

# YANG & ASSOCIATES

## GUIDE AND FEE SCHEDULE FOR APPLICATION OF PATENT AND TRADEMARK

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■ Filing for trademark registration

Types of trademarks	Trademark	Collective Mark	Certificate Mark
	marks used on goods or for services	signs registered in the name of bodies, associations or other organizations to be used by the members thereof in their commercial activities to indicate their membership of the organizations	signs controlled by organizations capable of supervising some goods or services and used by entities or individual persons outside the organization for their goods or services to certify the origin, material, mode of manufacture, quality or other characteristics of the goods or services; e.g. geographical indication
Registrability	1) any visually and aurally perceptible signs including words, designs, letters of an alphabet, numerals, three-dimensional signs, combination of colours and sounds, etc.; 2) signs or any combination of such signs to be distinguishable; 3) not conflict with any prior right of others.		
First-to-File Rule	Where an application to register a mark has been rejected due to its identity or similarity to a previously registered mark, evidence of prior use will not be helpful for the purpose of challenging the registration, unless the mark is proved to be "well-known" under the law.		
Priority claiming	6 months		
Procedure	Examination	Formality:	correctness of document and classification
		Substance:	registrability of the mark and possible conflict with prior rights
	Publication	Applications that have passed examination will be published in the Trademark Gazette for opposition purpose	
	Registration	no opposition filed against the registration within three months after the publication; or the opposition filed is decided not justifiable	
	Duration	Ten years after the registration, renewable 6 months before the expiration	

■ Documents and information required for filing

Documents or Information	Trademark	Collective trademark	Certification trademark
File for sign, sound or device in computer readable formats, e.g. TIF, JPG, PNG, PDF, MSC, WMA, MP3, WAV, etc.	√	√	√
Instruction letter including filing information:			
a) Types of trademark to be registered	√	√	√
b) Class of the trademark to be registered	√	√	√
c) Applicant's name and address in English, and in Chinese characters, if any*;	√ △ *	√ △ *	√ △ *
d) Priority declaration, if claimed	△	△	△
d) Priority Information including the country where the priority application filed and the filing date and number;	△	△	△
Power of Attorney (duly executed by applicant)	√	√	√
Certified priority documents, if the priority is claimed	△	△	△

*Note:*

√ - necessary x- unnecessary △ - if any

\* In case of Japanese/Korean applicants or inventors, both Japanese/Korean and Chinese Characters should be given for the name and address

■ China Registration for Marks

Items	Official Fees (CNY)	Attorney Fees (CNY)
(I) Trademark search for registrability for a single sign		
preliminary search without opinion		500
preliminary search with opinion		1000
(II) 1) Application for registration of trade/service mark	270	2000
2) Application for registration of trade/service mark in each additional class for the same mark simultaneously	270	2000
3) in excess of ten goods/service items in one application for each one class, per additional item	27	-
(III) Application for registration of collective/certification mark	1500	2200
(IV) Application for renewal of a trademark registration	1000	2000
(V) Late filing of renewal document	250	700
(VI) Application for a trademark assignment	500	1800
(VII) Application for modification of name/address/other for registrant and applicant	250	1000
(VIII) Recordation of a trademark license agreement	150	1500
(IX) Re-issuance of registration certificate	500	1200
(X) Applying for review on a refusal	1500	2600
(XI) Applying for/Response to opposition	1000	1800
(XII) Applying for/Response to review on an adjudication of opposition	1500	2600
(XIII) Applying for/Response to cancellation of a disputed registered trademark	1500	2600
(XIV) Applying for/Response to cancellation of an improperly registered trademark	1500	2600
(XV) Applying for/Response to cancellation of a trademark registration on basis of non-use	1000	1500
(XVI) Applying for review on decision of a trademark cancellation	1500	2600
(XVII) Preparation of trademark specimen, each mark		100
(XVIII) Choosing/Writing Chinese equivalents for foreign word in a mark		200
(XIX) Obtaining a certified copy of a registration certificate	50	560