



CHINA SUNBOW LAW FIRM
 PRC Lawyers, Trademark & Patent Attorneys
 上海尚寶律師事務所

Intellectual Property Practice & Services

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Profile

In today's business environment, intellectual property ("IP") is the key to the future and fundamental basis for success in China and, of course, also around the world. So foreign enterprises must attach a great importance to the acquisition and protection of their IP when doing business in China and assure that their product or service entry into Chinese market is not attacked with IP infringements.

In order to provide specialized one-stop IP services to our clients, apart from China Sunbow Law Firm, we have further established and maintained an IP agent company - China Sunbow & Associates Limited duly incorporated in both mainland China and Hong Kong, which has further housed trademark and patent attorneys, and through which we represent worldwide clients to file any type of trademark, patent, design and copyright applications in both mainland China and Hong Kong. Thanks for our clients' long-lasting confidence and supports from 2004 and our highly noted expertise and outstanding representation, our IP Practice is on its way to becoming the market leader in China in its field. In addition, we have also developed and maintained an extensive and high-quality cooperative network with several hundreds of international law firms and IP firms in more than 60 countries and regions. With the aid of such extensive resources, apart from practice in China and Hong Kong, we can further assist our clients in applying and registering various trademarks, patents, designs and copyrights and manage their trademark and patent portfolios worldwide. What makes our IP practice different from other pure IP agent companies is that our trademark and patent attorneys routinely work closely with our attorneys-at-law in the same firm, who often share and contribute their expertise and opinions to each other for same clients, and our experienced litigators always stand ready to enforce our clients' IP or defend them from IP attacks, therefore, our clients can rely on the strength of our comprehensive sound legal counsel and representation in all aspects of developing and protecting the value of their IP portfolios. So, in this sense, our clients benefit from our capability to provide both the focused IP services of a boutique and the multi-disciplinary corporate services as a full-service law firm in China.

Our firm's seasoned trademark and patent attorneys in the IP Practice which is our firm's most traditional and strongest business have accumulated substantive experience in confidently handling any type of trademark and patent related legal matters. Our IP attorneys have already represented many companies and individuals from more than 60 countries and regions to have successfully applied, registered and enforced various trademarks, patents and designs worldwide, particularly, in China and Hong Kong. Apart from this, they often write professional IP legal watch articles which have been published or quoted by some journals and media. They are also regularly engaged in speaking about various topics involving Chinese trademark and patent protection and prosecution. So their expertise and effectiveness in developing IP protection legal strategies and solutions are highly noted in the IP community.

Among others, particularly, our IP attorneys collaboratively apply their rich experiences in the areas of

- Trademark Practice
- Patent Practice
- IP Litigation Practice
- General IP Counseling and Contracts Drafting



■ Trademark Practice

Our Trademark Practice offers unparalleled high-quality legal services in the acquisition, maintenance and enforcement of our clients' trademarks with a cost-effective approach. Our trademark attorneys are uniquely positioned to provide comprehensive strategic counseling services and continuous legal cares for our clients' trademark matters with substantive collective experience in a team approach. Our trademark attorneys help our clients to develop and adopt consistent brand strategies to register and protect their trademarks in such manners as protected to the utmost by laws and also in the context of their business expansion and marketing goals in China. Thanks for familiarity with the trademark practice and understanding to clients' business goals in China, our trademark attorneys have already represented many foreign clients to have successfully registered their trademarks, won back their trademarks through appealing or litigation, prevented others from registering those marks similar to our clients' trademarks through opposition, cancelled the bad-faith registered trademarks, raided various counterfeits infringing our clients' trademarks with economic compensation, and defended our clients from various trademark attacks by their competitors. In this sense, our clients can rely on our trademark attorneys to take care of any type of their trademark matters in mainland China, Hong Kong and worldwide.

The specific services offered by our Trademark Practice include but not limit to

- Conducting registration availability search for proposed trademarks and providing respective legal analysis and advice based on the searched results
- Filing new applications for various trademarks including goods marks, service marks, certification marks and collective marks for China and Hong Kong registration as well as international registration under Madrid Protocol
- Filing opposition applications to prevent others from registering similar or same trademarks
- Filing cancellation applications against other registered trademarks
- Filing applications for trademark renewal, amendment, trademark license, transfer or pledge recordal
- Filing trademark appealing/review application against provisional refusal
- Providing trademark watch services
- Requesting well-known trademark identification and protection through administrative and juridical routes
- Conducting trademark infringement investigation and raiding, including infringement evidence collection
- Requesting trademark custom recordal and protection
- Providing trademark consultation, due diligence and audit in proposed M&A transactions
- Providing worldwide trademark portfolios management and protection

■ Patent Practice

Our Patent Practice offers comprehensive patent counseling, filing and portfolios management services to help our worldwide clients to maximize the return on their investments in research and development and assure successful market entry, obtaining unique market shares for their patented products and technologies. Our patent attorneys often assist our clients in introducing and promoting various new technologized products by performing patent infringement, validity and free-to-operate studies, and further counsel and represent our clients to register, prosecute and enforce their patents in China. Thanks for familiarity with the patent laws and practice and understanding to prior arts of the industries, our patent attorneys have successfully represented our clients to take legal actions against the infringers and also defended our clients from patent infringement attacks and accusing. Obviously, our Patent Practice is skillful in counseling our clients in all aspects of acquiring, perfecting and protecting their patent interests, including prosecution of patent applications in mainland China, Hong Kong and worldwide through our local associates. Our patent attorneys have spoken and written extensively professional legal articles on Chinese patent laws and practice and are very actively involved in negotiating and drafting technology and patent license and transfer agreements in compliance with the relevant patent laws and regulations.

The specific services offered by our Patent Practice include but not limit to

- Conducting patent prior arts search and providing respective legal analysis and advice based on the searched results
- Filing applications for various patents including invention, utility model and design in mainland China and Hong Kong as well as PCT applications worldwide
- Requesting substantive examination and expediting examination, observing and responding various office actions during the examination phases
- Requesting re-examination or invalidation
- Patent annuity reminder and payment
- Patent license, pledge and transfer as well as the recordal of the same
- Counseling patent infringement, validity and enforcement and monitoring possible patent infringement
- Conducting patent infringement investigation including infringement evidence collection and requesting preliminary injunction
- Providing patent consultation, due diligence and audit in proposed M&A transactions
- Providing worldwide patent portfolios management and protection

■ IP Litigation Practice

Applying and registering trademark and patent is the first step to secure the clients' business, however, the immediately followed protection and enforcement of the same is also equally essential to the final success for clients. Nowadays, IP related disputes are increasingly happening in China. It is often to get the registered trademarks and patents being copied and infringed or being accused by the competitors for IP infringement. So, sometimes, IP litigation cannot be avoided or the respective disputes cannot be otherwise resolved. Thanks for our housing both trademark and patent attorneys and attorneys-at-law who work extensively together in the same firm, when litigation is necessary, we can easily call upon our experienced litigators who always stand ready to represent our clients, either as plaintiffs or defendants, before various Chinese people's courts or arbitration tribunals. With assistance and considering the valuable opinions of our trademark and patent attorneys, our litigators can correctly counsel our clients on developing effective litigation strategies or exploring other alternative dispute resolution options which best meet their business goals in China. Similarly, our trademark and patent attorneys, with assistance and considering our litigators' legal opinions, can also identify the potential risks and areas of concern of our clients' IP in early stage and then help them to either avoid IP disputes or develop effective options and strategies to assert and enforce their IP or prevent their IP being attacked.

The specific services offered by our IP Litigation Practice include but not limit to

- Trademark dispute civil litigation and arbitration
- Patent dispute civil litigation and arbitration
- Copyright dispute civil litigation and arbitration
- Trade secret, technology and know-how dispute civil litigation and arbitration
- Advice on litigation and arbitration strategies for trademark and patent disputes, including compensation amount determination for claim
- Trademark and patent infringement investigation and evidence collection
- Requesting temporary restraining orders and preliminary injunctions
- Trademark administrative litigation against the review decisions of the Trademark Review and Adjudication Board
- Patent administrative litigation against the re-examination decisions of the Patent Re-examination Board
- Trademark and patent administrative enforcement and complaining
- Trademark and patent custom protection

■ General IP Counseling and Contracts Drafting

IP is frequently involved in modern commercial transactions and arrangements, so apart from trademark and patent application, prosecution and litigation, our trademark and patent attorneys in the IP Practice in tight cooperation with our attorneys-at-law in other practices such as Corporate and Business, M&A Practices often jointly or separately, as the case may be, offer general IP legal counseling services and draft various IP related contracts during the commercial transactions for our clients so as to meet their multi-disciplinary needs in the Chinese market. Our extensive knowledge to the IP laws and practice, coupled with corporate transaction and litigation savvy by our attorneys-at-law, makes us an effective advocate to provide effective IP counseling on any aspect of trademark and patent matters so that our clients can rely on us to effectively and strategically develop the value of their IP portfolios.

Our general IP counseling and contracts drafting services include but not limit to

- IP strategic planning, designing, structuring and training
- IP due diligence and audit in the proposed M&A transactions
- Counseling, negotiating and drafting trademark, patent and technology license, pledge or transfer agreements as well as merchandising agreements
- Counseling, negotiating and drafting software development, distribution and license agreements
- Technology import and export regulations
- IP custom recordal and protection
- IP commercialization and acquisition
- Computer software, copyright and domain name registration
- Counseling, negotiating and drafting confidentiality agreements
- Advice on access into IP-related markets
- Personally identifiable information and privacy protection
- Unfair competition

