



REPUBLIC OF BULGARIA
Ministry of Economy and Industry
Trade Office in Shanghai

CHINA
IP SME HELPDESK

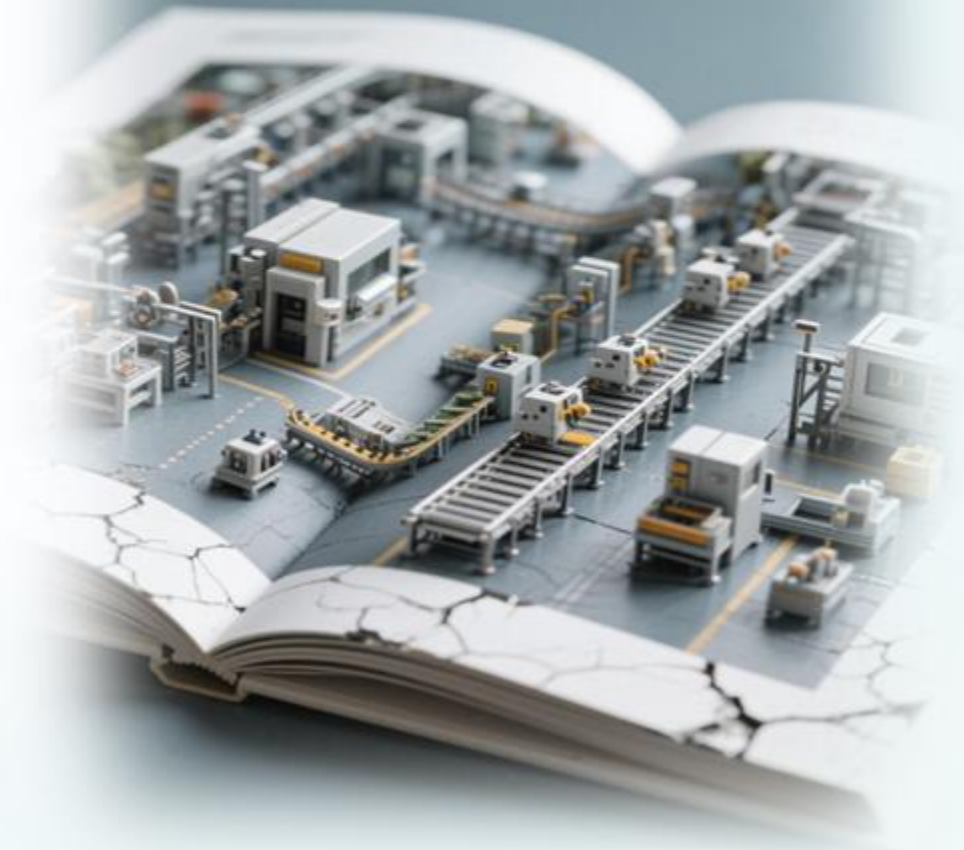
**Industry 4.0 is
revolutionizing the way
manufacture, improve,**

improve, cooperate, and distribute their products.
Manufacturers are integrating new technologies.

Industry 4.0 in China

- How to Manage Your IP

Ms Lisa LU, 10 June 2025





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!



European Commission

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



European Commission

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

CHINA IP SME HELPDESK

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

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.



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01 | Why IP Protection Matters in China's Industry 4.0 Landscape

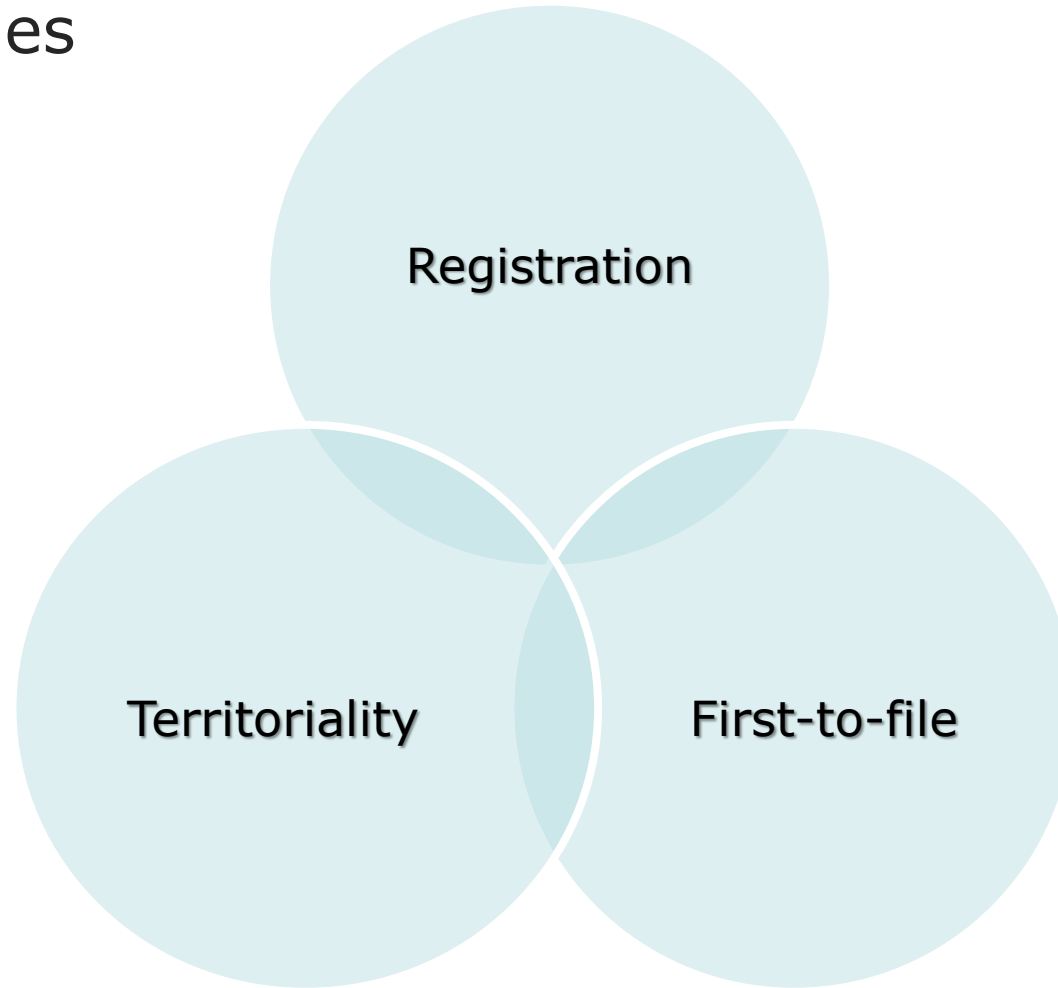
- Exclusive right to exploit your cutting-edge technologies in China
- Strong IP protection attracts partners and investors
- IP generates additional revenue streams
- Preventing competitors from using your IP
- Taking action against infringements



01

Why IP Protection Matters in China's Industry 4.0 Landscape

– IP principles



01

Why IP Protection Matters in China's Industry 4.0 Landscape – 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
- Graphical 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 | Patent registration in China



Invention patents vs Utility models vs Design patents

- **Invention patents**: new technical solutions or improvements to a product or process, functionality. 20 years of protection. 440 € +.
- **Utility models**: products with new shape or structural physical features, functionality. 10 years of protection. 64 € +.
- **Design patents**: the aesthetic aspects of the product, non-functionality. 15 years of protection. 64 € +.

- Storage battery
 - New management system that allows the battery to work more efficiently
 - **Invention patents**
 - Battery structure to reduce temperature
 - **Utility models**
 - The unique shape of the battery
 - **Design patents**

02 | Patent registration in China



Two routes

- **National:** directly with the CNIPA.

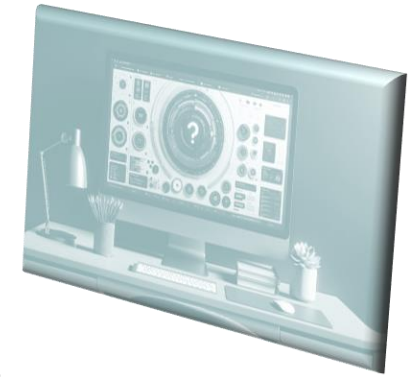
Exemption of absolute novelty: international trade fairs sponsored or recognised by Chinese government (6 months)

Priority claims: 12 months for invention and utility model;
6 months for design patent

- **International:**
 - PCT: invention patent and utility model
 - Hague system: industrial design

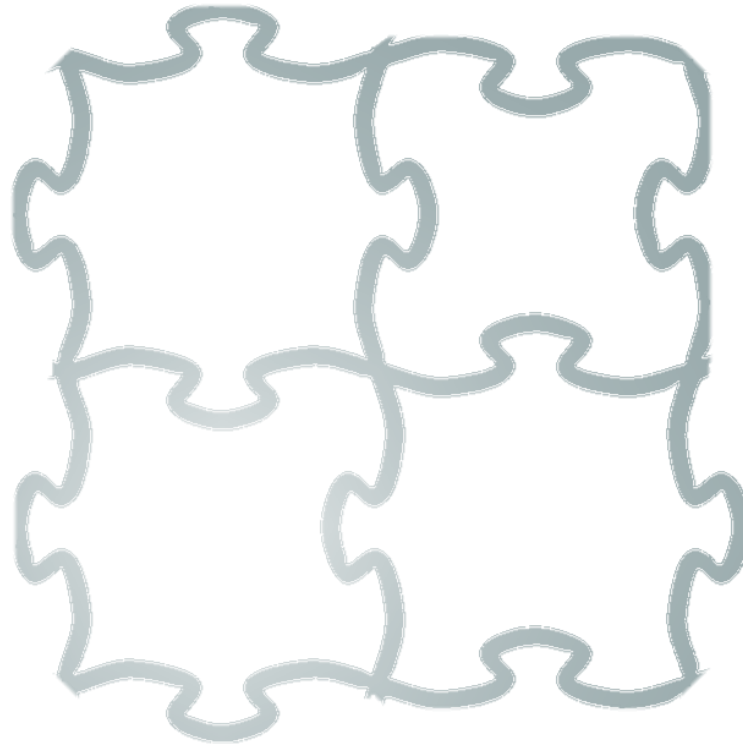


03 | Copyright protection in China



Software
the source code
→ copyright

Database
the compilation works
→ copyright



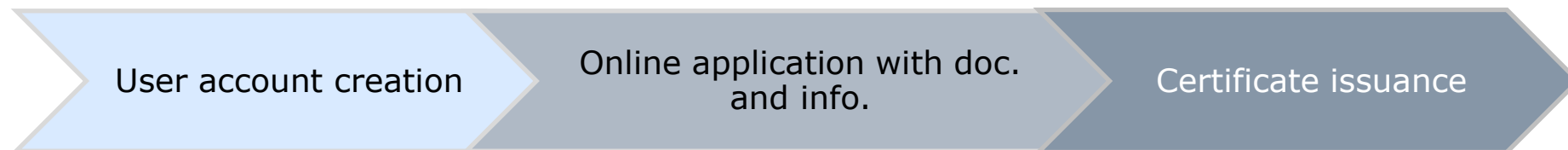
Algorithms
an algorithm which is
integrated into the source
code of software → copyright

AIGC
debatable

03 | Copyright protection in China



- Automatic protection in 181 countries of Berne Convention
- Enforcement requires certificates
- Fast (30 or 60 days), free of charge for software
- Protection terms: 50 years
- Prima facie evidence
- Registration option 1: with the Copyright Protection Center of China (CPCC)



**Registration option 2:
using Blockchain Technologies**

03 | Copyright protection in China



Advantage of blockchain notarisation

- Notarise the electronic evidence any time anywhere
- Without hiring a lawyer or a notary public
- Cheap



Platforms

- UniTrust (联合信任): www.tsa.cn
- Huicun (汇存)

04

Trade secret protection

– 5 steps

- **Identify and catalogue** your trade secrets
- Use a combination of **physical, technical and contractual barriers**
- **Document** trade secret protection measures you take, in case of a dispute later on
- Implement a trade secret protection policy within your company and your partner, making sure your **employees** understand your expectations
- Consider non-disclosure agreements (**NDA**) before entering negotiations with third parties



04

Trade secret protection – Due diligence on business partners



How to study a Chinese business partner?

- National Enterprise Credit Information Publicity System (NECIPS)
- Contact public institutions
- Embassies
- Chambers of Commerce

<http://www.gsxt.gov.cn/index.html>



What can I learn from NECIPS?

- Legal representative
- Capital
- Business type / scope
- Date of establishment
- Shareholders
- Abnormal operation enterprise?
- Disputes
- Annual reports

Short video about how to search for basic information about a Chinese company



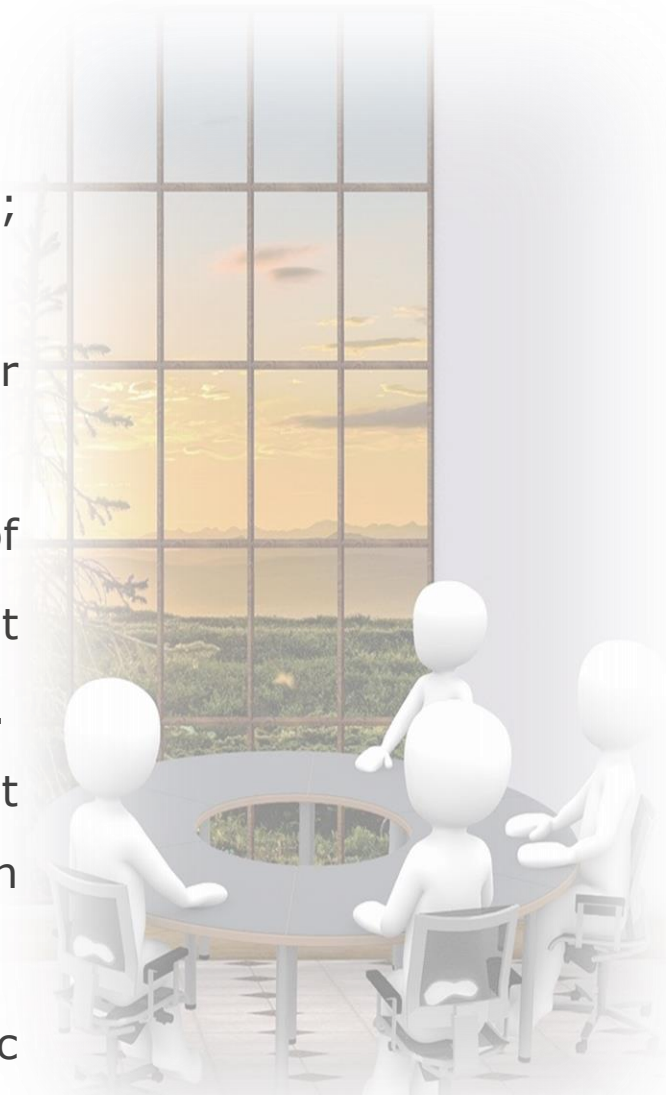
04

Trade secret protection

- Handling meetings with business partners

- **Before** the discussion or transfer: **NDA** (prepare in advance); background searches
- **Sharing information**: view at your business premises at later stage, or share only rough sketches/ a general idea.
- Negotiations have reached a certain stage: Memorandum of Understanding (**MOU**) outlining the structure of the deal, what information to share, the non-disclosure obligations of both parties.
- **Final agreement** should identify who owns what information, what information was exchanged, the non-disclosure obligations of both parties.
- Continue to **monitor**, pay unannounced visits, conduct periodic

audits.



05

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

05

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
- Implementing a trade secret protection policy within your company, making sure your *employees* understand your expectations
- Review of *external* communications
- Signing confidentiality agreement, non-disclosure agreement (*NDA*) and non-compete agreement (NCA)

05

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)





Case Study 1

- The importance of well-drafted patent description

The Background

A European SME developed an innovative technology consisting of a pixel array of contactless input panel. The SME has filed a patent application but rejected by the CNIPA.

The CNIPA held that the invention merely provided a human-specified construction of a pixel array, which did not constitute a technical means, could not solve a technical problem and could not achieve a technical effect, as it is required by the patent law. Thus, according to the patent law, the invention was deemed not patentable.



Action taken

- The SME filed a review before the Court to re-examine.
- The Court found that a user of the SME's new technology could input information through the panel without, and it was created to solve a technical problem of a contact panel being easily damaged under pressure.

Outcome

- The Court reversed the CNIPA's decision.
- The patent successfully registered in China.

Lesson learnt

- when drafting a patent application, it is important to connect the concerned invention with a technical scenario, so that the examiner could understand the technical problem solved by the invention.
- If the description of the patent specifications is based on known technical effects such as efficiency, speed and reliability, it should be easily accepted.
- It is recommended that you use the assistance of experienced patent attorneys in China to properly draft such patent applications.




Case Study 2

- Trade secret infringement in China

The Background

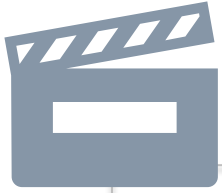
An European SME, who is in chemistry industry, licenses the know-how including software to Chinese companies, to build up chemistry plants.

License agreement

- They work with a prestigious Chinese company. 
- A separate agreement in place, authorising their Chinese partner to handle the enforcement in China.

Trade secrets

- All the technical documents are delivered using double strong encryption, with triple encryption used for key equipment.
- Provided on a need-to-know basis.
- In addition, the technical documents contain hidden markers that identify them as IP.



Infringement

- **Former employees** in key position, stole the confidential documents and sold to a new plant in another province.
- The SME and the Chinese partner decided to take enforcement actions.
- A criminal complaint with the **Public Security Bureau (PSB)** of the district of former employees was filed.
- The police started the **investigation** to obtain the drawings.
- **Expert witness** confirmed the similarity of the technology, and the trade secrets infringement.
- PSB issued a country-wide **warrant** for search and arrest the former employees.



Outcome

- > One former employee was arrested, the other is at large.
- > New plant still proceeded with the installation and has now commenced production.
- > Cross-province coordination slowed down the investigation, awaiting for further notice now.
- > The SME filed a criminal complaint in EU member state, probably will involve International Criminal Police Organisation (INTERPOL).
- > The SME contacted Embassy in China, and Chamber of Commerce.



Lesson learnt

- ✍ Taking various measure to protect confidential business information as trade secrets.
- ✍ Leakage of trade secrets by (former) employees is the most common case of trade secrets infringement. Make sure to sign the confidentiality agreement, non-compete agreement and non-disclosures agreement with the employees in key position.
- ✍ It is not cheap to enforce IP in China. The attorney fees for an IP infringement case in China could easily cost more than EUR 10,000. However, if one does not stop the first IP infringement, more infringements in the future are likely to happen leading to an even bigger loss for the IP right holder.
- ✍ For EU SMEs, when encountering IP infringements in China, it is recommended to contact IP experts to assist.

07 | 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 technologies.
- ✓ 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***

1-on-1 consultations



Meet Lisa Lu – your IP Business Advisor

Book the time slot via the QR code

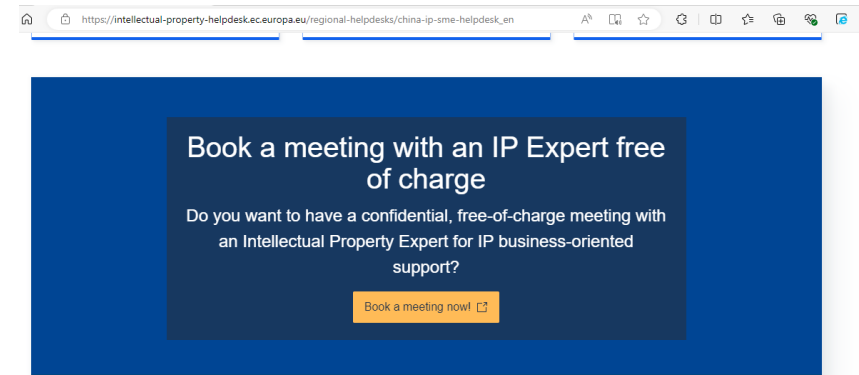


via Helpdesk website

<https://intellectual-property-helpdesk.ec.europa.eu/>

->China->"Book a meeting Now"

or



Stay connected!



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EVENT FEEDBACK FORM



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