



How to find an Intellectual Property Agent

1. Introduction

As mentioned in other China IPR SME Helpdesk guides, filing proper intellectual property (IP) registrations before you start doing business in China is essential in order to protect your company's intangible assets and provide the ground work in case you need to enforce your rights in China.

As a European SME, if you plan to apply for a trade mark or a patent in China, you may be able to extend your domestic registrations to China or you may need to, or prefer to, register trademarks directly with the China Trade Mark Office (CTMO) or patents with the State Intellectual Property Office (SIPO). In either scenario, you may want to, or be required to (see section 2), hire a local professional IP agent or lawyer to do the registration on your behalf. In general it is not necessary to hire an agent to complete the copyright recordal process due to the straightforward nature of the application. For more information please see the China IPR SME Helpdesk Guide to Copyrights in China.

In practice, where and how to find a good IP agent in China is a common concern for SMEs. This guide aims to provide some basic guidelines, tips and sources on how to find a trade mark or patent agent and what to look

out for when choosing the right agent for you.

2. Who needs an IP agent?

Here are some common scenarios where a European SMEs would need to hire an IP agent in China:

- An EU SME based in Europe, filing a trade mark registration with CTMO must hire a local agent to submit the application.
- An EU SME based in Europe, designating China in their application for an international trademark registration through the World Intellectual Property Office (WIPO), may not need any agent. However if the registration is refused, the SME must hire a Chinese agent to handle the appeal with the Trade mark Review and Adjudication Board (TRAB) in China.
- EU SME based in Europe, engaged in other issues with CTMO, i.e. trade mark opposition, assignment, renewal etc., must hire a local agent in China.
- An EU SME with habitual residence or business place in China is free to use an agent to file the trade mark registration or do it on its own, similarly, to attend to other trade mark matters.
- For patent matters e.g. registration, invalidation etc., it is

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highly recommended that EU SMEs hire a local patent agent in China due to the high technical requirements needed.

You can inform yourself about the trade mark and patent application process by reading our Trade Mark and Patent Protection Guides. This will help you to be an informed consumer and give you confidence when contacting potential agents.

3. Where can I find an agent?

Since some tasks must be conducted by an agent, both CTMO and SIPO have published a list of their approved agents in Chinese:

- Trade Mark agency list: <http://sbj.saic.gov.cn/sbdl/zmd/> (see Figure 1)
- Trade mark agency (law firm) list: <http://sbj.saic.gov.cn/sbdl/bals/>
- Patent agency search engine: <http://dlgl.sipo.gov.cn/txnqueryAgencyOrg.do> (see Figure 2)
- Individual patent agent search engine: <http://dlgl.sipo.gov.cn/txnqueryAgent.do>

Please note that the Patent Agent search engine works well in Internet Explorer and Google Chrome but not in other internet browsers.

While the CTMO list is relatively simple and provides only the name and address of approved agencies, the SIPO database provides functions like 'sorting' and 'checking details' to show more background information including establishment date, partners/stakeholders, emails and a full list of agents in the agency.

Since the information and the interface of the search engines are only provided in Chinese, please see the following brief translation of some key words.

The screenshot shows the 'Trademark Agency List' (商标代理) page on the SIPO website. At the top, there are navigation links: '业务指南' (Business Guide), '备案代理机构总名单' (List of Registered Agencies), '备案代理机构(律所)名单' (List of Registered Agencies (Law Firms)), '代理机构注销备案名单' (List of Agencies Withdrawn from Registration), and '欠费代理机构名单' (List of Agencies with Outstanding Fees). Below this, a list of agencies is shown, with '杜和季商标代理有限公司' (Duheji Trademark Agency Co., Ltd.), '温州百富勤商标事务所有限公司' (Wenzhou Baifuqin Trademark Agency Co., Ltd.), and '浙江亿维律师事务所' (Zhejiang Yiwelaw Firm) circled in red. Below the list is a search form for '备案代理机构总名单' (List of Registered Agencies) with fields for '代理机构名称' (Agency Name), '代理机构地址' (Agency Address), and '曾用名' (Former Name). There are also buttons for '查询' (Search) and '重置' (Reset). Below the search form is a table with columns: '代理机构名称' (Agency Name), '代理机构地址' (Agency Address), '联系电话' (Contact Phone), and '曾用名' (Former Name). The table contains four rows of agency information.

| 代理机构名称 | 代理机构地址 | 联系电话 | 曾用名 |
|---------------------|-----------------------------------|--|---------------|
| 北京天平正元知识产权代理有限公司 | 北京市朝阳区朝外大街16号1号楼1808B室 | 65885188 | |
| 新疆远光商标事务所(有限公司) | 新疆乌鲁木齐市新市区北京北路59号信达花园小区第一幢A-1005号 | 0991-6671001 | |
| 北京元本知识产权代理事务所(普通合伙) | 北京市海淀区花园路12号时代玉成403 | 62361567 | 北京元本知识产权代理事务所 |
| 北京东方博通知识产权代理有限公司 | 北京市西城区月坛南街69号院8号楼427室 | 010-52858189; 13601024882; 13522620750 | 无 |

Figure 1: CTMO trade mark agency list & search

| Legend of Figure 1 | |
|--------------------|--|
| A | General list of all recorded agencies |
| B | List of recorded agencies (Law Firm) |
| C | List of withdrawn agencies |
| D | List of agencies in debt |
| ① | Name of the agency |
| ② | Address of the agency |
| ③ | Used name |
| ④ | Search |
| ⑤ | Redo |
| ⑥ | Telephone number |
| ○ | Lists of agencies withdrawn or ceased business |

SIPO 国家知识产权局 专利代理管理系统 - 专利代理机构查询

进入代理人查询

专利代理机构查询

机构代码: 机构字号:

负责人: 机构状态: 正常

地区: 北京市

查询 **重置**

| 省市名称 | 机构数 | 省市名称 | 机构数 | 省市名称 | 机构数 | 省市名称 | 机构数 |
|------|-----|------|-----|------|-----|------|------|
| 北京 | 314 | 天津 | 19 | 河北 | 17 | 山西 | 8 |
| 内蒙古 | 4 | 辽宁 | 47 | 吉林 | 15 | 黑龙江 | 17 |
| 上海 | 89 | 江苏 | 70 | 浙江 | 51 | 安徽 | 20 |
| 福建 | 21 | 江西 | 12 | 山东 | 39 | 河南 | 24 |
| 湖北 | 22 | 湖南 | 25 | 广东 | 142 | 广西 | 11 |
| 海南 | 2 | 重庆 | 12 | 四川 | 32 | 贵州 | 7 |
| 云南 | 12 | 西藏 | 0 | 陕西 | 20 | 甘肃 | 3 |
| 青海 | 3 | 宁夏 | 3 | 新疆 | 5 | 合计 | 1066 |

本查询结果基于专利代理管理系统，请专利代理机构自行登录专利代理管理系统进行数据项的维护。关键数据的备案事项变更需报请相关部门进行审核。

专利机构信

| 序号 | 机构代码 | 字号 | 机构名称 | 机构状态 | 负责人 | 联系电话 | 机构地址 | 操作 |
|----|-------|-----|-----------------|------|-----|--------------|---------------------------------|------|
| 1 | 11001 | 国林发 | 北京国林发知识产权代理有限公司 | 正常 | 李桂玲 | 010-65150103 | 北京市东城区建国门内大街19号恒基中心办公楼1座6层605 | 查看详情 |
| 2 | 11002 | 路浩 | 北京路浩知识产权代理有限公司 | 正常 | 谢顺星 | 010-62190988 | 北京市海淀区丹棱街3号B座10层08、09、10、11、17室 | 查看详情 |

Figure 2: SIPO patent agency list & search



Figure 3: SIPO patent agent list & search

| Legend of Figure 2 & 3 | |
|---|--|
| A | Search engine of patent agencies |
| B | Search engine of patent agents |
| ① | Code of the agency |
| ② | Address of the agency |
| ③ | (Full) Name of the agency |
| ④ | Search |
| ⑤ | Redo |
| ⑥ | Telephone number |
| ⑦ | Responsible person |
| ⑧ | Status of the agency (normal/withdrawn/close) |
| ⑨ | (Key) Name of the agency |
| ⑩ | Name |
| ⑪ | Certificate No. |
| ⑫ | Profession certificate No. |
| ⑬ | Expertise |
| ⑭ | ID No. |
|  | Locations sorted by provinces |
|  | Checking details: click here to access the company's contact details |

1. How do I choose an agent?

Although such official lists of agencies provide a starting point, the long lists (6,921 trade mark agencies, 8,295 law firms offering trade mark agency service, 1,061 patent agencies, and 10,123 patent agents) mean it is not easy to find the right one for your needs. We would like to share with you some tips on searching for an agency, investigating its background and checking their service, to narrow down your search and finally secure one agency.

Tip1: Consider location

Generally speaking, selecting an agency based in the same city where you plan to do the majority of your business in China will make it easier to communicate with the agency and prepare your registration documents. Via SIPO's patent agency search engine, you can filter the list of agencies to certain province (see figure 2). You will have to manually look for the specific city you are interested in. With CTMO's database, you need to enter the city name in the 'address' section to filter (see figure 1). For European SMEs based in Europe with no presence in China, it would be advisable to select one based in Beijing since both CTMO and SIPO are located in Beijing and the hard copy application documents must be sent to these offices. Beijing based agencies can arrange staff to hand deliver documents and get confirmation of acceptance on the same day, or provide faster feedback on modification if required.

Tip2: Consider business focus

Via the trade mark agency list, you will see, that many different kinds of company offer trade mark services, for example, 'xxx Management Consulting Company' or 'xxx Advertisement Company'. Since there are so many options, it may be preferable to select an IP focused agent (unless you have received a specific referral to another company or it matches with your other business needs). From the company's name you can gain a basic understanding of their focus, e.g. "xxx Trade Mark Agency" or "xxx IP Agency Company" usually means they mainly do IP. If you wish you can further check the scope approved in their business license as it is published by local the Administration of Industry and Commerce (AIC). You can also check the date of establishment and legal status. For more details, see our "How to conduct due diligence for IP" guide.

However, even by following the tips above, you will still be facing a long list of potential service providers. Following the Chinese idiom 'shopping around to get a good buy', it is recommended to shortlist several companies to further investigate the quality and compare the price and service. Before you actively approach a potential agency, check its website to get a basic impression and particularly check the following:

- Language – whether the agency has English website offering the information you are looking for (not only the front page and titles in English), which basically means it can handle English requests;
- Services – whether its services/practices include trade mark/patent registration, and have any introduction regarding the requirements, formalities and process for registration;
- Price – whether it publishes a price list for services. Not all agencies will publish this online and it may be necessary to contact them directly for a quotation. However some agencies do release this kind of information which can provide a useful reference for you.
- Profession qualification – In 2003 CTMO lifted regulations on trade mark agent qualification meaning anybody can currently provide trade mark agent services. However, patent agents can only obtain the profession certificate by passing the Patent Agent Qualification Examination organised by SIPO so please ensure patent

agents have the correct qualification;

- Power of Attorney – besides other required documents for trade mark/patent registration, the Power of Attorney is an important document whereby you empower the agent to act on your behalf. Many agencies uploaded template Power of Attorney documents on their websites for clients to download. Those which provide a clear chart of what specific services can be entrusted is ideal, as you only need to select the items you want and therefore avoid any potential abuse of power from a vaguely composed Power of Attorney.

The following may not be necessary but could be considered when short listing agents:

- Any awards the agency/law firm/agent has won
- Branch office(s) in other cities
- Successful cases

Next, contact the shortlisted agencies using contact information provided on their website or from the SIPO lists directly (in the SIPO search engine the email address is provided in the 'checking details' section. See figure 2). If you do not have all the details about the agency mentioned above, you can take this opportunity to ask them and check if their reply is received in a timely manner, with clear information and feasible/reasonable advice. For example, companies which promise registrations within a few weeks or months may not be reliable as trade mark registration takes up to 12 months and patent applications take at least that long. Ask the company to provide a breakdown of charges including a list of the official administrative charges and their service fee. You can double check the administration fee they have quoted is correct via the Helpdesk guides to trade marks and patents. Additionally look for companies which provide clear communication and information on what the agency will do for you, what you need to provide and what the timeline looks like. Lastly, a good IP agent should respect IP and have the responsibility to keep confidential information released by clients, especially when patent registration is involved. If your information is provided, ask a potential agent about their data protection policy and procedures. All of these factors will help you to compare service providers and make the best decision.

A final point to consider is that many IP agencies offer both trade mark and patent agency services. Since patent agencies must obtain a qualification through strict examination one might consider patent qualified agencies could run more professionally, attach more importance to their reputation and the quality of both their patent and trade mark businesses, than trade mark only agencies with a short operation period.



Related links:

As a supplement to the official lists of IP agencies, please consider these additional sources of finding an IP agent or law firm.

China IPR SME Helpdesk Guide to Trade Mark Protection in China:

http://www.china-iprhelpdesk.eu/docs/publications/China_IPR_Guide-Guide_to_Trade_Mark_Protection_in_China_EN-2013.pdf

China IPR SME Helpdesk Guide to Patent Protection in China:

http://www.china-iprhelpdesk.eu/docs/publications/China_IPR_Guide-Guide_to_Patent_Protection_in_China_EN-2013.pdf

China IPR SME Helpdesk How to Remove Counterfeit Goods from E-Commerce Sites in China Guide:

http://www.china-iprhelpdesk.eu/docs/publications/China_IPR_Guide_on_How_to_Remove_Counterfeit_Goods_from_E-Commerce_Sites_in_China.pdf

China IPR SME Helpdesk Guide to Copyrights in China:

http://www.china-iprhelpdesk.eu/docs/publications/EN_Copyright_guide_Aug_2010.pdf



The China IPR SME Helpdesk provides free, confidential, business-focused advice relating to China IPR to European Small and Medium Enterprises (SMEs).

Helpdesk Enquiry Service: Submit further questions to the Helpdesk via phone, email (question@china-iprhelpdesk.eu) or in person and receive free and confidential first-line advice within three working days from a China IP expert.

Training: The Helpdesk arranges training on China IPR protection and enforcement across Europe and China, tailored to the needs of SMEs.

Materials: Helpdesk business-focused guides and training materials on China IPR issues are all downloadable from the online portal.

Online Services: Our multi-lingual online portal (www.china-iprhelpdesk.eu) provides easy access to Helpdesk guides, case studies, E-learning modules, event information and webinars.

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