

# IP PROTECTION ON E-COMMERCE PLATFORM



- Matias Zubimendi 17 May 2021



# China IP SME Helpdesk

**ABOUT US**

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## IP Factsheet: Mainland China



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



473.4  
299.9  
173.5

**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.

# 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 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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# 01

## IPRs relevant for e-commerce

What IP should I pay attention to?

1.1

### Trade marks

- Company
- Products
- E-commerce / apps and corporate users

1.3

### Industrial designs

- Products

1.2

### Copyright

- Brands
- Pictures - photos
- Texts - descriptions

1.4

### Trade secrets

1.5

### Domain names

 TIP – Prepare your strategy to be efficient: Combine the registration methods.



# 03

## IPR protection strategy

How to defend IPRs in e-commerce

Evidence will be useful in further and more comprehensive actions.

### 3.1

#### Surveillance

- Search by key words
- Search by pictures
- Search by brand

### 3.3

#### Spotting an infringement

- Obtain evidence
- Obtain information about the seller

### 3.2

#### E-commerce platforms enforcement tools

- Get familiar with the IP protection tools
- Upload your brand information

### 3.4

#### Getting evidence

- Blockchain
- Notary
- Notarized purchase

# 04

## Enforcement

### Methods of IPR enforcement

#### 4.1

##### Notice and take down

- E-commerce dispute rules
- Online dispute

#### 4.2

##### What can I obtain?

- Remove sales links
- Remove a seller

#### 4.3

##### Further actions

- Internet Courts – a unique jurisdiction
- Regular courts
- IP Courts

#### 4.4

##### What can I obtain?

- Compensation
- Criminal prosecution
- Stop the infringement

# 05 | Takeaway messages



- ✓ Register your IP ASAP – first to file rule
- ✓ Create profiles on e-commerce platforms of interest
- ✓ Carry out constant surveillance of e-commerce platforms



- ✓ Create your profile in advance and upload your trade marks
- ✓ Collect as much evidence as possible before going to court
- ✓ Be proactive in enforcing your rights



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

Questions?

# HELPLINE

*free, fast & confidential*

*3 days*<sup>working</sup>

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We appreciate if you could share your comments with us.

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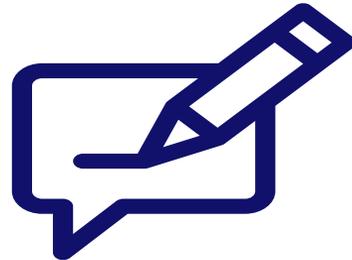
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