

China

How to choose and protect a brand name in Chinese

Compiled by:

Swiss Business Hub China

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For a Swiss company entering into Chinese market, there will be a number of tasks on its priority list, such as product registration and certification, good business model, qualified logistic or distribution partners, company location assessment and so on – but is there anything else that is important but easily overlooked? The answer is yes. It is to find a good brand name in Chinese, among others.

Why is that? Let's see some examples. The Swiss luxury watchmaker "Longines", whose Chinese brand name is "浪琴" (Làng Qīn) which perfectly expressed the tonality of the product – "our space-time is like the undulating waves of the sea, and time is like the violin that records the ebb and flow of that tide." The U.S. home-sharing service Airbnb's Chinese name is "爱彼迎" (Ài Bì Yíng). It literally means to "welcome each other with love". Sounds nice? However, the Chinese consumers think, "it is hard to pronounce two similar-sounding syllables one after the other", others also said it sounds like "to love to fulfill requests". Another example is McDonald China, after the change of shareholding, the company changed its registered business name from "麦当劳" (Mài Dāng Láo), a loose transliteration of the English name, to "金拱门" (Golden Arch), because its logo "M" is similar with the shape of a gate. However, the new name was ridiculed for sounding unsophisticated. Currently the company is still using the original name as restaurant name and the new name can only be seen on the receipt.

When choosing a Chinese brand name, several factors need to be taken into consideration: the meaning, the sound, the tone and even the look of the Chinese characters. It requires a joint effort among marketing and PR experts, translators as well as consultants. Brand recognition is extremely important, as Chinese consumers are willing to pay a higher price due to a brand's reputation; therefore, the Swiss Business Hub China supports Swiss companies with brand naming as the first step of a localized branding strategy.

CREATE A BRAND NAME IN CHINESE

Generally speaking, there are four ways to choose a brand name in Chinese:

Create a phonetic translation

This method is suitable for brands that already enjoy good reputation in China. Such as Audi “奥迪” (Ào Dī), Channel “香奈儿” (Xiāng Nài Ēr), Siemens “西门子” (Xī Mén Zǐ) and Nike “耐克” (Nài Kè). However, it needs caution to select the Chinese characters to avoid undesirable meanings.

Create a literal translation

Literal translation will impart good meaning or value to the brand. The Chinese name's sounds are usually different from the original. For instance, Nestlé's Chinese name is “雀巢”, meaning ‘sparrow's nest’, which is similar to its logo; others like Facebook “脸书”, Volkswagen “大众”, as well as Microsoft “微软”, are all directly translated from their literal meanings to Chinese. This naming method has some limitations because not all foreign names can be directly translated into a catchy and memorable Chinese name.

Combine literal and phonetic translation

The translation can combine both phonetic and semantic methods. For example, IKEA's Chinese name “宜家” (Yí Jiā) sounds similar to “IKEA”. Literally translated, it means, “fit for one's family”. Another good example is Starbucks, “星巴克” (Xīng Bā Kè), in which “星” means star, “巴克” (Bā Kè) sound like “bucks”. This naming method requires a certain degree of creativity and a high level of Chinese.

Associate and convert translation

This naming method is not common, not using literal nor phonetic translation. It renames the brand in Chinese, which requires high creativity capability and Chinese level to find the relevance between the original brand name and the Chinese brand name. The tech giant – Oracle uses “甲骨文” (Jiǎ Gǔ Wén) as its Chinese brand name, which associates “Oracle inscribed on tortoise shells”. Another example of “literally uncorrelated but intrinsically related” is Citibank “花旗银行” (Huā Qí Yín Háng). The first two characters “花旗” (Huā Qí – flower flag) are associated with the American flag. Citibank first established operations in China when it opened its Shanghai office in 1902. As the first American bank to fly the red, white and blue flag in China, Citibank became known as “Flower Flag Bank”.

REGISTER YOUR TRADEMARK IN CHINA

The best-chosen Chinese brand name will not be of use to you unless you make sure that no one else is allowed to print it on his or her products. Chinese trademark protection law follows a first-to-file principle, which means the application filed earlier successfully will first be approved. For Swiss companies planning to enter the Chinese market, it is highly recommended to register the trademark beforehand to ensure “trademark goes before marketing”.

It is important to note that the registration of a trademark in Roman characters and the registration of the trademark in Chinese should be filed separately; a registration in Roman characters does not automatically protect the same or similar Chinese version as a trademark.

Company Name vs. Trademark

Company names and trademarks are regulated by different laws and regulations, and are administered by different competent authorities: the State Administration for Market Regulation of China ([SAMR](#)) is in charge of company registration and the China National Intellectual Property Administration ([CNIPA](#)) is responsible for trademark registration. In reality, the corresponding authority will not check whether the company name to be registered has already been approved as a trademark. Hence, it is advisable to use the key words of your company name as the trademark to better protect your IPR, example like LinkedIn for LinkedIn Corporation.

Trademark search

It's necessary to check whether the trademark or its similar version has been registered by other companies before applying for registration. The [official trademark database](#) of CNIPA is available online and can be used to search identical or similar trademarks, general trademark information, trademark application status, as well as trademark gazette. It is worth noting that the online database is not a real-

time update.

Trademark application

In China, there are two ways to register a trademark, one is to make an international application under the so-called “Madrid System”, and the other is to file Chinese domestic trademark application.

- *National Registration System:*

A Swiss company or Swiss applicants without residency planning to apply for trademark registration in China have to authorize a trademark agency to do so. The Swiss Business Hub China could help find a qualified trademark agent who is capable of supporting Swiss companies with the entire registration process. The Swiss applicants with residency in China can go to the [CNIPA's online platform](#) for online registration.

- *International Registration System:*

The Madrid Protocol enables companies to register their trademarks in Switzerland with the national trademark office and then pass the application to the World Intellectual Property Organization ([WIPO](#)). WIPO will conduct a formality examination and will notify all Madrid Protocol members in which the applicant plans to obtain protection. If, within 18 months since the notification made by WIPO to China, no opposition is made then the trademark is registered. However, if opposition is raised, the company will need to authorize a local Chinese agent to handle the case.

Revocation of trademark

Two main reasons lead to trademark revocation: 1) if the trademark has not been used for three consecutive years after registration. Use of a trademark includes using on goods, packages or containers, on trading documents, or any other business activity such as advertising, exhibition etc. Please note that the use by a third party who is authorized by the trademark holder is also regarded as use of the trademark; 2) the generic name and graphics of commodity are prohibited as trademarks of goods. On the one hand, because they do not distinguish between different operators, and on the other hand, to prevent unfair monopoly of exclusive use of names and graphics.

Advices

- Register your trademarks as early as possible in China, the registration process can take up to 15 months – from the date of filing to preliminary approval and publication. Additional delays can also be expected if there is opposition to the trademark. For international registration, it will take even longer.
- It is highly recommended to register your trademark in Chinese. Since China requires Chinese names on products, not registering your trademark in Chinese will leave it unprotected to bad faith registrations. Moreover, a good Chinese trademark name will invisibly give Chinese consumers a good impression of the product and brand, making brand promotion smoother.
- It is advisable to register your trademark through the national registration system. The reason is that under the Madrid Protocol of international registration process, the sub-classes of the Nice Classification¹ for the registration may vary from country to country, which might result in a trademark that does not protect your products or services in the proper area.
- For single product companies, micro and small companies that have not yet established entities in China or do not intend to expand their business in China in the near future, joint ownership of trademark could be a choice considering the compromise between effective defense and the principle of lowest cost.
- Registering a trademark in China as a foreigner can be a daunting task. It's advised to make use of an IPR expert in China that specialized in the field to do the process for you.

¹ *The Nice Classification (NCL): established by the Nice Agreement (1957), is an international classification of goods and services applied for the registration of marks. Each of the countries party to the Nice Agreement is obliged to apply the Nice Classification in connection with the registration of marks, either as the principal classification or as a subsidiary classification, and has to include in the official documents and publications relating to its registrations of marks the numbers of the classes of the Classification to which the goods or services for which the marks are registered belong.*

Source: <http://www.wipo.int/classifications/nice/en/preface.html>

Sources:

- [Guide to Trade Mark Protection in China](#)
- [CNIPA - Trademark Registration Application FAQ Guide \(in Chinese\)](#)
- [China's Trademark Regime: How to Protect Your Brand in the Mainland](#)
- [Classic Translations of Foreign Brand Names \(in Chinese\)](#)
- [Case Studies, Chinese Naming Methods of Foreign Brands \(in Chinese\)](#)
- [Foreign Brands Chinese Naming Failure Cases Collection \(in Chinese\)](#)
- [Talking About the Ideas of Foreign Brands' Chinese Names and the Choice of Joint Ownership of Trademark \(In Chinese\)](#)

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