

## YOUR GUIDE TO CHINA NEW TRADEMARK PROSECUTION FORMALITY

<b>Applicable Cases of New Formality Rules</b>	<ul style="list-style-type: none"> <li>● All new trademark applications, oppositions, cancellations, assignments, renewals and recordals, etc. made after 1 July 2010.</li> <li>● Patent matters and Madrid Protocol designations are <u>not</u> affected.</li> </ul>
<b>Application Form</b>	<ul style="list-style-type: none"> <li>● Made in the format as set out and published by the CTMO.</li> <li>● Must be typed or printed.</li> </ul>
<b>Applicant's Name and Address</b>	<ul style="list-style-type: none"> <li>● Must be in English and simplified Chinese. Other languages are not accepted.</li> <li>● We can provide suggestions of Chinese name, and devise your address in Chinese at our end.</li> <li>● Applicant's name must be consistent with the one shown on the document proving the applicant's identity.</li> <li>● If the applicant is an individual, he must provide correspondence address but there is no need for proof of address.</li> <li>● Nationality of the foreign applicant must be provided.</li> </ul>
<b>Applicant's Signature</b>	<ul style="list-style-type: none"> <li>● No signatures or company seals of the applicant are required on the application forms.</li> </ul>
<b>General Power of Attorney Form</b>	<ul style="list-style-type: none"> <li>● New General Power of Attorney form is required for all types of applications.</li> <li>● Authority to sign Power of Attorney depends on domestic laws of the trademark owner.</li> <li>● In practice, no need to submit evidence of authority to the CTMO, although individual examiners may ask for proof.</li> <li>● No need to be notarized or legalized.</li> </ul>
<b>Certificate of Incorporation / Business Licence</b>	<ul style="list-style-type: none"> <li>● Copy of certified copy of Certificate of Incorporation proving the identity of the Applicant is only required for <u>assignments, licence recordals and change of name applications</u>. It would need to be translated to Chinese.</li> <li>● No requirement for the Certificate of Incorporation or Business License to be of a PRC local subsidiary or to be issued by the Chinese authorities.</li> <li>● No need to be notarized or legalized.</li> <li>● No need to have an address. However, if there is an address, it would need to be consistent with the applicant's address.</li> </ul>

<b>Description of the Mark</b>	<ul style="list-style-type: none"> <li>The meaning of the words in the mark must be provided (including foreign language, in stylized form, language of minority group, description of 3D/coloured mark, disclaimer of certain parts of the mark etc.)</li> </ul>
<b>Claiming Priority</b>	<ul style="list-style-type: none"> <li>If the initial application does not state the priority country, its application date and application number, or the information is incomplete, it will be treated as if priority has not been claimed.</li> </ul>
<b>Timing and Originals</b>	<ul style="list-style-type: none"> <li>All required documents and original copies must be filed at the time of filing.</li> <li>The CTMO will not accept i) supplemental filings, ii) additional documents, or iii) scanned or faxed copies with originals to follow.</li> </ul>
<b>Opposition Evidence</b>	<ul style="list-style-type: none"> <li>For evidence in foreign languages, it would need to be translated to Chinese.</li> </ul>

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Please note that the information and opinions contained in this newsletter are intended to provide a general overview only, and should not be treated as a substitute for proper legal advice concerning an individual situation. We disclaim all liability to any person in respect of the consequences of anything done or omitted to be done wholly or partly in reliance upon the contents of this newsletter. Readers should make their own enquiries and seek appropriate legal advice on the particular facts and circumstances at issue.

Should you have other enquiries, please feel free to contact us.

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