

March 2016

"PROTECT YOURSELF"

LEGAL PROTECTION OF YOUR BRAND IN CHINA

IP Protection is Available in China Today!

With all the 'bad press' about China's lack of respect for US trademarks and copyrights, companies may assume that Chinese IP protection does not exist. However, most companies fail to educate themselves about how to use the legal IP protections available in China today. Lately, this area has been a key focus of the Chinese government.

It is important to register and protect IP rights in China. Even companies having no present business in China should consider obtaining IP rights in China as a defense measure; and to include China in a company's IP strategy from the very beginning.

With the benefits of proper IP planning, businesses might want to consider China as part of their IP strategy.

China's legal system does not recognize foreign IP rights. The only legal protection in China for your company's brand, and other IP protections, is the protections that are created under Chinese law.

Trademark protection in China is based on a "first to register" basis. For example, your corporate name and trademark rights would be lost if another party were the first to register the marks within the Chinese legal system. An injured party has three paths for enforcement of its IP rights in China:

- a) administrative
- b) civil
- c) criminal

Administrative enforcement is conducted by government agencies and is generally the fastest and most efficient route. A Civil enforcement lawsuit is initiated by the injured party. Criminal enforcement is reserved for more serious cases involving a large volume of infringing goods. In addition to these direct avenues, the rights holder can also ask Chinese customs to seize infringing products.

For More Information:

Deborah Greaves

Brutzkus Gubner Rozansky Seror Weber LLP / 21650 Oxnard Street, Suite 500
Woodland Hills, CA 91367 / (818) 827.9000 / dgreaves@brutzkusgubner.com

www.brutzkusgubner.com