

**China Council for the Promotion of International Trade Rules for Foreigners or Foreign Enterprises Applying
Trademark Registration in China[Effective]
外国人或外国企业申请商标注册代理办法 [现行有效]**

Authority:	China Council for the Promotion of International Trade	Date issued:	09-01-1983
Authority:	Departmental Rules	Area of law:	Intellectual Property

COUNCIL FOR THE PROMOTION OF INTERNATIONAL TRADE RULES FOR FOREIGNERS OR FOREIGN ENTERPRISES APPLYING FOR TRADE MARK REGISTRATION IN CHINA

(by China Council for the Promotion of International Trade on September 1, 1983)

In accordance with [Article 29](#) of "[Implementing Regulations Under the Trademark Law of the People's Republic of China](#)", any foreigner or foreign enterprise to apply for the registration of a trademark or for dealing with other matters concerning a trademark in China, shall entrust the Trade Mark Agency of the Council for the Promotion of International Trade to act on his or its behalf. The following rules are formulated to facilitate foreign applicants.

The Trade Mark Agency of this Council, while being so authorized by a foreign applicant, shall proceed with an application to the Trademark Office for the registration of a trademark, for renewal or assignment of a registered trademark, for modification of the name or address of the registrant, for recordal of a trademark license contract, for adjudication of disputes concerning a registered trademark, or for other matters in respect of obtaining and maintaining the effective use of a trademark.

The documents that the Trade Mark Agency requires foreign applicants to produce are as follows:

1. Application of a trademark registration on the particular goods in each class:

1.1 Power of Attorney in duplicate;

1.2 Application form in duplicate, and

1.3 Reproductions of the trademark, of which the length or breadth shall not exceed 10 cm. If color is claimed, two more in black and white shall be attached. Reproductions. If the trademark is in plain block letters, no reproductions are required. Starting from August 1, 1984, when applying for a trademark registration in respect of pharmaceutical products for human beings, the foreign applicant is required to submit the certificate of authorization of manufacture issued by the competent governmental department of his or its home country.

2. Renewal:

2.1 Power of Attorney in duplicate;

2.2 Application form in duplicate;

2.3 Reproductions of the trademark, and

2.4 Original Chinese Certificate of Registration.

Assignment:

Power of Attorney in duplicate;

Application form in duplicate, and

Original Chinese Certificate of Registration.

Modification of the name or address of the registrant:

Application form in duplicate,

Original Chinese Certificate of Registration.

When applying for modification of the name of the registrant, the foreign applicant is required to submit the home certificate showing the change.

Contract of a trademark license contract:

Application form in duplicate, and

Copy of the trademark license contract.

When applying for a review of a refused trademark, for lodging or responding to an opposition against a trademark which has been preliminarily approved after examination, for a review of the decision on opposition or adjudication of disputes concerning a trademark, or for a review of the decision on a registered trademark, the foreign applicant is required to produce reasons and necessary evidences so that the Trade Mark Agency may prepare an application form on his or its behalf.

The Power of Attorney, the home certificate and other evidential documents shall be duly notarized, and shall on the principle of reciprocity be legal.

When applying for registration of a trademark, the foreign applicant is required to classify the designated goods correctly in accordance with the Classification of Goods. If it is difficult for him to determine the class to which his goods belong, he may ask the Trade Mark Agency for help while furnishing a list of goods or sample brochures.

In case a foreign applicant has a designated Chinese translation of his name, he should indicate it in the application form or in the order letter. The Trade Mark Agency shall give his name a Chinese translation in the application form when filing. In case the applicant wishes to change the Chinese translation, an application for modification shall be filed only after the approval of the registration.

When applying for a word mark or a design mark, the foreign applicant is required to indicate the meaning of the word(s) or design. The Trade Mark Agency may render service at request for translation, transcription and making the reproductions for the mark.

In accordance with [Article 20](#) of the "[Implementing Regulations under the Trademark Law](#)", the use of a registered trademark shall include the use of the trademark. The Trade Mark Agency may render service at request in dealing with this matter.

The Trade Mark Agency may act on behalf of the parties concerned to handle the legal matters in relation to the infringement of the exclusive right of a registered trademark.

The Schedule of charges for service shall be prescribed separately by the Trade Mark Agency.

© Copyright Chinalawinfo Co., Ltd

database@chinalawinfo.com
