

WEBINAR

- 2 SESSIONS

IP Protection in Med Tech

CHINA IPR
SME HELPDESK



15:00 - 16:00 11-Nov & 25-Nov

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

The logo for the Finnish Business Council Beijing (FBC) is located in the top left corner. It features the letters 'FBC' in a stylized, blue, sans-serif font. Below the letters, the Chinese characters '芬蘭商會' and the word 'BEIJING' are written in a smaller, black, sans-serif font. The entire logo is contained within a white, rounded, teardrop-shaped background.

NGO

Business in China – insights

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Ulla Nurmenniemi
Executive Director
Finnish Business Council Beijing

“FBCB’s mission is to help Finnish companies to success in China through experience & knowledge sharing, networking and collaborative advocacy”

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- Office sponsored by Business Finland
- Covid turbulence in growth



Juhani Tuominen
Chairman of the Board,
FBCB
International SO Director,
Rubside Oy
“FBCB remains a calling, it is
a passion, it is a privilege”



Seppo Jakkilä
Vice-Chairman of the Board,
FBCB
Consultant, Simonsach Ltd
“Together we will succeed”



Lerry Gu
Vice-Chairman of the
Board, FBCB
Marketing Director,
Tikkurila Paints Co Ltd
“Nobody knows the
future, but we can create
it”



Yuen Gu
Board member, FBCB
Deputy of GM, Wotvod
Technologies Ltd
“Always nice to listen our
members, and build up the
strong bridge between
Finland and China”



Tommy Tang
Board member,
FBCB
Sales and Marketing
Director, Hooika
China
“Passionate about
good things”



Petka Pelja
Board member, FBCB
Beijing Director, Detection
Technologies Oy
“Willing to support FBCB’s
mission to help Finnish
companies to succeed in
China”



Jenny Xiong
Board member, FBCB
Global Business Advisory,
PwC
“Build trust in society and
solve important
problems”



Ulla Nurminen
Board member, FBCB
Released from SoD for acting as
Executive Director
CEO, Beijing Bluecloud Business
“Challenges make life interesting
overcoming them makes it
meaningful”



China IPR SME Helpdesk

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Guides & Factsheets



CHINA IPR SME HELPDESK
WWW.CHINA-IPRHELPDESK.EU

IP Factsheet: Mainland China



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



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.

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

Co-funded by:

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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

www.china-iprhelphdesk.eu

Speaker's Bio



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Mr. Matias Zubimendi is the IP Business Advisor at China IPR 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.



Business IP Protection in Medtech Industry

- Matias Zubimendi, 25.11.2020

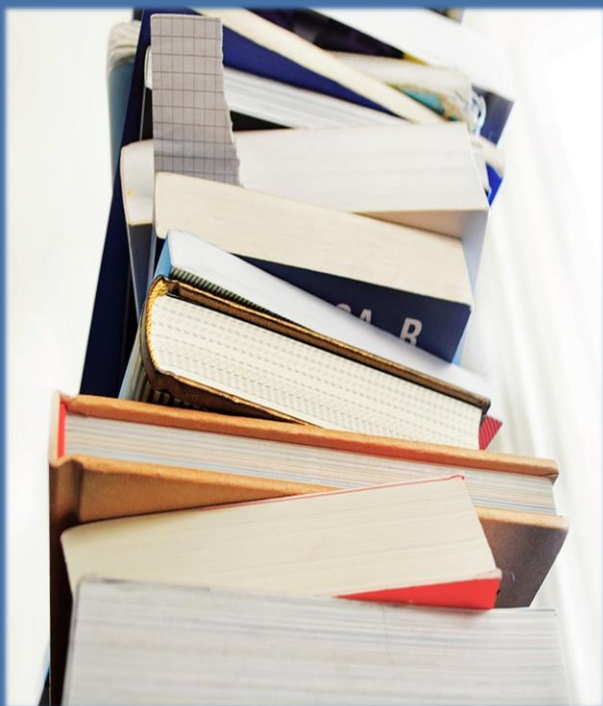


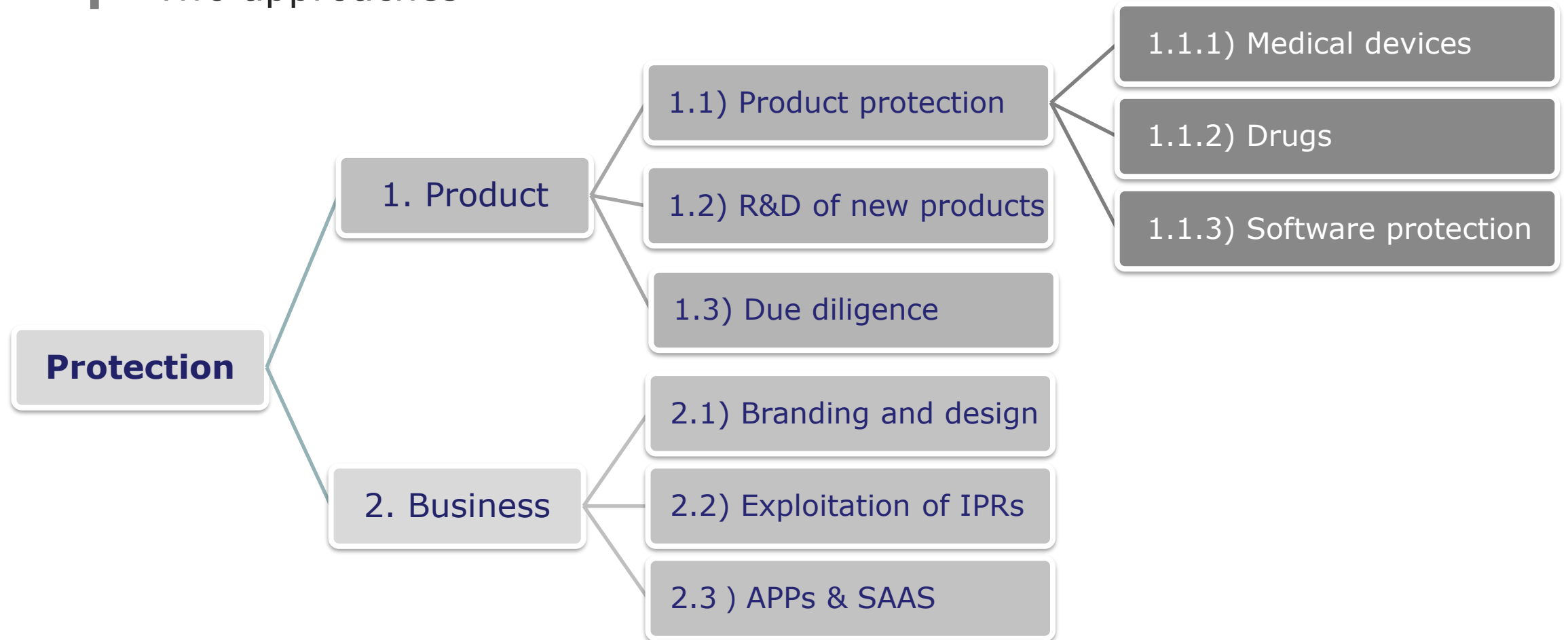
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01

IPR in Medtech Industry

- Two approaches



03

Business Protection

Alternatives for protecting your products:

Trade marks / Design patents / Domain names



Main questions for protecting your business:

- ? How is my company known in China?
- ? Is my company famous in China?
- ? How do my products look like?
- ? How can my clients find me?



Tip: include a Chinese marketing team for taking decisions

04

Trade Marks

-Basics & medical specifics



REGISTRATION

4.1

What is a trade mark?

- Any distinctive sign

4.3

How to start a registration?

- CNIPA
- Madrid system

4.2

Distinctiveness

- Company name
- Product name
- Generic names of drugs
- Product shape

4.4

Trade mark translations

- Phonetical
- Conceptual
- Mixture



Tip: register the trade mark with the Customs

05

Design Patents

– Protect the packaging



5.1

What do design patents protect?

- Aesthetic / Ornamental aspects

5.3

Requirements

- Novelty
- Non-functional

5.2

What is included in the protection?

- Packaging
- Product shape (Exception: innovation patents)

5.4

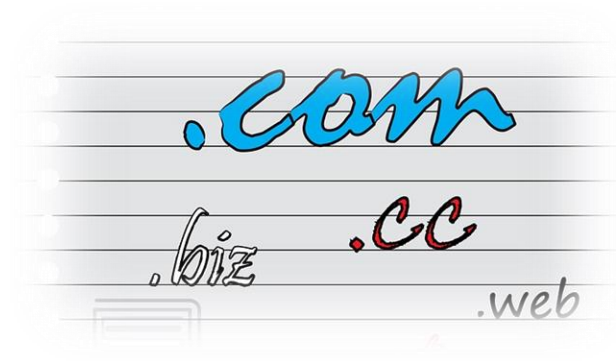
Main differences China - EU

- Term of protection
- Unregistered designs protection
- Limit of designs per application
- Novelty

06

Domain Name

– Protect your company's e-address



6.1

Why is it important to protect the domain name?

- China internet characteristics

6.2

Scams

- How to proceed?

6.3

Dispute resolution methods

- WIPO
- China

6.4

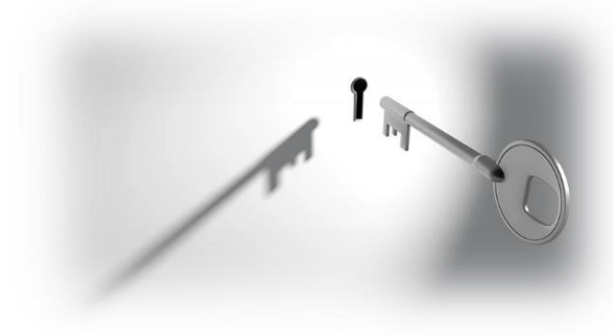
Don't put your trade secrets in danger!

- Be careful with the information uploaded

07

Exploitation of IPRs

– Alternative methods of exploitation



7.1

License

- Principle of territoriality
- Exclusivity
- Extension
- Control
- Be careful: sublicenses

7.2

Franchise

- What is a franchise?
- Quality control
- Due diligence

7.3

Partnerships

- Synergy in R&D
- Be careful: unfair competition

7.4

Conflict resolution alternative

- Enforcement of IPRs
 - People's courts
 - IPR courts
 - Internet Courts
- Avoid litigation
 - Negotiation – Stick vs Carrot

08 | APPs & SAAS

8.1

Software protection - basics

- Copyright
- Innovation patents

8.2

Company apps – your SAAS

- IPRs
 - Trade marks
 - Designs
 - Services
- Exploitation

8.3

Chinese apps

- Corporate profiles
- Social media presence



09 | Takeaway Messages



Business protection

- ✓ Register your trade marks
- ✓ Translate your trade marks
- ✓ Register your designs
- ✓ Protect unregistered designs as trade secrets



Exploitation

- ✓ License your IPRs to non-competitors
- ✓ Negotiate before enforcing your IPRs
- ✓ Choose the fastest enforcement alternative when needed

09 | Takeaway Messages



APPS & SAAS

- ✓ Create your social media profiles when registering your company name
- ✓ Exploit your services
- ✓ Chinese language



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

Questions?

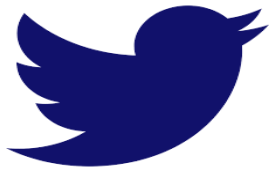
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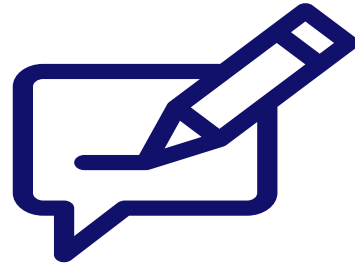
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