

Information on the Technical and Procedural Aspects of Collective Marks and Certification Marks in China

I. The qualification of the applicant

1. **Collective marks:** Any party applying for the registration of a collective mark shall furnish documents certifying the qualification of the subject and indicate in detail the names and addresses of the members of the collective. Any party applying for the registration of a geographic indication as a collective mark shall furnish documents certifying the qualification of the subject and submit the detailed information of the professionals and special testing equipments of its own or of any other organization authorized by it to show its capability of supervising the particular quality of the goods to which the said geographic indication applies.

A society, an association or any other organization applying for the registration of a geographical indication as a collective mark shall be composed of members from within the region indicated by the geographical indication.

2. **Certification marks:** Any party applying for the registration of a certification mark shall furnish documents certifying the qualification of the subject and submit detailed information of the professionals and special testing equipments of its own or of any other organization authorized by it to show its capability of supervising the particular quality of the goods to which the said certification mark applies.

3. **Geographical Indications:** China protects GIs that is defined in TRIPS agreement under its trademark system through collective marks or certification marks.

Any party applying for the registration of a geographical indication as a collective mark or a certification mark shall also furnish the approval documents issued by the people's government which has jurisdiction thereover or the competent authority of the industry.

Any foreign person or enterprise applying for the registration of a geographical indication as a collective mark or a certification mark, he or it shall furnish documents certifying that the geographical indication in question, in his or its name, is under the legal protection in the country of origin.

II. Requirements for the regulations for use

1. The regulation governing the use of a **collective mark** shall include:

- (i) the purpose of using the collective mark;
- (ii) the quality of the goods to which the collective mark applies;
- (iii) the procedures for using the collective mark;
- (iv) the rights and obligations entailed in the use of the collective mark;
- (v) the liability the members shall bear for breaching the regulation;
- (vi) the registrant's system for the inspection and supervision of the goods to which the collective mark applies.

2. The regulation governing the use of a **certification mark** shall include:

- (i) the purpose of using the certification mark;
- (ii) the particular quality of the goods certified by the certification mark;
- (iii) the conditions for using the certification mark;
- (iv) the procedure for using the certification mark;
- (v) the rights and obligation entailed in the use of the certification mark;
- (vi) the liability a user shall bear for breaching the regulation;
- (vii) the registrant's system for the inspection and supervision of the goods to which the certification mark applies.

3. The content of the publication of a collective mark or certification mark after the preliminary examination shall include the full text or abstract of the regulation governing the use of the mark in question.

Any amendment made by the registrant of a collective mark or certification mark to the regulation governing the use of the mark shall be submitted to the Trademark Office for examination and approval, and the amendments shall come into effect on the date of publication.

III. Other related provisions

1. **Assignment:** Both collective marks and certification marks can be assigned. The condition is that the assignee shall have the relevant qualification as mentioned in Part I.

2. **Use of the mark:** The collective members of the registrant of a collective mark may use the collective mark after going through the procedure under the regulation governing the use of the mark.

Any party eligible for the conditions stipulated in the regulation governing the use of a certification mark may use the mark after going through the procedure prescribed therein, and the registrant shall not refuse the party to go through the procedure.

3. But the registrant of a certification mark shall not use the certification mark on goods provided by himself or itself.