

Reed Exhibitions

Practical Guide to Intellectual Property Rights Protection

 Reed Exhibitions
励展博览集团

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Practical guide to intellectual property rights protection

In today's competitive business world, companies are investing more in research to develop unique products to set them apart from their competitors. These companies would not reap full benefits of their research and development investments if their Intellectual property (IP) is not protected.

Intellectual Property Rights (IPR) is critical to fostering your innovation. All businesses should be informed of the IPR, regardless of their size or sector. IPR can mean that your brand, invention, design or other kinds of creation, can be legally owned and not copied by your competitors.

As the world's leading events organiser, Reed Exhibition is committed in providing you with information in protecting your innovations as well as providing relevant services onsite at our events to support you to protect your rights.

We are pleased to provide this guide which explains the importance of protecting IPR, the different types of legal protection available in China and measures you can take to protect and manage your IPR. This guide provides comprehensive information to intellectual property protection during the exhibitions we organised and is not intended to be a substitute for Courts of Law.

Reed Exhibitions Greater China

Importance of protecting intellectual property

Intellectual property rights are valuable assets for your business. Knowing your rights will help you to:

- Set your business apart from your competitors by offering customers your unique product designs, technology
- Build a clear brand differentiation
- Sell or licence your innovations in future, hence providing you revenue
- Strengthen your corporate branding in the market

Importance of protecting intellectual property rights when participating in an exhibition in China

When planning participation in any such exhibition, IPR consideration must be an essential part of the preparation.

Regulations and measures issued by Chinese authorities provide a good framework enabling PRC rights holders to react to IPR infringement at exhibitions in a quicker and more effective manner.

However, to fully benefit from the existing IPR protections channels, it is important to be proactive and begin preparing well in advance. Do your homework on China IP, and consider seeking expert advice in drafting a comprehensive strategy best suited to your particular needs.

The basics

The basis of any IPR protection action taken in China is the registration of your rights in the early stages of planning the entry into the Chinese market. The following basic actions provide a firm foundation for a good IP strategy:

Trademarks

- Apply for registration of your trademarks in China. The process takes about two to three years.
- If you have a valid international trademark registration covering China, you must obtain a Chinese confirmation certificate, before IPR enforcement action can be taken. The process takes about three months.
- It is important to note that where a trademark is first used for goods in an international exhibition sponsored or recognized by the Chinese Government, the applicant for the registration of the trademark may enjoy a six month priority right from the date of exhibition of the goods. Written claims for this priority should be made when the trademark is filed in China and evidence of such use submitted within 3 months. Failure to do so, it will negate any priority rights.

Copyrights

- China is a member of the Berne Convention. Any copyright from Berne Convention countries will be automatically protected in China. Check to see if this applies to you. However, before direct IPR enforcement can be based on copyright at exhibitions, a recordal of the copyright is necessary. The process in China takes about one month.

Patents

- Apply for registration of your patents in China. The process for registering a Design Patent takes less than one year, registration of a Utility Patent takes approximately 2 years, and an Invention Patent takes approximately 2-3 years.

IPR protection measures at exhibitions

The PRC "Measures Regarding Intellectual Property Rights Protection at Exhibitions and Trade Fairs" went into effect on March 1, 2006 and cover exhibitions, trade fairs, and conventions operating within the realm of trade and technology. The measures apply to the protection of trademarks, copyrights and patents and provide a framework for handling IPR violations observed during exhibitions.

An important aspect of the Measures is the regulation obligating the organisers of any exhibition that lasts longer than three days to set up an IP Complaints Office is required. This Complaints Office is intended to deal directly with infringements. The Complaints Office staff can obtain samples of suspected infringing goods as evidence on location.

Complaints received by the Office must be passed to the relevant local IP authorities within 24 hours of reporting. The authorities are then required to issue a decision according to the relevant laws and regulations, and promptly bring it to the attention of the parties as well as the exhibition organizers. Cases not finalized during the exhibition can be transferred to the relevant authorities for continued investigation.

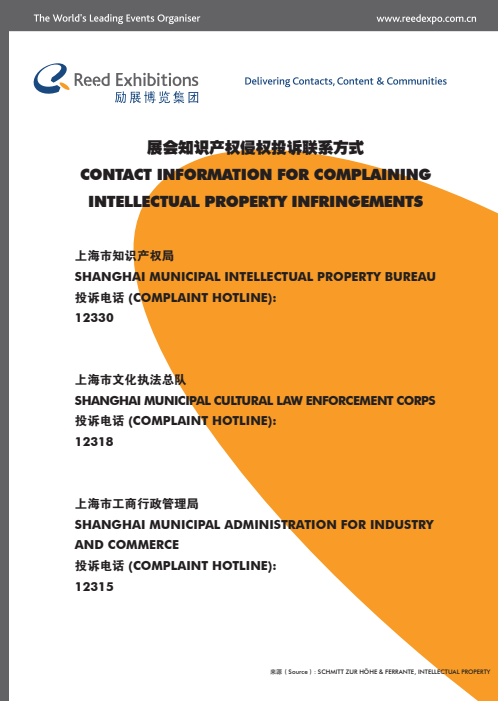
Possible punishment decisions against infringement based on IP complaints can include an order to stop infringing activities, confiscating or destroying the infringing goods and promotional materials, or imposing of fines. Exhibitors that commit infringements twice will be banned from participating in the next exhibition.

Please note that when not personally present at the exhibition, foreign rights holders can entrust a local agent with the submission of complaints.

IPR protection measures taken by Reed exhibitions

Reed Exhibitions is committed in providing you with information in protecting your innovations as well as providing relevant services onsite at our events to support you to protect your rights. At the exhibition, we will take the following measures:

- Dissemination of the Practical Guide to IPR Protection to all exhibitors so that they are informed on IPR matters and who to contact in case of filing for complaints
- Display of IPR notices in the Show Fairground to actively inform all exhibitors and visitors on IPR matters. Steps to handling IP infringement disputes are clearly stated on these posters. IPR notices are printed in English and Chinese languages
- Setting up of the IPR office during the duration of the show to ensure that complaints are addressed quickly



Samples of posters on IPR displayed in the hall

What to do

- STEP 1: On the first day of the exhibition, survey the exhibition to investigate any possible infringements of your products.
- STEP 2: In case of infringement, avoid disputing the situation on your own. Instead, make sure you have the necessary documents (see below) and any documentation attesting the presence of infringement (such as product catalogs belonging to the infringing exhibitor).
- STEP 3: Proceed to the Customer Service Centre of the exhibition

Documents to prepare

In order to take action against IPR infringements found at exhibitions, you should prepare the necessary documentation in advance. Exhibitions are usually short in length, which makes it difficult to supplement any missing documents on the spot.

The following documents are required in order to submit complaints to the Complaints Office at exhibitions:

1. A legitimate and effective certificates of IPR ownership as follows:
 - **Trademark:** copy of any PRC trademark registration certificate or any PRC trademark confirmation certificate confirmed by means of the signature or seal affixed by the complainant and identity certification of the trademark owner (such as a Business Registration Certificate);
 - **Copyright:** effective Copyright recordal notice (ideally PRC), identity certification of the copyright owner
 - **Patent:** PRC patent certificate, text of patent announcement, identity certification of the patent owner, certification on the legal status of the patent
2. The basic information about the parties as suspected to have committed any infringement;
3. The reasons and evidences for any suspected infringement;
4. Where an agent is entrusted to file a complaint, the relevant Power of Attorney shall be submitted.

Please note that foreign rights holders may also be asked to provide official Chinese language versions of the relevant documents. Always have them prepared in advance.

Importantly, notice that if an agent is entrusted to act on behalf of the rights holder, a notarized and legalized Power of Attorney must be provided. The notarization and legalization processes can take several weeks. Take this into consideration when planning and preparing for exhibitions and trade fairs in China.

Who you can contact

As from 2007, representatives of S&F Intellectual Property have been present at many events organized by Reed Exhibitions China Ltd. to advise on intellectual property matters on location. We welcome you to visit the S&F Intellectual Propertybooths and meet our experts.

We also invite you to contact them by email or telephone for all IP matters.

Contacts:

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Other precautions

Apart from preparing for possible action against infringement at the fairs, IPR considerations should also affect the overall design of the exhibitor's exhibition area.

Particularly where new designs and technologies are presented, it is important to be selective in how much is shown, and who it is shown to. Similarly, consider carefully what samples should be given to visitors. At present, it is common to set up enclosed booths, where visitors can be screened and the exhibits are not freely visible to all passers-by.

It is also important to have competent staff, including local experts, present at the exhibition and ready to deal with any arising issues promptly. IPR notices can also be set up around any exhibition areas warning potential infringers of action against them and highlighting rights owned by exhibitors. This notice should be in several languages.