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HELPDESK UPDATE

Issue 10 - Focus on Trade Mark Names in China

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HELPDESK NEWS

COMPLETED EVENTS round-up

The China IPR SME Helpdesk held a total of 13 events in May and June, in Spain, Belgium, Hungary, Poland, Latvia, Germany and UK in Europe, and Hong Kong, Beijing, Shanghai, Nanjing, Suzhou and Qingdao in China. Topics ranged from general introductions to the IPR landscape in China, to IP protection for the industrial design sector, technology transfer to China, IP in China for the clean technology sector and for the creative industries.



Technology Transfer to China and Essential IP Strategies, Hong Kong



IPR Protection in China for Creative Industry SMEs, Shanghai



IPR Protection in China for Clean Technology SMEs, Frankfurt



Read our new technology transfer GUIDE

The newly revised Helpdesk guide 'Technology Transfer to China: Guidance for Businesses' was released on 5 July. The guide provides valuable advice on how to effectively use contracts and different structures such as licensing, joint-ventures and WFOEs to avoid IPR infringements for European SMEs transferring technology and know-how to China. Download it [here](#).

If you have an IPR issue, or any questions about IPR in China, please contact:

question@china-iprhelpdesk.eu



Listen to our WEBINARS

The first Helpdesk webinar series was completed with success, and the recordings of all webinars and presentation slides can be downloaded [here](#). China IPR SME Helpdesk experts, Stacy Yuan, David Chen and Toby Mak provided a comprehensive overview of the IPR landscape in China (24 May) as well as practical tips and recommendations for EU SMEs belonging to the creative industries (31 May), machinery industry (7 June) and chemical industry (20 June). Many thanks to the active EU SME audience of over 150 which joined us from over 15 EU countries and China. Stay tuned for future webinars on IP protection!

UPCOMING EVENTS round-up

- Seminar on IPR Protection in China: Cambridge, UK, 20 July 2011
- One-on-one consultations afternoon: Beijing, China, August 2011 (tbc)
(Click [here](#) to go to website 'Events' page for more details).

CHOOSING YOUR TRADE MARK NAME IN CHINA

What is a trade mark?

Your trade mark is your identity and is used to market your product. Because you invest time and money into building its reputation, it would be very damaging to your own business if someone began selling their own products or services using your company name. As your reputation grows around the world, you will have to consider your trade mark's meaning in each local market and in some cases will have to create a local mark for different consumers. In China this is particularly important because not only the meaning, but also the sound, tone and even look of the Chinese characters you choose for your trade mark can affect your brand's reputation.

Don't Forget!

As China is a 'first-to-file' system and generally does not recognise unregistered trade mark rights, it is very important to register your trade mark in China before entering into the market so as to diminish the risk of your trade mark being hijacked. It is equally important to register early, as this process can take up to 18 months and your trade mark can only be protected in China once the registration has been completed.

Chinese consumers and your trade mark

Although you can keep your original trade mark for many markets around the world, registering a Chinese equivalent of your trade mark in China is essential in ensuring your brand name doesn't get lost in translation. In China, even if your trade mark is still used in Roman characters, it needs a Chinese equivalent in order for the local population, who often cannot read Roman characters, to be able to pronounce it in Chinese. If your brand does not have its own Chinese character name, it is very likely that one will be adopted by local consumers, and not necessarily with the right connotations or image that you would wish to convey. For example, Quaker Oatmeal and Ralph Lauren are two well-known brands that did not create a Chinese trade mark when entering the Chinese market. Therefore, the general public created their own names for the two brands, based on their logos. Quaker Oatmeal gained the nickname 'Lao Ren Pai' (老人牌) which literally translates to 'old man brand'; while Ralph Lauren discovered that their brand was known as 'San Jiao Ma' (三脚马) in China, which translates as 'three legged horse'

The Chinese language has unique characteristics, and therefore your Chinese equivalent trade mark should be carefully developed with the help and guidance of trade mark, marketing and PR experts, as well as native speakers and translators.



Three ways to choose your Chinese trade mark name

1. Create a literal translation

A literal translation works when the trade mark has a distinctive meaning. For example, Apple Computers chose the brand name 'Ping Guo' (苹果), which is Chinese for 'apple'. Similarly, Palmolive is known as 'Zong Lan' (棕榄), a combination of the exact translation of 'palm' and 'olive'.

The disadvantage of this method is that the Chinese characters will sound different from your original trade mark. This means that marketing time and money will need to be spent on building the association between your Roman character trade mark and the Chinese character trade mark.

2. Create a phonetic translation

A phonetic translation involves creating a Chinese character name that sounds like your trade mark. Pinyin is the official Chinese phonetic alphabet that uses Roman characters, which can be used to create the transliteration. For example, 'McDonald's' is known as 'Mai Dang Lao' (麦当劳), to local Chinese consumers. 'Siemens' goes by the name of 'Xi Men Zi' (西门子), 'KFC' is known as 'Ken De Ji' (肯德基) to locals, and 'Audi' is known as 'Ao Di' (奥迪). This method is preferable when your trade mark already has a reputation amongst Chinese speaking consumers. However, care must be taken when choosing a phonetic version of a foreign mark, because the Chinese characters may have an undesirable meaning in one or more of the six major Chinese dialects.

3. Combine a literal and phonetic translation

The best trade marks are those that sound the same and also make reference to a defining characteristic of your brand or have positive meaning in Chinese culture. For example, after considering hundreds of combinations of the four syllables that make up its name, Coca-Cola finally settled with 'Ke Kou Ke Le' (可口可乐), which means 'taste and be happy'. The German brand 'Fuchs' which in German means 'fox' is translated into 'Fu Si' (福斯) which translates to 'good luck and blessing'.

Take Away Message

Whatever approach you decide to take, make sure that your trade mark has no negative meanings and that the trade mark works well in all major Chinese dialects. Whilst the common language is Mandarin, there are a number of other important dialects including Shanghainese and Cantonese, as well as other Chinese dialects throughout mainland China and other parts of Asia.

One quarter of the world's consumers is ethnic Chinese. Therefore you, as a trade mark owner, should give your Chinese character trade marks thought in order to give your brand the right image in China and avoid costly mistakes from the start. Enlist the help of trade mark attorneys, marketing managers, as well as local, native-Chinese staff, and most importantly of all – register early!

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The Helpdesk Update is the quarterly newsletter distributed by the China IPR SME Helpdesk. As well as containing news about upcoming Helpdesk activities, each edition focuses on a specific IPR issue, giving subscribers key facts, recommended action steps, and case studies. To view all past newsletters, visit the China IPR SME Helpdesk website 'Newsletter' section [here](#). To unsubscribe from this newsletter, please click [here](#).

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