

## China-direct.biz - IPR Protection in China (Factsheet)

When it comes to IPR Protection in China, it is well-known that China has acquired a bad reputation for large-scale IP infringements including copying of foreign company names, brands, and products.

But this no longer gives a fully accurate picture of the current situation and ongoing measures taken by China to strengthen its IP laws, regulations, and courts to decisively crack down on IP infringement.

It is important to mention that China is a signatory to the existing international IP treaties and thus follows the same rules but also applies its own special IP rules. It is thus critical to get it done right from the start.

No matter if you consider, plan or already sell offline and/or online in China, you are strongly advised to register your trademarks (name and logo) before market entry and key design patents before the official product launch or you risk loss of control to outsiders through (lawful) copying and counterfeiting which can harm your company revenue, good reputation, and brand in China.

### Advice & Support\*

By letting us manage your IP Rights in China, you will benefit from our local presence in Shanghai with an experienced Danish General Manager and competent Chinese legal team who take care of matters directly on the ground in China. This is a more **efficient and quicker** way to protect your IP Rights in China.

### Trademarks

- Registration: Manage and file trademark application and deliver official Trademark Registration Certificate. Includes (sub-)class selection, search report on availability and good advice.
- Infringement: Manage and file Trademark Opposition or Trademark Invalidation against “dishonest” registration of original (and Chinese) company name, brand, or logo.
- Enforcement: Manage and file official complaint to the local authorities and/or file lawsuit at the People’s Court against infringer for illegal trademark copying.
- Chinese naming: Prepare proposal for company name in Chinese (characters, pronunciation, meaning).

### Patents (design, utility model and invention)

- Registration: Manage and file patent application and deliver official Patent Registration Certificate.
- Infringement: Manage and file request to get registered patent declared invalid for illegal copying.
- Enforcement: Manage, prepare, and file official complaint to the local authorities and/or file lawsuit at the People’s Court against infringer for illegal copying and counterfeiting.

- Evaluation Report: Manage and file application and deliver official evaluation report that is required to enforce design patents and utility model patents (authorities, courts, and e-commerce).

### Copyrights

- Registration: Manage and file application for formal copyright recognition via China's Voluntary Registration System and deliver official **Copyright Registration Certificate**.

### Other

- Online Monitoring: Check selected online/e-commerce platforms for possible IPR infringements, and file complaint to operators to take-down illegal product pages, links, and photos.
- Customs Recording: Set-up company account and register Chinese IP Rights in the IP Recordal system of China Customs to stop the export of infringing goods.

**\* As a registered service firm, we do not handle legal disputes and similar directly but cooperate closely with a few selected Chinese law firms that execute on our behalf.**

### Important Facts

- **Territorial:** IP Rights are only enforceable in China with a valid Chinese registration and certificate.
- **First-to-file System:** Whoever registers the IP first will get the exclusive usage rights in China.
- **Absolute Novelty:** Patent contents cannot previously have been disclosed, published or commercialized anywhere in the world prior to the filing date of the Patent application in China.
- **Pre-emptive Right:** Grace period of either 6 or 12 months depending on IP-type during which the filed IP application for China will be given first priority retroactively from the filing date of the equivalent IP-application for other countries/markets.
- **Classification:** China divides each of the 45 international trademark classes into several sub-classes that each include their own specified items.
- **Validity:** Trademarks 10 years but unlimited extension subject to renewal fee. Design Patents and Utility Models up to 10 years and Invention Patents up to 20 years; all subject to annuity fees.

### Contact

- Noam David Stern, Co-founder
- Mobile: +86 136 1169 1358
- Email: [noam@china-direct.biz](mailto:noam@china-direct.biz)
- Web: [www.china-direct.biz](http://www.china-direct.biz)
- LinkedIn: [China-direct.biz](http://China-direct.biz)

©Copyright 2020 All rights reserved. The information contained herein is of a general nature and the author cannot be held liable for the accuracy and validity of the information and opinions expressed.