



Presented by



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International Business Services

A 3D rendered red puzzle piece is the central focus on the right side of the image. It is set against a background of a grey surface with a pattern of interlocking puzzle pieces, some of which are slightly recessed. The red piece is raised, casting a dark shadow on the surface below it. The lighting creates highlights on the top and side edges of the piece, giving it a three-dimensional appearance.

# China Trademark Registration The Final Pieces



Filling in some  
China  
Trademark  
Blanks

# 1: Classification of Goods and Services

## NICE Classification

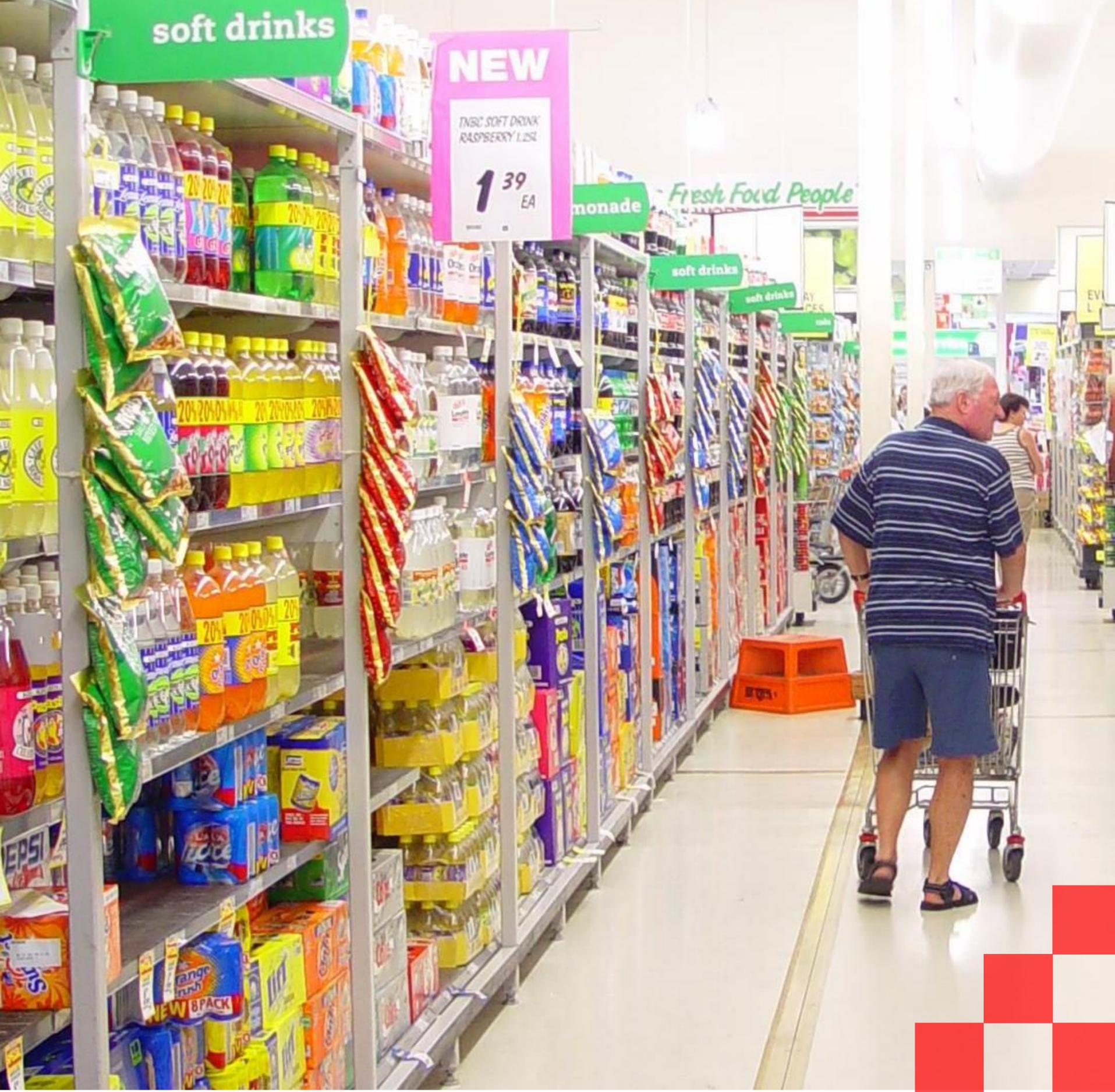
China does use the NICE classification system for goods and services.

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

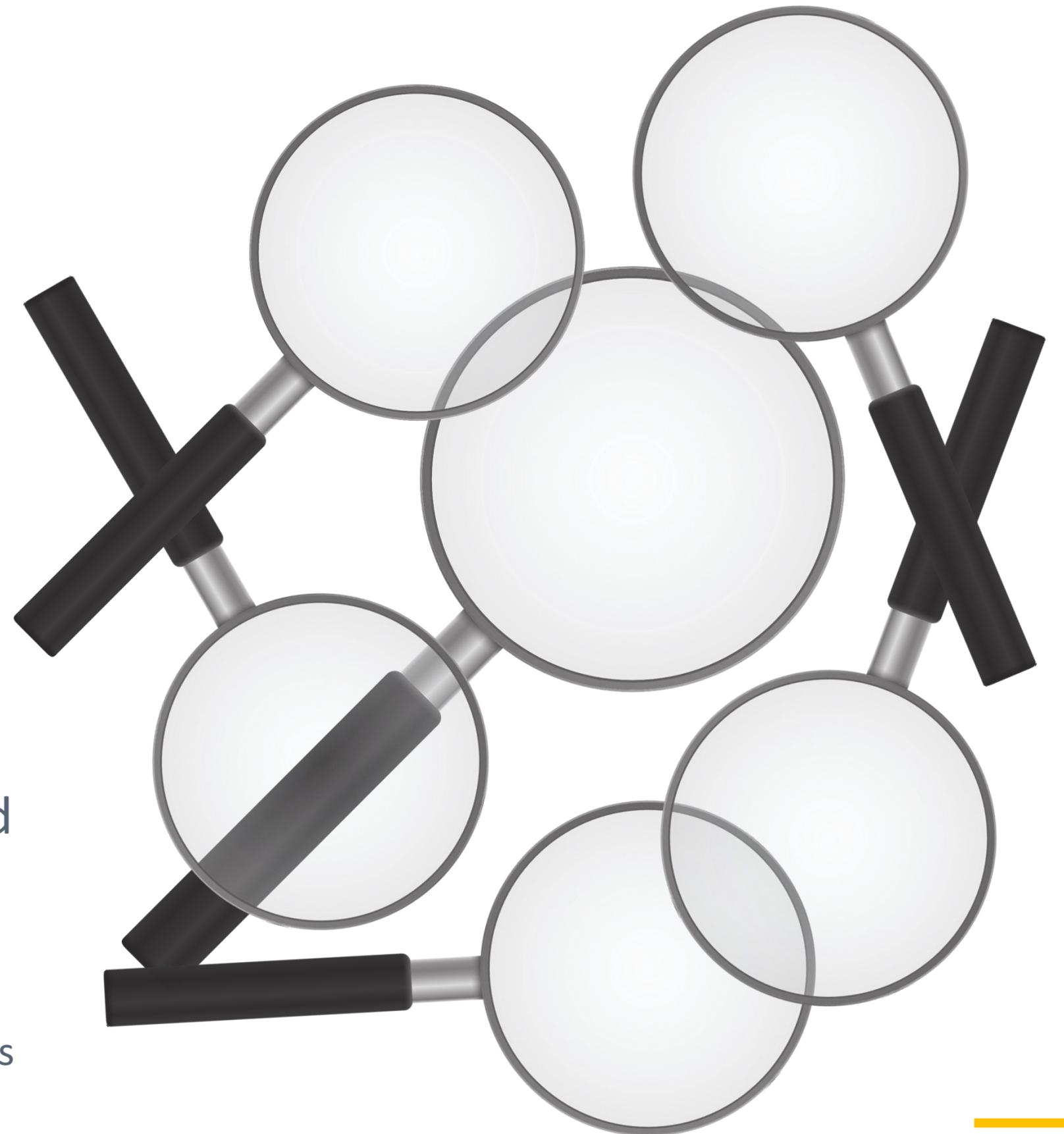


# Sound Evidence



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'

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## 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

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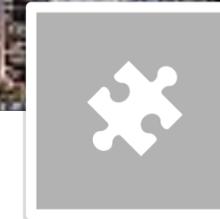
China has empowered their Supreme Court to hear trademark disputes so that litigations may reach the highest level



## Responding to Feedback

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



## Standardizing Examination

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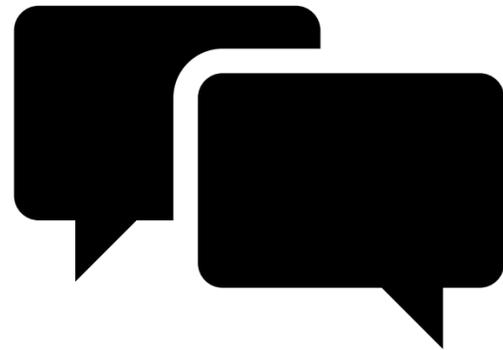
China is developing standards for detecting bad faith applications and algorithms that may allow AI to do the job faster

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## 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?

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For more information about intellectual property protection visit our website at

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

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# Up Next

EUIPO Basics: La Trademark Historique

