



IP PROTECTION AT ONLINE TRADE FAIRS



China IP SME Helpdesk

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Guides & Factsheets



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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

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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



<i>Name</i>	Matias Zubimendi
<i>Company</i>	China IP SME Helpdesk
<i>Email</i>	<u>matias.zubimendi@china-iprhelpdesk.eu</u>

Mr. Matias Zubimendi is the IP Business Advisor at China IP 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.

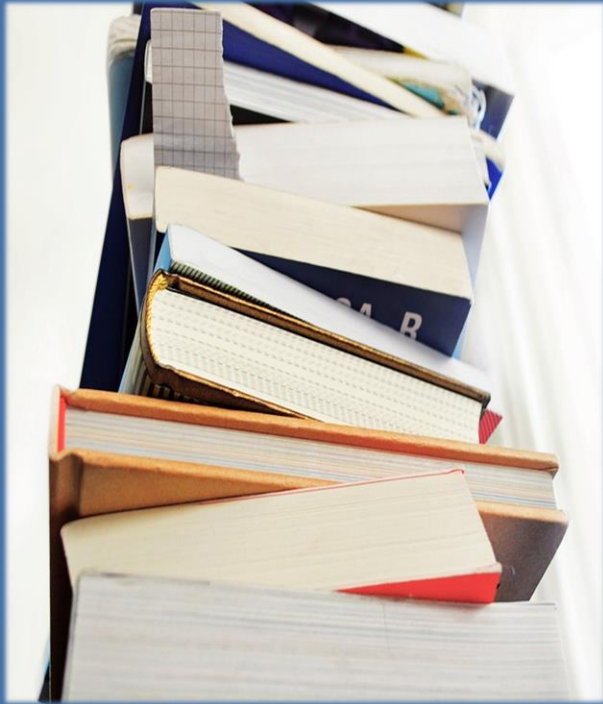


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9. During the fair – *Collect evidence*
10. During and after the fair - *IP dispute resolution*
11. Takeaway Messages

01

Introduction to IPR

- The basic aspects

1.1

Main intellectual property rights

- Invention patents & utility models
- Design patents
- Trade marks
- Copyright
- Trade secrets
- Domain names

1.2

Main principles

- Registration
- Territoriality



Why should I register my IP?
What can I do with it?

02

Online trade fairs

- Doing business online



2.1

What do online trade fairs offer?

- Product offers
- Conferences
- E-meetings
- Interactive tools
- Videos

2.2

Main IP risks involved

- IP being copied
- Loss of IP

2.3

General advice

- Register your IP in China
- Assign a dedicated team (not only a sales team)
- Learn how to proceed in case of dispute
- Check your competitors

03

Preparation

- What should I register?



3.1

What will you display?

- Trade marks
 - Company name
 - Product name
 - Logo
 - Other signs
- Design patents
- Invention patents / utility models
- Copyright
 - Advertisement
 - Photos
 - Drawings
 - Videos

3.2

Trade secrets

- Non-registered IPRs
- Confidential information
 - Need to know rule

3.3

The importance of certificates

- Necessary for proving ownership
- Check with the fair what exactly is needed

04 | Trade mark protection



4.1

Registration!

- CNIPA
- Madrid system

4.2

What can be registered? - Limits

- Legal
- Non-functional
- Distinctive
- Available

4.3

Classes and sub-classes

- Be sure that your trade mark actually protects your product

4.4

Adapting your trade mark – Chinese translations

- Phonetical
- Literal

05

Design patent protection

- The appearance of your products



5.1

Design patent registration

- Where to register?
- Requirements
 - Novelty
 - Non-functionality

5.2

Application documents

- Application form / request
- Drawings – photos
- Brief explanation
- Others

5.3

Differences with the EU

- Maximum term of protection
- Unregistered design patent protection
- Limits on the number of designs protected in one multiple design application
- Novelty requirement

06

Copyright

- The unexpected ally of the unprepared ones



6.1

Registration?

- Automatic protection – Berne Convention
- Register anyway

6.2

What should I register?

- Photos
- Texts
- Drawings
- Pictures
- Logos

6.3

Is it really useful?

- Internet Courts – unique jurisdictions

6.4

Legalisation issues – Blockchain to the rescue

- Use of blockchain as evidence

07

Innovation patent protection/ utility models

- Protecting your technology



7.1

Registration methods

- CNIPA
- PCT

7.3

Requirements

- Novelty
- Non-obviousness
- Industrial application

7.2

What to protect

- Products
- Procedures
- Software

7.4

Difference with utility models

- Registration times
- Protection terms
- Type of examination
- Requirements

08

Trade secrets

- The lack of registration \neq lack of protection



8.1

Registration?

- Secret
- Value
- Protection

8.2

How can I protect my secrets?

- Physical protection
- Technological protection
- Legal protection – NDAs vs NNNs

8.3

How can I disclose a trade secret if I'm only selling online?

- Providing information
- Uploading pictures
- Placing products in the market (reverse engineering)
- Uploading manuals

8.4

What law is protecting trade secrets?

- Unfair competition laws

09

During the fair

- Collect evidence!



9.1

Someone is copying you?

- Collect evidence before acting

9.3

Non-digital evidence

- Notary

9.2

Digital evidence

- Blockchain

9.4

Get the names of the infringers

- Legal name of the company
- National Enterprise Credit Information Publicity System

10 | During and after the fair

- IP dispute resolution method



10.1

Disputes at trade fairs

- Complaint center
- Process

10.3

Further actions

- Regular courts
 - IP courts
- Internet courts

10.2

What can I achieve?

- Evidence
- Removal of products
- Expulsion of infringer from the fair

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Takeaway messages



- ✓ Register you IPRs before attending trade fairs
- ✓ Prepare your IP certificates
- ✓ Protect your trade secrets



- ✓ Assign and train your trade fair team
- ✓ Learn in advance about the IP complaint procedures of the fair
- ✓ Collect evidence before acting



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

Questions?

HELPLINE

free, fast & confidential

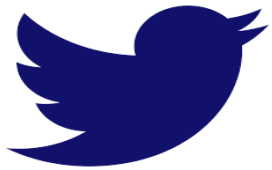
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question@china-iprhelphdesk.eu



Your feedback is very valuable info for us.
We appreciate if you could share your comments with us.

Stay connected!



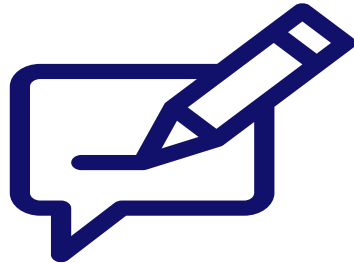
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