

Trade Marks in Macau

What is a trade mark?

A trade or service mark is any sign that is capable to distinguish the goods or services of a company from those of others and can be represented graphically by words, characters, numbers, figurative elements, and combination of different colors, three-dimensional, sounds or any combination of these. Trade marks are valuable assets and therefore should be protected.

Why should you register?

You should register your trade or service mark to protect it against unauthorized use by third parties, and it will entitle you to sue for infringement through the courts. Failure to register your trade or service marks could allow third parties to register an identical or similar mark which could prevent you from using or registering your own mark.

You should also bare in mind that a trade or service mark registration will enable you to exploit your mark commercially through licensing and that the registrations are tangible assets that are capable of being transferred for value.

Macau is an independent jurisdiction from the People's Republic of China an therefore you need to obtain protection in both jurisdictions. A registration in the People's Republic of China will not grant you any protection in Macau.

How to register?

It is advisable to perform a trade mark search before filing the application in order to make sure that there are no existing applications or registrations similar or identical to your mark. A search is even more important when developing a new trade or service mark or using an existing one in a new market.

In Macau, as in most of the countries and regions, a separate trade or service mark application is required for each mark in each class in which you require protection.

Applications for registration are delivered in the Economic Services of the Macau SAR Government either by a:

- Individual holder of a Macao SAR Resident Identity Card;
- Company incorporated in Macau SAR; or by
- A lawyer, a Macau resident or a corporation appointed as a proxy through a "Power of Attorney"

What we need and what will be the timeline?

To register a trademark in Macau the following information will be necessary:

- Name, nationality and address of the applicant;
- Nature of business (industrial, commercial or other);
- Reproductions of the mark. They need to be in colour if colour is claimed as a distinctive feature of the mark;
- List of products or services
- Power of attorney.

If priority is claimed, then the applicant must provide the information regarding the country, date and number of the earlier application. Within 3 months from the application the priority document must be submitted.

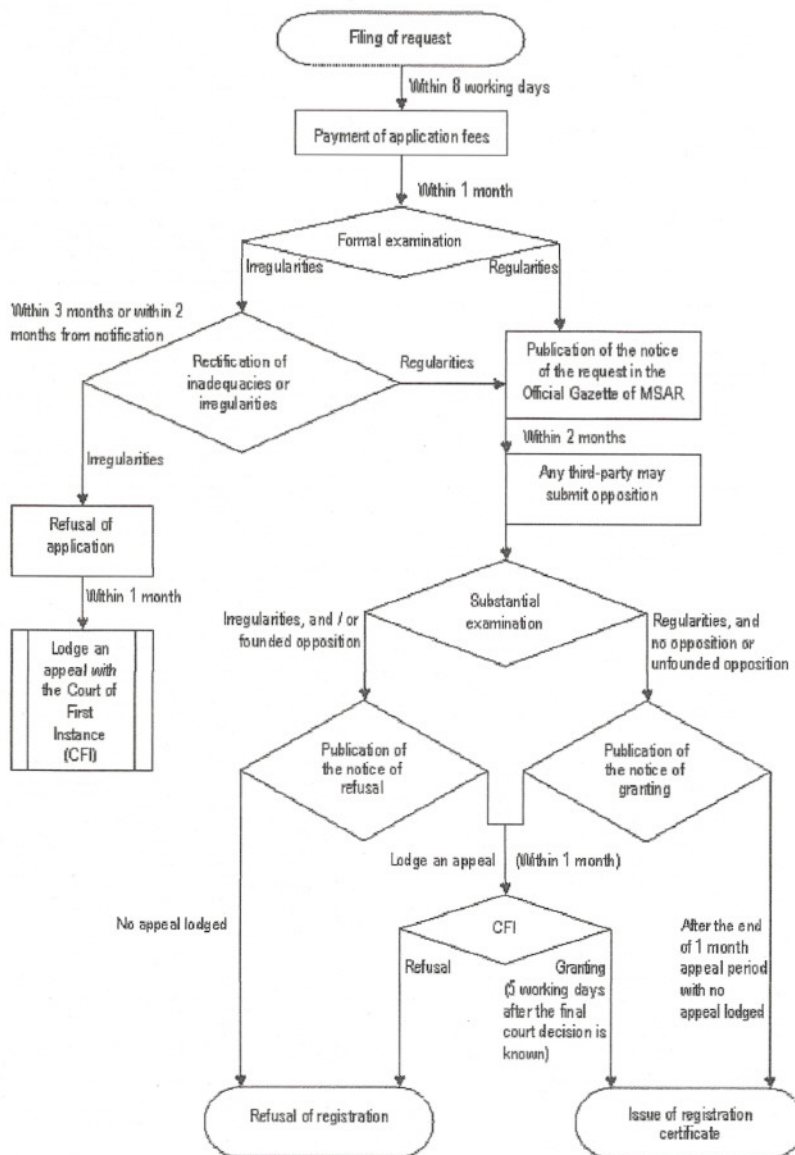
The Economic Services is taking as little as 7 months from receipt of application to registration, provided that there are no deficiencies in the application and no objections are raised by the Economic Services or any third party.

From the day that we receive the complete information provided by you and the duly notarized power of attorney, our firm will take 1 working day to draft and submit the necessary application to the Economic Services.

How much it will cost?

If you desire we will be able to provide our schedule of fees in regards to Industrial Property. In this regard we work on a fixed fees basis and no extra fees would be incurred unless we have received your permission to incur the costs in advance.

Macau – Trade mark application flow chart



Source: Economic Services

About BN Lawyers

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