



WENPING PATENT & TRADE MARK AGENT LTD.
文彬專利商標代理有限公司



2018

www.wenping.com.hk



Company history

Unparalleled Peace of Mind in Intellectual Property Management

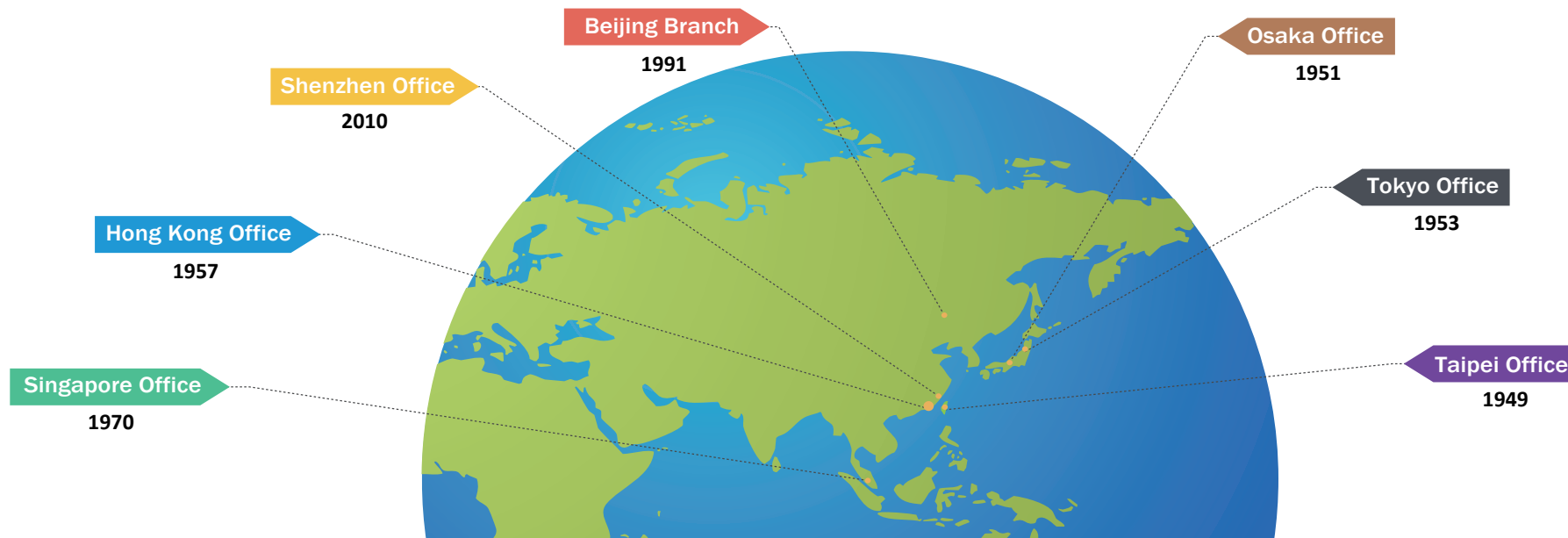
With over half a century of experience and excellence in obtaining intellectual property rights and portfolio management along with a well-established global network of associates providing timely and professional services, Wenping & Co. is your one-stop intellectual property solutions provider in Greater China, Asia and beyond.

About Wenping Patent & Trade Mark Agent Ltd. (<http://www.wenping.com.hk>)

- a long established intellectual property agency with wide network and range of customer base.
- individual affiliate offices throughout the Asia region.
- strong network with overseas IP associates and specialists that can meet client demands.
- diverse expertise with profound knowledge in IP laws and practises.

For over 60 years Wenping Patent & Trade Mark Agent Ltd. has been one of the leading groups of Intellectual Property Agencies in Asia, assisting clients in the processes of pursuing and securing patents, copyrights and trademarks. Through our long established collaborations with a global network of associates, Wenping & Co. is proven to be a world renowned IP agency amongst the most reputable and experienced in the industry.

Located in Hong Kong, Wenping Patent & Trade Mark Agent Ltd. operates with a broad network of individual affiliate offices in Tokyo, Osaka, Taipei, Singapore and China. Our broad geographic coverage and unique administrative structure strengthen our competency on providing both our multi-national corporate clients and smaller corporate/individual clients with localised and customised IP services. As one of Asia's foremost intellectual property agencies, Wenping Patent & Trade Mark Agent Ltd. offers specialized and comprehensive services across a wide aspects not limiting to filing and/or prosecuting of trademark, patent and registered design applications, advising on matters in areas of copyrights and trade secrets, furtherance to handling oppositions/invalidations and assisting on infringement proceedings. Our professionally trained and highly experienced staff strive to stay well-informed of the latest technology trends and know-hows in various industrial sectors and are readily available to assist clients from local or overseas with their bilingual capacity. While it is our endeavour to maintain a high standard of communications through state-of-the-art information technologies to meet our clients' diverse needs, we are constantly focused on maintaining a stringent but efficient practise to uphold our standards of confidentiality, accuracy, timeliness and cost efficiency in exchanging information with our world-wide affiliates and authorities. ■





Our Mission Statement:

- We strive to be a premiere trademark and patent agency providing unsurpassed IP related services in countries where the objectives and values of intellectual property right are upheld.
- We shall accommodate our client's needs without compromise in service quality while delivering results timely and professionally.
- We shall employ only the most capable people who have a global market perspective and intuition, as well as a desire to excel in customer satisfaction.
- We shall conduct our businesses with impeccable integrity in all our engagements with clients, associates and government agencies.

As one of the leading intellectual property agencies in China and Asia, Wenping & Co. is specialized in the following disciplines:

Trademark – brand names, trade names, product names and logos, etc.

Patent – product or process, not limiting to machineries, tools, appliances and medicines, etc.

Copyright – literary works, art, photography, films, music, software, web contents, and audio recordings.

Registered Design – aesthetic appearance of product. Registered design may also applicable to architectural designs.

Trademark registration:

- Trademark Search / Management / Watch / Renewal
- Application for Registration (Trademark for Goods, Services, Series, Defensive Trademark, Certification Trademark)
- Trademark Licensing, Assignment and Transmission

Patent registration:

- Patent Search / Management / Watch / Renewal
- Application for Registration (Invention, Utility Model, Design)
- Drafting Patent Specification (Electro-mechanic, Electronics, Computer, Chemical, Pharmaceutical, Metallurgy, etc.)
- Translation of Specifications
- Preparation of Patent Drawings or Photographs
- Licensing, Assignment and Transmission

Copyright registration:

- Application for Registration
- Copyright Licensing, Assignment and Transmission

Industrial Design registration:

- Registered Design Search / Management / Watch / Renewal
- Application for registration
- Design Drawings or Photographs
- Registered Design Licensing, Assignment and Transmission

Other Services:

- Intellectual Property Dispute, Infringement, Investigation, Rectification, Opposition, Revocation, Cancellation
- Drafting Agreements (in aspects relevant to intellectual property)
- Incorporation of Company
- Domain Name Registration, Prosecution and Dispute Resolution
- Other Intellectual Property-Related Services

Scope of Services

What is a trademark?

A trademark is a sign that distinguishes the goods of one trader from those of others, or the service from a service provider from the services of others service providers.

A trademark registration protects a “mark” that is used to identify the origin of a product or a service. The “mark” may be in forms of a word or combination of words, a logo, colours, a three-dimensional object or shape, a sound or even a smell.

In practice, applications are most frequently rejected on the grounds that:

- (i) there is a likelihood that consumers will confuse your mark with a mark already on the register or applied for or an unregistered well-known mark;
- (ii) your mark only describes a product or service or a feature of the product or service;
- (iii) your mark consists of a geographical term which is misleading or should not be monopolized by a single enterprise;
- (iv) your mark violates public order or morality; or
- (v) your mark consists of or contains without authorization an element which is identical with or an imitation of a protected official sign, armorial bearing, flag or other emblem, or hallmark of a state or intergovernmental organization.



Where the trademark law of a country offers the mechanism of opposition proceedings, after an application has been examined and published any interested person will be provided an opportunity to object to the registration of the mark if they consider their rights likely to be affected by its registration. Considering the merits of the case, the Office will make a decision based on the evidence provided by the two parties and this decision will usually be subject to an appeal.

Depending on national laws, the initial period of registration is not less than 7 years (generally 10 years). However, unlike other industrial property rights, a trademark registration can be renewed upon payment of renewal fee indefinitely. ■

What is a patent?

A patent is an exclusive right granted for an invention which may be a product or a process that provides a new way of doing something, or offers a new technical solution to a problem.

Requirements for filing Patent, Utility Model and Industrial Designs

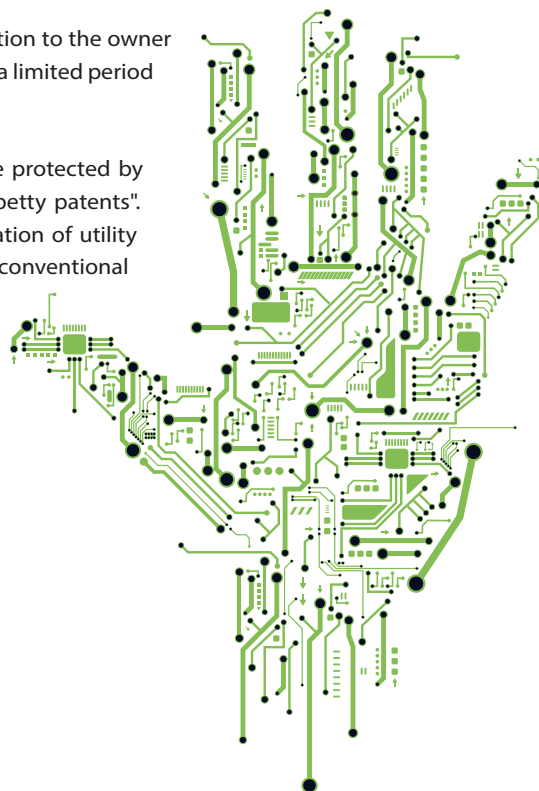
Novelty – an invention must be new and not be disclosed to the public, or published in any books or article. A confidentiality agreement between the inventor/applicant and concerned parties while showing the invention will not consider as disclosure.

Inventiveness – an invention must contain a certain extend of inventivity or nonobviousness. For instances, using a new method to address a problem or using an existing technology in a new category which produces unexpected results may be considered inventive.

Industrial Use – an invention must be susceptible of industrial application. For example, the invention may be mass produced by machines. In case the invention must be handmade, the applicant must prove that the result as claimed will not affect by any circumstances.

A patent provides protection for the invention to the owner of the patent. The protection is granted for a limited period of typically 20 years.

In some countries, inventions may also be protected by utility models, which are also known as "petty patents". Furthermore, the requirements for registration of utility models are usually less stringent than conventional patents. ■



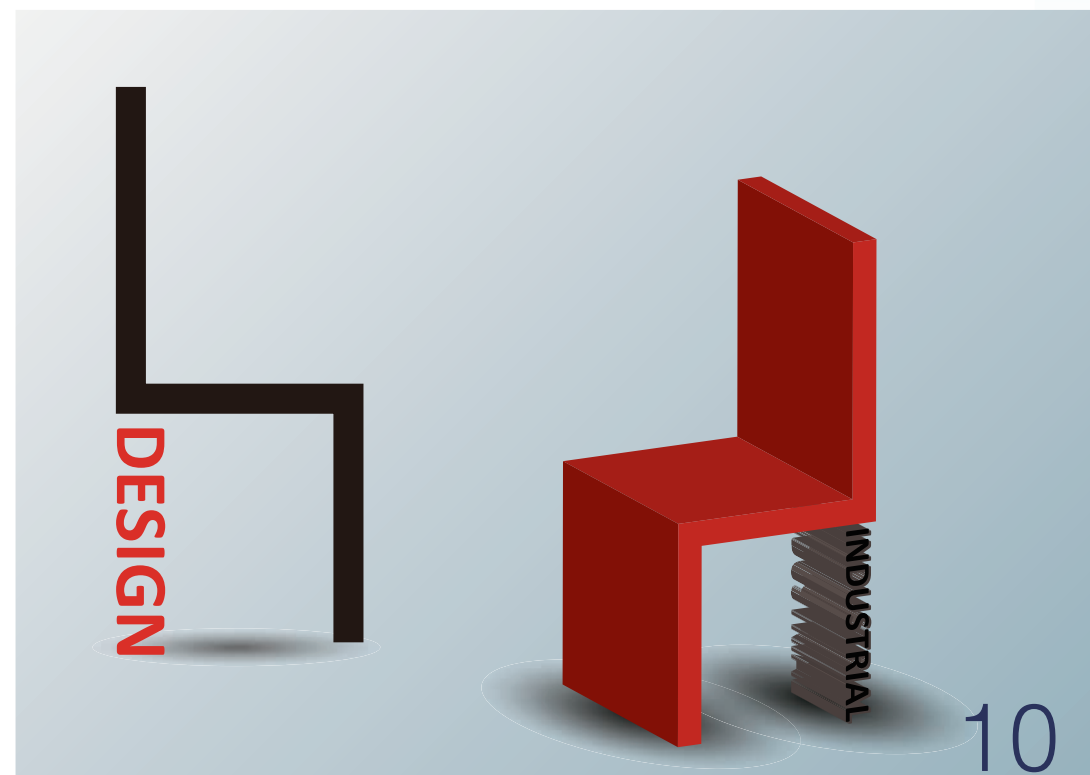
What is an industrial design?

An industrial design is the ornamental or aesthetic aspect of an article. An industrial design may consist of the creation of a shape, configuration or composition of pattern or color, or combination of pattern and color in three-dimensional form containing aesthetic value.

Industrial designs are applied to a wide variety of products and handicrafts. For instances, industrial design may be registered for articles such as technical instruments, watches, jewelries or other luxury items, housewares and electrical appliances, vehicles, architectural structures, textile designs or leisure goods.

To be protected under most national design laws, an industrial design must be appealing to the eye. This means that an industrial design is primarily of an aesthetic nature and does not protect any functional features of the article to which it is applied.

In most countries, patent offices do not examine design applications as to substance prior to registration. It usually takes about six months to twelve months for a design application to be become registered. ■



What is copyright?

Copyright is a legal term describing the exclusive rights given to the creator of an original work to its use and distribution for a limited time.

The kinds of works covered by copyright include but not limited to: literary works such as novels, poems, plays, reference works, newspapers and computer programs; databases; films, musical compositions, and choreography; artistic works such as paintings, drawings, photographs and sculpture; architecture; and advertisements, maps and technical drawings.

The original creators of works are protected by copyright. Certain basic rights of copyright extends to the heirs of the original creators. For instance, the decedents of the original creator hold the exclusive rights to use or authorize others to use the work. The creator of an original work may authorize or prohibit:

- its reproduction in various forms, such as printed publication or sound recording;
- its public performance, as in a play or musical work;
- recordings of it, for example, in the form of compact discs, x cassettes or videotapes;
- its broadcasting, by radio, cable or satellite;
- its translation into other languages, or its adaptation, such as a novel into a screenplay.



公司歷史

憑藉超過半世紀的知識產權申請和管理經驗，以及提供快捷及專業服務的全球專家網絡，文彬國際商標專利事務所為您在大中華區、亞洲區乃至全球提供一站式知識產權解決方案。

文彬專利商標代理有限公司(<http://www.wenping.com.hk>)

- 成立60餘年至今擁有龐大的網絡及廣泛的客戶群。
- 在亞洲不同地區設有事務所。
- 與全球的知識產權事務所及相關的專業人士締結強大網絡，以滿足客戶的需求。
- 具有多元化的專業背景，深厚的知識產權知識。

香港文彬專利商標代理有限公司，建立了遍布全球的专业人员网络，在东京、大阪、台北、新加坡及中国大陆设有事务所。广泛的地區分佈及獨特的組織結構使得我們能夠運用大型國際性事務所的資源和專長，為跨國公司客戶及小企業/個人客戶提供本地化及個人化的服務。作為亞洲區領先的知識產權代理集團之一，文彬專利商標代理有限公司在全球範圍內提供專利申請及研調、設計、商標、版權及商業秘密等方面的專業化及綜合性的服務，包括異議及侵權諮詢服務。我們的員工均受過良好的培訓及具有豐富的經驗，並力求與時並進地熟悉客戶的產品和技術的最新進展。此外，我們堅持採用最新技術、通信及研究信息系統，以滿足客戶多元化及全球化的需求。我們也致力於建立高效的通信網絡及高效之檔案管理。■





我們的使命：

- 我們的目標是成為首屈一指的專利、商標及設計註冊之代理機構。
- 為客戶提供卓越的服務，在全球各國踐行知識產權法律的國際認可標準。
- 我們聘請最優秀的員工，他們具有專業的商業洞察力，並渴望為滿足客戶之要求而不懈努力。
- 與各方面業務上的往來，我們都將恪守誠信。

作為中國乃至亞洲區領先的知識產權代理機構，文彬國際商標專利事務所專精於以下領域：

商標 — 品牌名稱、產品名稱及標識。

專利 — 發明及產品，包括機器、工具及醫藥。

版權 — 文學作品、藝術作品、攝影、電影、音樂、計算機軟件、網頁內容及錄音。

註冊設計 — 產品的外觀，包括形狀、包裝、圖案、色彩及裝飾。也適用於建築設計。

商標註冊：

商標檢索/管理/監控/續期

註冊申請（商品商標、服務商標、系列商標、防禦商標、證明商標）

商標許可、轉讓及轉移

專利註冊：

專利檢索/管理/監控/續期

註冊申請（發明、實用新型、外觀設計）

撰寫專利申請文件（電機、電子、計算機、化學、藥學、冶金等）

翻譯專利申請文件

產品圖表或照片

專利許可、轉讓及轉移

版權註冊：

註冊申請（計算機軟件、藝術作品）

版權許可、轉讓及轉移

工業設計註冊：

註冊設計檢索/管理/監控/續期

註冊申請

設計圖表或照片

註冊設計的許可、轉讓及轉移

其他服務：

知識產權爭議、侵權、調研、修正、異議、撤銷、廢除

起草與知識產權相關的協議

公司註冊

域名註冊、實施及爭議解決

其他知識產權相關服務

服務範圍

什麼是商標？

商標是將一家商戶的商品和/或服務與其他商戶的商品和/或服務區別開的標誌。商標通常是文字（包括人名）、標識、設計、字母、漢字、數字、圖形元素、色彩、聲音、氣味、商品的形狀或包裝、或其任何組合。只有能夠可視化表示的標記才能註冊成為商標。

實踐中，商標申請最常見的被駁回理由有：

- (i) 消費者有可能將你的商標與已經註冊或申請的商標、或者未註冊的馳名商標相混淆；
- (ii) 你的商標僅描述一件產品或服務、或其特徵；
- (iii) 你的商標包括具誤導性或不應由單個企業壟斷的地理名詞；
- (iv) 你的商標違反公共秩序或道德；或者
- (v) 你的商標未經允許包括或含有與國家或政府間國際組織受保護的官方標誌、徽章、旗幟或其它徽記相同或近似的成分。



當一個國家的商標法設有異議程序，任何利害關係人認為該商標的註冊可能影響他們的權利，則可在申請經審查及公告後提出反對該商標的註冊。商標局將基於雙方提供的證據做出決定，該決定通常是可被上訴的。

根據各國的法律，註冊商標的初始年限不低於7年（一般為10年）。但是，與其他工業產權不同的是，註冊商標的年限在繳納續期費用後可無限期延續。■

什麼是專利？

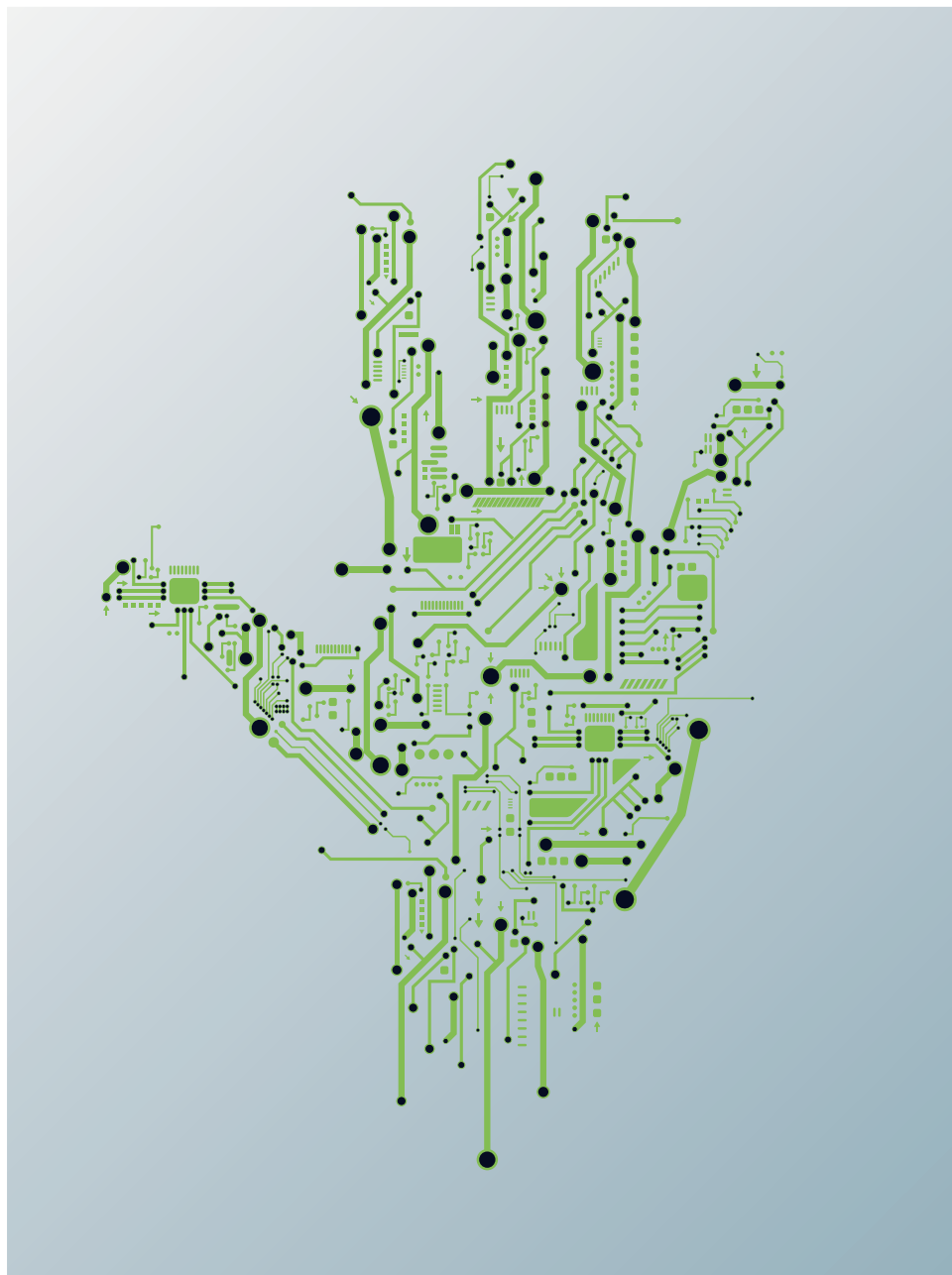
專利是對發明授予的一種專有權利，發明是指提供新的做事方式或對某一問題提出新的技術解決方案的產品或方法。

申請專利、實用新型和工業品外觀設計的要求

新穎性 — 一項發明必須是新的、未向公眾或任何個人揭露、且未在任何書籍或文章中公開。如果發明人/申請人與相關當事人在展示發明之前簽署了保密協議，則不構成公開。如果發明曾在展覽中展出，則必須是國家政府認可的國際展覽，才能享有寬限期而不被認為已公開。

創造性 — 一項發明必須具有某種程度的創造性，創造性是指使用新方法來解決問題。在新的領域中使用已有的技術從而產生新的結果也可被認為具有創造性。

工業實用性 — 一項發明必須能夠由機器實施。如果一項發明必須由人手進行操作，申請人必須證明要求保護的結果不會受到任何環境的影響。



授予的保護是有期限的，一般是20年。

在一些國家，發明也可通過實用新型來保護，實用新型也稱為“小專利”。註冊實用新型對創造性的要求通常較低。■

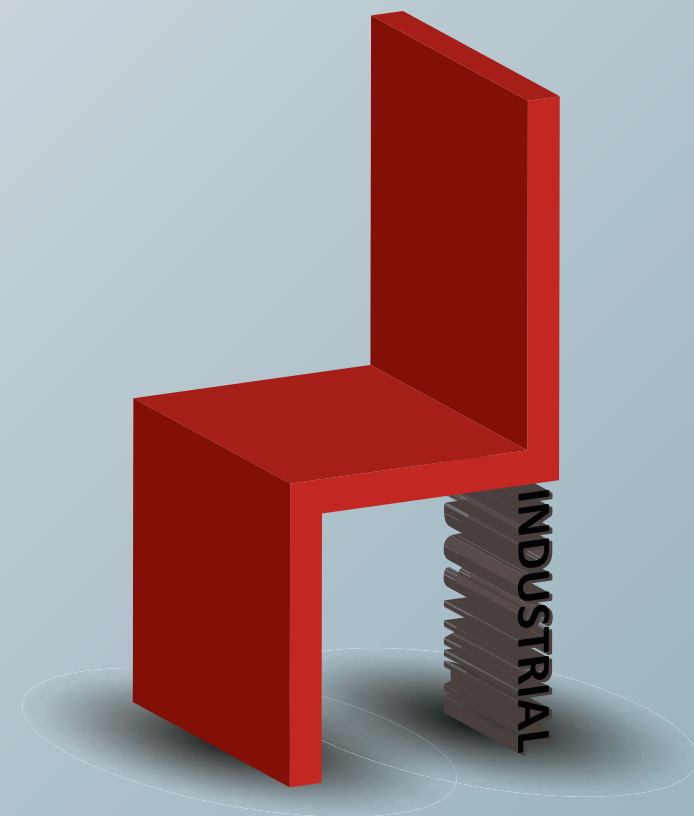
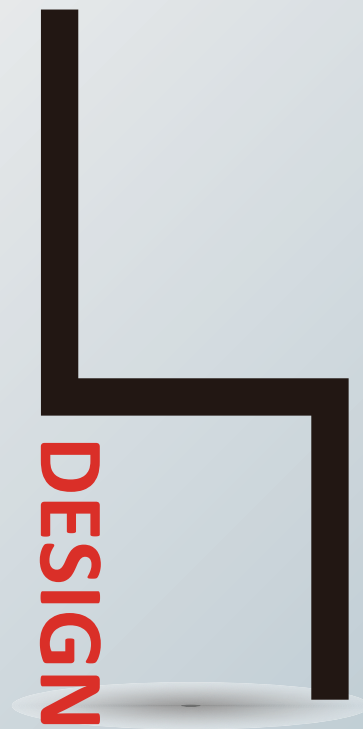
什麼是工業品外觀設計？

工業品外觀設計是指物品的裝飾性或美學特徵。外觀設計可以是三維特徵，如物品的形狀或表面，也可以是二維特徵，如圖案、線條或色彩。

工業品外觀設計廣泛應用於工業和手工藝產品：從技術和醫療儀器到手錶、珠寶等奢侈品；從家庭用具和電器到交通工具和建築結構；從紡織品到休閒品等等。

根據大多數國家的法律，工業品外觀設計必須在視覺上能吸引人，才能受到保護。這意味著，工業品外觀設計主要具有美學上的性質，其所應用的物品的任何技術性特徵不受保護。

在大多數國家，專利局在註冊之前不對申請進行實質審查。註冊程序通常需要六個月到十二個月。

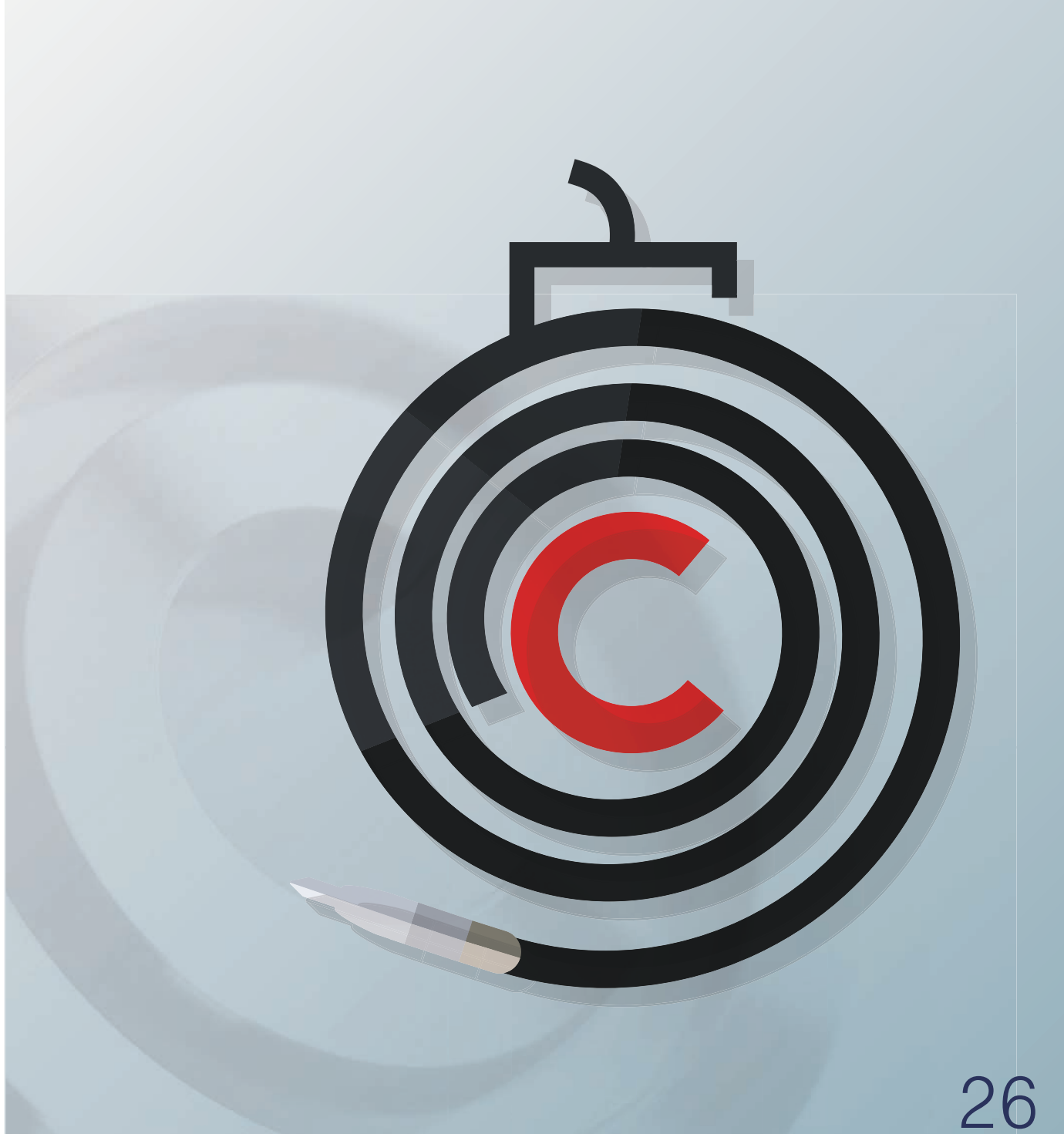


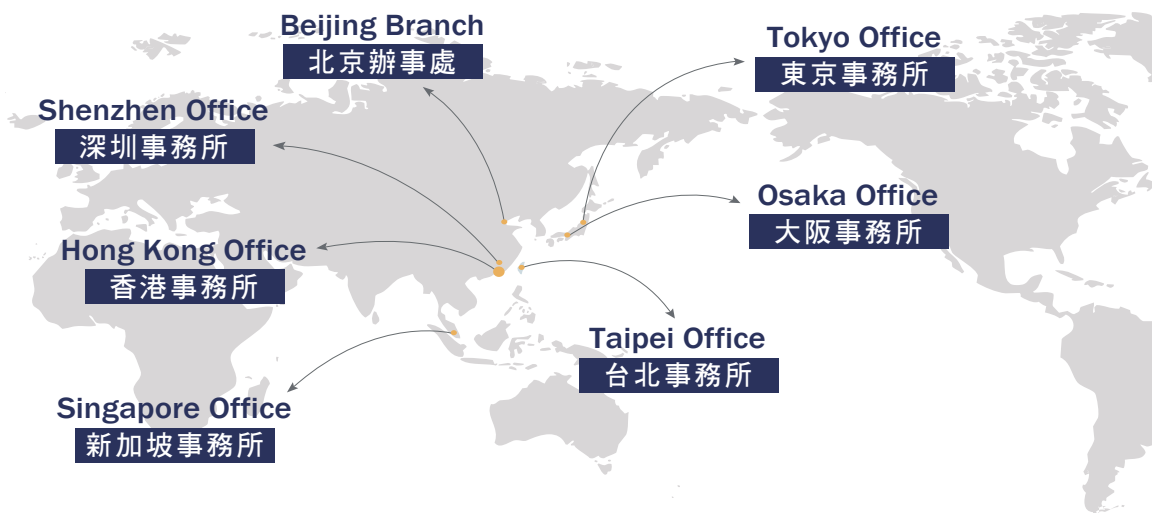
什麼是版權？

版權是用來表述創作者對其文學和藝術作品所享有權利的法律用語。版權保護的作品類型包括：小說、詩歌、戲劇、工具書、報紙文章等文學作品；電腦程式、資料庫；電影、音樂作品；繪畫、素描、攝影和雕塑等藝術作品；建築作品；廣告、地圖和技術製圖

受版權保護的作品的原創者及其繼承人擁有某些基本權利。他們擁有使用或授權他人按協議條款使用作品的專有權利。作品的創造者可以制止或授權：

- 各種形式的複製，例如印刷品或錄音製品；
- 公開表演，如戲劇或音樂作品；
- 錄製，如錄製為CD、磁帶或錄影帶；
- 廣播，不論是無線、有線還是衛星；
- 翻譯成其他語言或改編，例如將小說改編成劇本。





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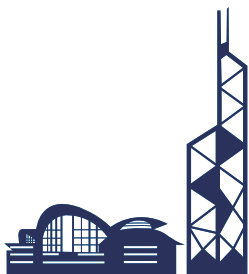
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