

Provisions on the Administration of the Registration of Enterprise Names of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Article 1 — These Provisions are formulated to standardize the registration and administration of enterprise names, protect the lawful rights and interests of enterprises, maintain social and economic order, and optimize the business environment.

Article 2 — The market regulation departments of the people's governments at or above the county level (hereinafter collectively referred to as the "enterprise registration authorities") shall be responsible for the registration and administration of the names of enterprises established within the territory of China.

The market regulation department under the State Council shall be in charge of the registration and administration of enterprise names nationwide and shall be responsible for formulating specific rules for the registration and administration of enterprise names.

The market regulation departments of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for establishing a unified enterprise name application system and enterprise name database within their respective administrative regions, and shall make them open to the public.

Article 3 — Enterprise registration authorities shall continuously improve the standardization and facilitation of enterprise name registration and administration, and provide efficient and convenient services to enterprises and the public.

Article 4 — An enterprise may register only one enterprise name, and the enterprise name shall be protected by law.

Article 5 — An enterprise name shall be in standardized Chinese characters. An enterprise name in a national autonomous area may simultaneously use the script of the nationality commonly used in that national autonomous area.

Article 6 — An enterprise name shall consist of the administrative division name, the trade name, the industry or business characteristics, and the organizational form. An enterprise operating across provinces, autonomous regions and municipalities directly under the Central Government may have a name that does not contain an administrative division name; an enterprise carrying on diversified business across industries may have a name that does not contain the industry or business characteristics.

Article 7 — The administrative division name in an enterprise name shall be the name of the local administrative division at or above the county level where the enterprise is located. Where the name of a municipal district is used in an enterprise name, it shall be preceded by the administrative division name of the districted city to which it belongs. Names of areas such as development zones and reclamation areas, when used in an enterprise name, shall be used together with the administrative division name and shall not be used alone.

Article 8 — The trade name in an enterprise name shall consist of two or more Chinese characters.

The name of a local administrative division at or above the county level, or an industry or business characteristic, shall not be used as the trade name, unless it has another meaning.

Article 9 — The industry or business characteristics in an enterprise name shall be indicated according to the enterprise's principal business and the industry classification standards of the national economy. Where there is no provision in the industry classification standards of the national economy, they may be expressed by reference to industry practice or professional literature.

Article 10 — An enterprise shall indicate its organizational form in its enterprise name in accordance with law, based on its organizational structure or form of liability.

Article 11 — An enterprise name shall not fall under any of the following circumstances:

- (1) harming the dignity or interests of the state;
- (2) harming the public interest or impeding public order;
- (3) using, or using in a disguised form, the names of political parties, party, government and military organs, and mass organizations, their abbreviations, specific appellations, or military unit designations;
- (4) using the names of foreign states (regions) or international organizations, their common abbreviations or specific appellations;
- (5) containing obscene, pornographic, gambling, superstitious, terrorist or violent content;
- (6) containing content that discriminates on the basis of ethnicity, race, religion or gender;
- (7) being contrary to public order and good morals, or likely to have other adverse effects;
- (8) being likely to deceive the public or cause misunderstanding; or
- (9) other circumstances prohibited by laws, administrative regulations and state provisions.

Article 12 — Where an enterprise name is prefixed with such words as "China," "Zhonghua," "Central," "National" or "State," it shall be strictly examined in accordance with the relevant provisions and submitted to the State Council for approval. The market regulation department under the State Council shall be responsible for formulating specific administrative measures.

Where an enterprise name contains such words as "China," "Zhonghua," "National" or "State" in the middle, such words shall be industry qualifiers.

With respect to wholly foreign-owned or foreign-controlled foreign-invested enterprises using the trade name of a foreign investor, the enterprise name may contain the characters "(China)."

Article 13 — The name of a branch of an enterprise shall be prefixed with the name of the enterprise to which it is subordinate, and shall be suffixed with such words as "branch," "subsidiary plant" or "branch store." A branch of an overseas enterprise shall also indicate in its name the nationality and form of liability of that enterprise.

Article 14 — The name of an enterprise group shall be consistent with the administrative division name, trade name, and industry or business characteristics in the name of the controlling enterprise. The controlling enterprise may use the word "Group" or "(Group)" before the organizational form in its name.

Article 15 — An enterprise that has an investment relationship with, or has been authorized by, another enterprise may have its name contain the name of that other enterprise or of another legal person or unincorporated organization.

Article 16 — An enterprise name shall be independently applied for by the applicant.

The applicant may submit relevant information and materials through the enterprise name application system or at the service window of the enterprise registration authority, and query, compare and screen the proposed enterprise name, and select an enterprise name that meets the requirements of these Provisions.

The information and materials submitted by the applicant shall be truthful, accurate and complete, and the applicant shall undertake to bear legal liability in accordance with law if its enterprise name, being similar to the enterprise name of another person, infringes upon the lawful rights and interests of that other person.

Article 17 — With the same enterprise registration authority, the trade name in the enterprise name proposed by an applicant shall not be identical to the trade name in the following enterprise names in the same industry or that do not use an expression of industry or business characteristics:

- (1) enterprise names that have already been registered or are within the reservation period, unless an investment relationship exists;
- (2) former enterprise names whose deregistration or change of registration has occurred less than one year previously, unless an investment relationship exists or the enterprise name has been assigned; or
- (3) former enterprise names whose establishment registration or change of registration was revoked less than one year previously, unless an investment relationship exists.

Article 18 — The enterprise registration authority shall reserve an enterprise name whose submission has been completed through the enterprise name application system, and the reservation period shall be two months. Where the establishment of an enterprise shall be submitted for approval in accordance with law, or the enterprise's business scope includes items requiring approval before registration, the reservation period shall be one year.

The applicant shall complete enterprise registration before the expiry of the reservation period.

Article 19 — Where an enterprise name is assigned or authorized for use by another person, the relevant enterprise shall publicize the matter to the public through the national enterprise credit information publicity system in accordance with law.

Article 20 — Where, in handling enterprise registration, the enterprise registration authority finds that an enterprise name does not comply with these Provisions, it shall refuse registration and state the reasons in writing.

Where the enterprise registration authority finds that an already registered enterprise name does not comply with these Provisions, it shall rectify the matter in a timely manner. Where any other unit or individual considers that an already registered enterprise name does not comply with these Provisions, it may request the enterprise registration authority to rectify the matter.

Article 21 — Where an enterprise considers that the name of another enterprise infringes upon the lawful rights and interests in its own name, it may bring an action in a people's court or request the enterprise registration authority that handles registration for the enterprise suspected of infringement to deal with the matter.

After accepting the application, the enterprise registration authority may conduct mediation; where mediation fails, the enterprise registration authority shall render an administrative ruling within three months from the date of acceptance.

Article 22 — Acts such as engaging in unfair competition by taking advantage of an enterprise name shall be dealt with in accordance with the provisions of the relevant laws and administrative regulations.

Article 23 — The use of an enterprise name shall comply with laws and regulations, be honest and trustworthy, and shall not harm the lawful rights and interests of others.

Where a people's court or the enterprise registration authority determines in accordance with law that the use of an enterprise name shall cease, the enterprise shall complete the change registration of its enterprise name within 30 days from the date of receiving the effective legal instrument of the people's court or the handling decision of the enterprise registration authority. Before the name change, the enterprise registration authority shall substitute the unified social credit code for its name. Where the enterprise fails to complete the change registration within the prescribed time limit, the enterprise registration authority shall place it on the list of abnormal business operations; after the change registration is completed, the enterprise registration authority shall remove it from the list of abnormal business operations.

Article 24 — Where an applicant registers or uses an enterprise name in violation of these Provisions, it shall be punished in accordance with the provisions of the relevant laws and administrative regulations on enterprise registration.

Where the enterprise registration authority registers an enterprise name that does not comply with these Provisions, or refuses to register an enterprise name that complies with these Provisions, the directly responsible persons in charge and other directly responsible personnel shall be given administrative sanctions in accordance with law.

Article 25 — The registration and administration of the names of specialized farmers' cooperatives and individual industrial and commercial households shall be carried out by reference to these Provisions.

Article 26 — These Provisions shall take effect as of March 1, 2021.

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