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**COMMENTS
ON THE
DRAFT OF
THE REVISED TRADEMARK LAW OF THE PEOPLE'S REPUBLIC OF CHINA**

Submitted by the
International Trademark Association

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I. ABOUT INTA

The International Trademark Association (INTA) is a not-for-profit membership association of more than 5,600 trademark owners and professional firms from more than 190 countries, founded in 1878 and dedicated to the support and advancement of trademarks and related intellectual property as elements of fair and effective national and international commerce. INTA members share common interests in the protection of trademarks and the development of trademark law, and they rely on INTA to represent and advocate for those interests in with national governments and regional and international organizations and to foster them throughout the global trademark community. INTA's diverse membership includes multinational corporations and other business enterprises, intellectual property and general practice law firms, trademark agent firms, service firms, trademark consultants, and academic institutions. At present, INTA has over 150 member enterprises and firms in the People's Republic of China. Further information about our Association can be found at <http://www.inta.org>.

For many years INTA has responded to requests by the China Trademark Office (CTMO) and other governmental trademark offices around the world to provide comments on issues regarding amendment, modernization and improvement of trademark laws and regulations. This submission to the CTMO was prepared with the assistance of the following INTA committees:

Legislation & Regulation Committee - East Asia & Pacific Subcommittee
Trademark Office Practices Committee - China Trademark Office Subcommittee
Anti-Counterfeiting & Enforcement Committee - China Subcommittee
Dilution & Well-Known Marks Committee - East Asia & Pacific Subcommittee

II. Comments on the latest draft revision of the China Trademark Law

INTA wishes to thank the Legislative Affairs Office of the State Council for the opportunity to comment on the latest Draft of the Revised Trademark Law of the People's Republic of China. We appreciate the ongoing efforts of the Chinese government to bring China's Trademark Law, implementing regulations and practice in line with international norms. This demonstrates China's resolve to bring China's trademark legislation into compliance with the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and to implement trademark protection mechanisms established under the other multilateral intellectual property treaties to which China is a contracting party, such as the Paris Convention, the Madrid Agreement and Madrid Protocol, the Nice Agreement, and the Singapore Treaty on the Law of Trademarks (Singapore Treaty).

Given the enormous size, dramatic growth rate and pace of change of China's economy, and the relatively recent adoption of the Trademark Law just a quarter of a century ago, we understand that the CTMO, the Trademark Review and Adjudication Board (TRAB), the SAIC, and the provincial Administrations for Industry and Commerce (AICs) face a challenge unequalled in scale by the trademark authorities of any other country. However, we strongly believe that China's trademark authorities have demonstrated their resolve to meet this challenge. The prospective revised Trademark Law will prove to be a major milestone on the road to enhanced protection of trademarks and strengthened enforcement measures against trademark counterfeiting and infringement in China for domestic and foreign trademark owners alike, and the effort to protect trademark rights and maintain fair

competition and market order will greatly foster the robust growth of China's economy, the well-being of consumers and the public interest. We are encouraged to note that many of the recommendations set forth in previous submissions by INTA have been incorporated in the current draft, and we believe trademark owners will benefit greatly from these changes. Nevertheless, in several respects the Third Draft could be further improved upon and several of its provisions ought to be reconsidered. We would like to remark on the most significant of these provisions and hope that our recommendations will be helpful. Additionally, we have also included comments on provisions that were amended in the previous June draft but that the Association still feels are important points of emphasis. It will be noted in the text, when we are referring to the 2009 draft as opposed to the current 2010 draft.

A. Bad Faith Registration

Article 9 prohibits the filing of trademark applications that violate “the principle of good faith,” thereby providing grounds for opposing or cancelling marks filed in bad faith. By contrast, the current Trademark Law does not specifically refer to bad faith as a basis for intervening against trademark pirates. INTA strongly believes that the new Article 9 therefore represents an extremely desirable change.

However, Article 9 and other related provisions in the draft raise a few critical concerns:

1. Defining Bad Faith

Given the large number of cases that arise that involve bad faith, it would clearly be desirable to provide additional guidelines to help define “good/bad faith” in the future Implementing Regulations to the law, or failing that, in judicial interpretations of the SPC.

2. Protection of Unregistered Marks

Article 34 of the draft contains provisions that would protect unregistered marks against bad faith piracy by others, subject to a number of conditions. While the provisions of Article 34 help to define the ways in which Article 9 can benefit trademark owners, there are concerns as to whether Article 34 represents the only basis for opposing or cancelling marks based on bad faith (other than cases involving well-known marks).

Article 34 would permit a prior user of a mark to prevent registration of an application covering identical or similar goods or services where the applicant was deemed to “know of the existence of the other party’s trademark due to its contractual or business relationship with the other party or geographical reasons.” This language suggests intent to cover any situation where the would-be pirate knew, or had reason to know, of the prior user’s mark. To avoid loopholes, it is suggested that broader conditions be stated, for example, language suggesting constructive knowledge (e.g. “knew or should have known,”) and that factors such as “contractual relationships” and “geographical reasons” be listed as non-exhaustive examples.

Article 34 would also permit a prior user of a mark to prevent registration of an application covering dissimilar goods or services where the applicant has “copied”

the prior user's mark, and the mark itself "bears relatively strong distinctiveness and enjoys certain level of influence and easily misleads the public". This provision is also laudable and reasonable in its scope. However, it does leave open the possibility that pirates could register famous (if not "well-known") marks, including those with original design elements, and succeed due to a subjective determination by the trademark examiner that the main element of the brand owner's mark is not sufficiently distinctive/famous or the infringer's mark is insufficiently similar to lead to consumer confusion. Care must therefore be taken to ensuring that trademark pirates are not provided a loophole in this regard, and that obvious and unjustified bad faith behavior can be adequately addressed in the course of oppositions and cancellations.

As suggested above, regardless of the ultimate contents of Article 34, INTA believes it is critical that the prohibition against bad faith filings under Article 9 not be limited to the specific conditions set out under Article 34. Doing so would introduce unacceptably narrow limits on the definition of "good faith" and its evil twin "bad faith."

3. Five-Year Time Limit for Cancellations

Article 42 of the draft would impose a five-year limitation on the filing of cancellations against registrations obtained in bad faith. Reference is made specifically to actions based on both Article 9 and Article 34. This five-year limitation is not applicable if the victim's mark is deemed "well-known." It is strongly recommended that the five-year limitation on such cancellations be eliminated for any mark registered in bad faith, regardless of whether the victim's mark is "well-known." Providing in this manner would be consistent with the current law and practice, as many cancellations against pirated marks are decided under Article 10(8) of the law (which prohibits registration of marks which may have "adverse effects on society) and Article 41 Paragraph 1, which imposes no deadline.

B. Famous and Well-Known Marks

INTA notes that Article 13 has changed from the June 2009 draft. The previous article did not allow for the use and registration of any trademark for different or dissimilar goods which are "identical or similar to other people's well-known marks"; "likely to mislead the public" or which "may bring harm to the interest of the registrant of the well known mark". The current draft has replaced "likely to mislead the public" with "mislead the public" and now states to "may constitute unfair use or cause damage to the distinctiveness or reputation of the well known mark."

While the change to cover unfair use or cause damage to the distinctiveness or reputation of the well-known mark is welcomed, the removal of "likely" seems to indicate that the well-known mark owner would need to prove that the public is actually misled. This increases the burden of proof, and the costs of trademark protection, for trademark owners unnecessarily and INTA believes that the mere likelihood to mislead should be sufficient to prevent the registration of the later mark. In addition, the current proposed article no longer explicitly forbids "the reproduction, imitation or translation" of others' trademarks which are currently provided for under

Article 13. For the sake of clarity and consistency, we recommend that these types of marks should be clearly included as "similar" marks under the new Article 13.

INTA recommends inserting another paragraph in Article 14 to address the burden of proof required to establish a trademark is well known as follows:

If the concerned party has furnished the basic proof to support the fact that its mark is widely known by the general public within China, the authorities shall determine that the trademark is famous directly. (Cf. article 8 of Judicial interpretation No. 3 (2009) of Supreme Court)

Additionally, in terms of the evidence required to establish that a trademark is well known, it would be helpful if the formality requirements such as notarization and legalization could be dispensed with as there are usually voluminous documents to be submitted. Moreover, this Article limits well-known marks to ones that are known to only the relevant public in China and conflicts with international treaties which allow the assessment of the well-known status of trademarks based on their global fame, as well as local fame in the relevant jurisdiction. It also ignores the actual "spillover" effect of reputation for a trademark from outside the PRC into the country. Therefore, INTA suggests consideration should be given to a trademark which is globally well known but has not yet achieved the same level of reputation in China and express provisions to such effect should be set out in Article 65 or in any forthcoming regulations.

Trademarks and Enterprise Names

While Article 63, Proposal 1 is more aligned with INTA's position on Well-Known Marks than Proposal 2, INTA strongly suggests a substantial rewrite of this article so that the language closely follows the *Joint Recommendation Concerning Provisions on the Protection of Well-Know Marks* adopted by the World Intellectual Property Organization (WIPO). Specifically, INTA believes that text similar to Article 5 of the *Joint Recommendation on "Conflicting Business Identifiers"* presents the best options for protecting trademark owners in this situation¹.

¹ (1) [*Conflicting Business Identifiers*] (a) A business identifier shall be deemed to be in conflict with a well-known mark where that business identifier, or an essential part thereof, constitutes a reproduction, an imitation, a translation, or a transliteration of the well-known mark, and where at least one of the following conditions is fulfilled:

(i) the use of the business identifier would indicate a connection between the business for which it is used and the owner of the well-known mark, and would be likely to damage his interests;

(ii) the use of the business identifier is likely to impair or dilute in an unfair manner the distinctive character of the well-known mark;

(iii) the use of the business identifier would take unfair advantage of the distinctive character of the well-known mark.

(b) Notwithstanding Article 2(3)(iii), for the purposes of applying paragraph (1)(a)(ii) and (iii), a Member State may require that the well-known mark be well known to the public at large.

(c) A Member State shall not be required to apply subparagraph (a) to determine whether a business identifier is in conflict with a well-known mark, if that business identifier was used or registered, or an application for its registration was filed, in or in respect of the Member State, before the well-known mark became well known in or in respect of the Member State, except where the business identifier was used or registered, or the application for its registration was filed, in bad faith.

Famous Local Brands

The last portion of Article 53 in the June 2009 draft empowering the provincial level Administration for Industry and Commerce Offices to recognize and protect "famous marks" has been moved to become part of the second paragraph of Article 65 of the present draft. We reiterate INTA's earlier request to delete the present "famous marks" provisions in the present draft in the interests of consistency in the standard of well-known trademarks for local and foreign trademarks and avoidance of local protectionism.

Domain Names

INTA notes that Article 62 addresses registration of domain names which are identical or similar to a registered trademark. However, it is unclear to INTA whether there is a specific provision which addresses registration of domain names that are identical or similar to unregistered well-known marks. If not, INTA suggests that there should be a separate provision addressing this point. This is particularly important as cyber-squatting is still a prevalent problem for trademark owners and IP practitioners.

C. Anti-Counterfeiting

No significant changes have been proposed in the State Council draft, other than as mentioned above with respect to well-known trademarks. But the scope and scale of counterfeiting in China remains significant and is being exacerbated by the ease of counterfeit sales on the Internet. Accordingly, new and more progressive measures should be considered by China's legislature, as well as by the State Administration of Industry and Commerce ("SAIC") and State Council, to address this very serious situation.

Set out below are additional suggestions for strengthening the enforcement provisions in the draft Trademark Law, as well as proposals for future amendment of the Implementing Regulations to the Trademark Law and relevant SAIC guidelines and regulations relating to enforcement.

(2) [*Prohibition of Use*] The owner of a well-known mark shall be entitled to request the prohibition, by a decision of the competent authority, of the use of a business identifier which is in conflict with the well-known mark. Such request shall be admissible for a period which shall not be less than five years beginning from the time the owner of the well-known mark had knowledge of the use of the conflicting business identifier.

(3) [*No Time Limit in Case of Registration or Use in Bad Faith*] (a) Notwithstanding paragraph (2), a Member State may not prescribe any time limit for requesting the prohibition of the use of a business identifier which is in conflict with a well-known mark if the conflicting business identifier was used in bad faith.

(b) In determining bad faith for the purposes of this paragraph, the competent authority shall consider whether the person who obtained the registration of or used the business identifier which is in conflict with a well-known mark had, at the time when the business identifier was used or registered, or the application for its registration was filed, knowledge of, or reason to know of, the well-known mark.

1. Infringement Actions

As stated in our submission in June 2009, INTA supports the inclusion of acts that are deemed to infringe registered trademarks, in particular:

- a. “warehousing, transporting, ownership of manufacturing tools and technology or business operation facilities,” which effectively includes landlords and retail and wholesale shopping malls.

We suggest that the intent standard be expanded from “knowingly” to also cover “reason to know,” since proving actual knowledge is very often difficult and impractical, thereby creating loopholes which were not intended by legislators. Further, the standard of “reason to know” should be considered acceptable on the basis that the Trademark Law only sets out civil and administrative remedies, and not criminal penalties (which are covered under the Criminal Code of the PRC).

2. Article 67 - Power to Appeal AIC Penalty Decisions

Under the current Trademark Law and State Council Legislative Affairs Office (SCLAO) draft, it is ambiguous whether a trademark owner has the legal right to appeal against administrative penalty decisions issued by local AICs. In practice, the SAIC and local AICs have taken the view that trademark owners do not in fact have this legal power, thereby making it impossible for trademark owners to challenge decisions and policies applied with respect to the calculation of fines, the disposal of infringing goods and trademark representations, and other matters. This issue should be clarified, and if the trademark owner is removed from the process, the decision of the AIC should not be used against a trademark owner should it pursue an alternate remedy, such as a legal action.

3. Fines

INTA continues to support Article 67 of the draft, which states that heavier fines should be imposed on repeat offenders. However, as with the last draft, there are currently no guidelines on how to calculate the fine. INTA encourages that consideration be given to drafting guidelines on how to implement this provision. We refer to our June 2009 submission in which we suggested consideration be given to requiring the imposition of higher penalties against a wider range of cases involving aggravated circumstances, including counterfeiting, trademark infringements that involve other violations such as the operation of an “underground” and unlicensed business, cases where infringers have refused to cooperate with official investigations, etc.

Article 68 would double the current level of statutory damages “up to RMB1million.” While INTA welcomes the increase in the maximum amount, we encourage consideration to be given to establishing a minimum amount in order to have a deterrent effect on infringers. Under the current revision, the court may continue to award low compensation amounts.

4. Investigative Powers

INTA made recommendations in our June 2009 submission with regards to investigative powers. We continue to recommend that Articles 65 and 66 of the draft be amended to increase the scope of powers and other measures available by law to assist in accurately investigating infringement cases.

The only substantive addition to the powers of the AICs is set out in Article 66, and consists of a threat of fines against parties that “refuse” AIC requests for cooperation or “hinder” their investigations. The existing law requires parties to comply with AIC requests for cooperation, without setting out penalties for failure to comply, thereby making the requirement unenforceable.

The AICs are not a police organ, and therefore they do not have normal police powers, including the power to detain suspects, research telephone or banking records, etc. Absent these powers, the AICs are normally limited to imposing penalties based almost exclusively on the number and value of infringing finished products which are found at the scene of enforcement raids of commercial premises operated by infringers. Meanwhile, counterfeiters are increasingly aware of the numerical thresholds for criminal liability which are imposed under relevant judicial interpretations of the Supreme People’s Court (SPC) and Supreme People’s Procuratorate (SPP), and accordingly, can ensure that the value of infringing goods available for seizure does not meet this threshold.

To ensure that appropriate administrative penalties are imposed and that a greater number of cases are transferred to the Police Security Bureau (PSB) for criminal investigation, it is essential that AICs either acquire additional investigative powers or that they cooperate much more closely with PSBs and other judicial and administrative bodies to investigate cases, both before and after raid actions, in order to confirm the full scope of violations. To these ends, it is recommended that Article 65 and corresponding provisions of the future Implementing Regulations clarify the legal powers of AICs in greater detail, but also supplement them as appropriate, and, finally, encourage AICs to cooperate with other judicial and administrative organs in the investigation of infringement cases.

5. Other Anti-Counterfeiting/Enforcement Issues

As suggested above, there are a number of other enforcement issues of great importance to INTA members that are unlikely to be deemed appropriate to be addressed in the law itself, but rather in the Implementing Regulations to the law and relevant SAIC guidelines and regulations. Since many of these issues of concern relate legally or factually to provisions in the law, we mention them briefly below. INTA would be pleased to explain these concerns in greater detail upon request.

(a) Attendance at Raid by Trademark Owner or Its Agent

The law and relevant regulations are unclear as to whether the trademark owner or its agent has a legal right to attend raid actions

conducted on the infringer's premises. In practice, such attendance is permitted. But on occasion, such attendance is refused by the AIC, citing grounds of privacy, trade secrets or the risk of disorder. In practice, such problems almost never arise in the experience of INTA members, and for the sake of transparency, it is recommended that future rules clarify the right of the trademark owner or its agent to fully participate in raid actions.

(b) Timeline for Conducting AIC Actions

The law and relevant regulations are unclear as to when the AIC must formally accept a complaint by a trademark owner and when a raid action must be organized. Normally, raid actions are conducted within a day or two of receipt of a complaint, particularly in cases involving counterfeits. But sometimes delays of several days or even weeks take place. In some cases this may be due to a lack of resources, while in others, there is concern that protectionism may be involved. To address trademark owner concerns in this regard, it is recommended that future rules establish a reasonable deadline for the conducting of raid actions, keeping in mind the risk that infringing goods might be removed soon after the filing of the complaint. A maximum of three days would seem reasonable, at least for cases involving counterfeits.

(c) Transfer of Cases from AIC to Police

In cases where raids are undertaken by the AIC with the police present, it is recommended that new procedures be introduced to encourage the formal transfer of responsibility for the case to the police at the time of the raid, rather than later on. This will permit the AIC to conduct more effective on-site investigations and interrogations.

(d) Disposal of Infringing Goods

Relevant provisions in the law and implementing regulations should state that appropriate steps be taken to ensure all counterfeit goods are compulsorily destroyed, definitively removed from channels of commerce, or disposed of with the rights holders' consent where there is no health or safety risk, rather than merely having infringing trademark representations removed. INTA members have expressed concern that destruction does not take place routinely in counterfeiting cases, in particular, thereby leading to the possibility that the infringing marks could be re-attached and the counterfeit goods could re-enter the market.

(e) Auction of Confiscated Goods

Future rules and regulations should clarify that, where a decision is made to auction infringing goods, the trademark owner or its agent should be provided adequate notice and opportunity to confirm that infringing trademark representations have been removed prior to the

auction. However, as with the recommendation in 5(d), above, INTA suggests that counterfeit goods be destroyed.

(f) Issuance of Penalty Decisions

It is recommended that AICs be required to issue a penalty decision within a reasonable period after the filing of a complaint or conducting of a raid action. A maximum deadline of three months would seem reasonable, at least for cases involving counterfeits.

INTA members also encourage the SAIC to establish a database to permit the publication and searching by the public of all penalty decisions—particularly those involving counterfeiting.

D. Other Issues

Opposition/Cancellation Procedures

First, the Association reiterates the stance detailed in its June 2009 submission regarding the appropriateness of shifting oppositions to be heard by the TRAB. INTA recognizes the importance placed on shifting the current first level of adjudication of oppositions by the CTMO to the responsibility of the TRAB in order to reduce administrative burdens on the CTMO and to accelerate the process of registration for applicants. However, INTA continues to believe that there are a number of reasons for retaining the current two-step administrative review system, including the following:

- It is not possible to present arguments regarding conflicts during the course of examination.
- The cost of judicial appeals to the TRAB can be prohibitive.
- The TRAB's own workload will be greatly increased.

Given these potential drawbacks, INTA reiterates its recommendation that first-instance oppositions before the Trademark Office should be retained.

Secondly, the section currently does not allow for oppositions on the basis of the lack of good faith under Article 9 nor does it allow for opposition on the basis of the lack of inherent registrability under Articles 10-12. This means that for these issues, a cancellation would need to be initiated only after the mark is registered. This should be reconsidered. Otherwise, this section effectively means that the TRAB will consider why a mark should not be registered, on an incomplete basis. Therefore, the TRAB is unable to consider an opposition using all the requisite grounds for gaining registration. INTA believes that allowing oppositions based on Articles 9, 10-12 is necessary.

Thirdly, as the article is currently written, it has introduced a "standing requirement" for an opponent to reduce the number of oppositions. However, the article is drafted in such a way that it effectively means that non-affected parties will not be able to

oppose applications based on inherent registrability and a cancellation will need to be initiated.

In order to enable a comprehensive opposition regime, the TRAB (or CTMO) needs to be able to review all aspects of the examination process and not on limited grounds. Further, INTA suggests that rather than introducing the “standing requirement” at the TRAB (or CTMO) level, the requirement can be introduced at a later stage of the appeal process, e.g., at the Court level.

TRAB Appeal Proceedings

Article 48 states that the TRAB should issue reasonable decisions based on the Examination Guidelines. Article 50 then states that only the legality of the TRAB's decisions should be considered. The two articles effectively mean that for issues relating to Articles 10-12 (e.g. similarity of goods and marks), the TRAB's decisions cannot be appealed to the courts. Since the TRAB is not part of the judiciary or court system of the PRC, this contradicts various international agreements to which the PRC is a party, including TRIPS, that require judicial review be made available. INTA believes that the Court's power to hear administrative or judicial appeals should be unfettered and the Court should be allowed to hear appeals relating to all aspects of the TRAB's decisions.

Generic Marks

Article 52 has added the basis for cancellation of a trademark under sub article 5 for marks which have become generic. However, under Articles 10-11 this ground has already been detailed as a matter for the TRAB to consider under cancellations. This Article as currently written would mean that for issues relating to the generic nature of a mark, a petitioner can choose to appeal to either the CTMO or the TRAB. Therefore INTA suggests that any issues regarding “generic-ization” be referred to the TRAB as implied in Articles 10-11.

Judicial Appeal

Article 55 has removed the previous judicial appeal to the SAIC so that those decisions made under sections 39-41, 46, 52, 53 can only be appealed through the court system. INTA reiterates its comments made in June 2009 requesting that the parties still be free to choose either an administrative review or a court review.

Evidence of Use

As in INTA's June 2009 submission, the Association continues to support the following change to the last paragraph: “When the owner of a registered trademark claims for compensation, he shall provide evidence proving the usage of the registered trademark in the prior three (3) years and other evidence. If the registered mark is well known and there is infringement involving dissimilar goods/services, the owner can provide evidence of use with goods for which the mark is well known.”

The Role of Trademark Agents

While INTA understands the recognition of trademark agents as prescribed by the law in Article 18 will be clarified under the regulations, we believe it would be useful to understand how this recognition may be carried out. For example, INTA is curious as to whether in light of this proposed change, trademark agent examinations would be reintroduced? Further clarification on this issue is strongly recommended.

Examiner's Opinion

INTA has noted the reintroduction of the "Examiner's Opinion" in Article 29. INTA strongly suggests further clarification as to what areas the "Examiner's Opinion" will address. For example, the current existing Notifications of Correction only deal with specification changes. Other issues such as relative or absolute grounds for refusals are only addressed through the issuance of Refusal Notifications. Additionally, it is unclear whether there will be an opportunity to respond either orally or with a submission to the issues addressed in the Examiner's Advice.

Trademark License Records

Article 59 states that "Where the provision of Article 42 of this Law is violated, the local administrative authority for industry and commerce shall order the offender to rectify the situation and may impose a fine." However, Article 42 appears to only address recorded trademark licenses. By inference, trademark owners who do not record their licenses will not be afforded the same protections provided to those who register. INTA strongly opposes mandatory trademark license records and highly recommends that any such provisions or penalties both implied and explicitly stated not be included in this draft. INTA believes that such a requirement is highly burdensome to trademark owners and creates difficulties in enforcement and maintenance of trademark rights

Non-Traditional Trademarks

Although this provision remains unchanged from the June 2009 draft, INTA would like to reiterate its strong support of China's proposal in Article 8 to modernize and harmonize China's trademark system with other advanced systems around the globe with regards to non-traditional marks (NTMs). We are particularly pleased that the law recommends adding motion, single color(s) only, smell and sound NTMs to the scope of registrable trademarks in China. This will be a tremendous benefit to trademark owners competing in the Chinese and world marketplaces and to consumers who rely on such indications of source.

Geographical Indications

While this remains the same as in the June 2009 draft, INTA would like to restate its belief that the trademark system is a solid framework that provides protections for geographical indications. Therefore, we are pleased that in Article 16, applicants are requested to file their "geographic mark" as a collective or certification mark.

III. Conclusion

In conclusion, INTA sincerely believes that this latest draft of the Revised Trademark Law of the People's Republic of China is a significant step forward for the protection of intellectual property in China. We look forward to the passage of this comprehensive law and the rapid implementation of new guidelines and regulations that may stem from this legislation. INTA's diverse and experienced membership is pleased to continue to offer its assistance to the Chinese government on matters of intellectual property. Should you have any questions or concerns regarding these comments, please contact our Chief Representative in Shanghai, Ms. Min Chen at (0) 21-6122-1156 or by email at mchen@inta.org.