

WEBINAR

- 2 SESSIONS

IP Protection in Med Tech

15:00 - 16:00 11-Nov & 25-Nov

CHINA IPR
SME HELPDESK



Waiting for the organisers, the webinar will begin shortly...

The logo for the Finnish Business Council Beijing (FBC) is located in the top left corner. It consists of the letters 'FBC' in a stylized, blue, sans-serif font. Below the letters, the Chinese characters '芬蘭商會' and the word 'BEIJING' are written in a smaller, black, sans-serif font. The entire logo is contained within a white, rounded, teardrop-shaped background.

NGO

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"Together we will succeed"



Lerry Gu
Vice-Chairman of the
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Marketing Director,
Tikkurila Paints Co Ltd
"Nobody knows the
future. But we can create
it"



Yuen Gu
Board member, FBCB
Deputy of GM, Wotvod
Technologies Ltd
"Always nice to listen our
members, and build up the
strong bridge between
Finland and China"



Tommy Tang
Board member,
FBCB
Sales and Marketing
Director, Hooika
China
"Passionate about
good things"



Petka Pelja
Board member, FBCB
Beijing Director, Detection
Technology Oy
"Willing to support FBCB's
mission to help Finnish
companies to succeed in
China"



Jenny Xiong
Board member, FBCB
Global Business Advisory,
PwC
"Build trust in society and
solve important
problems"



Ulla Nurminen
Board member, FBCB
Released from SoD for acting as
Executive Director
CEO, Beijing Bluecloud Business
"Challenges make life interesting
overcoming them makes it
meaningful"



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IP Factsheet: Mainland China



1. THE FACTS: Business in Mainland China for EU Companies
(Source: DG Trade)



SIZE of Market:

- EU exports to Mainland China: EUR 173.5 billion
- EU imports from Mainland China: EUR 299.9 billion
- Total trade in goods: EUR 473.4 billion

> Mainland China is the EU's second largest trading partner, after the USA.
 > The EU is China's largest trading partner.

Key INDUSTRY SECTORS:

- > EU exports to Mainland China are dominated by machinery and equipment, motor vehicles, aircraft, and chemicals.
- > Mainland China's key export items to the EU include machinery and equipment, footwear and clothing, furniture and lamps, and toys.

1 THE FACTS: Business in Mainland China for EU Companies
Key INDUSTRY SECTORS

2 IPR in Mainland China for SMEs: BACKGROUND
Intellectual Property Rights for SMEs: Why is this RELEVANT to you?
How does Mainland China's IP legal framework compare to INTERNATIONAL STANDARDS?

3 IP Rights in Mainland China THE BASICS
A. Copyright
B. Patents
C. Trade Marks
D. Geographical Indications (GIs)
E. Trade Secrets

4 Using CUSTOMS to block counterfeits

5 Enforcing your IP
Administrative actions
Civil Litigation
Criminal Prosecution

6 RELATED LINKS and Additional Information

Co-funded by:

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Protecting Your Trade Secrets in China

Prevention is the key to protection.



WHAT EXACTLY CAN BE A TRADE SECRET

SOMETHING THAT

- 1 is not publicly known
- 2 has commercial value
- 3 you took measures to keep secret

expressions of ideas

know-hows, manufacturing or design techniques

status of products or services under development

valuable business information, lists, cost and price information

TRADE SECRETS

KEEP IT SECRET, KEEP IT SAFE

It is important to remember that once trade secrets become publicly known, they can no longer be protected as trade secrets.

CONFIDENTIAL

DON'T FORGET YOUR EMPLOYEES

- Limit access and copying rights to the personnel who actually need it.
- Require all employees to sign an employment agreement with strict confidentiality provisions.
- Be sure to hold exit-interviews and have them return documents, materials, computers, and files.
- Establish an internal management system for trade secrets. Training and clear written guidelines are essential.

DEALING WITH THIRD PARTIES

Business dealings or negotiations with third parties, potential partners, suppliers, contractors, licensees, or customers

monitor your partners, suppliers or licensees to make sure they are complying with your trade secrets protection policy

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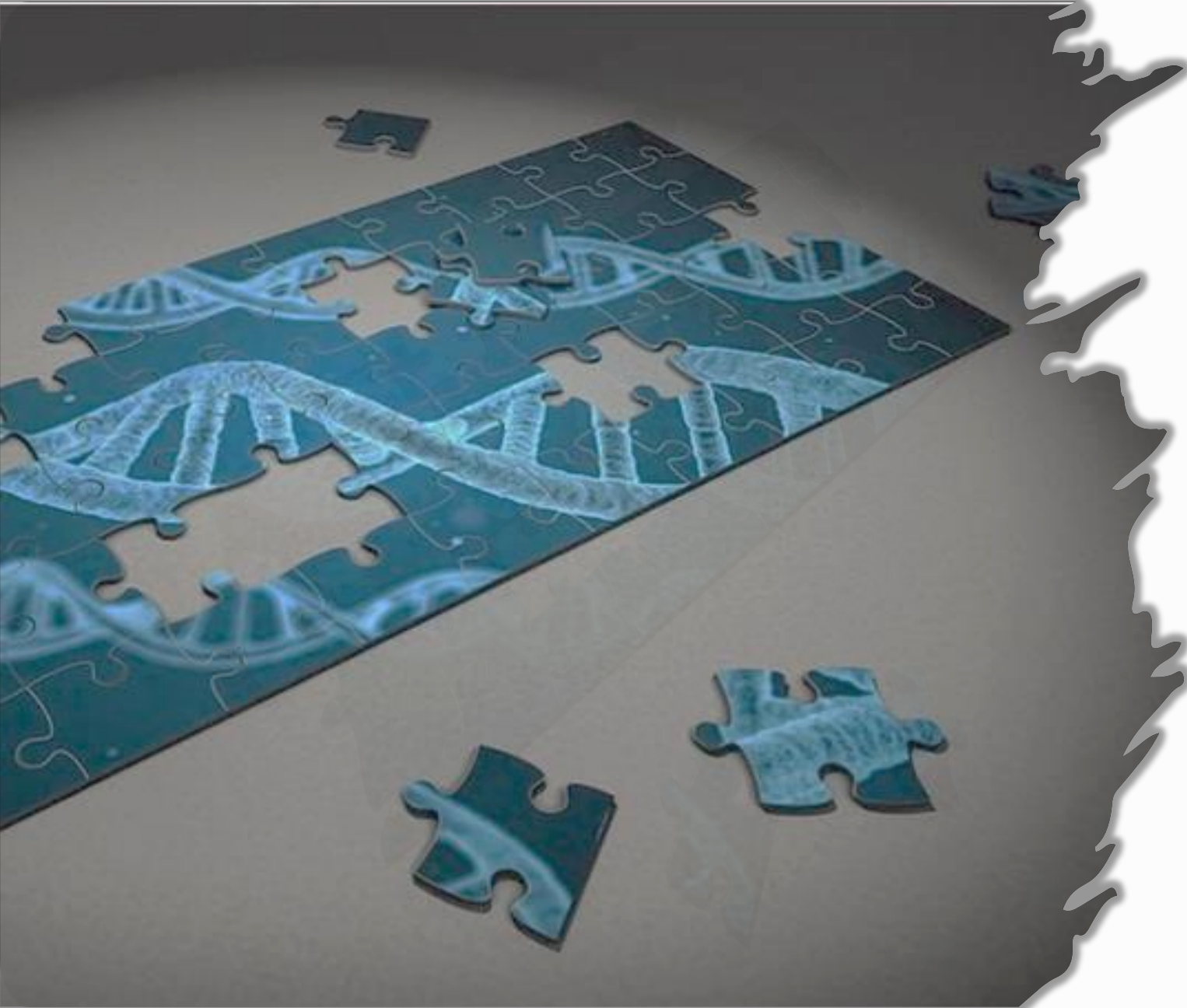
Speaker's Bio



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Mr. Matias Zubimendi is the IP Business Advisor at China IPR SME Helpdesk, where he advises European SMEs on intellectual property rights matters. Mr. Zubimendi holds a Master's degree in Chinese Civil and Commercial Law from Peking University as well as a Master's degree in Intellectual Property Law from Austral University in cooperation with the World Intellectual Property Organisation. Mr. Zubimendi has a strong background in both business development and intellectual property rights protection, having previously worked as a China Business and Legal Consultant at Terragene, where he focused on business development and as a Director of Legal Affairs at Conquer Europe. Previously, he has also worked as a Patent and Trademark Attorney at Phoebus Abogados and Mazzeo & Canet, where he represented SMEs as well as Fortune 500 companies.

Mr. Zubimendi has given lectures at various conferences including the Ibero-American Conference on Chinese Studies and published several articles including *The legal protection of intangibles in the video games industry*. As a Professor Assistant, he has also given lectures on Commercial Law and Procedural law, while focusing on Copyright and AI in his research. Mr. Zubimendi is a native Spanish speaker fluent in English.



Technical IP Protection in Medtech Industry

- Matias Zubimendi, 11.11.2020

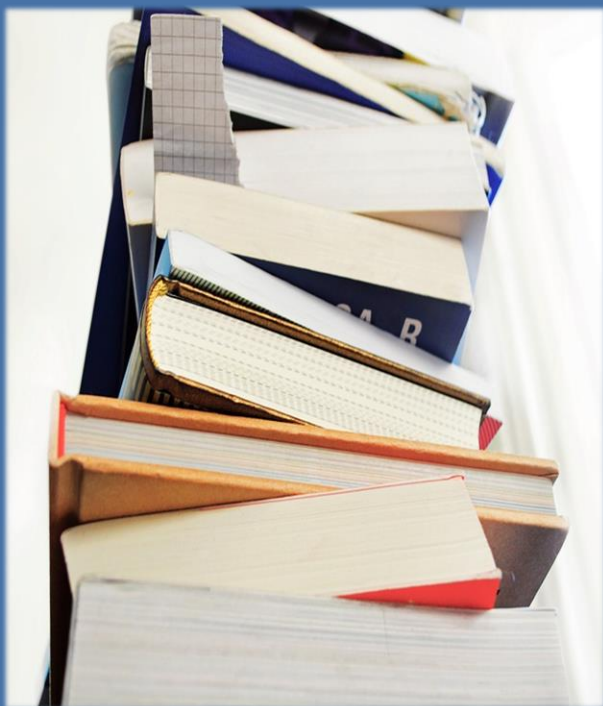


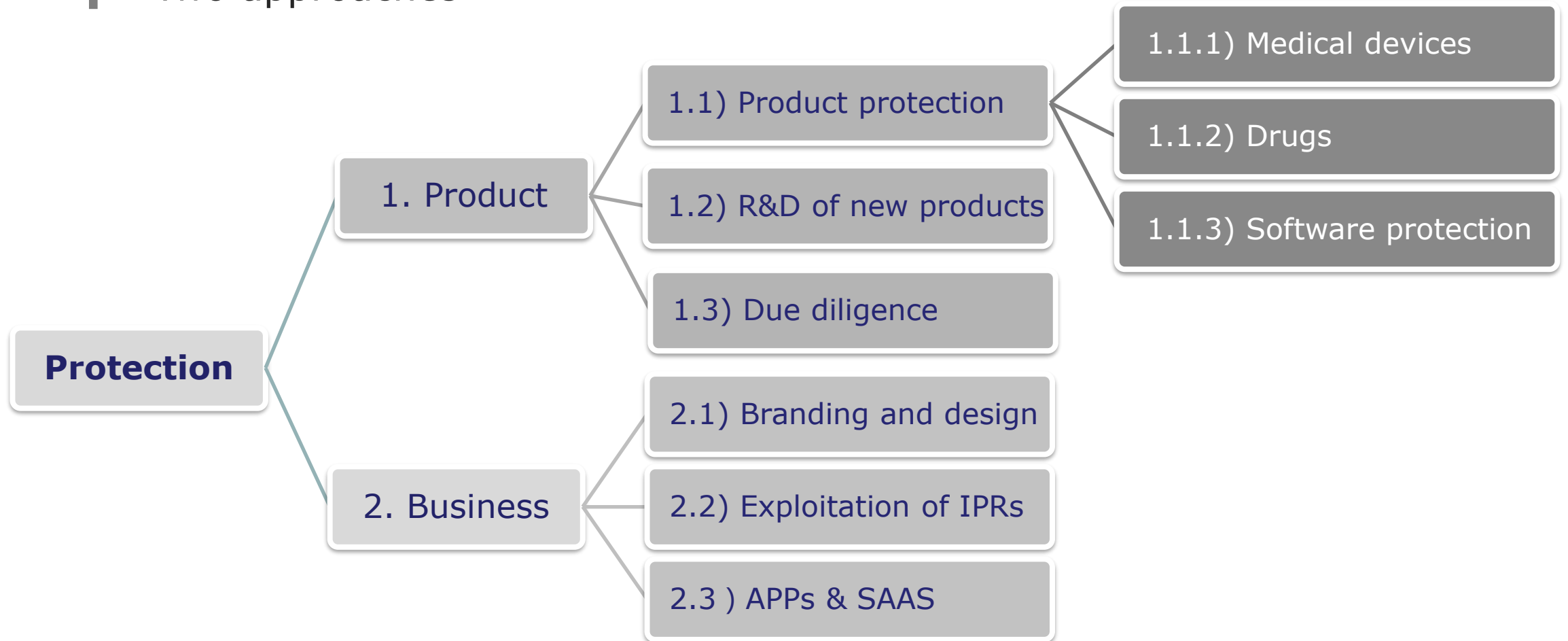
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01

IPR in Medtech Industry

- Two approaches



02

Introduction to IPR Intellectual Property Rights

1 Main intellectual property rights

- Innovation Patents & Utility models
- Design patents
- Trade marks
- Copyright
- Trade secrets
- Know-how

2 Main principles

- Registration
- Territoriality



#worldipday

03

Product Protection

Alternatives for Protecting Your Products:

Innovation Patents / Utility Models / Trade Secrets / Copyright



Innovation Patents & Utility Models

- ? What can I protect with an innovation patent?
- ? How can I initiate patent registration?
 - China National Intellectual Property Agency (CNIPA)
 - PCT
- ? Requirements
- ? Difference between innovation patents and utility models
- ? Parallel registration

04

Innovation Patents – Medical Sector Specifics



4.1

Methods for the diagnosis or treatment of diseases
(art. 25 Patent Law)

- What exactly is out of protection?

4.2

Special licenses
(Chapter VI Patent Law)

4.3

Non-infringement cases
(Art. 75.5 Patent Law)

4.4

4th Patent Law Amendment modifications
(2020)

- Preliminary pharmaceutical patent linkage system
- Pharmaceutical patent term extension
- Open license system

05

Trade Secrets

– Keep your secrets secret



5.1

Basics

- Non-public information
- Requirements
- Protective measures
 - Physical
 - Legal
 - Electronic

5.2

Main danger for trade secrets: Bureaucracy

- Business permissions – CMA & CNAS Certificates
- Drug tests
- Academic papers

06 | Copyright



Basics

- Expression of an idea
- Registration alternatives



Software

- Copyright or patent protection



Databases

- Copyright protection condition
- Cyber Security Law – sensible information storage

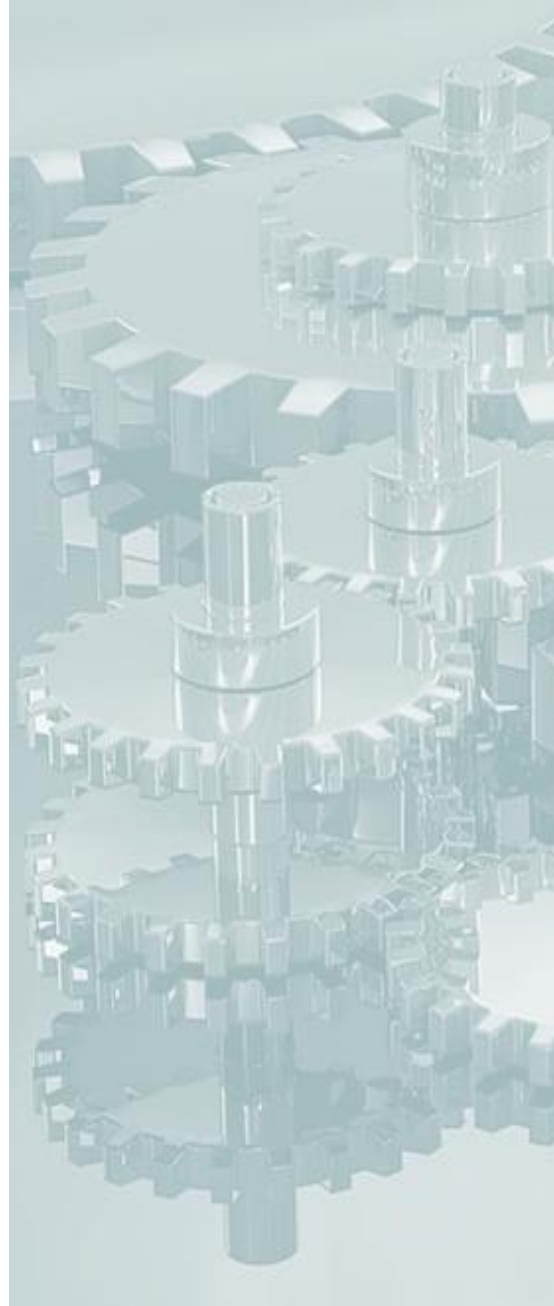
07 | R&D – Basics

7.1. Markets targeted

- Principle of territoriality
- Catalogues for export and import of technologies
 - Restrictions and prohibitions
- Foreign Investment Law (2020)
 - Restrictions and prohibitions

7.2. Who will develop the technology?

- EU SME
- Chinese Entity - fair compensation
- Joint work



7.3. Type of company

- WFOE
- Joint Ventures

7.4. Parties

- Inventors
- Partners – ownership rules

7.5. Employees – inventors

- Employee Handbooks
- Protocols
- Fair remuneration

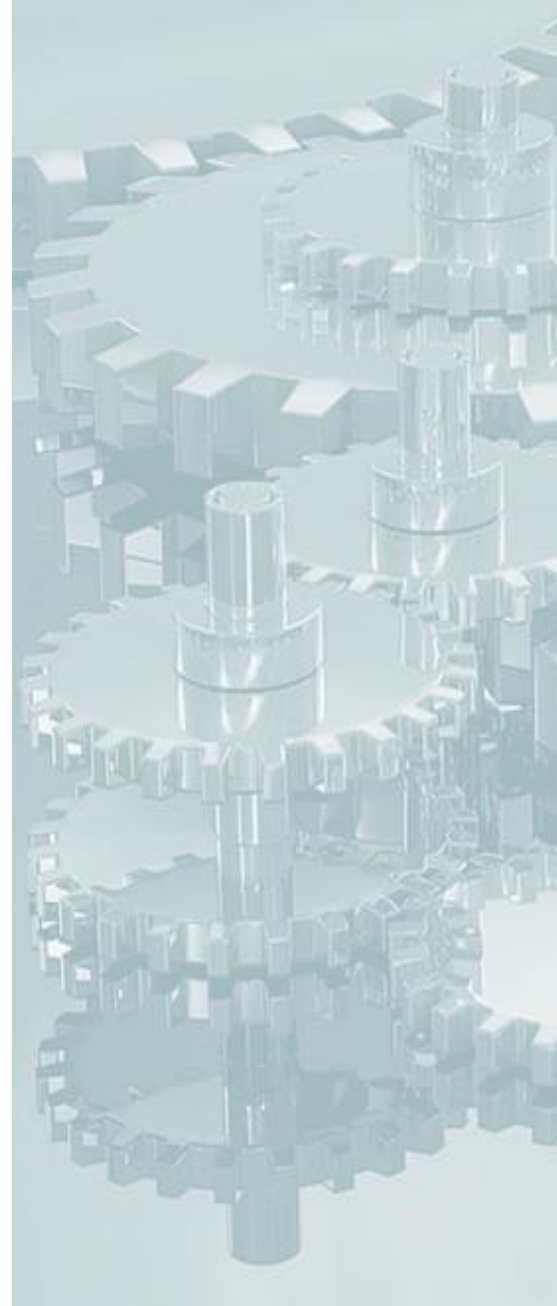
07 | R&D – Ownership

7.6. Registration

- IPRs
 - EU entity
 - Chinese entity
- Technology transfer contracts
 - Tax benefits

7.7. Ownership possibilities

- Sole ownership of all the IPRs by the EU SME
- Sole ownership of all the IPRs by the Chinese partner
- Co-ownership, shared between the EU SME and the Chinese business partner.



7.8. Clauses to include in contracts for Co-ownership

- Licenses / cross licenses of accessory technologies
- Registration fees
- Enforcement
- Decision making
- Future developments
- Exploitations

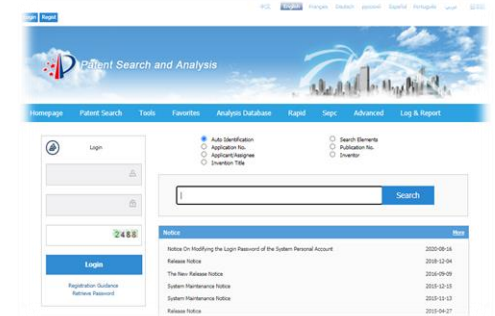
08 | Due Diligence

8.1 Basics

- Concept
- Who can help?
 - Embassies
 - Chambers

8.2 Tools

- National Certificates Databases
- National Enterprise Credit Information Publicity System website (<http://www.gsxt.gov.cn/index.html>)
- Patent Search on CNIPA web is [here](#)



What should you pay attention to?

- Business scope
- Legal representative
- Shareholders
- Capital
- Type of Company
- Sanctions

09 | Takeaway Messages



Product development

- ✓ Register your IPRs
- ✓ Avoid trade secrets if possible, protect them if not
- ✓ Remember the parallel registration of patents and utility models
- ✓ Claim the extension of patent protection if there is delay



R&D

- ✓ Have clear rules of ownership
- ✓ Protect future technologies
- ✓ Check the technology import / export catalogues in advance
- ✓ Train your employees and pay them fairly

09 | Takeaway Messages



Due diligence

- ✓ Contact your Embassy and/or Chamber of commerce
- ✓ Study your partner in detail
- ✓ Check their IPRs and authorizations



- ✓ Contact the China IPR SME Helpdesk ***question@china-iprhelpdesk.eu***

Questions?

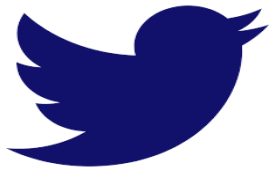
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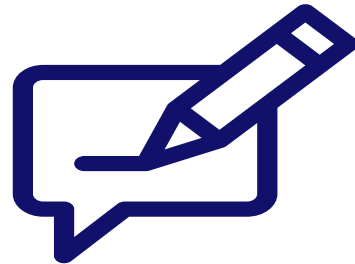
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