



China IP SME Helpdesk

ABOUT US

The Helpdesk in a nutshell

- Free initial advice to SMEs
- Geographic coverage: 4 jurisdictions of China
 - Mainland
 - Hong Kong
 - Macao
 - Taiwan

 100,000+ SMEs assisted to date



HELPLINE

free, fast & confidential

3 ^{working} *days*

question@china-iprhelpdesk.eu

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**CHINA
IP SME HELPDESK**

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**European
Commission**

Helpdesk Services

Training Workshops &
Webinars



One-on-one
sessions



Self-learning materials



Website IP tools
& Blog



FREE OF CHARGE!



Guide


1. Introduction
2. Why to register your Copyright?
3. Registration: Step by step guide
 - 3.1. Copyright Protection Center of China
 - 3.2. User account creation
 - 3.3. Personal information
 - 3.4. Copyright registration
 - 3.4.1 Non software copyright work
 - 3.4.2 Software
4. How to find/edit the saved information in draft box
5. Related links



Guide to copyright registration in China


CHINA IP SME HELPDESK

For free, confidential, business-focused IP advice within three working days E-mail: questions@china-ipshelpdesk.eu



Guide

1. Introduction
2. What is COPYRIGHT?
3. How is COPYRIGHT relevant to my business?
4. COPYRIGHT Ownership
5. COPYRIGHT Registration
6. COPYRIGHT Enforcement
7. Take-away messages
8. Related Links



COPYRIGHT PROTECTION IN CHINA: A Guide for European SMEs

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INTELLECTUAL PROPERTY ADVICE FOR YOUR BUSINESS



Six EU-funded helpdesks offer free resources to your small or medium-sized business to help you manage your intellectual property.

<https://ec.europa.eu/ip-helpdesk>

Speaker's Bio



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Lisa Lu is the IP Business Advisor at China IP SME Helpdesk in Beijing, where she advises European SMEs on intellectual property rights matters. She holds a double master's degree in law from the China University of Political Science and Law and University of Hamburg. Before joining the China IP SME Helpdesk at the European Chamber, Lisa worked as a trademark attorney for the Ferrante Intellectual Property and Chang Tsi & Partners. She mainly focused on the fields of trademark prosecution, trademark enforcement, copyright protection and unfair competition. During her time working in both law firms, she dealt with a variety of clients including but not limited to automotive performance, media, entertainment, new energy, apparel, architecture design, data management, e-commerce, household products, HVAC, and fire & security. Her clients included a range of globally leading companies and small and medium-sized enterprises (SMEs). Lisa is fluent in Chinese and English.

Navigating Software Intellectual Property Protection in China

Lisa Lu , 17 October 2024

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01 | Why IP is important for software

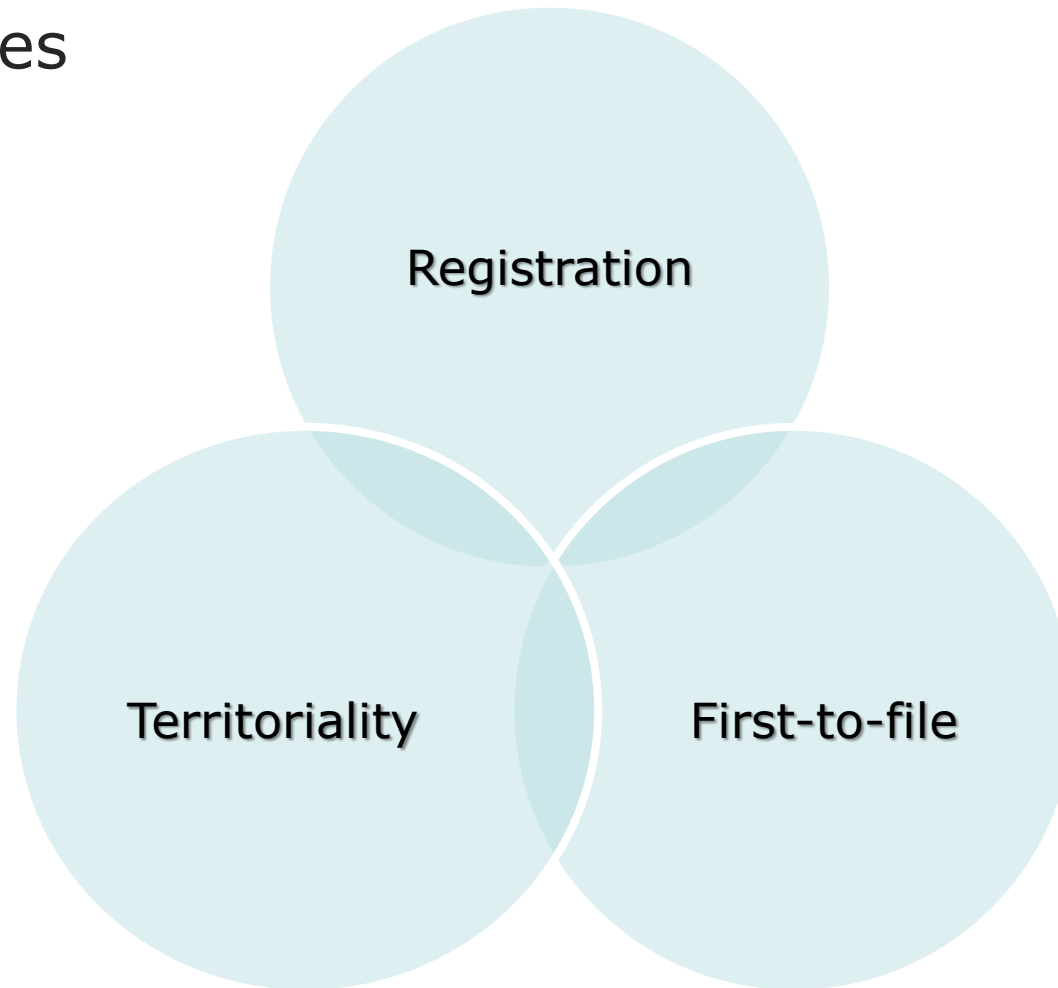
- Exclusive right to exploit your software in China
- Software IP attracts partners and investors
- Software IP generates additional revenue streams
- Preventing competitors from using your software ideas
- Taking action against infringements



01

Why IP is important for software

– IP principles



01

Why IP is important for software

– IP types

IPR Invention patents

- New technical solutions
- Improvements to a product/ process
- Absolute novelty (for all patents)

IPR Utility models

Functional aspects of a product

IPR Design patents

- Aesthetic aspects of a product
- Graphic user interface (GUI)

IPR Trademarks

- Brand name, brand logo
- Consider a Chinese trademark

IPR Copyright

- Logo, brochures, video, software
- Voluntary registration

IPR Trade secret

- 3 elements: non-public, actual or potential commercial value, confidentiality measures.

02

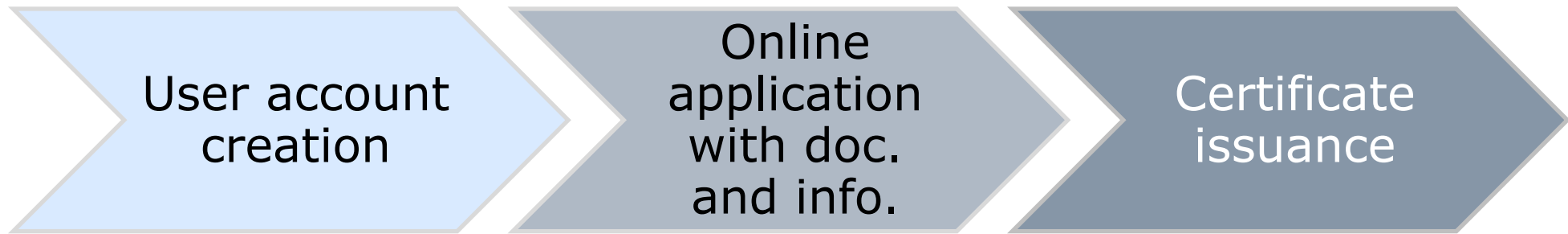
How to Protect Software in China - Copyright



- Automatic protection in *181* countries of Berne Convention
- Enforcement requires certificates
- Fast (*60 days*), free of charge for software
- Protection terms: 50 years
- Prima facie evidence
- Source code of the software → protected
 - Core idea behind that source code → NOT protected
- Implementing robust technical protection measures: encryption, digital rights management (DRM), and secure licensing systems

02

How to Protect Software in China - Copyright



Time  *60 days*

Costs  *Free of charge*

02

How to Protect Software in China

- Patent

Patentable software: solving a technical problem, using technical means and achieving a technical result

- Computer programs for industrial processes
- To improve the internal performance of computers
- Controlling, measuring or testing processes
- To process external data

Note:
consult with
a patent attorney
in China

02

How to Protect Software in China - Patent



Two routes

- **National:** directly with the CNIPA.
Priority claims: 12 months for invention and utility model;
6 months for design patent
- **International:**
 - PCT: invention patent and utility model
 - Hague system: design



02

How to Protect Software in China - Trade secret



Unpublished data and source code, document

- Categorisation of business information as *confidential*
- Controlling the *accessibility* of important documents, *need-to-know basis*
- Implementing robust IT security infrastructure
- Implement a trade secret protection policy within your company, making sure your *employees* understand your expectations
- Management of confidential *premises*
- Review of *external* communications
- Signing confidentiality agreement, non-disclosure agreement (*NDA*) and non-compete agreement (NCA)

02

How to Protect Software in China

- Do not miss other IP

TM

Trademark

- Name of the software
- Chinese name
- First-to-file principle & bad faith registration
- Conduct a trademark search before registration



Industrial design

Graphical User Interface (GUI)



03

Remedies for software infringement

- Different options

Roadmap of enforcement actions

Finding software infringement

Collection and preservation of evidence

Notice and take-down

Notification letters

C&D letters

Adm. investigation or raid

ADR

Litigation

Evidence collection

- Ownership
- Use evidence of the owner
- Infringement evidence

Evidence preservation

- Notarisation
- Blockchain: Internet courts

04 | Take-away messages



- ✓ Audit your IP assets and obtain IP protection. For trademark and patent, no registration means no protection in China.
- ✓ Though copyright is automatically granted, you should consider copyright recordal.



- ✓ Consult a patent attorney before patenting your software.
- ✓ Taking various measure to protect confidential business information as trade secrets.
- ✓ Evidence collection and preservation is essential to enforce your rights in China.
- ✓ Consult the IP lawyers and experts in China.



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

Stay connected!



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Questions?

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EVENT FEEDBACK FORM



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