Design Copyright Protection in China

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**COPYRIGHT PROTECTION IN CHINA: A Guide for European SMEs**

**CHINA IP SME HELPDESK**
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
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01 Basics of Copyright Protection in China

Scope of copyright protection

- Creative works: designs, posters, brochures, photographs, drawings, videos, computer software, models, websites, articles.
- Industrial designs: industrial and graphic designs, applied art, architectural building.

Industrial design: patent or copyright protection?

- If your design patent has not been granted in China;
- The design patent is ceased;
- If your design has lost the novelty.
- Register both rights.
Basics of Copyright Protection in China

Why to register copyright?

- Automatic protection *178 countries of Berne Convention*
- Notice and take-down procedures of e-commerce platforms
- Formality examination, fast, cheap
- No need of a lawyer/agent
- Protection terms: 50 years
- Prima facie evidence
- Enforcement requirement
How to Register Copyright with Copyright Protection Centre of China (CPCC)

**User account creation**

**Online application with doc. and info.**

**Submission by mail**

**Certificate issuance**

*Time*  
1 month

*Costs*  
40 Euro for one work
How to register copyright with the CPCC
- Required documents

1. Documents of identification

2. Sample of the works

3. Commitment of the work registration

4. Claims on the ownership of the works

1. Documents of identification

✓ Company: business certificate and the Chinese translation is required.

✓ Individual: scanned copy of the individual passport, the Chinese translation.

✓ IP agency: Power of Attorney.
How to register copyright with the CPCC
- Required information in Chinese

- **Who** created the work?
- **When and where** was the work created?
- **When and where** was the work first published?
- **Why** was the work created?

- **How** was the work created?
  *(creation process, i.e. a brief introduction on how the works were created?)*

- **What** special features does the work have, that make it distinctive from others' works? *(originality and creativity)*
Copyright enforcement actions

- Different options

3.1 Roadmap of enforcement actions

Finding copyright infringement

Collection and preservation of evidence

Notice and take-down procedure
Notification letters
C&D letters
AMR raid
Litigation
Copyright enforcement actions

3.2 Evidence collection
- Ownership: certificate; drafts, sketches and dated copies of your work; first use and publication evidence.
- Use evidence of the owner: sales, marketing, media report, etc.
- Infringement evidence: contracts, photographs of infringing products and proof of sale.

3.3 Evidence preservation
- Notarisation
- Blockchain
03 Copyright enforcement actions

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)
Copyright enforcement actions

3.4 Notice and take-down procedure
- Easy and fast
- Original photos and videos, without the certificate

3.5 Judicial actions
- Statutory damages: RMB 500-5,000,000
- Online copyright infringement: Internet courts
04 Take-away messages

✓ Though copyright is automatically granted, you should register it in China before someone else does.
✓ If your industrial design can not be protected as a patent, you can consider copyright registration.

✓ Keep drafts, sketches and dated copies of your work as proof of copyright.
✓ For online copyright evidence, you can use blockchain to preserve the evidence on your own.

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

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