An initiative of the

FREQUENT IP ISSUES IN CHINA'S OEM INDUSTRY

TRADEMARK

In order to remain valid, a trade mark must be used three consecutive years.

Register in advance in order to protect the industrial designs such as drawings, blueprints, etc.

Chinese law protects copyright; without any need for registration, it is highly recommended.

Copy of TRADEMARK

Design patents

TRADEMARK

COPYRIGHT

DESIGN PATENTS

If a similar trade mark has been already filed or registered you should:

File for an opposition or invalidation on the basis of your own prior use in China (if this is the case)

Take enforcement measures against trade mark infringement.

Grant a licence to the OEM factory.

Refer the trade mark with the General Administration of Customs to benefit from the Customs ex-officio protection system.

Refer the licence contract with the Chinese Trade Mark Office.

With a valid trade mark registration, you can

Attempt to prove that the registration was done in bad faith.

Abandon the trade mark in China and re-branding the product is always an option.

You can negotiate with the trade mark owner in China and buy back your trade mark.

INCLUDING IP IN YOUR OEM CONTRACT

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