

# TECH TRANSFER AND INTELLECTUAL PROPERTY IN CHINA



THE LATEST DEVELOPMENTS AND CASE STUDIES



10 MARCH 2021, 9:00 CET – ONLINE

CHINA  
IP SME HELPDESK



European  
Commission

CLUSTER  
ENERGIA  
Comunidad Valenciana



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



European  
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## Philippe DELTOMBE

### 10 March 2021

CLUSTER  
**ENERGIA**  
Comunidad Valenciana



COLLABORATION | INNOVATION | PROJECTS  
BUSINESS OPPORTUNITIES | INTERNACIONALITATION



# INTERNATIONAL ACTIVITIES



- AEI CLUSTER**  
For open innovation and business
- BOND Spain Cluster**
- SMART SPECIALISATION PLATFORM**
- AVI** AGÈNCIA VALENCIANA DE LA INNOVACIÓ
- RIS3 COMUNITAT VALENCIANA**
- ECCA** EUROPEAN CLUSTER COLLABORATION PLATFORM

- Smart Grids**
- Energy Storage**
- Sustainable Mob.**
- Energy Efficiency**
- Renewable En.**
- Circular Economy**

- Smart Cities**
- Smart Industry**
- Cyber Technology**
- Sustainable Construction**
- Blue Economy**

# Programa de Transferencia Tecnológica CECV-China



¿Quieres beneficiarte del programa?  
+ información: [info@clusterenergiacv.com](mailto:info@clusterenergiacv.com)

Abrimos un **PROGRAMA DE INTERCAMBIO DE TECNOLOGÍA CECV-CHINA**

Si trabajas en:

- Energías Renovables (equipos, tecnología, desarrollo, ...)
- Digitalización
- Industria 4.0
- Movilidad Sostenible
- Tecnologías que promuevan energías limpias y bajas en carbono, etc. están en nuestro punto de mira.

Esta es tu oportunidad de introducirte, colaborar, vender tecnología



# CHINA IP SME HELPDESK



**Alessandra Capriglia**

Project Executive

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# Webinar Interaction Tool

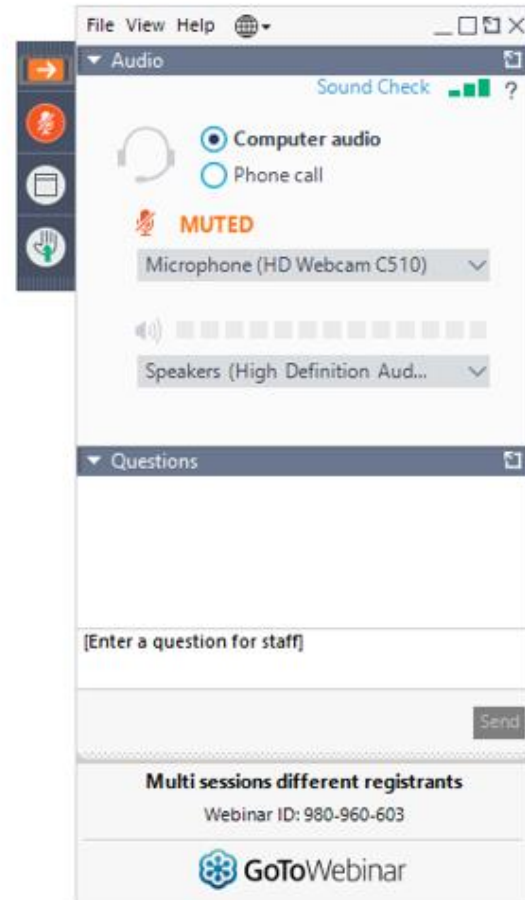
*Hide control panel here* →

*Turn on full screen here* →

*Raise your hand here* →

*Send the IP expert a question here* →

**Webinar 24 hour technical support number:**  
<http://support.gotomeeting.com> 'Contact Us'  
section





# The Helpdesk in a nutshell

- Free initial advise to SMEs
- Geographic coverage:
  - **China**
  - **Hong Kong**
  - **Macao**
  - **Taiwan**
- We have assisted over 100.000 SMEs to date

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**NEW WEBSITE**

**[ec.europa.eu/ip-helpdesk](https://ec.europa.eu/ip-helpdesk)**



# Helpdesk free services

Enquiry Helpline



Training Workshops



Webinars



Website & Blog



Guides & Factsheets






## FACTSHEET

- THE FACTS: Business in Mainland China for EU Companies**
  - Size of Market
  - Key INDUSTRY SECTORS
- 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?
- IP Rights in Mainland China THE BASICS**
  - Copyright
  - Patents
  - Trade Marks
  - Geographical Indications (GIs)
  - Trade Secrets
- Using CUSTOMS to block counterfeits**
- Enforcing of rights**
  - Administrative actions
  - Civil Litigation
  - Criminal Prosecution
- RELATED LINKS and Additional Information**



**IP Factsheet: Mainland China**

**CHINA IPR SME HELPDESK**



For free, confidential, business-focused IP advice within three working days E-mail: [questions@china-iprhelpdesk.eu](mailto:questions@china-iprhelpdesk.eu)

# Protecting Your Trade Secrets in China

Prevention is the key to protection.



## WHAT EXACTLY CAN BE A TRADE SECRET



## 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.



### DON'T FORGET YOUR EMPLOYEES

**CONFIDENTIAL**

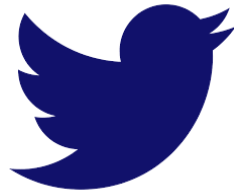
- Limit access and copying rights to the personnel who actually need it.
- Require all employees to sign an employment agreement with strict confidentiality provisions.
- Be sure to hold exit-interviews and have them return documents, materials, computers, and files.
- Establish an internal management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

# Stay connected!



@iprchina



@ChinaIPR-hd



China IP SME Helpdesk



# **Robar un libro es un elegante delito**

**Philippe DELTOMBE**  
attorney at law

**Valencia 10 March 2021**



# Philippe Deltombe



**Attorney at Law - Partner at AGM Abogados  
Spanish Global Law Firm  
Barcelona, Madrid, Paris, Mexico, Shanghai**

**[pdeltombe@agmabogados.com](mailto:pdeltombe@agmabogados.com)**

For more than 12 years, Philippe has been assisting innovation players from Europe to China and to South East Asia

He provides support in areas ranging from corporate & intellectual property law to the implementation of internationalization strategies

Philippe is admitted at the Brussels bar since 2003 and speaks five languages

# Propiedad intelectual en pocas palabras

- Marcas
- Patentes
- Modelos de utilidad
- Diseños
- Copyrights
- Know-How

***"Genuine scholars let the later world discover their work"***

***Chinese aphorism***

# Propiedad intelectual en el impero chino

*"I transmit rather than create;  
I believe in and love the Ancients"* - **Confucius**

- Armonia social
  - Familia
  - Ancianos

# PI en China en el siglo 21

- **2001 WTO**
- **From TRIPS -> ECPR** (fortalecimiento PI regional) -> **CAI** (prohibición de transferencia forzada de tecnologías)
- **Patentes, Copyright, Marcas, etc. : nuevas leyes**
- **Tribunales especializados en PI (BJ, GZ, SH y... Hainan)**
- **Registros de calidad** (junk patentes y subvenciones)
- **Sentencias : enorme aumento de daños y perjuicios**
- **El problema de las junk patentes y las subvenciones**



# Getting ready...

**Registro**

**Registro**

**Registro**

***To Steal a Book is an Elegant Offence***

**Recursos**

**Tiempo**

**Paciencia**

**Determinacion**

# El inalterable orden social chino

- ❑ **The Omnipresent Human Factor**
- ❑ **The Fluctuating Passing of Time**
- ❑ **The Atypical Trust Building Process**
  - ❑ **The Dreaded Face Loss**
- ❑ **The Uncompromising Hierarchy**

# IP Reality Check

## Casos

***E-Commerce  
Foreign Judgements  
Assets Location  
Technology Transfers***

## Asuntos

## Casos

## Case Study

*A general attitude of forgiveness, or indeed receptivity, shown on the part of the great Chinese painters towards the forging of their own work*

**Wen Fong, Art Historian**

**“The more I go to China,  
The less I understand you guys”**

**You are on the right way!**

**muchas gracias 😊**



# Questions?

# HELPLINE

*free, fast & confidential*

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

**[question@china-iprhelpdesk.eu](mailto:question@china-iprhelpdesk.eu)**

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IP SME HELPDESK**

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