

**EU-CHINA
IPR2**
中国 - 欧盟
知识产权项目二期

The EU-China IPR2 Project: IPRs protection at trade fair in Europe

Awareness Seminar
Frankfurt, 13 February 2010

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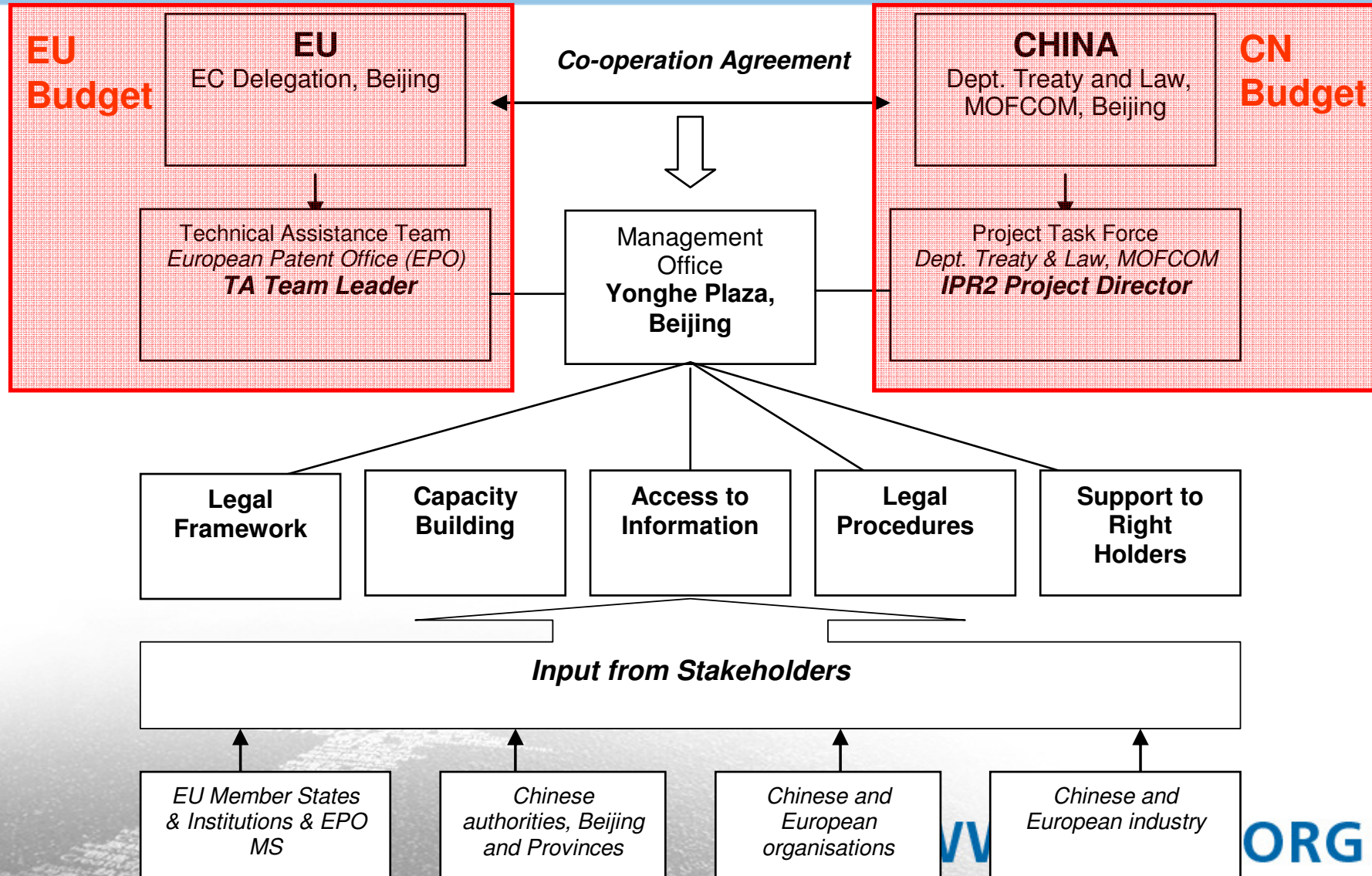
IPR2 Project



1. Management of the Project
2. Objective
3. Activities
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5. IPR Mediation Service - IPR2 Experience in Europe

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Management of the Project



Management of the Project



Executing Authority: MOFCOM (Ministry of Commerce)

Implementing Agency: MOFCOM Department of Treaty and Law

Project Steering Committee PSC (Project supervision, policy guidance, coordination between all institutions and groups involved in the Project)

Technical Assistance Team TAT (Project implementation)

TAT (in Beijing): Team Leader LTE1, LTE2 and LTE3; assistants

ESU (in Munich): Administrator (LTE4), administrative and financial assistants

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Objective



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OBJECTIVE

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Objective



To support China's smooth **integration into the World Trading System** and to contribute to its **transition into a market economy**

To improve the **effectiveness of IPR** enforcement in China through the provision of Technical Assistance to Chinese **legislative, judicial, administrative and enforcement agencies and institutions**, in order to support China's smooth **integration into the World Trading System** and to contribute to its transition into a market economy.

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Activities



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ACTIVITIES

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Core components



I - Legal Framework

Patent Law: Expert consultation in the draft law revision

Copyright Law: Experience and best practices exchanged

Well Known Trademarks: Expert consultation in the draft of judicial interpretation

IP Law Documentation: Compilation and publication of China IP and EU IP law digests

II – Capacity Building

Implementation of IP

Strategy: Awareness and of information on NIP Strategy

IPR Management: Training on IP management strategies

IP & Standards: of IPRs in the area of ICT standardisation

III – Access to Information

Support to the EU-China

Dialogue: Support to the political dialogue

Stakeholder's meeting: Industry consultation

Information management: Setting up bilingual IP data resource collection

IV – Enforcement

Judicial Protection: Dialogue on IP issues between Chinese and foreign IP judges

IP Protection at Trade Fairs: Develop skills and knowledge of officials and industry

Internet Piracy: Substantive, procedural and organisational issues raised by on-line piracy

V – Support to Right Holders

IPR Week: Information on CN and EU IP systems and criminal procedure in China

Document Centre: Pilot facility for record/reference on project deliverables

Roadmaps: IP awareness publication on IP rights

Promotion, communication, visibility: Publications and information initiatives

VI – Trademarks & Designs

Trademark Registration

Procedure: Comparative study of SAIC-CTMO and OHIM trademark operations

IPRs protection at trade



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**IPR MEDIATION SERVICE AT TRADE FAIR:
THE IPR2 EXPERIENCE IN EUROPE**

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Opportunity

- Trade fairs are a platform for business development and promotion

Risks

- Exhibited products, if not duly protected, are at risk of being copied
- If you are accused of infringing a third party's right, you may suffer an intervention without the support of an appropriate defense

IPR Mediation Service -
IPR2 Experience in Europe



China IPR Mediation service

Launched jointly by MOFCOM and European Commission, DG Trade
(2009)

Information and mediation services for Chinese and European
exhibiting companies

Pilot Project at CeBIT 2009

IFA 2009

Schweissen und Schneiden 2009

CeBIT 2010

Others

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IPR Mediation service at trade fair

Main services



- *Informative service*
 - Nature and scope of IPRs in the host country
 - General suggestions
- *Mediation service*
 - neutral stance between parties
 - facilitate attaining an equitable solution

Draft of mediation rules (2009)

IPR Mediation service at trade fair



1. Preliminary information work

- a. Contact with trade fair organizer
- b. Press research work
- c. Information to exhibitors
- d. Contact with enforcement authorities

2. Information service on-site

- a. Information Service on site for Chinese exhibitors
- b. Information service on site for representatives of the Chinese exhibitors

3. Mediation service on-site

- a. co-operation with the enforcement authorities
- b. support to Chinese and European exhibitors

IPR Mediation service at trade fair Mediators' work on the ground



Do

- dispute prevention
- facilitate exchange of information
- earlier recognition of IP rights
- prepare and diffuse informative documents to be distributed among exhibitors
- support to enforcement authorities upon request
- translator's services

Don't

- no power of enforcement
- legal advice
- impose a settlement on the parties
- force the counterpart to take part to the mediation proceeding if he does not wish to do so
- stop or delete filed suits, official proceedings or sanctions once they are already under way
- interfere with the trade fair organization and responsibility towards the exhibitors

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IPR Mediation service at trade fair CeBIT 2009 et al.



Results (more that 40 cases treated)

29 Criminal Compliances

6 Preliminary Measures

6 Information Cases

4 Warning Letters

3 Bailiff Cases

MoU signed in 2010

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IPR Mediation service at trade fair IFA 2009



Results (approx. 40 cases treated)

- preservation of evidence
- paying deposit
- license agreements available
- no infringing product
- parties solved the problem by their own means
- launch of civil lawsuits in Germany
- seizure
- wrong investigation by enforcement authorities
- MoU under discussion

IPR Mediation service at trade fair Schweissen und Schneiden 2009



Mostly information service before and during the trade fair

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IPR Mediation service at trade fair CeBIT 2010



Larger presence of MOFCOM/CCPIT mediators

Progressively reduce support by IPR2, transferring competences to the responsible Chinese authorities, particularly to MOFCOM/CCPIT

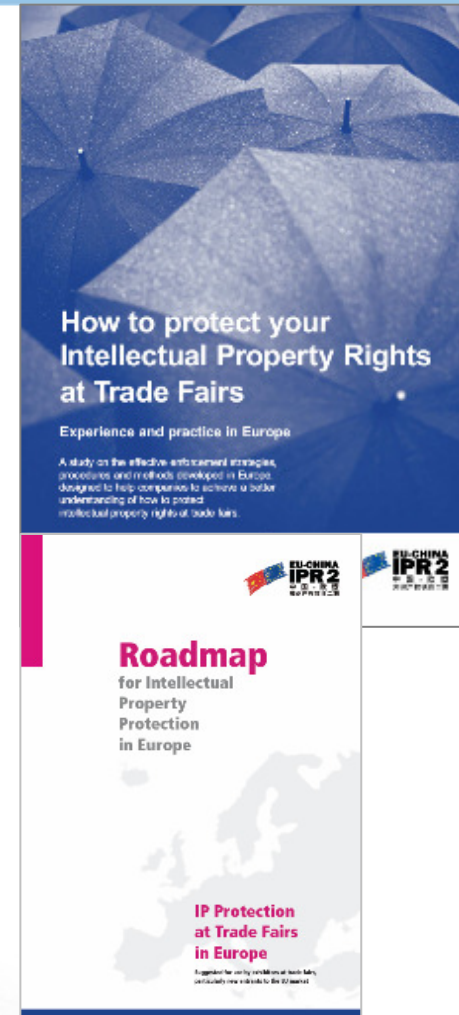
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Enforcement



- **IP Protection at Trade Fairs:** Training of officials and support at trade fairs [**MOFCOM**]
- **IPR Roadmaps:** Continue the series of awareness publications
- **E-learning module**
http://www.ipr2.org/storage/Read_me-web624.pdf

FOR MORE INFORMATION ON THE ENFORCEMENT OF IPR DURING TRADE FAIRS: www.ipr2.org/tradefairs



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**Thank you for
your attention**

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