

ITMA Chinese TM Law Consultation – Call for Evidence (14 January 2013)

Dear Trade Mark Attorney

Re: Trade Marks in China : New law, consultation period to 31 January 2013 : Call for evidence

We are writing in relation to the latest revision of the Trade Mark Law in China, which is open to consultation until 31 January 2013. Perhaps you have also seen the attached Information Note, which was issued last week.

Many ITMA members will have had experience of their (or their clients') Chinese Trade Mark Applications being rejected on the basis of earlier unexpected third party registrations for identical/almost identical marks, or may have had difficulties in preventing a third party's use or registration of a mark which is identical or similar to their (or their clients') own mark.

In order to support the consultation attached, ITMA is collecting such anecdotal evidence in order to present it to the Chinese Government, as well as through the UK-IPO and through the IP Attache in Beijing, Tom Duke; we are also liaising with the China-Britain Business Council which is gathering examples.

We need your help.

Clearly it would be best if the anecdotes are not anonymous, but all evidence would be welcome.

Please, if you can, reply with as much information as you can share in any of the below four categories, presuming in each case that your Client is the true owner and the first global user of the mark:-

- 1) A prior identical application/registration in China which has been filed by a party known to be connected to your Client - for goods/services which are identical / similar / dissimilar (please say which).
- 2) A prior identical application/registration in China which has been filed by a party which seems not to be connected to your Client, for goods/services which are identical / similar / dissimilar (please say which) and which is
 - 2a) A personal name
 - 2b) A stylised or device mark
 - 2c) A block capital mark.

Further anecdotal evidence - such as encountering parties who have filed large numbers of various third party marks, or parties who have filed Chinese applications speculatively, in the hope of becoming an authorised licensee, would also be welcome. However, we are particularly hoping to find good examples in the above four categories and especially in 2a and 2b.

Please reply to our designated response email at consultations@itma.org.uk. If you wish to write directly to the Legislative Affairs Commission of the NPC Standing Committee, then do please feel free to do so, as well or instead; the more responses are made, the better. The address are in the attachment.

I look forward to hearing from you before Thursday 24 January 2013, please.

Kind regards

Catherine Wolfe
ITMA President