The Final Pieces**





Filling in some
China
Trademark
Blanks

1: Classification of Goods and Services

NICE Classification

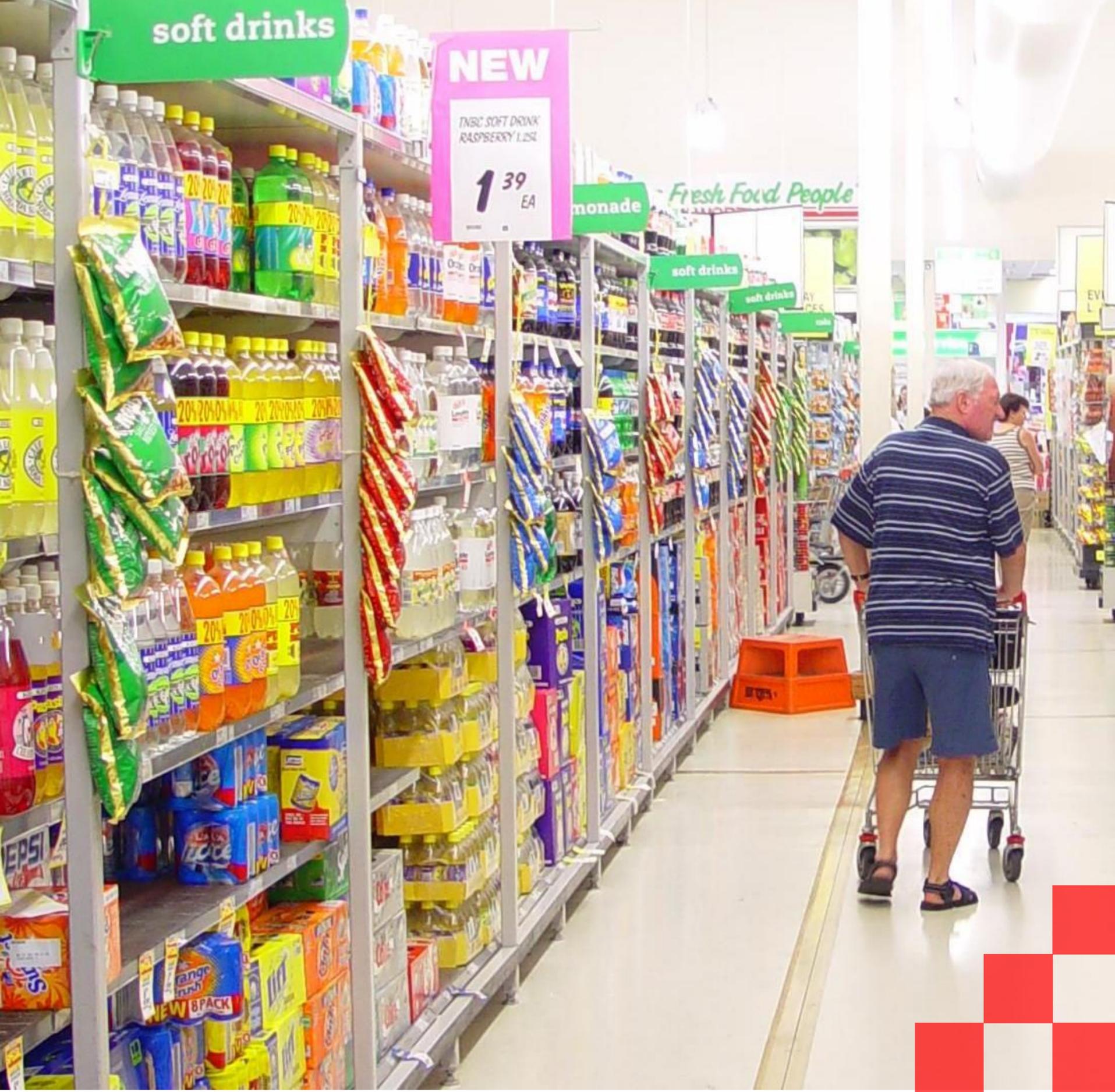
China does use the NICE classification system for goods and services.

But . . .

China Classification

China has its own set of classes and subclasses, so if you use the USPTO ID manual, you're going to receive a rectification request from the CTMO





2: How Many Classes and Subclasses?

- China is a first to file country
- There is no proof of use required for classification of goods and services
- The more subclasses you register, the safer you are
- Each additional subclass is only \$16 CAD, unlimited

3: You *Will* Need Proof of use

- China is a first-to-file country
- Proof of use is not required for trademark filing

However . . .

- It is necessary in the case of an:
 - Opposition
 - Review for refusal
 - Invalidation
 - Cancellation due to non-use after 3 years

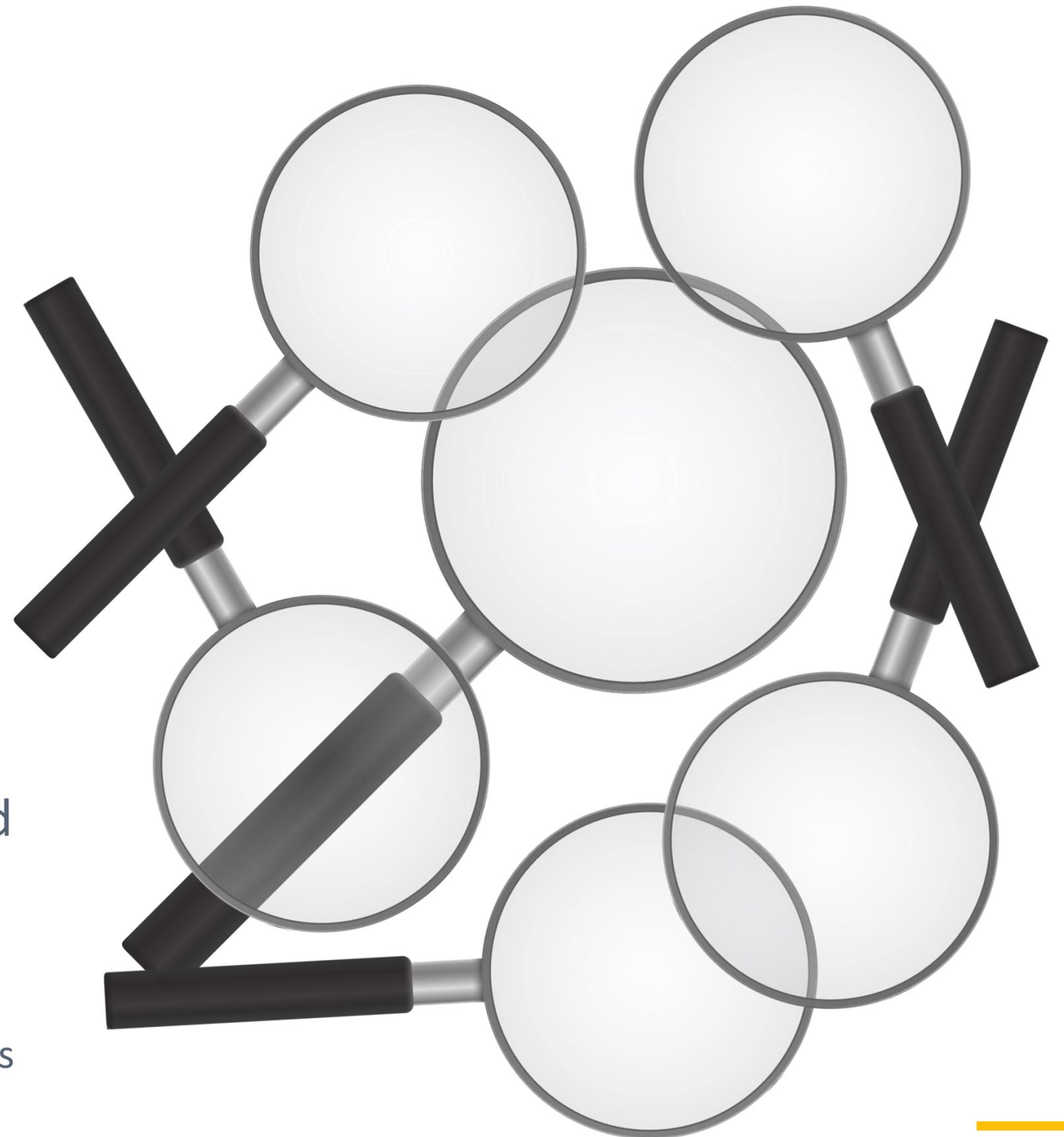


Sound Evidence



Your evidence should show that you were using the trademark in China prior to registration. **You don't need a lot of evidence, just good evidence.**

Sound evidence is any evidence that provides a timestamp for your trademark in China. In the case of a cancellation you must prove your trademark has been in use in China for the past 3 years





How Powerful is a China Trademark?

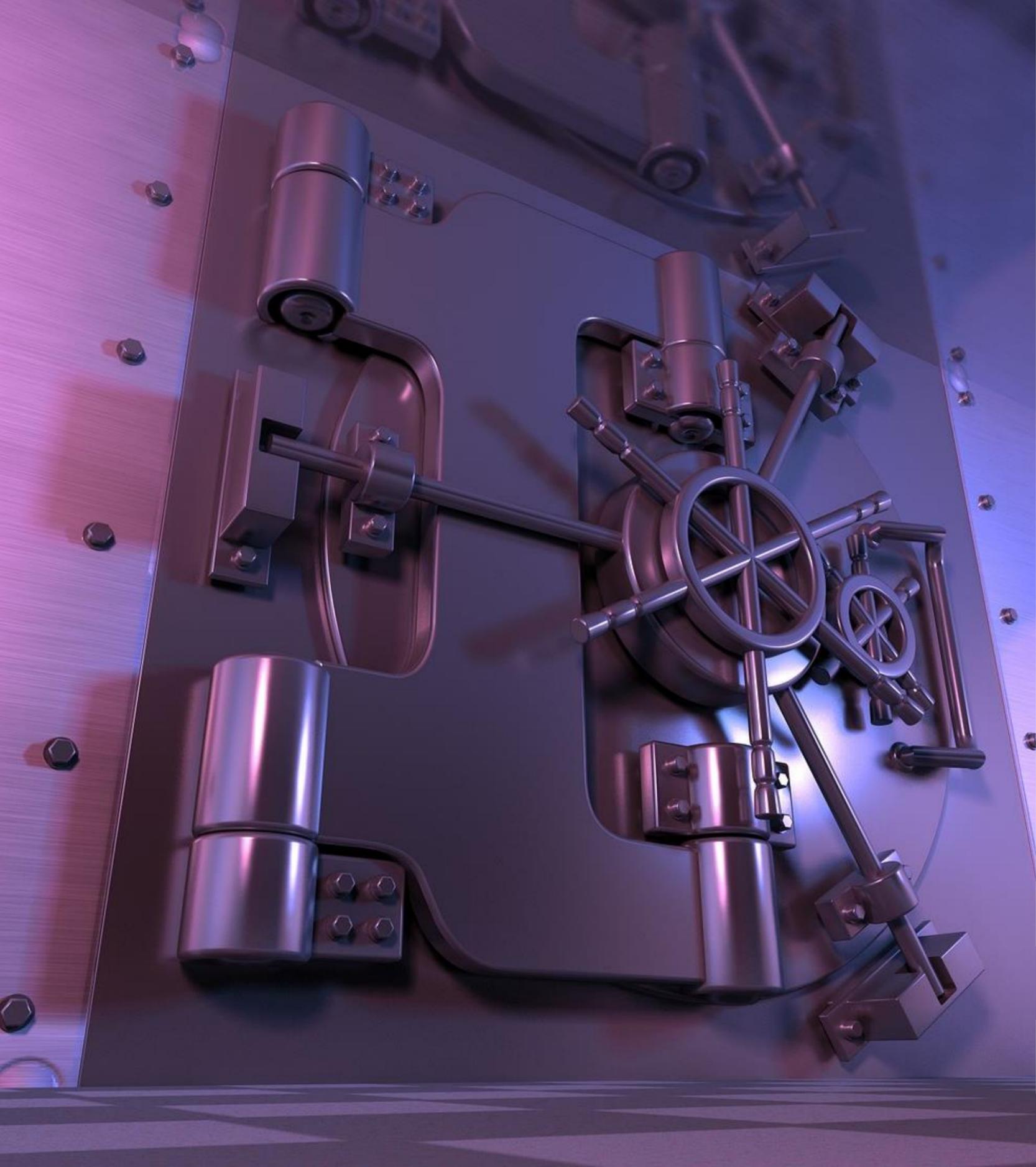
Trademarks are the best way to protect your brand name in China, but what about protecting designs and logos?

4: The Super Trademark

- Copyright is the best way to protect logos and designs in China
- Copyright is called the “Super” trademark
- Design trademarks have a 50% rejection rate in China
- Registering a copyright in China is faster and easier than registering a design trademark
- Standards of similarity for copyright are much higher than for design trademarks
 - No company may create a design that is in any way similar to yours

And there's more . . .





Super Trademark Cont'

No need to specify goods and services

- With copyright protection for your logo or design, no company may use a similar design even if their business is of a different classification.

The ultimate protection power package

- It is best to have both a trademark and a copyright to protect your brand in China.
 - A trademark covers your name, product names, and slogans
 - A copyright covers your logo and designs
-



5: Changing China TM Landscape

How is China dealing with:

- Counterfeit
- Infringement
- Trademark squatting
- A complicated system

What is China Dealing With?

Economic World Power

- China is the second largest economy on the world stage
- China is the number one country in trademark filing

High Traffic of Filings

- The CTMO registered 5.7 M trademarks in 2017
- 137, 267 copyrights were registered in China the same year.

Time Constraints

- The trademark process must take 9 months
- The amount of filings coupled with the processing speed creates backlog and a risk of bad faith applications slipping through

So what is being done?



Empowering Litigations

China has empowered their Supreme Court to hear trademark disputes so that litigations may reach the highest level



Responding to Feedback

A public invitation for suggestions in 2018 will be used to create changes to the China trademark system between 2020 and 2022



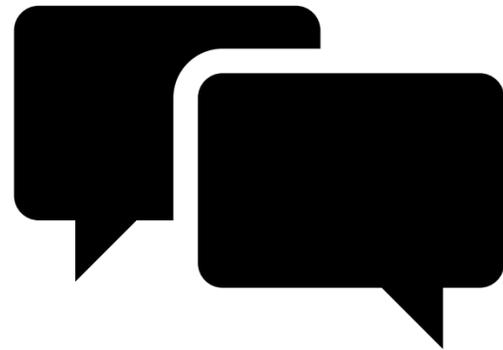
Standardizing Examination

China is developing standards for detecting bad faith applications and algorithms that may allow AI to do the job faster



What does this mean?

- China wants to be a good home to businesses
- These changes are China's effort to not only make the China market lucrative, but safe
- Confidence is growing regarding China's ability to protect and respect your brand



Any Questions?

For more information about intellectual property protection visit our website at

<https://trademark.witmart.com/>

Contact us

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Up Next

EUIPO Basics: La Trademark Historique

