



# IP Protection at Trade Fairs

Lisa Lu 23 May 2024



# 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** <sup>working</sup> *days*

**question@china-iprhelpdesk.eu**

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# Helpdesk Services

Training Workshops & Webinars



One-on-one sessions



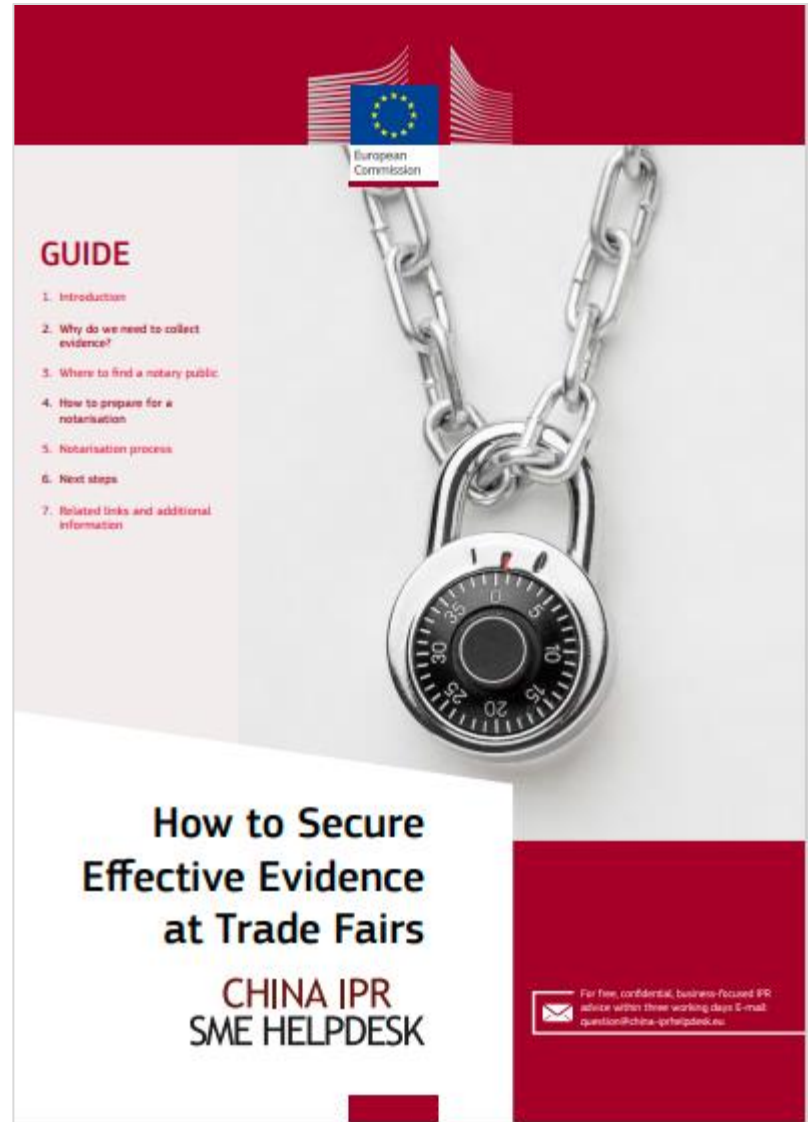
Self-learning materials



Website IP tools & Blog



## FREE OF CHARGE!



# 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



## **Lisa Lu**

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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.





# Table of Contents

- 01 Importance of IP and IP principles in China
- 02 Common issues faced by EU SMEs  
at trade fairs
- 03 Strategy before attending trade fairs
- 04 During trade fairs
- 05 After trade fairs
- 06 Case study
- 07 Take-away Messages

# 01 | Importance of IP in China

- Exclusive right to exploit your IP in China
- IP attracts partners and investors
- IP helps monetising products and ideas
- Taking action against infringements
- Preventing bad faith IP registrations by others



# 01 | IP principles in China



## 02 | Common issues faced by EU SMEs at trade fairs



- Bad faith trademark registration after attending a trade fair in China
- IP infringements spotted during a trade fair
- Loss of novelty for patenting new technologies
- Loss of trade secrets when negotiating with potential clients



Best solution: register and secure IP rights in China  
**before** attending a trade fair

# 03 | Strategy Before Attending Trade Fairs

## 3.1 IP audit

- IP types:
  - ✓ **trademark** (logo, brand)
  - ✓ **patent** (innovation, industrial design)
  - ✓ **copyright** (logo, packaging, banner, brochure, software)
  - ✓ **trade secrets** (unpublic business information)
  - ✓ **GIs, domain names**
- Register your IP in China: trademark, patent, copyright
- Be aware of what you display to avoid loss of novelty
- Prepare NDAs to protect your trade secrets.



The screenshot shows the European Commission IP Helpdesk website. The header includes the European Commission logo and a search bar. The main navigation bar has 'IP Helpdesk' and a dropdown menu with 'Home', 'Services', 'Regional helpdesks', 'IP management and resources', and 'About'. The breadcrumb trail reads 'Home > IP management and resources > IP tools'. The main content area is titled 'IP diagnostic tool' and contains the following text:

The IP Diagnostic tool will help you analyse your level of preparedness and knowledge in IP and identify the relevant aspects on which you may need further information.

This test consists of a questionnaire divided into three categories:

- **IP Protection** – to identify which are the most relevant IP rights to you
- **IP Internationalisation and Commercialisation** – to assess your knowledge on how IP rights can be exploited for your business
- **IP Practice** – to test your general awareness in IP

Once you have completed the questionnaire you will get a personalised report helping you identify the areas in which you should be careful in drafting or adapting your IP strategy when internationalising to a new region.

• [China IP Diagnostic tool](#)

# 03 | Strategy Before Attending Trade Fairs

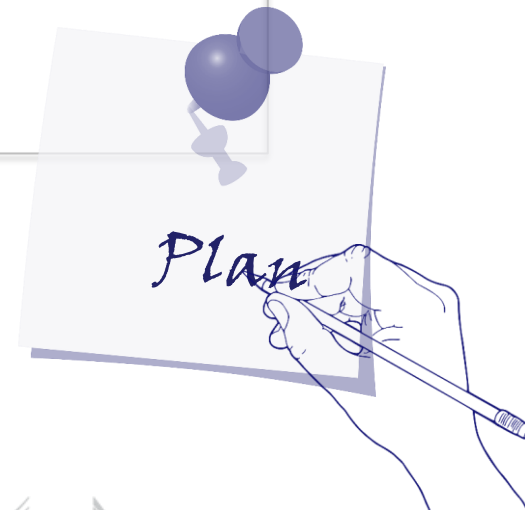
## 3.2 Documents preparation

- Certificate of IP right ownership
- Business license
- Power of Attorney

Check with the trade fairs about the notarisation and legalisation

## 3.3 Knowing about the trade fair

- Carefully read the exhibitor contract
- Know where the IP complaint centre is
- Research the exhibitors



# 04 | During trade fairs

## - Know your rights and options

### 4.1 Onsite visit

- During the set-up phase
- Identify the suspicious companies

### 4.2 Show IP ownership

- IP registered in China
- marking your products with patent numbers, trademark (®) as well as copyright (©) symbols

### 4.3 Evidence collection onsite

- Infringement evidence: photos, contracts, business card, etc.  
*! Notarisation purchase*  
*! Website notarisation*

### 4.4 IP complaint centre

- Visit the IP office
- Complaint with the trade fair when
  - you do not need to conduct further investigation into the infringer, or
  - the infringer is a past infringer
- It is not always the best option
- Consult with an IP expert

# 04

## During trade fairs

### - How to file a complaint at a trade fair in China

Submit the complaint application with evidence

- In some cases there could be both a Chinese and an English version

Discuss your case with the IP officer

Examine the case

- ensure the validity of your IP rights
- whether the documentation provided is complete

IP complaint centre to inform the alleged infringer onsite

Defend period

- The alleged infringer to present their defence within limited period
- Time is valuable

Remedies of the IP rights

- If the infringement is confirmed, the organiser and IP officer will remove or cover the infringed product



# 05

## After trade fairs

### keep investigating or monitoring infringements

#### 5.1

#### Roadmap of enforcement actions

#### 5.2

#### Evidence collection

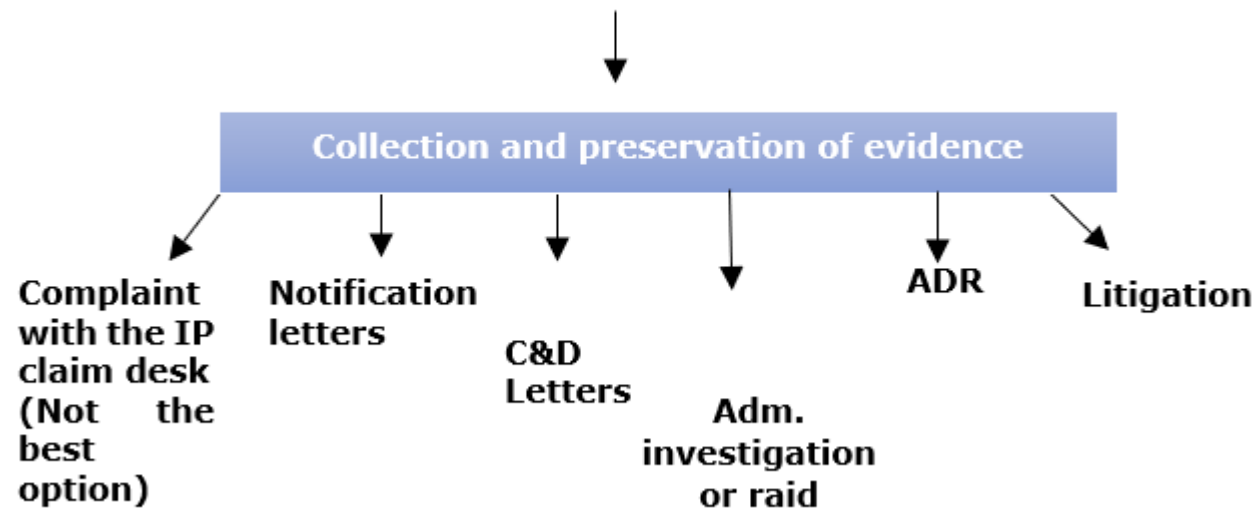
- Ownership
- Use evidence of the owner
- Infringement evidence
- Monitor the infringement

#### 5.3

#### Evidence preservation

- Notarisation
- Blockchain: Internet courts

Finding infringement at the trade fairs





## Case Study 1

# - Attending trade fairs with unregistered invention

## The Background

Spanish SME, a producer of agriculture and farming equipment including tractors, planning to attend a trade fair in Beijing.



**Innovation** New model of a tractor (with millions in developing), new design, new function (lower fuel consumption), engine without invention patent in China.



**Challenge:** Loss of novelty for engine vs loss of business opportunity.



**Chinese law:** absolute novelty requirement for patent; 6 months of trade fair priority for patent.



## Action taken

- IP audit: technologies, designs, brands, etc.
- Logo and trade name: trademark registration
- Product catalogue: copyright registration
- Design of the tractor: design patent
- Engine – trade secrets, not public.
  - Exhibited without the engine.
  - Internal legal training for the staff promoting the tractor and discussing the advantages of the new engine without leaking the details of the technology to maintain patentability.
  - Notarisation of exposure of the tractor



## Outcome

- Showcase the tractor without the loss of novelty of the engine.
- Later obtaining an invention patent for the engine



## Lesson learned

- It is not recommended to participate in a trade fair without prior protection of intellectual property rights.
- Using IP registration and trade secrets to protect technologies.
- The mere exposition of the advantages that a new technology will have does not mean **the loss of the “novelty”** in the matter of patents, as long as the technical solution details are not revealed.
- Early prepare and allow time for designing a **comprehensive IP strategy.**

# 07 | Take-away messages



- ✓ IP is your assets, obtain IP protection before attending trade fairs to avoid loss of rights.
- ✓ Conduct an IP audit, design an IP strategy. For trademark and patent, no registration = no protection.
- ✓ Pay attention to the unregistered IPR and trade secrets during trade fairs.



- ✓ Know where the IP complaint centre is and how to file a complaint.
- ✓ Collection and preservation of evidence of infringement are essential in China.
- ✓ Consider taking enforcement actions after the trade fair.



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

## Stay connected!



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## Questions?

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EVENT FEEDBACK FORM



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We appreciate if you could share your comments with us.