

Applications for the Recordal of Licenses of Registered Trademarks, Recordal of Licensor/Licensee Name Changes, Recordal of Early Termination of Trademark Licenses and Recordal of Withdrawal of Trademark Licenses

(Issued by the Trademark Office of the State Administration for Industry and Commerce, August 26, 2015)

1. Legal basis and application requirements

In accordance with the provisions of Article 43 of the Trademark Law of the People's Republic of China and Article 69 of the Trademark Law Implementation Regulations of the People's Republic of China, licensors shall, within the validity period of trademark license contracts, submit documents for recordal to the Trademark Office ("TMO"). The documents submitted for recordal shall indicate the names of the licensors and licensees, the duration of the license, the scope of goods or services for which registered trademarks have been licensed, etc.. The corresponding formalities for registered trademark sublicenses, licensor/licensee name change, early terminations of trademark licenses and withdrawals of trademark licenses shall be handled through the TMO. Sublicenses refer to the authorization, by the registered trademark holder, of third parties to use a registered trademark through the licensee.

2. Handling Procedures

Applications for Recordal of Licenses of Registered Trademark, Recordal of Licensor/Licensee Name Change, Recordal of Early Termination of Trademark Licenses and Recordal of Withdrawal of Trademark Licenses can be submitted in two ways:

- (1) Entrusting trademark agencies recognized by the TMO to act on behalf of it; or
- (2) Handling relevant matters directly with the TMO.

3. Address and time

No. 1 Cha Ma South Street, Xicheng District, Beijing, 100055

Office Hour: 8:30am-11:30am 1:30pm-6:30pm

Tel: 86-10-6321966 86-10-68027820 86-10-63219612

The applicants may also handle the relevant matters directly with the TMO's other representative office located at Registration Hall, Second Floor, Beijing Administration for Industry and Commerce, No. 36 Shuzhou Street, Haidian District, Beijing.

4. Required documents

- (1) Trademark license recordal form;
- (2) Licensor/licensee name change recordal form;
- (3) Early termination of trademark license recordal form;
- (4) Withdrawal of trademark license recordal form.

When applying for recordals, the applicant shall submit the corresponding forms as mentioned above.

- (1) When applicants apply for recordals of trademark licenses or trademark sublicenses, applicants shall fill in a Trademark License Recordal Form;
- (2) When applicants apply for recordals of licensor/licensee name change, applicants shall fill in a Licensor/Licensee Name Change Recordal Form;
- (3) When applicants apply for recordals of early termination of trademark licenses, applicants shall fill in an Early Termination of Trademark License Recordal Form;
- (4) When applicants apply for recordals of advanced withdrawal of trademark licenses, applicants shall fill in a Withdrawal of Trademark License Recordal Form.

5. Handling Process

Preparation of the application forms

1. Required documents

A. Application documents required for recordals of trademark licenses or sublicenses:

- (1) Trademark license recordal form;
- (2) Copies of the licensors'/licensees' IDs;
- (3) Sublicense agreement signed by the trademark owners shall be submitted where the applicants apply for recordals of trademark sublicenses; and
- (4) Copies of the handling persons' IDs are required if the applicants directly interact with the TMO; POAs are required if applications are handled by trademark agencies.

B. Application documents required for recordals of licensor/licensee name change:

- (1) Licensor/licensee name change recordal form;
- (2) Copies of IDs of new licensors/licensees;
- (3) The original certificate of change provided by relevant registration authorities; and
- (4) Copies of the handling persons' IDs are required if the applicants directly interact with the TMO; POAs are required if applications are handled by trademark agencies.

C. Application documents required for recordals of early termination of trademark licenses:

- (1) Early termination of trademark license recordal form;
- (2) Copies of the licensors'/licensees' IDs; and
- (3) Copies of the handling persons' IDs are required if the applicants directly interact with the TMO; POAs are required if applications are handled by trademark agencies.

D. Application documents required for recordals of withdrawal of trademark licenses:

- (1) Withdrawal of trademark license recordal form;
- (2) Copies of the licensors'/licensees' IDs; and
- (3) Copies of the handling persons' IDs are required if the applicants directly interact with the TMO; POAs are required if applications are handled by trademark agencies.

2. Specifications

- (1) Recordal forms shall be typed or printed. Licensors/licensees shall read carefully and fill them in by following the instructions. Formats of the forms shall not be altered.
- (2) Licensors shall report and submit documents for recordals to the TMO within the validity period of the trademark license contract. Each recordal form shall only contain one trademark registration number.
- (3) Each recordal form shall only be used for authorizing one licensee to use a registered trademark. If a licensed trademark is owned by more than one party, copies of the IDs of the representatives of the licensors and the other co-owners shall be provided to the TMO.
- (4) A trademark license recordal can be withdrawn before the license is approved by the TMO. Withdrawal of a trademark license recordal shall be approved by both of licensors and licensees. Application submissions for recordals of licensor/licensee name change or early termination of trademark licenses shall not be withdrawn.

Submission of documents

If applicants personally handle application matters, documents for recordals shall be submitted at the application acceptance counter in the trademark registration hall; if applicants entrust trademark agencies to handle application matters, trademark agencies shall submit the documents to the TMO.

Fees

The fees for recordals of trademark licenses will be charged on the basis of class and the acceptance fees for each class is RMB 300. If applicants handle [recordals] directly with the TMO, the applicants shall pay the fees at the payment counter directly. If applicants entrust the trademark agencies to handle application matters, fees will be deducted from the bank accounts of trademark agencies.

6. Notes

- (1) If documents for recordal of trademark licenses have been submitted to the TMO and such documents conform to the requirements for acceptance, the TMO shall accept and notify the licensors in writing. Where the documents fail to meet the requirements for acceptance, the TMO shall reject the applications, and notify the licensors in writing of the reasons for rejection. Where submissions need to be corrected, the TMO shall notify licensors and licensees that they shall correct the submitted documents as required by the TMO within 30 days upon the receipt of the notice for correction and submit the corrected documents to the TMO. If applicants fail to correct or do not correct by following the TMO's requirements, the TMO shall refuse to accept the applications and notify the licensors in writing .
- (2) If submissions conform to the relevant provisions of the Trademark Law and the Trademark Law Implementation Regulations, the TMO shall record the documents and notify the licensors in writing.
- (3) If submissions fail to conform to the relevant provisions of the Trademark Law and the Trademark Law Implementation Regulations, the TMO shall not record the documents, and shall notify the licensors in writing of the need for correction. Licensors shall, within 30 days of receiving the notice, correct the application according to the notice and return it to the TMO. If, after the specified period has expired, there are no corrections, or the corrections have not been made according to the TMO's requirements, the TMO shall not record the documents and shall notify the licensors in writing.

- (4) The TMO shall serve licensors relevant documents by post, hand delivery or other means if applicants handle applications directly. If applicants entrust applications to trademark agencies, the TMO shall serve trademark agencies relevant documents .

The above regulations were revised in May 2014. If the relevant provisions or regulations are revised in the future or do not conform to the requirements of the administrators in the TMO, the latter shall prevail.