

# Ways to Enter into China Market

Yanjing LI (Moey)

Dewit Law Office





# Contents

## Preliminary Remarks

- Development of Laws
- Negative List-2024

## Protect Intellectual Property in China

- Introduction to IP
- Register your IP in China
- IP enforcement channels in China

## Set up Companies in China

- Choose suitable company type
- Procedure of incorporate a company
- Capital



DEWIT LAW OFFICE  
德威特律师事务所



## Development of Laws



# Foreign Investment Law

Development  
Negative List



## Development of Laws

Law on Sino-Foreign Equity Joint Venture (EJV)  
(July 8, 1979)

Law on Sino-Foreign Contractual Joint Venture (CJV)  
(April 13, 1998)

Law on Wholly Foreign Owned Enterprise (WFOE)  
(April 12, 1986)



**Foreign  
Investment  
Law**  
(Jan. 1, 2020)



## Foreign Investment Entry System

*“Negative List”*

*(Special Administrative Measure for Access of Foreign Investment-2024)*

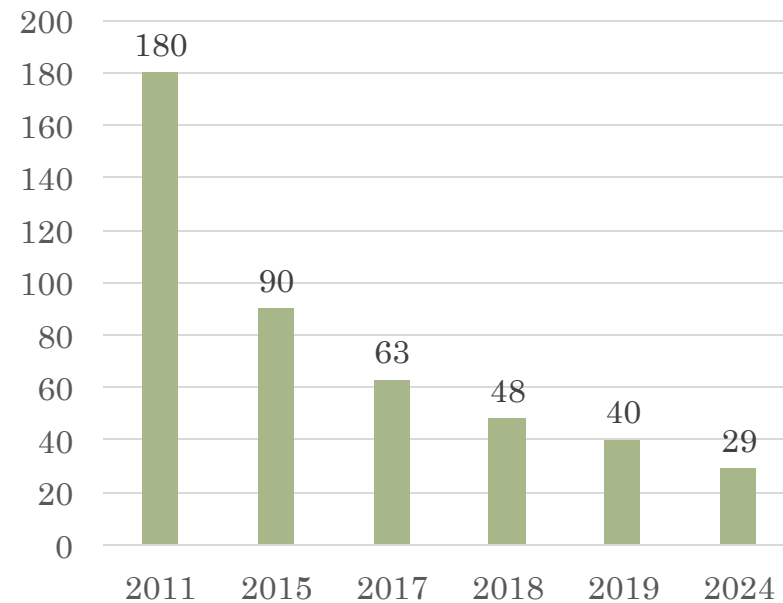
### **Relaxation of Restrictions**

China has been progressively relaxing restrictions on foreign investment since its new Foreign Investment Law took effect in 2020, including removing foreign ownership caps in sectors like life insurance and automobile manufacturing, as well as streamlining investment processes.

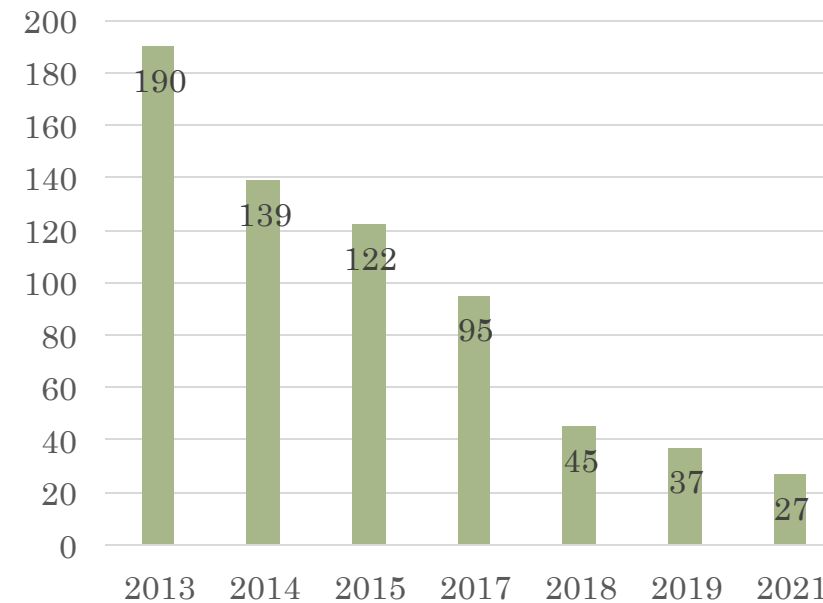


## Negative List Changing

Number of Items  
Prohibited or Restricted in  
China - National Negative  
List, 2011 to 2024



Number of Items Prohibited  
or Restricted in China's Free  
Trade Zone Negative List,  
2013 to 2021





## Foreign Investment Entry System



DEWIT LAW OFFICE  
德威特律师事务所

*“Negative List” (Special Administrative Measure for Access of Foreign Investment-2024)*

### **Examples of foreign investment sectors requiring PRC majority stake include**

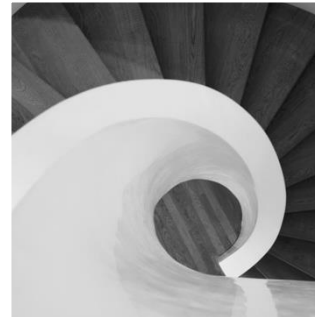
- Market survey: radio or television rating surveys
- Basic telecommunication services
- Public air transport company
- Nuclear power plants construction / Construction or operation of civil airports
- Education: pre-school institutions, ordinary high school, and institution of higher learning
- Medical institutions



DEWIT LAW OFFICE  
德威特律师事务所



## Protection of IPR



## Protection of IPR in China

Introduction to IP

Registration of IP

IP enforcement channels in China





## Introduction to IPR

**Intellectual Property Rights** refers to creations of the mind, such as inventions, literary and artistic works, and designs, as well as symbols, names, and images used in commerce.

Trademark



Copyright



Patent





## Registration of Trademark



First-to-file

How to apply for registration?

- National Registration (China Trademark Office)
- International Registration-WIPO

How long will it take to obtain the copyright registration certificate?

Protection for 10 years and should be renewed



## Registration of Patent



### Invention – 20 years protection

A product or process that has a practical application

### Design – 10 years protection

Visual appearance of a product, such as shape, pattern, or colour of a production or any combination

### Utility Model – 10 years protection

For products that have a practical application, but not for processes, chemicals or biotechnology.



## Registration of Copyright



China Protection Center of Copyright (中国版权保护中心, “CPCC”)

Types of works that can be recorded in China

- Written works;
- Musical works;
- Cinematographic works;
- Dramatic works;
- Traditional forms of Chinese performing arts (e.g., acrobatics, traditional opera);
- Fine art;
- Architectural works;
- Photographic works;
- Graphic works;
- **Computer software.**

How long can I obtain the copyright certificate?



## IP Enforcement Channels in China



### Administrative Enforcement

- State Administration for Market Regulation: trademark infringements/false advertising
- IP filing in Administration of Customs: trademarks

### Civil Litigation

### Criminal Enforcement

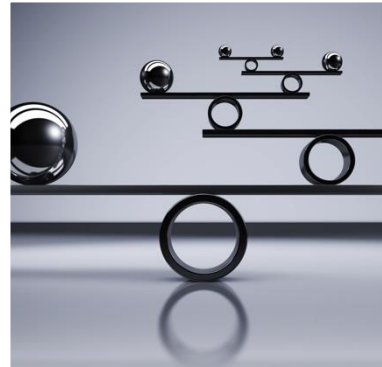
### Online IP complaints filing

- Alibaba (Taobao-Tmall Group IPP Platform)
- WeChat / JD.com...



DEWIT LAW OFFICE  
德威特律师事务所

## Set up Companies in China



## Set up Companies in China

Company Type

Procedure

Capital and others





## Choose a Suitable Company Type

### Foreign-invested Enterprise

- WFOE (wholly foreign owned enterprise)
- JV (joint venture)
- Partnership

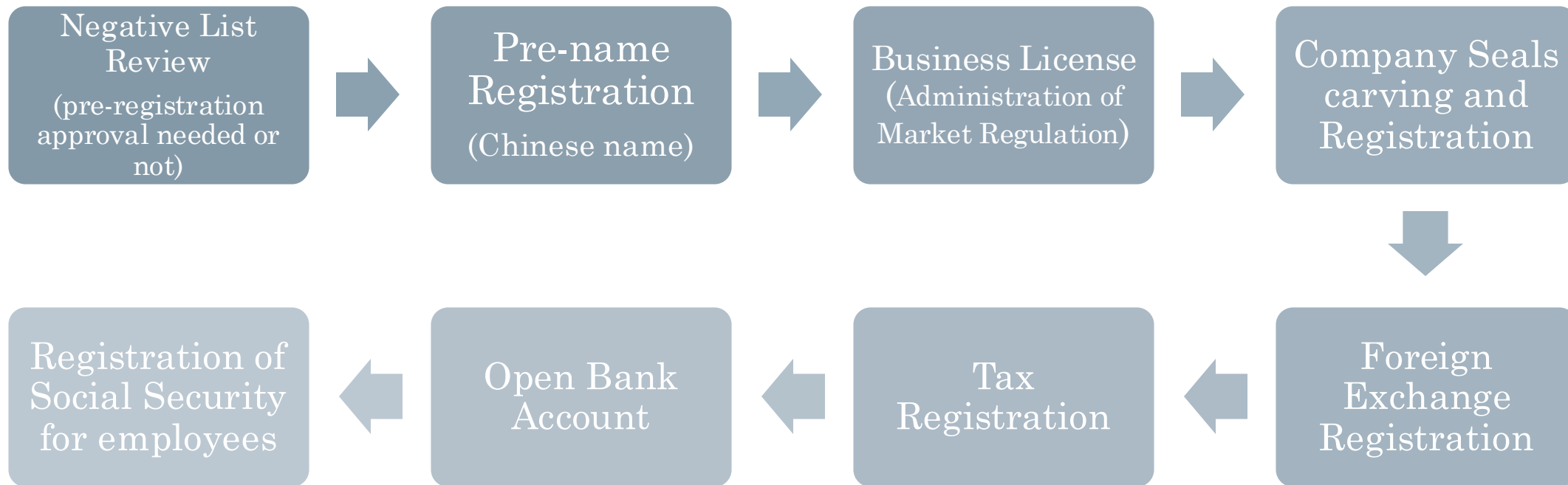
### Foreign Enterprise



- Representative office



## Procedure of Establishment



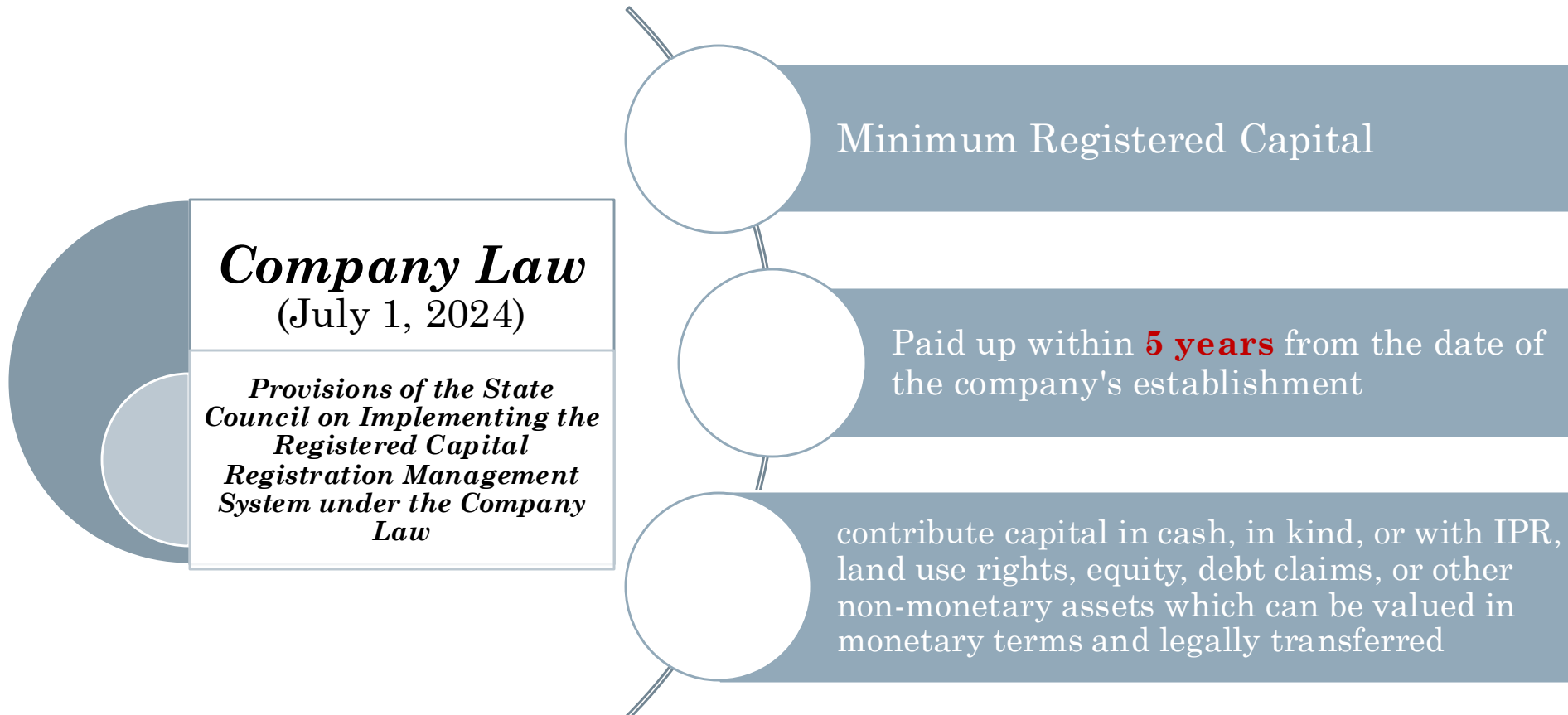




## Capital



DEWIT LAW OFFICE  
德威特律师事务所





## Follow us on WeChat Official Account



### Doing Business in China - Intellectual Property Rights

#### 投资比利时——设立代表处还是子公司？

2017-01-20

原创 德威特律师事务所 DewitLawOffice

2020-01-15



#### Legal aspects of doing business with China - Part 1

原创：德威特律师事务所 DewitLawOffice 4月4日



As one of the fastest growing economies in the world, China continues to attract companies of all shapes and sizes to its markets. In addition, China has streamlined and is going to optimize the procedures and related regulations towards international trade and foreign investment, which represents a good opportunity for the people who are doing business with China.

法中，设立公司通常有两种情况，设立代  
anch offices) 和子公司 (subsidiary) 两  
前者被视为是外国公司的延伸，不具备独  
资格。后者则是在比利时注册设立的独立  
，具有比利时法人资格。本文将对二者进  
希望对您有所帮助。

#### 表处

非一个设立于比利时的公司实体。故，代  
立，不适用比利时法律关于公司形式和结  
。从实践操作来看，设立代表处本身并不

#### LEGAL ASPECTS OF BUSINESS IN CHINA

u should know: Intellectual

ef about Intellectual Property Rights  
(IPR)

g this, you will feel like an expert.

# BELGIUM

20 Place A. Leemans  
BE-1050 Brussels

T: +32 2 343 13 60  
F: +32 2 347 05 65  
E: [info@dewitlawoffice.be](mailto:info@dewitlawoffice.be)

# CHINA

5/F, Tower A, Yuecheng Building,  
20 Dongsanhuan Zhong Road,  
Chaoyang, 100020 Beijing, China

T: +86 15210985256  
E: [Li.yanjing@dewitlawoffice.cn](mailto:Li.yanjing@dewitlawoffice.cn)

Thank you 谢谢!