Work with Chinese Partners to Protect IP Rights

Chinese Marketplaces – The Evolving Landscape

The number of intellectual property rights cases and trademark applications in China are on the rise,[1] more than tripling in the last decade.[2] Due to China's economic growth and complex intellectual property (IP) landscape, it's imperative for brands to create strategies specifically for the Chinese market.[3]

3x Trademark applications have tripled from 2006 to 2015: 766,319 in 2006 to 2,876,048 in 2015.[4]

Maintaining a successful brand in a global market means paying close attention to changes in regional laws and regulations. China is a prime example of a complex legal, cultural and linguistic market landscape that requires employment of local expertise for brand success. Find local partners to help you navigate and understand local enforcement complexities and address unique problems that require a customized approach. To protect your intellectual property and succeed as a brand in China, companies should employ local expertise to navigate the legal and linguistic terrain.

Employ Local Expertise

Engage with local resources, including legal counsel, to verify the strength of your trademark rights; maintaining an accessible reference library of copyrighted imagery for both past and present products and, finally, maintaining an updated patent portfolio to complement copyright and trademark enforcement efforts.

Maintain an accessible reference library of copyrighted imagery for both past and present products.

Work Smart, Not Hard

Take the time to map out your intellectual property (IP) protection plan for Chinese markets and work with local partners to implement it to help ensure sufficient coverage. Don't spend valuable resources when there are local experts available to help you navigate Chinese law and culture. Utilizing local resources can help direct your trademark language, alert you to cultural nuances and more.

Utilizing local resources can help direct your trademark language.

Language, Meaning and Sound Can Influence Brand Perception

When registering trademarks, be aware of Chinese language meaning, tone and connotation. It's a good practice to register your trademark in its original language, transliterating into local language and translated into local language. When transliterating and translating, be aware of nuances is meaning and sound, and consult multiple native language speakers to avoid misunderstandings and gaps in your portfolio. Work with a local and native speaking partner who is an expert in language and trademarks to help make sure that your brand complies not only with the law, but with the language of the land.

Coca-Cola in China

An example of good trademark language practices is Coca-Cola (可口可乐), who, in 1939 filed for a trademark under a Chinese name that means, "to permit the mouth to be able to rejoice." The mark sounds similar phonetically to its English equivalent ("Ke Kou Ke Le"), elicits the brand's key identifying emotion, joy, and looks good aesthetically in written Chinese. Prior to registering this mark, Coca-Cola retailers had created their own colloquial mark for the brand which translated to "bite the wax tadpole" or "female horse fastened with wax," neither of which represented the brand properly, but did sound more phonetically similar to the Latin character mark, Coca-Cola. The brand made a strategic decision to focus on meaning and aesthetics over sound.[5]

When launching a brand in China or securing a new trademark, it is imperative to work with language experts to determine the best possible mark that closely fits the company's goals and not just the transliterated trademark. Determine whether the phonetical equivalent is the best choice, and if not, what other factors are important in gaining success in a different market.

Best Practices to Build a Strong IP Portfolio

Partner with local experts.

Engage with local resources (including legal counsel) to verify strength of trademark rights and aid in language decisions. Work Smart, not hard.

Be proactive.

Register trademarks in all relevant regions and classes (including Simplified Chinese and Traditional Chinese translations) prior to launch of new products to protect your brand.

Leverage intelligence.

Leverage intelligence gained from monitoring and enforcement for valuable insights into Chinese marketplaces. Constantly evolve your strategy based on new information.

Listen to our on-demand webinar, ***Chinese Marketplaces – The Evolving Landscape***, for more information about how to protect your brand: www.markscout.com/chinese_marketplaces_webinar

WATCH

[1] 2015 Intellectual Property Rights Protection in China. (2016). Retrieved from http://english.sipo.gov.cn/laws/whitepapers/201607/P020160721403876149335.pdf

[2] Jewell, C. (2016, June). WIPO - World Intellectual Property Organization. China's trademark activity continues to soar. Retrieved from http://www.wipo.int/wipo_magazine/en/2016/03/article_0001.html

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