

Trade Mark Agency Services

1. Who can benefit from the opening up of trade mark agency services in the Mainland?

Hong Kong service suppliers who satisfy the conditions set out in Annex 3 of Agreement on Trade in Services can provide trade mark agency services in the Mainland subject to compliance with certain prescribed conditions since 1 January, 2005. Please refer to FAQ 4 for relevant rules and regulations.

2. What types of services can Mainland trade mark agencies provide?

Mainland trade mark agencies can accept appointments as agents to provide the services specified in Chapter 9 “Trade Mark Agencies” of the Regulations for the Implementation of the Trade Mark Law of the People’s Republic of China. The full text of the Regulations for the Implementation of the Trade Mark Law of the People’s Republic of China can be found on the website below:

http://www.gov.cn/zhengce/2014-04/30/content_2670953.htm

(in Chinese only)

3. Can a Hong Kong trade mark agency undertake trade mark agency services in the Mainland?

Under CEPA, a Hong Kong service supplier can undertake trade mark agency services in the Mainland after obtaining legal registration and acquiring the qualification of being a statutory operating body in the Mainland, as well as satisfying the requirements in relation to setting up trade mark agencies set out in the Regulations for the Implementation of the Trade Mark Law of the People’s Republic of China and completing the relevant filing formalities.

4. What are the rules and regulations concerning trade mark agency services promulgated by the Mainland authorities to implement the commitments under CEPA?

Rules and regulations promulgated by the Mainland authorities relating to the implementation of commitments under CEPA are:

- (1) “Trade Mark Law of the People’s Republic of China” (April 2019)
(in Chinese only)
https://gkml.samr.gov.cn/nsjg/fgs/201906/t20190625_302763.html
- (2) “Regulations for the Implementation of the Trade Mark Law of the People’s Republic of China” (Order of the State Council No. 651 - Apr 2014) (in Chinese only)
http://www.gov.cn/zhengce/2014-04/30/content_2670953.htm
- (3) “Administrative Measures for Law Firms Undertaking Trade Mark Agency Work” (Decree of the State Administration for Industry and Commerce (2012) No. 192) (November 2012) (in Chinese only)
http://www.npc.gov.cn/zgrdw/huiyi/lfzt/sbfxczazt/2012-12/21/content_1747736.htm
- (4) “Filing Instructions for Trade Mark Agencies” (Nov 2019) (in Chinese only)
http://sbj.cnipa.gov.cn/sbj/sbdl/ywzn/201804/t20180402_785.html
- (5) “Answers of Frequently Asked Questions on Filing Administration, Change and Cancellation of Trade Mark Agencies” (Nov 2019) (in Chinese only)
http://sbj.cnipa.gov.cn/sbj/sbdl/ywzn/201804/t20180402_784.html