



China's Customs Recordal System

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China's General Administration of Customs has since 1995 implemented an intellectual property recordal system that blocks the import or export of counterfeit or infringing products, and releases shipments of genuine articles. This system extends to trademark, copyright and patent protection, and is recommended as a direct, inexpensive way to protect one's IP rights.

Once a rightsholder's intellectual property information is recorded with customs, they can apply to have infringing products detained by China's customs authorities. Customs will notify rightsholders of any suspect items, asking them to submit an application in order to detain those products. Up to mid-December of this year, the system has recorded a total of 15,808 items (10,266 in trademark, 4,869 in patent, and 673 in copyright).

A rightsholder's intellectual property information can be recorded either online or with a written application submitted to the General Administration of Customs. Once a recordal application has been submitted, customs will make a decision within 30 days on whether to record the rightsholder's information in its database. As of November 1, 2015, the administration office no longer requires an CNY 800 fee for recordal applications. The period for each recordation with customs is 10 years, and protection can be extended for another 10 years. Renewals can be filed six months prior to expiration.

The information in a customs recordal



application must mirror that of the IP rights registered with one of China's competent authorities (the Trademark Office of the State Administration for Industry & Commerce, National Copyright Administration, or the State Intellectual Property Office for patents). Customs will assign a code for each record, which will also be included in the customs declaration. Customs will also keep on file a description of the product and its defining characteristics, plus images that illustrate specifications. This gives customs agents several elements in order to better verify the authenticity of a product being reviewed.

Rightsholders (or their legal representatives) will be informed of any suspect shipments and receive the opportunity to review them closely and determine their authenticity. It is important to keep information in customs databases up to date, including information referring to distributors or licensees. Any changes to recordal applications must be made within 30 days, or rightsholders run the risk of having their records cancelled.

Eiger encourages rightsholders to participate in China's General Administration of Customs IP recordal scheme. In order to apply, rightsholders simply need to present a copy of their business registration certificate (including

Chinese translation), a copy of the trademark certificate/China registration plus information on any related licenses, and a specific power of attorney.

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