

Measures on the Management of Trademark Agency

State Administration of Industry and Commerce (hereinafter “SAIC”) issued the Measures on the Management of Trademark Agency (the “Measures”) on July 12, 2010, according to the Trademark Law and the Implementation Measures of the Trademark Law.

The promulgation of the Measures is for the purpose of improving the trademark agency system and protecting the rights of the consignor of the trademark and trademark agency.

The main contents of the Measures are as follows:

1. Authorities in Charge

SAIC and its local branches are responsible for the supervision and management of the trademark agencies and trademark agents.

2. Prohibition of Consignation Transfer

The trademark agency is not permitted to consign the trademark agency activities to any other entities or individuals, nor facilitate these activities.

3. The Scope of the Consignation

If the consignor may consign the trademark application matters to the trademark agency, the trademark agent who works in the trademark agency will be permitted to provide the following trademark services:

- a. The registration application, change, extension, assignment, challenge, revocation, review, complaint to the infringement of the trademark, etc.;
- b. Trademark consulting;
- c. Other relevant trademark matters.

4. Stamping on the Trademark Application Form

The trademark agency shall stamp on the trademark application form and the trademark agent shall also sign on the trademark application form.

5. Prohibition in Respect of Consignation of the Trademark Cases

One trademark agency is not permitted to undertake the representation of both parties in one trademark case.

6. Prohibition in Respect of the Trademark Agent

One trademark agent is not permitted to serve in two or more trademark agencies at the same time.

7. Obligations of the Trademark Agent

The trademark agent shall keep the commercial secrets of the consignor. The trademark agent can not disclose any trademark details to any third party without the consignor's permission.

The trademark agent shall reject the consignment from the consignor if the trademark agent explicitly knows that the consignment is malicious, fraudulent or violating the law.

8. Conclusion

The Measures set forth the rules to regulate the trademark agency activities and the trademark agency regulatory system. The trademark applicant will benefit from this regulation. Nevertheless, the Measures only include the basic rules with respect to the trademark agency and they are expected to be improved by more specific practical measures.