China IPR SME Helpdesk

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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.
IP Protection in China’s Digital Economy

By Matias Zubimendi, 18 November 2020
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- Design patents
- Trade marks
- Copyright
- Trade secrets
- Domain names

1.2 Main principles
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- Economy based on electronic goods & services
- Produced by electronic businesses
- Traded through electronic commerce platforms

2.2 Challenges
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- Artificial Intelligence
- Blockchain
- Internet Courts
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- For SMEs

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- Products

3.3 Industrial designs
- Products

3.2 Copyright
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E-Commerce Law (2019)

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- Seller
- E-Commerce platform

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- Notice & take down as a dispute resolution method (art. 42)
- Times to response (art. 44)

4.3 Penalties
- Fines up to RMB 2 million
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- IP Dispute resolution methods

5.1 Surveillance
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- Evidence collection

5.2 Enforce
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- Human and AI cooperation
- AI as the creator

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6.3 Precedents in China
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7.1 Introduction
- How blockchain works?
- Advantages from the legal perspective

7.2 Usages of blockchain for IPR protection
- Collect evidence of infringement
- Trade secret protection
- Trade mark usage proof
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7.3 Legal status in Chinese courts
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Internet Courts

8.1 Introduction
Main characteristics:
• Online
• Fast
• Jurisdictions limited

8.2 Jurisdiction
• E-commerce cases
• Online copyright infringement
• Online service contracts
• Domain names disputes
Takeaway Messages

✓ Register your IPRs in advance
✓ Monitor e-commerce platforms constantly to spot infringements
✓ Get evidence before starting any action
✓ Choose the fastest jurisdiction

✓ Get familiar with the usage of blockchain
✓ Have clear contracts of IP ownership when using AI to offer services
✓ Consider Internet Courts as main jurisdiction