



INPI

**INTELECTUAL
PROPERTY GUIDE
FOR EXPORTERS**

CHINA

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Introduction

This guide is part of a collection designed to help Brazilian exporters protect their Intellectual Property (IP) assets in the countries they wish to export to.

Each country has its own particularities regarding the IP system and this volume is dedicated to China.

The IP topics covered in this guide are: trademarks, patents, industrial designs, geographical indications, new plant varieties and copyright.

The guide is divided into three parts. In the first, we indicate reliable sources where you can deepen your knowledge about Intellectual Property. In the second, we present China's IP system, advising on how to protect your IP assets in the country and addressing issues to consider before starting to export there. At the end, we provide information on what to do if you suffer any type of violation of your rights.

Our goal is to provide you with important and easy-to-understand information, so you can confidently navigate IP challenges and make the most of export opportunities to China.

Before you start exporting

Before starting your export process, what steps need to be taken in the IP area?

1. Know what IP is;
2. Have a deep understanding of the IP of your business and protect it in your home country;
3. Develop a strategic export plan that includes IP-related issues;
4. Research if there is anything similar to your IP assets that is already protected in the countries you want to export to;
5. Protect your IP in these countries and _ only after that;
6. Take your product or service overseas.

This guide will tell you:

1. The main mistakes of exporters in the area of IP;
2. Where to learn more about IP and about IP and export;
3. Where and how to protect your IP in Brazil;
4. Where to conduct research if there are already IP assets similar to yours in other countries;
5. What is China's international IP legislation;
6. Where and how to protect your IP in China;
7. Some cost estimates of this process;
8. What to do to protect yourself in case you are copied.

We hope this will be a facilitator in your export process!

Five biggest mistakes of the exporter in the area of Intellectual Property

Some common IP mistakes made by those who start exporting that we want to help you avoid:

1. **Do you know that your trademark, your patent and your industrial design are only valid in the country where they are registered?**

One of the most common mistakes made by exporters is not knowing that Intellectual Property rights, such as trademarks, patents and industrial designs, are **TERRITORIAL**. This means that, although we live in a globalized world, IP rights are not. They are valid only in the country or territory in which they were protected.

The only exception to this rule is that which is protected by copyright. This is because the 181 signatory countries of the Berne Convention agreed that the protection of rights of artistic and literary works, among others, should not be subject to the fulfillment of any formality, nor depend on the existence of protection of the work in their country of origin. The author has moral and patrimonial rights in relation to his work, since it was produced, regardless of registration.

However, all other intellectual property rights need to be protected **IN EACH COUNTRY** where you wish to export, so that you have rights to these assets.

Thus, BEFORE you start your export activities, it is crucial that you decide WHERE you want to protect your IP assets. This is a fundamental decision that must be made with caution and planning, as the costs involved can be high.

2. Do you want to have your trademark, your patent and your design protected?

Did you know that the disclosure of an invention or an industrial design, without having a previously filed application for protection, can make your right over these assets unfeasible?

We are sure that you do not want to have your IP copied, inadvertently made public, or protected by a third party. Imagine, for example, not being able to use your own trademark in another country because someone else has already registered it before you.

Therefore, it is essential that you seek to secure your IP rights BEFORE entering and presenting your products in a new market. Remember: **what guarantees the right to IP in a territory is its REGISTRATION, and not just its use.**

When planning your international expansion, pay special attention to protecting your IP assets. This way, you'll avoid unpleasant surprises and maintain control over your resources.

3. Do you want to protect yourself from taking an IP infringement lawsuit in another country?

Did you know that it is essential **to RESEARCH** if there are already trademarks, patents or industrial designs similar to yours, which are already protected, in the country to which you want to export? This is an important step to avoid the risk of infringing on a third party's right in a new market.

Most countries make databases available for research in their IP offices. You can make an online query in these systems to check if there is already any prior notice that may make your request unfeasible. This pre-search can help you save a lot of time and money. In addition, there are also international databases that allow research to be carried out. Several of them are indicated in this guide.

4. Does IP rights obtained in one country guarantee the same right in another?

Many exporters think that if they have obtained an IP right in one country, they will automatically get the same right in another. Unfortunately, this is not the reality.

Although there are some common parameters established by international agreements, the area of IP varies widely between countries in terms of legislation and rules for granting rights.

Therefore, there is no guarantee that what was granted in one country will also be granted in another. Each nation has its own particularities and requirements when it comes to protecting Intellectual Property, which makes each country's decision **INDEPENDENT**.

This means that when planning your export strategy, you need to carefully analyze the IP situation in each destination country. It is not possible to assume that a right obtained in one place will be automatically recognized in another.

5. Did you include IP issues when you did your export project?

The preparation of a good **STRATEGIC PLANNING** is key to success in exporting. Many exporters make the mistake of neglecting IP-related issues when planning their export activities. However, it is essential to consider these issues as an essential part of this process.

IP assets can be some of the most valuable that your company has. Therefore, it is essential that your planning is careful and that it includes a detailed analysis of these assets.

Depending on the number of countries in which you decide to protect these assets, the costs can be significant. Therefore, it is necessary to evaluate in advance what, and where you want to protect¹.

Regarding the deadlines you have for the protection of your IP assets, according to the Paris Agreement, an international treaty of the World Intellectual Property Organization (WIPO) valid in 176 countries, when you file an application for a patent, utility model (MU), trademark or industrial design (DI) with an IP office, you have a period of 12

¹ Some important questions that need to be answered in strategic planning: why, what, when, where, with whom, how and how much it costs to export.

months (for patent and utility model), and 6 months (for industrial design and trademark), to apply for protection in any other country, without losing the "right of priority", that is, in this period you will have priority in relation to another applicant who files something similar to the one you filed, anywhere in the world. After this period, what you have protected in a territory will be free and available to anyone, in all countries where your asset has not been protected.

We highlight that this happens when you choose to make national deposits, in each country individually. There is also the option of making international deposits, in a group of countries, at once, through WIPO, which makes the process much easier. We'll detail this option later.

For these reasons, it is essential that you make a good strategic planning regarding the IP area in the initial phase of the project, even before starting export actions, when you decide to protect your IP assets. This way, you'll avoid missing opportunities, reduce risk, and lower unnecessary costs.

By prioritizing IP planning in your export project, you will be taking a crucial step towards the success of your business in the international market.

Courses on Intellectual Property

Intellectual Property is traditionally divided into three branches:

- **Copyrights** that protect literary, artistic, technological and software works;
- **Industrial property**, such as trademarks, patents, utility models, industrial designs and geographical indications; and
- **Sui generis protection**, such as the protection of new plant varieties.



If you wish to deepen your knowledge of IP before deciding to use it when exporting to China, you can consult the schedule of free courses on the subject available on the website of the National Institute of Industrial Property (INPI).




You can also participate in the free IP course, in Portuguese, offered twice a year by WIPO, called: DL 730 "Executive Course on Intellectual Property and Exports".



Intellectual Property information and tools for companies





INPI offers guides on intellectual property for businesses that can help you explore the possibilities of IP for your company.

Table 1: INPI Information and tools on IP for companies

Tools	Link
IP Information for Businesses	

WIPO also offers a series of tools, guides and information on IP available free of charge that can help you.

Table 2: WIPO IP information and tools for businesses

Tools	Link
IP Information for Businesses	
IP self-diagnostics for businesses	
IP Guides for Businesses *	
Strategic IP Walkthrough for SMEs	

* Some of the guides provided by WIPO, in Spanish, English and French, are:

1. **Secrets of Intellectual Property: A Guide for Small and Medium-sized Exporters;**
2. **Inventing the Future: An Introduction to Patents for Small and Medium-sized Enterprises;**
3. **Making a Mark: An Introduction to Trademarks for Small and Medium-Sized Enterprises;**
4. **Looking Good: An Introduction to Industrial Designs for Small and Medium-sized Enterprises;**
5. **Exchanging Value - Negotiating Technology Licensing Agreements: A Training Manual;**
6. **A Guide to Intellectual Property for Startups; among others.**

How to protect your Intellectual Property in Brazil

Before you start exporting, consider protecting your IP in Brazil. Here we indicate the step-by-step process for trademarks, patents, industrial designs, protection of plant varieties and copyrighted works.

Table 3: Step by step for filing Intellectual Property in Brazil









Type of IP	Institution	Link
Trademarks	National Institute of Industrial Property (INPI)	
Patents	National Institute of Industrial Property (INPI)	
Industrial Designs	National Institute of Industrial Property (INPI)	
Plant Variety Protection	Ministry of Agriculture and Livestock (MAPA)	

Table 4: Institutions for voluntary registration of copyrighted works in Brazil

Type of Copyrighted Work	Institution	Link
Musical Works	School of Music of the Federal University of Rio de Janeiro (UFRJ)	
Architectural Works	Council of Architecture and Urbanism of Brazil (UCC)	
Audiovisual Works	National Film Agency (ANCINE)	
Computer Programs	National Institute of Industrial Property (INPI)	

National Intellectual Property Rights Institutions in China

In China, the **China National Intellectual Property Administration** (CNIPA) is the main institution responsible for the administration of IP rights, including Patents, Trademarks, Industrial Designs, Geographical Indication and Layout Design of Integrated Circuit.



With regard to copyright, the registration of works is carried out at the **Copyright Protection Center of China** (CPCC).



The CPCC, in turn, is subordinate to the **National Copyright Administration of China** (NCAC), which is responsible for the administration of copyright.



The institution responsible for the registration of new plant varieties (protection of new plant varieties) is the **Ministry of Agriculture and Rural Affairs**.



IP protection in China does not include protection in Hong Kong, Macau or Taiwan. If you wish, you can register your IP rights in these territories separately.

Where to conduct your IP search in China

How to search if an IP is already protected in China?

As we said, before applying for an IP right in another country, you need to check if your trademark, invention, industrial design or plant variety already exists and if it is already protected.

If you find something similar in the market you want to explore, it may be difficult to get the protection you want.

Your search should include the Internet, social media, international IP search databases, and research databases from the country where you are filing.

Make sure your search is as broad as possible, to avoid future unnecessary costs.

With the advancement of Artificial Intelligence technology, in a short time it will be much easier and faster to know if there are already protected assets similar to the ones you want to protect.

Trademark search

Before applying for a trademark, you can start by searching the CNIPA database for trademarks for products and services similar to yours. Your trademark cannot be registered in China only so that it can be approved in the country. It should be noted that the search engine is in Chinese.



You can also search the global database of Trademarks. WIPO's **Global Trademark Database**, which contains data from more than 80 countries and includes trademarks, designations of origin and official emblems.



Search **Madrid Monitor**, in turn, allows access to international applications and registrations made through the Madrid System, with millions of trademarks from its more than 130 member countries. In this database, your search can include words, numbers, dates, classes, and countries.



Another database available in the trademark area is **Search TMview**. TMview contains trademarks from throughout the European Union and parts of Africa, Asia, America, and Oceania. This database allows search by words, numbers, dates, classes and countries.



If you find the process complex, you can hire an IP professional to help you.

Patent search

Before you file a patent and apply for the protection of an invention, you need to make sure that it is new and inventive. Because the invention needs to be new, it can't have been published anywhere in the world, not just in the country where you want to protect it.

The CNIPA database is a good place to start your searches.



You can continue your search on **Google Patent Advanced Search**, which allows you to search by name, date, inventor, applicant, patent office, and language, among other options.



You can also search WIPO's **Patentscope**, which contains data on more than 100 million patents. Here you can search by title, abstract, name, and filing date.



Examiners from the INPI have prepared, based on material provided by WIPO, a Guide that indicates how to perform a search on **Patentscope**.



The patent search process is more complex than the trademark and industrial design search process. As a result, if you wish, you can hire a professional specialized in IP to help you.

Industrial Design search

Your industrial design (ID) needs to be new and original so that you can protect it. Because of this, you will need to research any published designs and check if they have similarities to yours.

Your research needs to include, in addition to design databases, trademark and patent databases, the Internet, and social media. Any similar results, even if they are not registered, may prevent your right to register the design.

In the databases, you can search by image, product name, rating, number, and owner.

In China, ID is considered a patent. CNIPA's patent database is a good place to start your search.



The **Global Design Database** is a worldwide collection of data organized by WIPO, from deposits made through the Hague System. You can search by description, name, depositor, date, and country.



DesignView, in turn, allows you to search for designs from all over the European Union and parts of Africa, Asia, America and Oceania. You can search by name, number, designer, Locarno classification, filing date, and country.



New Plant Variety search

If you want to sell your plant variety internationally, you will need to do an international search to verify that the variety of your plant is really new.

First, you can check the internet if you can find any disclosures of varieties similar to yours.

Then, you can search in databases of new plant varieties in the country where you want to protect and market your new variety. In most databases, you will find information regarding the common name of the plant, genus, species, title holder, and term of protection.

In the European Union, there is a plant variety database in the **Community Plant Variety Office** (CPVO), with information on plant registers from more than 70 countries.



You can also search the International Union for the Protection of New Plant Varieties (**UPOV**) **PLUTO plant variety database**, which provides name results for plant varieties protected by members of UPOV and other international organizations. To access PLUTO, you will need to create a user account.



Relevant Data on Intellectual Property in China

Trademarks

A trademark in China consists of a sign that you can use to distinguish your company's goods or services from those of other companies in the market. The mark can be in the form of letters, words, names, numerals, devices (figurative elements), three-dimensional shapes, colors, or any combination of these elements. In China, a sound can also be registered as a trademark.

The documents for an IP application must be produced in Chinese. It is important that you register your trademark in both Roman and Chinese characters, as one does not automatically protect the other.

If your trademark is not used for a period of three years after registration, it may be canceled.

In the country, a trademark is acquired through **Trademark registration**, which is valid for **10 years** and **can be renewed indefinitely every 10 years**, depending on the payment of the corresponding fees.

There are two paths to trademark registration in China:

1. **National Route:** The registration of a **National Trademark**, with the CNIPA. For more information about how to protect your trademark in China, see the link below.



2. **International Route:** The registration of an **International Trademark**, through WIPO's International Madrid System. In this system, you choose, among the more than 130 member countries, those in which you want to have your trademark protected, with a single application, in a single language (English, French or Spanish) and with the payment of a single set of fees.

The objective of the Madrid System is to facilitate the registration of trademarks in the world. The application for registration must be made through one of the IP offices of the countries that are part of the agreement. The INPI, in Brazil, is

part of it. Thus, if your company wants to renew or expand its global portfolio of Trademarks, it can easily do so through this centralized model.

After the certification of the International Registration has been made by the office of origin (the office where the registration application was made), the registration will be sent to WIPO and distributed to the countries designated by you, those where you want to have your trademark protected. This is where a second stage begins, known as the national phase, in which your application will be examined by the IP offices of the designated countries. In analyzing the application, these offices will use local laws and practices for the examination, which makes **each country's decision independent**. After your application has been reviewed by each of them, the offices will communicate their decisions to WIPO, which in turn will inform you of the decisions of each of the designated countries.

The path you choose will depend on the needs of your business. Later in this guide, there are cost links so that you can make analyses that facilitate your decision process, as well as links to make deposits, of each of the IP rights presented here, through the different existing routes.

Invention Patents

A patent is a right granted for an invention. It can take the form of a new product, process, or technical improvement to an existing technology. They are granted for inventions that are new, involve inventive step and are industrially applicable.

Since all documents for an IP application must be produced in Chinese, be careful about the quality of the translation of your patent document.

China allows you to apply for invention patents and utility model patents for the same invention. The invention patent undergoes formal and substantive examination, while the utility model patent only undergoes formal examination and the so-called "preliminary examination". If both are granted, it is necessary to choose one of the concessions.

The protection of an **Invention Patent** in China is **20 years**, from the date of filing, provided that the annual grant maintenance fees are paid.

In China, there are two different ways to apply for an invention patent:

1. **National Route:** you file your patent directly with the CNIPA.
2. **International Route:** Since China is a signatory to the Patent Cooperation Treaty (PCT), you can elect it from among the countries in the WIPO PCT International Patent System . Through this system, with a single patent application, in one language and a group of fees, you can apply for protection in more than 150 countries at the same time.

The international application via PCT has two phases: international and national.

- International Phase - There are two ways to file an international application: directly at the Office of a country that is part of the PCT (where the applicant is domiciled or a national of this country); or, at the International Bureau of WIPO.

When making the international filing, it is necessary to indicate an Office that is approved by the PCT to carry out the international search (*International Search Authority – ISA*), among those indicated by the country where the international filing took place.

The language of the international application must meet that defined by the country in which it was filed and the chosen ISA. In case Brazil is chosen as ISA, the deposit can be in Portuguese, English or Spanish.

- National Phase - After the international phase, usually 30 months, from the date of international filing or priority (if any), you must apply for the granting of your patent directly with the countries in which you are interested. At the end of the process you will have the patent for your invention, if granted, in each country you chose. **The decision of each country is independent of that of the others.**

Entry into the national phase can be requested in any country that is part of the PCT, adapting your international PCT application to the legislation of that country.

Another relevant issue, with regard to patents, is that CNIPA is a member of the *Global Patent Prosecution Highway (GPPH)*. This means that you can request expedited examination of your patent application.

Utility Model Patents

The Utility Model Patent (UM) is granted for new technical solutions or improvements related to the shape and/or structure of a product, which is fit for practical use. It has a lower degree of inventiveness than an invention patent, and is granted for incremental innovations.

While the invention patent goes through the formal and substantive examinations, the application for an UM goes through the formal examination and the so-called "preliminary examination". This consists of identifying obvious problems, such as the definition of the invention, violation of laws, etc. If the request does not pass this examination, it will be rejected.

Utility model patents are cheaper and granted faster than invention patents.

The protection of a **Utility Model Patent** in China is **10 years** from the date of filing, provided that the annual grant maintenance fees are paid.

Industrial Design

In China, Industrial Design is also protected in the form of patent.

Industrial Design (ID) refers to the characteristics of shape, configuration, colors, pattern, or ornament applied to any product, which gives that product its appearance. It protects the external appearance of the product. They can be two-dimensional and/or three-dimensional, and are applied to everyday items.

In China, the Industrial Design Patent does not undergo substantive examination, only formal examination and "preliminary examination".

The protection of an **Industrial Design Patent** is **15 years**, from the date of filing, provided that the annual fees for maintaining the grant are paid.

There are two paths to register your ID in China.

1. **National Route:** The National ID registration, where you request protection directly from the CNIPA.

2. **International Route:** The registration of an international ID through the Hague System, which allows you to choose the countries where you want to have your ID protected, with a single application, among the more than 90 countries participating in the WIPO System.

Geographical Indications

Geographical Indication (GI) is an IP right that protects the name of a product that has a specific geographical origin and owes its qualities and/or reputation to this origin.

In China, a geographical indication can be protected in the form of certification or a collective trademark.

Layout Design of Integrated Circuit

In China, the layout design of integrated circuits needs to be recorded so that it can obtain protection.

Copyright

Regarding copyright, in China, it is not necessary to register your work for it to be protected by copyright. Copyright, unlike trademarks and patents, is a right that does not depend on registration.

To the extent that China and Brazil are part of the Berne Convention, a copyrighted work produced by a Brazilian is automatically protected in China.

However, when you voluntarily register your copyright in China with the *Copyright Protection Centre of China*, for a fee, you receive a certificate. This certificate may be important in cases of legal disputes.

Particularly in relation to software registration, registration can offer advantages, including tax advantages. In this case, it is possible that parts of the source code are not made explicit in the registry, in order to protect trade secrets.

Copyright registration is voluntary and can be carried out by the foreign applicant himself, unlike a trademark or patent application that needs to be made by a local agent when the applicant is a foreigner.

For literary works, the protection period is from the creation of the work until **70 years after the author's death**.

Plant Variety Protection

In China, the protection of a new plant variety is valid, after its grant, for **25 years**, for trees and vines, and **20 years**, for other plant varieties.

Intellectual Property Laws and Regulations in China

China has adopted a number of regulations and directives to protect and enforce IP rights in the country.

Table 5: Some of China's IP laws

Law	No.
Trademark Law of the People's Republic of China	Law of 23 August 1982 on Trademarks (as amended by 23 April 2019).
Invention, Utility Models, and Industrial Design Patents Law of the People's Republic of China	Law of March 12, 1984, on Patents, Utility Models and Industrial Design (with wording given until October 17, 2020).
Copyright Law	Law of September 7, 1990, on Copyright and Related Rights (with wording given until November 11, 2020).
Plant Variety Protection Regulations	Regulations of 30 September 1997 on the Protection of New Varieties of Plants (as amended by 29 July 2014).
Geographical Indication and Plant Variety Protection Law	Agriculture Law of July 2, 1993.

A comprehensive list of China's IP legislation can be found on WIPO's website.



International Intellectual Property Agreements in China

China is a signatory to several international IP agreements with the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO).

Table 6: International IP Agreements in China

Agreement	Description
Paris Convention	It allows an applicant from another signatory state to apply for a patent or trademark and expect the same rights as a holder from China.
Berne Convention	It ensures that parties to the convention, including China, give equal recognition to copyright holders from other convention member states.
UPOV Convention	It establishes a harmonised system for the rights of producers of new plant varieties.
Patent Cooperation Treaty (PCT)	It allows inventors to search and obtain patent protection in more than 150 countries. *
Madrid Protocol	It allows trademark owners to register their trademarks in more than 120 countries. *
WIPO Treaty on Performance and Phonograms (WPPT)	It deals with copyright in the digital environment.
Hague Agreement	It is an agreement for industrial designs in which it is possible to register designs in more than 90 countries. *
TRIPS Agreement	It establishes a minimum level of protection and enforcement of IP rights that all members of the World Trade Organization, including China, must comply with.

*Data referring to October 2024





A comprehensive list of international IP agreements adopted by China can be found on WIPO's website.



How to protect your Intellectual Property in China

A list of IP objects recognized in China, with a link to websites where information on how to protect each of them, can be found in the tables below.

Table 7: Where to protect your IP in China

IP Object	Description	Link
Invention Patents, Utility Models and Industrial Design	<p>In China there are three types of patent applications:</p> <p>Invention patents, if there is a new technical solution relating to a product, process or improvement thereof.</p> <p>Utility Model, if there is a new technical solution concerning the shape, structure or combination of a product, which is suitable for practical use.</p> <p>Industrial Design, if there is a new design of the shape, pattern or a combination thereof, as well as a combination of the colour, shape and pattern of the whole or part of a product, which creates an aesthetic feel and is suitable for industrial application.</p>	
Trademarks	Trademarks protect symbols, colors, or other devices used to identify a company's products or services.	
Geographical Indications	Geographical Indications protect products that have a specific geographical origin and have qualities or reputation due to that origin.	
Layout Design of Integrated Circuit	Layout Design of Integrated Circuit protects the three-dimensional yet express arrangement of the elements of an integrated circuit.	











Regarding the Sui Generis Protection of new plant varieties, a new seed law became effective in the country on March 1, 2022, but it is not yet available on the WIPO website. This law aims to strengthen this IP right. The law establishes the creation of the **Essential Derivation Variety (EDV) system** and its Article 28 establishes that the Council of State will decide on the steps and methods for implementing the EDV system, which should be carried out in the future.



How to apply for the protection of your Intellectual Property in China via International Cooperation Treaties and Agreements

In the table below, we provide information on how and where to deposit your IP in China, via international treaties and cooperation agreements.

Table 8: IP application requests in China

IP Object	Description	Link
Patents	Information from the INPI on how to protect your patent abroad.	
	Information from the INPI on international patent filing.	
	Information from the INPI on fees, codes and procedures of the Patent Cooperation Treaty (PCT).	
	Application for filing an International Patent Application via PCT directly with WIPO.	
	Application for <i>Global Patent Prosecution Highway</i> (GPPH) at CNIPA.	
Trademarks	Information from the INPI on the Madrid Protocol and step-by-step instructions for applying for international trademark registration.	
	Application for International Trademark Registration directly on the WIPO website – Madrid System .	
Industrial Designs	Information from the INPI on the Hague System and step-by-step instructions for applying for International Industrial Design Registration .	
	Application for international industrial design registration directly on the WIPO website – Hague System .	
WIPO	All WIPO International Deposits	

Intellectual Property costs in China



Before deciding on which system to use to file an IP application in China, you need to evaluate the costs involved and each of the options.

Trademarks

In the case of trademarks, it is possible to choose between national filing by CNIPA or international filing via the Madrid System.

To make your decision easier, we have provided links to the comparative calculation of costs, in the table below, remembering that, in the Madrid System, you will need to choose the countries in which you want to protect your trademark, among the more than 130 that are part of the System.



Table 9: Information for calculating trademark filing costs

Institution	Link
CNIPA Costs	
Madrid System Costs	

Patents

Understanding the costs involved in a patent, in turn, is much more complicated. In the table below, you will find information about the amounts of fees requested for a patent in the CNIPA, as well as the PCT price list, so that you have an idea of the costs involved in an international patent application.



Table 10: Information for calculating patent filing costs

Institution	Link
CNIPA Costs	
PCT System Costs	

Industrial Design

As for the costs involved in the registration of an industrial design, below is a table that allows the comparison of the costs of filing DI with the CNIPA and the WIPO Hague System.

Table 11: Information for calculating industrial design filing costs

Institution	Link
CNIPA Costs	
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How to enforce your Intellectual Property Rights in China

If you believe that an entity is using or benefiting from your IP rights without your consent, you may want to seek expert IP legal advice at an early stage.

Gather evidence that proves the violation of your rights, such as copies of works, trademark or patent registrations, and communications that evidence the violation.

In China, there are several avenues for IP protection: customs seizures, negotiation, administrative actions, civil actions, and criminal actions.

Regarding customs measures, the General **Administration of Customs** (GACC) has a specific IP protection service.



IP can be registered with GACC, which prevents products that infringe your rights from being imported or exported from China. All types of IP can be registered with GACC, including trademarks, patents, and copyrights. Customs officers are authorized to recall products that infringe the IP rights on this list.



In a situation of IP misuse, a possible first step is the process of notification of the infringement and negotiation between the parties.

As for administrative action, the first thing to do is to file a complaint with the local office of the administrative organization appropriate to the type of infraction. This action tends to be faster and cheaper than lawsuits. The administrative system tends to be used in simpler cases, as it does not offer the right to forms of reparation. The offender can be fined and have his goods and equipment related to the infraction seized.

If a civil action is required, it can be initiated in the local court in the region where the infringement was identified.

In the case of identifying counterfeit products on Chinese e-commerce sites, some sites allow IP owners to request the removal of these products from the platform.

To decide which is the best alternative to follow, it is best to consult a qualified lawyer to guide you.

Another option for international IP protection is the use of the Mediation and Arbitration services for Intellectual Property and Technology Disputes offered to companies by WIPO.



WIPO also offers mediation alternatives for resolving disputes over internet domains.



Closing remarks

After the path proposed in this document, we hope that it has become easier to protect your IP before you start exporting.

Remember, because IP law is territorial, you'll need to protect it before you can introduce, sell, or manufacture your product in a new market. You can also protect it in other markets, even if you do not wish to exploit them at this time, in order to prevent others from copying, manufacturing or importing your trademark, product or service, and not paying your rights.

In some countries it is possible to carry out the procedures described here directly, but many require the hiring of a local IP professional who will act on your behalf. Having the support of an IP agent, in general, helps, not only with filings, but also to understand issues related to the local culture that can facilitate their access to the market in the region.

Another point that deserves to be highlighted is the cost of IP protection. It can be expensive, so it is always important to emphasize the need for good initial planning on how, where and why to invest abroad.

Finally, the information provided in this document is a support resource for exporting and protecting your IP in other countries and should not be used as a substitute for expert legal advice.