China IP SME Helpdesk

ABOUT US
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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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

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
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
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
Innovation patent protection/ utility models
- Protecting your technology

7.1 Registration methods
- CNIPA
- PCT

7.2 What to protect
- Products
- Procedures
- Software

7.3 Requirements
- Novelty
- Non-obviousness
- Industrial application

7.4 Difference with utility models
- Registration times
- Protection terms
- Type of examination
- Requirements
Trade secrets
- The lack of registration ≠ 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
During the fair
- Collect evidence!

9.1 Someone is copying you?
  - Collect evidence before acting

9.2 Digital evidence
  - Blockchain

9.3 Non-digital evidence
  - Notary

9.4 Get the names of the infringers
  - Legal name of the company
  - National Enterprise Credit Information Publicity System
During and after the fair
- IP dispute resolution method

10.1 Disputes at trade fairs
- Complaint center
- Process

10.2 What can I achieve?
- Evidence
- Removal of products
- Expulsion of infringer from the fair

10.3 Further actions
- Regular courts
  - IP courts
- Internet courts
Takeaway messages

- Register your 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
3 days working

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