

Newsletter

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Wilkinson & Grist
Solicitors & Notaries

Welcome Message

We are excited to announce that, as we enter the second quarter of the year, our firm's website www.wilgrist.com has been revamped with a brand new and refreshing look. We are also excited and honoured to be appointed by the Intellectual Property Department of the Hong Kong SAR Government to provide training to SMEs under its IP Managers Scheme, which is part of the Government's initiative to propel Hong Kong's development as an IP trading hub. While the discussion on the controversial Hong Kong Copyright (Amendment) Bill 2014 has been set aside, the legislative landscape in Hong Kong continues to advance with the recent developments in the Competition Ordinance and the Stamp Duty Ordinance.

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Message from our Senior Partner

I am extremely honoured to become Senior Partner of the firm as from 1 April 2016. It has always been the mission of Wilkinson & Grist to provide effective, quality and efficient legal services to our clients. I will strive to do my best, and join hands with our clients to ensure to uphold such a mission.



Keith Ho

We take a lot of pride in being one of the leading independent law firms in Hong Kong and are in a position to provide a full range of legal services including China Trade, Company and Commercial, Dispute Resolution, Employment, Family, Intellectual Property, Information Technology, Insolvency, Private Client and Real Estate. Many of our solicitors have been recognized and identified by well-established legal directories as leading lawyers in their respective fields of practice. Our firm has also been recognized as a leading law firm in a number of practice areas.

We look forward to continuing serving our clients in the many years to come so that the business of our clients as well as ours would continue to flourish.

NEW HONOURS



The World's Leading Trademark Professionals 2016

For consecutive years, we have received the highest **Gold Band** ranking for **Trademark** enforcement and litigation, prosecution and strategy for Hong Kong in the WTR 1000 publication which identifies the trademark industry's leading lights in 71 jurisdictions around the world.

“Wilkinson & Grist consistently placing near the top of the annual filing tables, it obtains watertight protection for a wide swathe of multinationals with alacrity and finesse; the firm is prized for its ability to drill down into complex matters”

Managing Intellectual Property

TRADE MARK SURVEY 2016 PATENT SURVEY 2016

For consecutive years, we have been voted as a **Tier 1 Law Firm** for both **Trademark** and **Patent Prosecution** work in Hong Kong in this annual world survey which covers the top-rated firms for trade mark and patent works in some 80 jurisdictions. We are also recognized as a leading **China Foreign Firm** in **Trademark**.



The 2016 Asia IP Copyright Survey

We are ranked, once again, as a **Tier 1 Law Firm** in Hong Kong in this **Copyright Survey** on the best firms for copyright related advice in the region. This survey as published by Apex Asia in its Asia IP February 2016 issue is based on extensive research and identifies the very best advisors in Asia.



We are honoured to be recognized as one of the leading **International Firms** for **Banking and Finance** and **Intellectual Property** in the 2015 China Business Law Awards which are based on nominations, recommendations and endorsements received from China-focused corporate counsel and legal professionals around the world.

CHAMBERS
GLOBAL

CHAMBERS
ASIA
PACIFIC

We are pleased to be again ranked as one of the leading International Firms – China for Intellectual Property in both Chambers Global 2016 and Chambers Asia Pacific 2016.

Congratulations

We are proud of the recognition given to our lawyers and congratulate them on their achievements.

CHAMBERS
GLOBAL

CHAMBERS
ASIA
PACIFIC



Keith Ho



Howard Tsang



Yvonne Chua

In Chambers Asia Pacific 2016, **Keith Ho**, Head of our Dispute Resolution Practice Group, is ranked as **Leading Individual** for dispute resolution in China whereas **Howard Tsang**, Head of our Beijing Office, and **Yvonne Chua**, Counsultant of our Intellectual Property Practice Group, are both ranked as **Leading Individuals** for intellectual property.

Keith Ho “is well-known for advising individuals on contentious probate and will matters. He is also experienced at handling professional negligence cases.”

Howard Tsang “is noted for his recent successes in trade mark oppositions and passing off actions. A variety of sources comment on his depth of knowledge, with one commenting: ‘He’s been in the IP market forever!’ ”

Yvonne Chua “understands what the business world demands and can come up with a creative, well-thought-out answer that fits our specific needs.”



The World's Leading Trademark Professionals 2016



Andrea Fong



Yvonne Chua

Andrea Fong, Head of our Intellectual Property Practice Group, and **Yvonne Chua**, Consultant, have been ranked in this WTR 1000 listings following an exhaustive qualification research process.

They both received the highest **Gold Band** ranking.

***Andrea Fong** is “a fantastic choice for prosecution.”*

***Yvonne Chua** “provides strong leadership to the team, which benefits from her unrivalled knowledge of the Chinese IP landscape.”*

Appointments

Through strong participation in major national and international bodies, our lawyers contribute to the community.

Steering Committee on Mediation

John Budge, Consultant, Dispute Resolution Practice Group, was re-appointed by the Secretary for Justice as a member of the Steering Committee on Mediation and its Accreditation Sub-Committee for a period of one year from 27 November 2015 to 26 November 2016.

Hospital Authority Board

Yvonne Chua, Consultant, Intellectual Property Practice Group, was appointed by the Hospital Authority Board of Hong Kong as Member of the Hospital Governing Committee of Queen Elizabeth Hospital from 1 April 2016 to 31 March 2018. Yvonne is also appointed as member of the Cluster Clinical Ethics Committee for Kowloon Central Cluster with effect from 1 May 2016.

Cleresa Wong, Head of Real Estate Practice Group, was re-appointed by The Hong Kong Housing Authority as a member of the Building Committee and the Commercial Properties Committee of the Authority for a period of two years from 1 April 2016. The Hong Kong Housing Authority is a public authority and is the biggest landlord in Hong Kong. It is responsible for providing public housing and ancillary amenities for eligible persons, and also develops affordable homes for purchase by the lower income groups.

Hong Kong
Housing
Authority

New Faces

We warmly welcome the following newcomers to our firm.

Iris Chan joined our Dispute Resolution Practice Group as an associate in 2015 after completing her training with our firm. She obtained her Bachelor of Laws degree and PCLL from The University of Hong Kong in December 2015. Iris specialises in commercial, insolvency and banking litigation. She advises and acts for leading financial institutions in debt recovery matters, mortgage actions and enforcement proceedings. She also handles regulatory compliance works.



David Choi joined our Real Estate Group as a partner in September 2015. He obtained his Bachelor of Laws degree and PCLL from The University of Hong Kong and was admitted as a solicitor in Hong Kong in September 1993. He specializes in conveyancing and real estate practices. His practice also includes will drafting, probate matters, employment matters and asset preservation in special circumstances. David is a Civil Celebrant of Marriages and an accredited General Mediator.



Leo Leung joined our firm as a trainee solicitor in August 2013 and after his admission as a solicitor in November 2015, he joined our Real Estate Practice Group as an associate. His practice focuses on real estate and related commercial transactions, including sale and purchase of properties, leases and tenancies, security documentation involving real estate, title due diligence, sale and acquisition of property holding vehicles, services contracts, joint ventures, and loan and security documentation.



Tammy Tsang joined our Dispute Resolution Practice Group as an associate in 2015. She obtained her degrees in Bachelor of Social Sciences (Government and Laws) and Bachelor of Laws and PCLL from The University of Hong Kong and was admitted as a solicitor in Hong Kong in September 2015. Tammy currently works on a variety of litigation matters, including probate and estate administration disputes, insolvency as well as shareholders' disputes.





Felix Yuen joined our firm in 2011 after obtaining his Bachelor of Laws degree from The University of Hong Kong. He received his training with our firm after he completed the PCLL in 2013. He was admitted as a solicitor in Hong Kong in October 2015 and joined our Intellectual Property Practice Group. Felix has considerable experience in both contentious and non-contentious IP work including prosecution, enforcement and commercialization of IP. He now specializes in trade mark prosecution and regularly advises on worldwide IP portfolios of domestic and multinational corporate clients.

About Us

IP Manager
Scheme of the
Hong Kong
Intellectual
Property
Department

We are honoured to be appointed by the Intellectual Property Department of the HKSAR Government (IPD) as the designated law firm to provide **Practical Workshop for IP Managers** at SMEs under its IP Manager Scheme. This Scheme has been launched by the IPD to assist Hong Kong SMEs to build up their manpower capacity on intellectual property and to increase their competitiveness through IP management with a view to enhancing opportunities for IP trading as the HKSAR Government promotes Hong Kong as the IP Trading hub.

This Workshop will include a series of half-day practical training sessions to take place at IPD from April 2016 to 2017 which are aimed at assisting IP Managers to learn about the protection and management of IP assets in their enterprise, and how to integrate IP commercialization into their overall business strategy. Concurrently as part of this Scheme we have developed a Guidebook, namely 'Practical Guide to IP Managers' which covers in both English and Chinese the following main topics: Understanding the basics of IP, Formulating IP strategy (including building IP inventory, setting guidelines on securing IP protection in new projects, managing IP portfolio), Leveraging IP assets, and IP due diligence in IP trading.

This Workshop is also the sequel to the IP Manager Training Programme under the IP Manager Scheme, in which we also took part in June 2015 by providing basic legal training to in-house IP managers of SMEs.

Caring
Company



We are delighted to be again awarded by the Hong Kong Council of Social Service as a **5 Years Plus Caring Company** in recognition of our commitment in Caring for the Community, Caring for our Employees and Caring for the Environment over the past years.

Our congratulations to Chairman Ms Esther Wong of the Federation of Hong Kong Watch Trades & Industries Ltd and her new Board appointed on 9 December 2015 as we continue to serve as their Honorary Legal Advisor.

Hong Kong
Watch Trades
& Industries
Ltd



(From left to right) Head of our Beijing Office Howard Tsang; Mr Ambrose Chu, Director of Retail Division; Mr Samuel Lee, Vice-Director of Retail Division; Mr Harold Sun, Vice-Chairman; our Consultant Yvonne Chua; Ms Esther Wong, Chairman; our Partners Raymond Chan, Andrea Fong, Cleresa Wong and Lawrence Chan

Raymond Chan, Head of our Corporate Practice Group, **Cleresa Wong**, Head of our Real Estate Group, and **Yvonne Chua**, Consultant of our Intellectual Property Practice Group, were invited by the Hang Seng Bank to participate in their Chinese New Year reception on 25 February 2016.

Hang Seng
Bank



(From left to right) Mr Ho Pun Kei, Executive Vice President & District Head, Customer Value Management, Business Banking; our Raymond Chan and Yvonne Chua; Ms Wendy Yuen, Head of Business Banking; our Cleresa Wong and Mr C M Ngai, Head of Mortgage Sales, Secured Loans, Customer Assets

Talks & Seminars

We are pleased to be involved in, and contribute to, legal education in Hong Kong, China and other regions.

Hong Kong
Intellectual
Property
Department

Yvonne Chua and **Florence Lam**, respectively Consultant and Partner of our Intellectual Property Practice Group, spoke at the “Practical Workshop for IP Managers” at the Intellectual Property Department (IPD) on 29 April 2016. This was the first of six workshops to be provided by our Intellectual Property Practice Group for IP Managers under the IPD’s IP Managers Scheme. The workshops aim at equipping IP Managers with the knowledge of managing the IP assets effectively and integrating IP assets into their overall business strategy.



*(From left to right) Our Florence Lam; Ms Ada Leung, JP,
Director of Intellectual Property; our Yvonne Chua*

Hong Kong
Trade
Development
Council

Beijing
Intellectual
Property
Office

Annie Tsoi, Partner, Intellectual Property Practice Group, was invited by the Hong Kong Trade Development Council (HKTDC) to speak on “Introduction of IP trading in Hong Kong” on 28 April 2016, in the “2016 Intellectual Property and Innovation” seminar in Beijing. The seminar was jointly organized by the Beijing Intellectual Property Office and the HKTDC, where specialists including the President of the Beijing IP Court and other IP experts were invited to share their knowledge and experience on IP trading and innovation.

Publications

We are happy to provide upon request copies of the following published articles written by our lawyers.

“Growing importance of copyright registration”

- K Y So

World Trademark
Review LEXOLOGY
27 January 2016

“Rise in copyright infringement actions brought by traditional media against online media”

- Esther Ho

Intellectual Asset
Management Magazine
3 February 2016

“Legality of notice issued by Trademark Office challenged”

- Mena Lo

Intellectual Asset
Management Magazine
6 April 2016

World Trademark
Review LEXOLOGY
6 April 2016

“Beijing High People’s Court approves pre-emptive application”

- Karen Yim

Intellectual Asset
Management Magazine
13 April 2016

World Trademark
Review LEXOLOGY
13 April 2016

“Enforcement of Money Judgments” – Hong Kong Chapter

- John Budge

Juris Publishing, Inc
2016 edition

“Practical Guide to IP Managers”

- Wilkinson & Grist Intellectual Property Practice Group
(commissioned by the Intellectual Property Department of the
HKSAR Government)

Intellectual Property
Department of the
HKSAR Government
2016

Conferences

Our members will be attending the following conferences and will be delighted to make arrangements in advance for meeting with clients and associates.

LES IMDM

Beijing, China, 13 – 15 May 2016

LESI Annual Conference

Beijing, China, 15 – 18 May 2016

INTA Annual Meeting

Orlando, Florida, USA, 21 – 25 May

ECTA Annual Conference

Dubrovnik, Croatia, 22 – 25 June 2016

AIPPI World Congress

Milan, Italy, 16 – 20 September 2016

MARQUES Annual Conference

Villaitana, Alicante, Spain, 20 – 23 September 2016

PTMG Autumn Conference

Oslo, Norway, 5 – 8 October 2016

APAA Council Meeting

Bali, Indonesia, 8 – 11 October 2016

INTA Leadership Meeting

Miami, Florida, USA, 7 – 11 November 2016

Hong Kong



David Choi

When can stamp duty be refunded?

Over the years, the Hong Kong Government has taken various measures to curb speculations and cool down the overheated residential property market. One of the measures is to double up the amount of stamp duty payable on sale and purchase of residential properties. The measure was introduced by the Stamp Duty (No 2) Ordinance 2014 (Cap 117) which came into effect on 25 July 2014.

Exemption

The Stamp Duty Ordinance (the “SDO”) provides an exemption to the new measure to a purchaser who is a Hong Kong permanent resident:-

- if at the time he agrees to buy a residential property, he does not own any other residential property in Hong Kong;
- he does not have to pay stamp duty at the new rate if he is buying a residential property for the first time or selling one residential property and buying another;
- if he acquires a residential property and subsequently disposes of his original property within six months after he completed purchase of his new residential property, he can apply for a partial refund of the stamp duty he paid on the purchase at the doubled-up rate, being the difference between the new rate of stamp duty and the old rate of stamp duty before the new measures were introduced by the Government.

The debate on partial refund

The circumstances under which partial refund of stamp duty is allowed are governed by section 29DF of the SDO. Since section 29DF only refers to “an” original property in the singular, it is not clear whether section 29DF would apply to allow an individual purchaser to apply for partial refund of the stamp duty he paid on his purchase of the new residential property if within six months of his purchase, he disposes of more than one residential property he already owned at the time he made the purchase.

A recent case

The question was in issue in *Ho Kwok Tai v Collector of Stamp Revenue* (HCAL 49/2015). The Applicant, Mr Ho, and his wife disposed of their “two” flats within six months of his purchase of a new flat. The Applicant argued that he was entitled to refund of one half of the stamp duty he had paid on his purchase of his new flat. However, the Collector of Stamp Revenue took the view that the refund was not available in such circumstances. The Applicant applied for judicial review of the decision of the Collector of Stamp Revenue.

The Court of First Instance considered section 7(1) of the Interpretation and General Clauses Ordinance (Cap 1) (the “IGCO”). The section provides that “[w]ords and expressions in the singular [in an ordinance] include the plural ...” and accepted that the references in section 29DF of the SDO to “an” original property should be read as including more than one property, unless it appears that the contrary was intended under section 2(1) of the IGCO.

Over this question of whether or not the contrary was intended, the Court was invited to consider not only the interpretation of ordinances but also the messages given by the Government through various sources including the Financial Secretary’s blog, the Financial Secretary’s statement in the Legislative Council and the Stamp Office’s “Frequently Asked Questions” (the “FAQs”). The Court finally held that on a proper construction of section 29DF of the SDO, the Applicant was entitled to a refund of the difference between the new rate of stamp duty paid by him on his purchase and the old rate of stamp duty. The Inland Revenue Department said that it would consider taking further action after seeking legal advice.

During the hearing, the Applicant also put forward an argument that he had a legitimate expectation for the refund from the information in the Financial Secretary’s blog and the FAQs. The Court dealt with at some length the doctrine of legitimate expectation.

The doctrine of legitimate expectation was considered in the Court of Final Appeal in *Ng Siu Tong and others v Director of Immigration* (2002) 5 HKCFAR 1. It held that generally speaking, a legitimate expectation arises as a result of a promise, representation, practice or policy made, adopted or announced by or on behalf of the Government or a public authority and moreover, the representation relied upon must be clear and unambiguous. If the representation is reasonably susceptible of competing constructions, the interpretation applied by the public authority should be accepted subject to the application of an unreasonableness test.

Therefore, for the purpose of the doctrine of legitimate expectation, one has to consider whether it is reasonable to rely on what has been said or done by a public authority. If mixed messages are given on a policy announced by a public authority through various sources, an expectation based on what is said from one source can hardly be established if it is not consistent with what the public authority actually applies, unless the interpretation actually applied by the public authority is unreasonable.



Esther Ho

Practical tips on the Competition Ordinance

Hong Kong's first ever cross-sector Competition Ordinance prohibiting certain types of anti-competitive agreements and conduct came into effect on 14 December 2015.

Below are answers to some FAQs aiming to provide practical tips on how to conduct one's business to avoid breaching the Conduct Rules:



Priscilla Chan

Question 1: *I am a member of a Trade Association which regularly publishes recommended fee guidelines for industry players. Can I follow these recommended fee guidelines?*

Answer: Even if non-binding, recommended prices/reference prices of associations may likely be considered as a form of price fixing with the object of harming competition, so you should not follow the recommended fee guidelines.

Question 2: *What should I do if during a meeting held by my Trade Association, the other members start discussing issues and making decisions that may be harmful to competition in Hong Kong?*

Answer: You may be in breach of the First Conduct Rule if you stay in the meeting even if you do not actively participate in the discussion or even if you do not intend to follow the decisions. You should publicly distance yourself from the meeting and explicitly refuse to become involved in any anti-competitive cartel arrangement.

Question 3: *Would it be a breach of the First Conduct Rule if I disclose competitively sensitive information to someone other than my direct competitors?*

Answer: Using a third party as a conduit to share competitively sensitive information (eg regarding future strategies on prices, output, sales, customers) with your competitors is no defence. You should therefore avoid disclosing competitively sensitive information to third parties, especially a common supplier of your competitors, since the common supplier may pass on the information to your competitors and this may affect the otherwise independent decision-making of your competitors regarding their own market strategies and distort competition.

Question 4: *Would it be a breach of the First Conduct Rule if I conduct my own market survey to find out the prices of my competitors and I follow these prices?*

Answer: The First Conduct Rule prohibits cartel arrangements involving two or more undertakings. Merely following your competitors' prices from your own observation without entering into any agreements or concerted practices with another undertaking (eg to agree on a fixed price) is parallel behavior that is commonplace in a competitive market and would not be considered a breach of the First Conduct Rule.

Question 5: *If I am part of a Group of Companies which has subsidiaries A, B and C and if my parent company decides to allocate markets for subsidiaries A, B and C, would such arrangement be in breach of the First Conduct Rule?*

Answer: Market allocation between *two or more* undertakings is recognized as a form of serious anti-competitive conduct under the First Conduct Rule. If subsidiaries A, B and C all belong to the same Group of Companies and they are subject to the decisive influence and control of their parent company, all of these companies form only *one* undertaking, so any conduct of market allocation between these companies is purely an internal allocation of functions and would not be in breach of the First Conduct Rule.

Question 6: *If I need to work in partnership with another company in order to meet the demands of a bid, would a joint bid be considered a form of bid-rigging?*

Answer: A joint tender where undertakings co-operate *openly* (ie to the knowledge of the party inviting the tender) to make a joint bid is not bid-rigging. Joint tenders may be pro-competitive as they may result in additional tenders being submitted (since individual undertakings may lack resources to qualify as a tenderer unless they co-operate). A joint tender is not generally considered to have the object of harming competition but whether it may have anti-competitive effects needs to be separately considered eg does the joint tender effectively reduce the number of bidders in a tender that already has a limited number of bidders?

Question 7: *If I am a supplier and I offer a discount to my distributors, can I request my distributors to offer the same discount to the end customers?*

Answer: No, as a supplier you should not restrict the freedom of your distributors to set their own prices to compete against other distributors, otherwise, you may be at risk of committing resale price maintenance which is typically recognized as harmful to competition.

Question 8: *If I have a substantial degree of market power in a market and I want to significantly reduce the prices of my goods, would such behavior be considered predatory pricing and an abuse of my market power?*

Answer: Setting prices too low (eg below average variable costs) and deliberately foregoing profits may be regarded as an attempt to force competitors out of the market in breach of the Second Conduct Rule, unless you have legitimate business reasons for doing so eg making a genuine promotional offer for a limited duration to boost sales to launch a product, or to clear stock that is becoming obsolete to minimize losses.

Hong Kong Alert

Discussions on Copyright (Amendment) Bill stalled

The Copyright (Amendment) Bill 2014 (“the 2014 Bill”) which has received heated legislative debate has failed to pass before the deadline on 4 March 2016, following which the Government has decided to move it to the end of a list of bills to be considered by the Legislative Council. Since there are many other pending proposals and bills in the agenda, this effectively means the 2014 Bill will not be discussed in this legislature’s term. It remains to be seen as to whether and when the new administration will table the Bill for further discussion.

China



Mena Lo

Legality of notice issued by Chinese Trademark Office challenged

As of January 1 2013, China started to accept trademark applications for seven specific types of retail and wholesale service for pharmaceutical, veterinary and sanitary preparations and medical supplies in Class 35 under new Subclass 3509.

Transitional arrangements were made by the Trademark Office which provided that, among other things, all trademark applications filed in respect of the new services from January 1 to January 31 2013 were deemed to be filed on the same day. To the extent that the applied-for marks were the same or similar, their priority would be determined in the following order by:

- prior use in China (before January 1 2013);
- agreement; and
- drawing lots.

The legality of this particular transitional provision was brought before the Beijing Intellectual Property Court, which recently held that the provision is *ultra vires*. Under Article 31 of the Trademark Law, “the same day” means “the same natural day”. By deeming trademark applications filed in the transitional period (January 1 to January 31 2013) to be filed on the same day, the Trademark Office had purported to redefine the term ‘the same day’. This act amounted to amending the Trademark Law, which was outside the office’s power. Further, the transitional provision also departed from the first-to-file principle, which is in force in China.

Beijing Higher People's Court approves pre-emptive application

The Beijing Higher People's Court recently overruled earlier decisions of the Trademark Review and Adjudication Board and the Beijing IP Court approving the registration of a trademark filed in an unfair manner by an applicant which sought to pre-emptively register an unregistered trademark belonging to a competitor.



Karen Yim

The application was filed contrary to Article 32 of the PRC Trademark Law which provides, among other things, that an applicant may not pre-emptively register in an unfair manner a mark that is already in use by another party which enjoys substantial market influence.

The court's reasoning was as follows:

- the competitor's business licence had already been revoked and the competitor had not used the unregistered mark for more than 10 years before the date of the decision; and
- the trademark sought to be registered had been used by the applicant for more than 10 years, during which a certain degree of market influence had accrued.

The court took the view that the existing market situation should be respected as otherwise the protection offered to an unregistered trademark would be greater than that offered to a registered trademark.

However, the court cautioned that a trademark filed contrary to Article 32 of the Trademark Law should be allowed or maintained only if the following conditions are met:

- the unregistered prior trademark has not been used for more than three years before the date of the decision; and
- the later applied-for trademark has been used for a long time and already enjoys a certain degree of market influence.

China Alerts

China publishes draft Amended Domain Name Regulations for public consultation

On 25 March 2016, the Ministry of Industry and Information Technology (“MIIT”) published the *Regulations on Internet Domain Names (Draft Amendments for Seeking Opinions)* (《互联网域名管理办法（修订征求意见稿）》) for public consultation.

The draft Regulations as amended consist of 56 articles divided into 6 chapters, which cover detailed rules regarding domain name-related agencies, domain name services, supervision and penalties for violation etc. Amongst the proposed rules, Article 37 provides that:-

“Domain names which conduct network access within the borders shall have the services provided by local domain name registration service organizations, and be managed by local domain name registration management organizations. (“在境内进行网络接入的域名应当由境内域名注册服务机构提供服务，并由境内域名注册管理机构运行管理。”)”

For domain names which conduct network access within the borders but are not managed by local domain name registration service organizations, providers of Internet access services shall not provide network access service for such domain names. (“在境内进行网络接入、但不属于境内域名注册服务机构管理的域名，互联网接入服务提供者不得为其提供网络接入服务。”)”

A literal interpretation of this article means that websites with domain names which are not managed by local registrars in China will no longer be accessible in China. It remains to be seen whether the MIIT will modify or clarify the effect of this controversial proposal.

Chinese Trademark Office introduces new improvement measures

The Chinese Trademark Office has recently announced seven new measures to improve the trademark process. In general:-

- directions will be provided when issuing formality objections;
- evidential requirements in opposition proceedings will be simplified;
- mechanism for expediting approval of post-registration matters will be introduced.

The new measures will hopefully facilitate and expedite the process of seeking trademark protection in China.

Chinese Trademark Office expedites issuance of certified copy registration

In late April 2016, the Chinese Trademark Office introduced a new service which aims at expediting the issuance of certified copy of a Chinese trademark registration. Both national and international registrations apply.

While the requests are made at the Chinese Trademark Office as usual, the (simplified) certified copy will be available “on the spot” with no official fee payable. The usual certified copy remains available upon request and payment of official fees.

Notice: This newsletter is intended for general information only and should not be taken as legal advice of Wilkinson & Grist. For any enquiries, please contact Ms Anita Kwan at anitakwan@wilgrist.com.

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Hong Kong
Beijing

Wilkinson & Grist



HK/China base with International Focus

Major areas of
practice:

- China Trade
- Company & Commercial
- Dispute Resolution
- Employment
- Family
- Information Technology
- Insolvency
- Intellectual Property
- Private Client
- Real Estate

- A long tradition of excellence for 130 years
- Our own IP agency in Beijing
- Hong Kong lawyers joining forces with PRC counsel, trade mark agents and patent agents.

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