



Statistics Published by CNIPA

(January to August ,2024)

CNIPA also released further data shown in the table, in which From January to August 2024,compared with the same period in 2023, the total number of invention patents granted increased by 21.6%, and the number of utility models and designs granted decrease by 4.8% and 5.7% respectively. The number of registered trademarks in January to August 2024, Increased compared with the same period of previous year.

Granted/Registered	January-August ,2023	January-August ,2024	Rate of Change
Invention patent	608,502	739,875	21.6%
Utility model patent	1,428,638	1,360,130	-4.8%
Design patent	435,481	410,443	-5.7%
Trademark	2,718,370	3,168,740	16.6%
Number of Trade marks Filed	approx.4,755,000	approx.4,720,000	-0.7%
Number of PCTs Filed	46,423	46,155	-0.6%

.....

Trademark Section

International Filing or National Filing in China?

Updated: September 15,2024

A trademark can be registered in China through either a direct national registration (NR) or an international registration (IR), namely the Madrid system. If we file a trademark application in China, should we choose national filing or international filing? And why? This is a question often asked by many foreign applicants. We hereunder compare the possible advantages and disadvantages associated with both filing processes to better assist you in making a decision.

	International Filing (IR) via the Madrid system	National Filing (NR) directly with the China National IP Administration (CNIPA)
Advantage	<p>1) <b>Possible lower cost:</b></p> <p>The basic official fee for NR via e-filing is CNY270 (≈USD40) per mark per class. If the number of designated goods or services exceeds the basic ten items, each additional item costs an extra CNY27 (≈USD4). The extra cost does not happen to IR, no matter how many items of goods or services are designated.</p> <p>2) <b>Liberal specification of goods or services</b></p> <p>The CNIPA is not strict with the description of goods / services for an IR. If your goods or services are very new and it is very difficult to find an accurate item in the acceptable goods / services lists of the CNIPA, an IR can be a better choice.</p> <p>3) <b>Possible convenient management:</b></p> <p>If no official action arises, an IR designating multiple countries, with China included, can be managed consistently and save the holders' resources and time.</p>	<p>1) <b>The application is flexible.</b></p> <p>Basis trademark app./reg. is not required.</p> <p>2) <b>The risk is relatively small.</b></p> <p>The Applicant can conduct an availability search to ascertain whether there is any identical or similar trademark in the relevant class before filing.</p> <p>3) <b>It is convenient for rights protection.</b></p> <p>The CNIPA will issue the official registration certificate to the NR.</p> <p>4) <b>The rights are relatively stable.</b></p> <p>(subject to the protection of the Chinese relevant laws)</p> <p>5) <b>Broad protection is available.</b></p>

		<p>China adopts sub-class principle; it would be advisable covering all subclasses in order to obtain the broadest possible protection in CN.</p> <p><b>6) The examination period is shortened.</b></p> <p>Under current examination practice, the average examination period for a NR is shortened to 4 months, not including the publication period of three months.</p>
<b>Disadvantage</b>	<p><b>1) Not conducive to broader protection.</b></p> <p>Int'l filing must keep consistent with the basis app./reg. in the country of origin.</p> <p><b>2) Certificate of registration not auto available:</b></p> <p>CNIPA will issue a Chinese registration certificate for a NR but not for an IR. However, the certificate is often necessary for trademark enforcement or even for doing business locally, particularly for opening stores online or offline. Extra resources have to be spent on applying for the certificate.</p> <p><b>3) Trademark rights are unstable.</b></p> <p>Within 5 years from the registration of the IR, if the basic app./reg. is rejected or declared invalid, the entire IR will be lapsed.</p> <p><b>4) The post-tracking is difficult.</b></p> <p>If the Int'l filing is refused or opposed in CN, the Trademark Office will only notify the WIPO, but the specific matter should be handled by the Chinese firm.</p> <p>If the IR is raised the invalidation or non-use cancellation by the third party in CN, the Trademark Office will notify the registrant directly, but the specific matter should be handled by the Chinese firm.</p> <p><b>5) Possibly inaccurate translation and/or protection scope:</b></p> <p>China has a unique sub classification system to define the protection scope. IR needs to be translated and classified by the CNIPA. If inaccurate classification and/or translation arise, enforcement might be problematic. Therefore, it is advisable to re-check the classification and translation and request for correction if necessary.</p> <p><b>6) Possibly later enforceability:</b></p> <p>IRs are not enforceable, at least before the 12-month or 18-month examination period under the Madrid Agreement/Protocol expires if refusal or opposition does not arise, whereas smooth NRs may mature into registration in about 7 months and are enforceable immediately.</p>	<p><b>1) The costs are relatively high.</b></p> <p>In the case of bulk registrations, the registration fee of Int'l filing by designating to CN is less than half of the national filing in CN.</p> <p><b>2) The examination standard for goods/services of NR is strict.</b></p> <p>The requirements for specification for a Chinese national application are very strict. CNIPA prefers the standard list of Nice Classification and goods or services in the List of Non-Standard but Acceptable Items which is published and updated by CNIPA from time to time, usually once every three months. Though it is possible for the specification beyond the two lists to be accepted, it is not easy to convince CNIPA.</p>

Based on the above comparison, IRs are advantageous in terms of fees and management, but disadvantageous in terms of enforcement. If your goods/services are very new and no suitable items can be found in the Nice Classification or in the List of Non-Standard but Acceptable Items which is published and updated by CNIPA, or if the applicant wants to designate a large number of items for its trademark application, international application can be a choice. Otherwise, it is more advisable to file national application, which is faster and can be better enforced. (By Vivian WU)



**BEYOND**  
ATTORNEYS AT LAW  
Your trustworthy partner in China



**BEYOND** in key figures

- ◆ Over 800 employees headed by a core team of 12 partners.
- ◆ Headquarters in Beijing, China.
- ◆ 17 branch offices in major Chinese cities.
- ◆ 3 overseas representative offices in Munich, New York and Tokyo.
- ◆ Ranked one of the top 10 Chinese IP law firms.

  
PATENT

  
TRADEMARK

  
LITIGATION

  
COPYRIGHT

 [www.boip.com.cn](http://www.boip.com.cn)

 [info@boip.com](mailto:info@boip.com)

#### Contact US

F6, Xijin Center, 39 Lianhuachi East Rd. Haidian District, Beijing 100036, China  
 Website: <http://www.boip.com.cn> / E-mail: [patent@boip.com.cn](mailto:patent@boip.com.cn); [trademark@boip.com.cn](mailto:trademark@boip.com.cn)  
 Tel: +86-10-6337 7188 / Fax: 010-6337 7018

如果你不想再收到该产品的推荐邮件，请点击[这里退订](#)