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China Trademark Registration Procedure & Document Checklist

Checklist For Foreign Businesses Who Are Preparing To Register
Trademarks In China



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What Is China Trademark Registration?

China trademark registration is the procedure by which foreign companies will register their trademarks to offer protection from IP-theft or squatting in China. Trademarks that are already registered overseas will not be valid in China, and individuals or companies there may also have the right to register your trademarks first.

Whilst some famous brands may be afforded some protection against 'trademark squatting' due to already having built up a well-known brand using them abroad and in China before registering trademarks, many SMEs won't have such an easy time.

Why Can Others Register My Trademarks In China?

Good question.

Essentially China has a 'first to file' trademark registration system and little common law protection over unregistered trademarks.

What this means is that, usually, the first individual or organisation to register a trademark will be granted it unless it is clearly already registered or there are extenuating circumstances (such as that a brand has already built a formidable global reputation and has what is deemed a 'well-known trademark').

So What Is The Solution?

Register your trademarks in China! There is no alternative to this, as if it is not done and you enter the China market, either to sell there, or manufacture and export, your IP is open to abuse. If you have a strong brand, or a good idea, local individuals may well seize upon it and squat on your trademarks.





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Why Use This Checklist?

China trademark registration is intensively bureaucratic, takes place almost exclusively in Mandarin Chinese, requires interaction with several different government offices, and takes more than 1 year to undertake. In short, this will be a very difficult task for foreign businesses to undertake if they're unprepared and don't have expert assistance.

This is why Hongda have put this checklist together.

We aim to show you:

- Which documents you require and for what purpose
- The stages of the process

The goal is YOUR convenience.

We aim to help you become more knowledgeable about how to register trademarks in China, and that you can produce the necessary documents more quickly and easily than scrambling to do so at the last minute. Given that this procedure takes place 100% in Mandarin Chinese, seeing it in English here will help you understand how it works if you do not yet speak Chinese.





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Documents Required To Register A Trademark In China

Please tick off these documents as soon as you have them.

- ☐ 1x copy of the company's certificate of incorporation
- ☐ Company name and address in both English and Chinese
- ☐ Signature by company's director
- ☐ Print and digital version of proposed trademark (6 originals in print, size: between 5cm*5cm and 10cm*10cm, colour: 5 black and white and 1 colour)
- ☐ Category of the proposed trademark (and choose 10 sub-categories)¹
- ☐ Explanation of trademark²
- ☐ [China trademark application form](#) (if applying independently)
- ☐ [Power of attorney form](#) (if applying through an agency)

Please note:

It's normal to be unsure about what some of these documents are or how they should be written. When working with Hongda Business Services to undertake China trademark registration our legal experts will assist you in creating, organising, copying, and translating these documents wherever necessary.

Additional documents may be required by the authorities on a case by case basis, such as if your trademark application fails for some reason and you choose to appeal it. Hongda will advise if this is the case.

¹ China is one of the countries who uses the [International Classification of Goods and Services under the Nice Agreement](#). This is an internationally recognised series of 45 classifications which may be applied to goods and services. It is necessary to file a separate application for trademarks in each of the classifications you are choosing. One trademark in one classification will not cover other classifications, and therefore your trademarks may be open for use there by others. Typically 10 items per class may be registered by default, with additional costs for each item in addition.

² Should a trademark consist of foreign words, these must be explained in Chinese. If 3D shapes are being used, this should be made clear, and they should be visually represented in 3 dimensions.





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Documents Required To Register A Trademark In China

Here is the procedure that you will be guided through by Hongda upon employing us to register your trademark/s. We will offer you advice and updates every step of the way in plain English.

Please tick off these steps as your China trademark application heads towards being granted.

- ☐ ***Decide which trademarks to register and in which categories*** – Typically, foreign companies should consider registering the following trademarks:
 - Latin letter script (your ‘regular’ trademark)
 - Your logo
 - The Chinese translation of your foreign trademark
 - Other Chinese words which are extremely similar to your name

Once you have decided on trademarks, they need to be given categories. The categories trademarks are grouped into in China follow the international ‘[NICE classification](#)’ which offers 45 product categories: 34 covering goods, and 11 covering services.

- ☐ ***Decide how you apply to register your trademark*** – If you already have an active Chinese company of your own then you may apply personally, otherwise you should employ an agent, such as Hongda, to make the application for you.
- ☐ ***Search to see if your trademarks have already been registered*** – Either yourself or your agent will conduct a search using the [CTMO trademark database](#) (there is an English version). You will be looking for the same or similar trademarks to yours. Finding any issues in advance of submitting an application to register a trademark will prevent you from wasting time and money.



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- ❑ **Prepare and sign the application forms** (see earlier for forms)
- ❑ **Submit application to SAIC (State Administration for Industry and Commerce) China Trademark Office in Beijing**
- ❑ **Application checked by SAIC CTMO** – The China trademark office will check that your application is complete, that your proposed trademark/s are eligible, and that there are no conflicting trademarks which are already registered.
- ❑ **First approval by the SAIC (or refusal)** – Should the application be successful the SAIC will issue a preliminary approval and publish the proposed trademark in the ‘China Trademark Gazette.’ At this point **third parties have 3 months to oppose the registration.**

However, should the application be rejected you will be notified in writing of this fact. You may request an administrative review from the Trademark Review and Arbitration Board (TRAB) within 15 days of receiving this letter of notification. It will be possible to appeal this by submitting to TRAB additional proof that the trademark should be registered to you. If TRAB also reject the application they will again notify you in writing, and you may finally appeal this decision to the People’s court within 30 days of receipt of the letter.

- ❑ **SAIC formally approves and registers the trademark** – Following the three month approval period, if no third party has filed an opposition to the trademark being registered, then the SAIC will formally approve and register your trademark. Again, this will be published as a notification in the ‘China Trademark Gazette.’

Please note:

Current overall time to register trademarks with Hongda as of November 2015: 12 – 18 months, but this can take up to 24 months if applying independently.

Your attendance to these offices is generally not necessary when registering a trademark. Hongda will take care of applications and the submission and collection of documents for you. We will keep you appraised of the process in English as it progresses.



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As you can see, the time it takes to register trademarks in China can take as long as 24 months. Your prompt attention to any questions and requests we may have for you, such as supplying us rapidly with the correct documents when required, will help shorten the process.

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Register Your China Trademarks Smoothly, Easily, And Conveniently

As you can no doubt see, registering trademarks in China is important, yet very time-consuming, bureaucratic, and requires excellent Chinese and knowledge of the system. By outsourcing your trademark registration to the legal experts at Hongda by choosing our affordable China trademark registration service, you will:

- ***Have peace of mind*** that local experts are carrying out the process and no mistakes will be made
- ***Be reported to in plain English*** every step of the way
- ***Save time***, as our experts are intimately familiar with the procedure and government officials involved. They will submit documents to the correct agencies, individuals, and at the right times without delay in order to make the process as fast as possible
- ***Have a dedicated account manager*** who will be available to advise you of what is needed in English, as well as making the application for you saving you much time, energy, and stress

If this sounds helpful, please contact us by clicking the link below to request a FREE consultation where we will discuss your needs with you, and suggest how best to get started:

**I'M READY TO REGISTER MY TRADEMARKS IN CHINA AND WANT TO
ARRANGE A CONSULTATION TO DISCUSS IT**

[Click here!](#)





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A Note On This Checklist

Please note that the information in this checklist, whilst as accurate as Hongda Business Services can make it, is not meant as official and legal advice. It is a general guide only. We advise readers to seek legal advice before registering their trademarks in China.

This checklist was created in November 2015. As you know, laws and procedures are subject to change, and so please check to see if there are any changes that you need to be aware of before undertaking China Trademark Registration.





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About Hongda Business Services

Hongda Business Services has been assisting foreign companies with setting up and managing businesses in China and Hong Kong since 2007, focussed on Mainland China's PRD region which borders Hong Kong and includes the megacities Guangzhou and Shenzhen.

We are based in Luohu, the commercial centre of Shenzhen, one of China's fastest growing and wealthiest cities.

Hongda is a stone's throw away from the Hong Kong – China border. We also have a branch office in the regional capital, Guangzhou. Our locations in Guangdong offer your business unparalleled access to the PRD manufacturing hub, Hong Kong, and Southeast Asia.

Our local China and Hong Kong business experts, some of whom have more than 15 years experience in dealing with foreign companies doing business in China and Hong Kong, are fluent in English and Chinese and specialise in the disciplines you need. Our services that may interest business who wish to start operating in China include: China company setup, outsourcing China accounting and taxes, annual accounting auditing, China trademark filing, HR and staffing assistance, and more...





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By working with us you will:

- Have the peace of mind that no financial mistakes will occur
- Be able to communicate in English with experts who understand the issues you face, and know the solutions to them
- Gain extra time spent on dealing with business administration to spend on getting better business results in China and Hong Kong
- Feel secure that you're cooperating with a team of experts who are intimately familiar with Chinese and Hong Kong laws and their frequent changes
- Benefit from simple cost-effective China and Hong Kong business services with none of the risk of hiring full-time local staff to undertake them
- Be guaranteed success with your company setup in China or Hong Kong, with Hongda's 100% success rate
- Gain business visas and work permits with a clear and easy process and expert support

We're proud to be cooperating with hundreds of foreign companies, ranging from international giant Lenovo, through to a myriad of SMEs plying their trade here in China and Hong Kong.

Please feel free to contact our team should you have any questions about starting or running a business in China or Hong Kong..

[Click here to speak with us!](#)