

Monthly Newsletter

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Chang Tsi & Partners Recognized in Legal Vision's Top 30 Selected Law Firms of 2023

Recently, the grand "Chasing Light: 2nd Legal Service Industry Brand Development Forum and Legal Vision's 2023 Brand Ceremony" has garnered widespread attention within the industry. At this event, the highly anticipated list of "Top 30 Selected Law Firms of 2023" by Legal Vision was solemnly released, with Chang Tsi & Partners being honored with inclusion, fully showcasing its outstanding brand influence in the legal industry.

The release of the "Guide to Outstanding Law Firm Brand Influence (2023)" signifies that Chang Tsi & Partners' exceptional performance in the legal service industry has once again received authoritative recognition within the industry. The guide emphasizes that selected law firms must have significant advantages in specific professional or industry fields, while also demonstrating a commitment to providing refined services to clients through focused operations and brand building, showcasing unique competitiveness and benchmark effects. Chang Tsi & Partners, with its outstanding professional level, deep industry experience, and profound understanding of client needs, successfully made the list, setting a new benchmark in the industry.

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Over the past year, Chang Tsi & Partners has adhered to the philosophy of "being the best law firm in China, providing clients with the best legal services, and maximizing the legitimate rights and interests of clients". Continuously striving for excellence through innovation and optimizing service experiences, Chang Tsi & Partners has successfully forged a competitive brand image, winning the trust and praise of a wide range of clients.

Being listed in the "Top 30 Selected Law Firms of 2023" by Legal Vision, Chang Tsi & Partners will continue to dedicate itself to providing high-quality legal services, continually expanding its professional fields, and creating greater value for its clients.

Consumer Rights Day—Chang Tsi & Partners in Action!

Every year on March 15th marks World Consumer Rights Day, established by the International Consumer Union in 1983 to advocate for expanded consumer rights protection globally.

Chang Tsi has long been deeply involved in intellectual property rights protection, providing comprehensive online/offline market surveillance, various types of commercial investigations and evidence collection, administrative/criminal raid actions and customs border protection services. Chang Tsi has established smooth communication and good cooperative relationships with law enforcement agencies at all levels across China, effectively enhancing the efficiency and quality of IP protection for both domestic and international clients.

Chang Tsi always tailors protection strategies for clients based on different forms of IP infringement. From initial investigations and evidence collection to various legal approaches such as litigations and non-litigation ways, Chang Tsi ultimately achieves the goals of punishing infringers and obtaining compensation.

Chang Tsi Assists Joint Criminal Raid Actions by Beijing Police and Chaozhou Police

Established in 1917, TOTO Corporation (TOTO) envisions "providing a healthy and culturally rich life." Since expanding its business to China in 1994, TOTO has deeply cultivated the Chinese market for nearly 30 years, with its products highly favored by Chinese consumers. Chang Tsi has always attached great importance to protecting TOTO's IP rights and consumer rights, cooperating with AMR(administration for market regulation), PSB(public security bureaus)and other law enforcement agencies to crack down on counterfeits. In recent years, Chang Tsi's efforts have borne fruit.



From Online to Offline:

After confirming through verification that several TOTO products sold on the JD.com online platform were counterfeit, Chang Tsi was entrusted by TOTO to conduct offline criminal crackdowns on five JD.com store operators. Preliminary investigations by the Chang Tsi in-house Investigation team revealed that these counterfeit goods were all produced in Chaozhou City, Guangdong Province. Chaozhou City is a concentrated area for the production of counterfeit sanitary products, with small hidden factories mainly located in towns such as Guxiang, Fengtang, and Fengxi. With years of experience in IP protection, Chang Tsi Enforcement and Investigation team developed meticulous investigation plans, using various investigative methods to uncover a series of information related to counterfeiting manufactured and selling in the aforesaid towns. This information played a crucial role in subsequent law enforcement actions and case investigations by PSB.



Offline Actions:

Subsequently, after refining the criminal clues and fully preparing the case materials, Chang Tsi Enforcement and Investigation team reported the cases to the Beijing Municipal Public Security Bureau. These five cases were coordinated by the Beijing PSB's Environmental Food, Drug and Tourism Brigade and handled specifically by the Xicheng Branch, Fengtai Branch and Daxing Branch. From January 10th, 2024 to the early hours of January 11th, the Beijing PSB's Environmental Food, Drug and Tourism Brigade, together with the Xicheng, Fengtai, and Daxing branches, with the strong assistance of law enforcement units at the city, district, and township levels of Chaozhou PSB, carried out the crackdown operations against criminal gangs selling counterfeit TOTO products. Based on the infringement information obtained by Chang Tsi in the early stage, PSB simultaneously launched multiple raids in Chaozhou City, successfully cracking down two counterfeit factories and detaining 13 criminal suspects. The Enforcement and Investigation team cooperated with the police throughout the entire operation and provided significant assistance.

This series of cases, from the formal launch in October 2023 to the successful completion of criminal crackdowns and arrests on January 10, 2024, took only three months. Chang Tsi efficiently and accurately completed preliminary investigations, criminal reporting and filing, and participated in criminal crackdowns. From tracking online JD.com stores to offline counterfeit factories, Chang Tsi ultimately eliminated the whole infringing chain and ensured that all involved sellers and manufacturers were detained criminally. This operation comprehensively and thoroughly stopped the infringement of producing and selling counterfeit TOTO registered trademark products in such area.

Significance of the Case:

Throughout the case, Chang Tsi integrated resources from all parties to successfully complete investigations and enforcement actions. The success of this case quickly ceased infringements, curbed the adverse effects of criminal activities on the TOTO brand, rapidly and efficiently protected TOTO's IP rights, and safeguarded the legitimate rights and interests of consumers. It fully demonstrated TOTO's longstanding good reputation and determination in combating counterfeiting, providing valuable experience for subsequent similar cases and making positive contributions to the healthy development of the local business for TOTO.



Case Management: Chang Tsi Enforcement and Investigation team led by Matt Hou, Tifosi Zhang and Rose Xu

Advancements in China's Data Security Regulatory Framework: A Comprehensive Overview

On March 21, 2024, The National Information Security Standardization Technical Committee of China (TC260) released the **Data Security Technology - Rules for Data Classification and Grading**, set to take effect on October 1, 2024.

This document lays the groundwork for a comprehensive framework, providing definitive guidance for data classification and grading. Following closely on March 22, the Cyberspace administration of China (CAC) released the final version of the Regulations on Promoting and Regulating Cross-border Data Flows (CBDF). Alongside, updates to the Guidelines for the Declaration of Data Transfer Security Assessment (Ver. 2) and the Guidelines for the Filing of Standard Contracts for the Transfer of Personal Information (Ver. 2) were also published.

The Regulations on CBDF build upon the essence of the previous draft, refining areas of previous debate and delivering greater clarity on the legal obligations and responsibilities associated with CBDF. The updated guidelines resonate with these regulations, reflecting the insights gleaned from the CAC's initial review processes and showcasing enhancements to the efficiency and simplification of the procedures for application of SA and recordal of SCCs.

With the consecutive implementation of these data related documents in recent days, China's regulatory framework for data flows and standardizations is progressively evolving into a more comprehensive and coherent system.



Tips for Partial Design Applications

Eva Hu, Eric Zhao

I. Legal Basis

Article 2, paragraph 4 of the Patent Law stipulates: "Design means, with respect to an overall or partial product, any new design of the shape, the pattern, or their combination, or the combination of the color with shape or pattern, which is rich in an aesthetic appeal and is fit for industrial application."

Based on the above, partial design refers to a new design made for a specific part of a product that is aesthetically pleasing and suitable for industrial application.

II. The Significance and Background of Protecting Partial Design

For a long time, the protection of the design of products in China focused on the protection of the overall design of the products. However, with the development of the industry, especially assembling and manufacturing enterprises, product design was becoming increasingly sophisticated, and the concept of carriers of the designs was gradually weakening. The overall design of mature products became more and more difficult to innovate, and partial design came out as an important form of innovative design. The demand for protecting partial design by innovative designers has become stronger and stronger. For example, in a series of products of an enterprise, a certain aesthetically pleasing and innovative part can reflect the characteristics and brand image of the series of products, forming industrial value. In addition, in the protection of information products such as GUI product design, if it must be tied to the overall product, it shall limit the development of product design and protection.

Therefore, in response to the requests of increasing innovative designers and given that the protection of partial design has been allowed in many other countries, the China Patent Law was amended in 2021, clearly stipulating in Article 2 of paragraph 4 that partial design is eligible. Accordingly, since June 1, 2021, applicants can submit applications to the China Patent Office to protect the partial design of products. In addition, as of January 20, 2024, the amended Implement Regulations of the China Patent Law and the amended Guidelines for Patent Examination have also come into effect. Based on the laws and regulations, the examiners of the China Patent Office can now conduct examinations of applications for partial design.



III. Tips for Partial Design Applications

The protection of partial design provides innovative entities with a broader protection scope, but it has certain differences from traditional protection of overall design. Therefore, there are many special considerations to be taken into account in the registration and application for partial designs. To better protect the patent rights of innovative entities by using this legal basis as a weapon, it is worth paying attention to the following tips:

i. Scenarios that are illegible for partial design protection

Please note that the following scenarios cannot be registered as partial designs:

1. Partial designs that cannot form a relatively independent area on the product or constitute a relatively complete design unit. For example, a turning line on a cup handle, or irregular portions randomly taken from an eyeglass lens.
2. Partial designs that only consist of 2D patterns on the surface of the product or a combination of patterns and colors. For example, patterns on the surface of a motorcycle.
3. The designs of individual components in a set of products should be protected as overall design, rather than partial design. Therefore, the designs of individual components in a set of products cannot include partial designs.

ii. Tips for Preparing Applications

In addition to the general filing requirements for the overall design (including the preparation of drawings, naming of drawings, filling of the brief description, the review of the design patent application, etc.), there are some other specific requirements for the registration application of partial designs:

1. Design patent application form

If the application is filed for a partial design, it should be indicated in the patent application form.

2. Production of drawings

When applying for a patent for partial design, it is necessary to submit the overall product view and indicate the content of the part to be protected using a combination of solid and broken lines or alternative acceptable methods, for example, using rendered drawings and covering the non-protected parts with a semi-transparent layer of a single color.

Additionally, if there is no clear boundary between the part to be protected and the parts not to be protected, a dot-dashed line should be used to indicate the boundary.

If the specific part to be protected includes three-dimensional shapes, a perspective view that clearly shows the part to be protected should also be submitted.

3. Product name

When applying for a patent of the partial design, the product name should clearly indicate the specific part to be protected and its overall product, for example, "car door," "camera lens of a mobile phone." For parts without a specific name, specific terms such as location or main body can be used to describe or define the part to be protected, for example, "front part of a truck," "main body of a camera."

4. Use of the product

The use of the product should specify both the overall product's use and the use of the specific part to be protected.

5. Feature of the Design

To apply for a patent for partial design, the feature of the design should focus solely on the design of the specific part to be protected. The designated drawing or photograph that best illustrates the feature of the design of this design should include the specific part for which protection is requested.

6. Unity

If a design application includes both an overall design and multiple partial designs, the China Patent Office will probably allege that the overall design and the partial designs are dissimilar, not complying with the provisions of Article 31, paragraph 2 of the Patent Law. In such a case, only the similar designs can be retained, while the dissimilar designs should be removed and submitted as divisional applications. Therefore, depending on the specific cases, the overall design and multiple partial designs of the same product should be properly applied separately, and generally, they cannot be included in one single design application.

7. Multiple unconnected parts of one design

The multiple unconnected parts of the same design that are not functionally relevant or related in design cannot be considered as a single design for a product and should not be included in a single application. Instead, each part should be separately applied based on the specific circumstances of the case.



Eva Hu

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Eva Hu has been focusing on Intellectual Property legal services for more than ten years, specializing in trademark, copyright and domain name related affairs. She has won the trust of many clients all around the world for her professional legal advice, transposition legal considerations, comprehensive legal services, prompt feedback, innovative awareness and active communications.

Congratulations to Hong Kong Team from Chang Tsi on Three Consecutive Enforcement Victories!

Recently, our Hong Kong Team colleagues achieved the consecutive victories in enforcement matters and earned high accolades from the clients. The following are some highlights of the cases we would like to share!

We represented our client, operator of one of the largest e-commerce platforms in the world, in a domain name & trademark infringing case in Hong Kong. Our client notices several websites with similar set-up and design using a highly similar mark in relation to goods and services that are similar and overlapped with their business activities. In addition, one of the websites also wholly include our client's registered mark in the domain name.

In this regard, our client turned to us for assistance and advice. Although these websites bear different name and address information on the contact pages, we dug deeper into the true owner behind these domain names and discovered that they are actually owned by a same entity incorporated in Hong Kong. As per our recommendation, the client entrusted us to send a C&D letter directly to this Hong Kong entity behind the websites. With an aggressive C&D letter being sent, we successfully deterred the target party. All the infringing websites got removed and use of the infringing similar mark got stopped.

[Chang Tsi's Hong Kong Team boasts rich experience in trademark enforcement matters in Hong Kong.](#) Should any assistance be required in this jurisdiction, please always feel free to contact our HongKongTeam HKteam@changtsi.com. The Team will be your valuable legal partner and provide you with best legal service as always!

