



China's Growing IP Landscape

LOVEN
Your brand. Your innovation. Your peace of mind.

Why China Can No Longer Be Ignored

China's intellectual property landscape has undergone significant transformation, warranting a fresh perspective on protecting your brand within this pivotal market. We present compelling reasons why China should now be a key consideration for your IP strategy.

While past concerns regarding IP enforcement in China were understandable, the China National Intellectual Property Administration (CNIPA) now operates with standards comparable to leading international offices such as the EU IPO, EPO, UK, and USA. This evolution aligns with China's increasing prominence in the global economy, prompting a re-evaluation of its implications for businesses worldwide.

Loven Patents and Trademarks Ltd have been involved with a number of Trademark oppositions and invalidity actions in China and we thought we would share our experiences with you in case you are presently deciding on whether or not to take action.

Why This Matters for Your Business

- Protecting your brand assets in the world's largest market
- Attracting investment through comprehensive IP protection
- Realising commercial value from your intellectual property

Photo by TravelScape from www.freepik.com



Success Is Achievable

Filing Strategy

While success in IP protection is not guaranteed, it becomes highly probable when your filing strategy addresses specific criteria. We've observed optimistic success rates if any of the following apply:

- A clear relationship exists between your client and the Chinese trademark applicant.
- You can demonstrate prior usage and significant brand influence in China.
- There is evidence of bad faith on the part of the Chinese applicant.

Efficient System

The CNIPA is now an efficient and officious body and will act in your favour if the fairly non-arduous conditions of filing and the law are met.

The transformation of China's IP system represents a significant opportunity for businesses to protect their valuable assets and attract investment through comprehensive intellectual property strategies.



The Importance of Local Expertise

Efficient Communication

Working with an efficient and communicative local agent is key to success in Chinese IP proceedings.

Local Knowledge

Local knowledge and experience is important for proper analysis of evidence, timelines and responses.

Partnering with experienced local agents ensures your IP assets are properly protected, maximising the commercial value of your intellectual property portfolio.



No Chinese Trademark? No Problem

"But I haven't got a Chinese trademark"

Don't worry if you don't have a trademark in China, oppositions and invalidity actions can be based on prior overseas trademarks such as UK trademarks, or prior use of the mark in China.

Investment Opportunity: Protecting your IP rights in China

- ✔ demonstrates due diligence to potential investors and enhances your company's asset portfolio value.

This flexibility in the Chinese system means that businesses with existing UK or international trademarks can still take effective action to protect their brands and commercial interests in the Chinese market.



Evidence Requirements

Preparation is Key

Evidence of use will be required so be prepared for it.

Consecutive Years

Evidence showing use over consecutive years is most beneficial for establishing your rights and protecting your commercial interests.

Proper evidence preparation not only strengthens your IP position but also demonstrates the commercial value and established use of your brand to potential investors and business partners.



Types of Evidence Required

Physical Evidence

Pictures of physical products or packaging; Award certificates for your trademark or product (if any)

Sales Evidence

Evidence of sales in China such as contracts, invoices, payment proofs, delivery proofs, bills of lading

Exhibition Participation

Details of exhibition attendance in China including products exhibited, relevant documents, photos from the exhibition, contracts, invoices, bank deposit receipts

Business Premises

Details of business premises in China Mainland (the most important part for the evidence)

Import Documentation

Customs declaration documents

Marketing Materials

Brand advertisements in world famous press, magazines, or advertised in well-known media, celebrity endorsements

Comprehensive evidence documentation not only supports your IP case but also creates a valuable record of your brand's commercial presence and market penetration for investment purposes.

Practical Considerations

1

Translation Requirements

All non-Chinese language evidence documents will need to be translated

2

Cost-Effective Review

Performing an evidence review before submission is important for cost effectiveness

3

Strategic Filing

If you file an opposition on the basis of prior use, then it's worthwhile filing a trademark application to avoid repeat "squatting" applications

Asset Protection: Proactive trademark filing prevents costly repeat oppositions and strengthens your IP portfolio's value.



Timeline Expectations

Approximate timings after filing the opposition/invalidation application with CNIPA before the deadline:

1

3 Months

Supplemental evidence materials to be provided within 3 months from the opposition/invalidation filing date

2

Acceptance Notice

CNIPA issues the official notice of acceptance

3

30 Days Response

CNIPA shall notify the other party to respond to the opposition/invalidation within 30 days after they receive the notification

4

12-18 Months

The whole process takes approximately 12-18 months for CNIPA to issue the final result of the case from the opposition/invalidation filing date



Your Next Steps

Proven Success

In our experience the outcomes for the client have been successful

Expert Consultation

If you are considering taking action in China, please consult us

Market Monitoring

If you would like to keep a watch on a market product or brand in China then please let us know

Protect Your Investment: Comprehensive IP protection in China enhances your business value, attracts investors, and secures your commercial assets in the world's largest market.



Ready to Protect Your Brand, Your Innovation and Your Peace of Mind?

For tailored advice with no obligation, contact our experienced IP specialists today to discuss your China strategy and safeguard your valuable intellectual property assets.

Call or email Keith Loven at:

t: +44 (0) 1522 801 111

Keith.lovén@loven.co.uk

www.loveniplaw.co.uk

LOVEN
Your brand. Your innovation. Your peace of mind.