

Measures for the Administration of Trademark Agency (2010)[Effective]
商标代理管理办法(2010) [现行有效]

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Order of the State Administration for Industry and Commerce
(No.50)

The [Measures for the Administration of Trademark Agency](#), which have been deliberated and adopted at the executive meeting of the State Administration for Industry and Commerce of the People's Republic of China, are hereby promulgated and shall come into force on the date of promulgation.

Director: Zhou Bohua

July 12, 2010

[Measures for the Administration of Trademark Agency](#)

Article 1 To maintain the order of trademark agency conducts and protect the legitimate rights and interests of clients and trademark agency organizations, these Measures are formulated in accordance with the [Trademark Law of the People's Republic of China](#) and the [Regulation on the Implementation of the Trademark Law of the People's Republic of China](#).

Article 2 The term "trademark agency" as mentioned in these Measures means that a trademark agency organization accepts the entrustment of a client and handles the application for trademark registration and other trademark matters in the name of the client.

The term "trademark agency organization" as mentioned in these Measures refers to a legal service organization which accepts the entrustment of a client, and handles the application for trademark registration and other trademark matters in the name of the client.

The term "trademark agent" as mentioned in these Measures refers to a staff member who works in a trademark agency organization.

Article 3 The industrial and commercial administration of the State Council shall legally administer and supervise the agency conducts of trademark agency organizations and trademark agents in the whole country.

The industrial and commercial administration at or above the provincial level shall legally administer and supervise the agency conducts of trademark agency organizations and trademark agents within its jurisdiction.

Article 4 To apply for establishing a trademark agency organization, an applicant shall apply for registration to the local industrial and commercial administration at or above the county level, and obtain the Business License for the Corporate Enterprise or the Business License.

The provisions of the preceding paragraph shall not apply where a law firm engages in trademark agency conducts.

Article 5 No trademark agency organization shall entrust any other entity or individual to engage in the trademark agency activities, or provide any convenience for the aforesaid activities.

Article 6 A trademark agency organization may accept the entrustment of a client and designate a trademark agent to conduct the following agency business:

1. handling as an agent the relevant matters on the application for trademark registration, modification, renewal, and transfer of the registered trademark, objection, revocation, review, infringement complaints, etc.;
2. providing legal consultation on trademarks and acting as the legal consultant on trademarks; and
3. handling other relevant trademark matters as an agent.

The application for trademark registration and other documents handled by a trademark agent shall be affixed with his signature and the seal of the trademark agency organization.

Article 7 No trademark agency organization shall accept the entrustment of both parties to a same trademark case.

Article 8 A trademark agent shall abide by laws, professional ethics and practicing disciplines, legally carry out the trademark agency business, timely and accurately provide good trademark agency services for clients, and earnestly protect the legitimate rights and interests of clients.

Article 9 A trademark agent shall meet the following conditions:

1. having full civil conduct capacity;
2. having good knowledge of the [trademark law](#) and other relevant laws and regulations and having the professional knowledge on trademark agency; and
3. working in a trademark agency organization.

Article 10 A trademark agency shall not concurrently work in two or more trademark agency organizations.

Article 11 A trademark agent shall keep confidential the business secrets of clients. Without the approval of a client, he shall not disclose the agency matters that have not been disclosed to any other entity or individual.

Article 12 A trademark agent shall refuse to accept the entrustment if he knows that a client entrusts matters out of ulterior motives or its acts violate any law of the state or are fraudulent.

Article 13 Where a trademark agency organization commits any of the following conduct, the industrial and commercial administration where it is located or the conduct is committed shall give a warning to it or impose a fine of not more than 10,000 yuan on it. If it has any illegal gains, it shall be imposed a fine of not more than 3 times the illegal gains to the extent of not more than 30,000 yuan.

1. colluding with any third party and impairing the legitimate rights and interests of any client;
2. violating the provisions of Article 5 or 7 of these Measures;
3. impairing the interests of the state and the general public or the legitimate rights and interests of any other agency organization; or
4. engaging in any other illegal activity.

Article 14 Where a trademark agent commits any of the following conduct, the industrial and commercial administration where it is located or the conduct is committed shall give it a warning or impose a fine of not more than 10,000 yuan on it.

1. accepting entrustment without authorization, charging fees from any client or accepting properties from any client;
2. concealing facts, providing false evidences, or menacing or inducing others to conceal facts or provide false evidences;
3. violating the provisions of Article 10, 11 or 12 of these Measures; or
4. committing any other illegal act.

Article 15 Where any organization, in violation of paragraph 1 of Article 4 of these Measures, engages in trademark agency activities without registering with the industrial and commercial administration or registers by fraudulent means, it shall be punished by the industrial and commercial administration at or above the county level where it is located in accordance with the relevant laws and regulations on the administration of enterprise registration.

Article 16 The punished trademark agency organization or trademark agent may apply for reconsideration against the administrative punishment given by the industrial and commercial administration according to the provisions of the [Administrative Reconsideration Law](#); or may directly bring an action to the people's court according to law.

Article 17 The power to interpret these Measures shall remain with the State Administration for Industry and Commerce.

Article 18 These Measures shall come into force on the date of promulgation.

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