IPR Protection for the Cosmetics Industry in China

QUICK FACTS FOR SMEs

Cosmetics industry is rapidly developing due to the expansion of China’s middle class.

E-commerce and low tariffs boost domestic cosmetic sales.

Packaging and Trademark are the two most common IP infringements for overseas cosmetics.

Cosmetics industry in China shows an annual growth of 12%.

TRADE MARKS FOR COSMETICS

1. Border Protection
   - With a Chinese trade mark registration, Chinese customs will stop imports and exports of goods bearing infringing trade mark to yours.
   - Make a trade mark search through CIPO platform before filing for a trade mark registration. It will reveal possible obstacles to the registration.
   - Please note that the online platform of CIPO has a delay of approximately 6 months.

2. File your trade mark application as soon as possible and before entering the Chinese market.
   - Choose the commodity or service classification for application.
   - Registration in multiple cosmetics classes will bring broader protection.
   - Consider registration in advance in classes of potential future interests.

3. Do not forget to apply for Chinese trade mark registration.
   - Make sure to engage a native Chinese speaker to choose the most appropriate name.
   - Chinese trade mark protection follows a first-to-file principle.

PATENTS STRATEGIES

1. File your patent early!
   - Do not tell anyone before it is done.
   - Anticipate application

2. Defensive patent
   - File patents for improved cosmetics or producing methods.
   - It will better protect your basic patent.

3. Insulation requests
   - File a patent for a non-infringing invention.
   - Other enterprises cannot apply for the same patent.

4. File invalidation requests on no novelty grounds.
   - Protect your products against IP infringements.

DID YOU KNOW?

Trade Mark Patent

<table>
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<tr>
<th>Duration of Protection</th>
<th>Trade Dress</th>
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<tr>
<td>10 years</td>
<td>N/A</td>
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Application fee

- 800 RMB (excluding lawyer’s fee)
- 900 RMB (including lawyer’s fee)

Invention Patent

- Utility Models & Design Patent
- 50 years

Invention Patent

- Utility Models & Design Patent
- 50 years

Copyright

- 50 years (for lifetime of the author + 50 years)

- N/A

- N/A

- N/A

- N/A

- N/A

- N/A

- N/A

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