



# **China IPR SME Helpdesk**

## **IP Protection during COVID-19 Outbreak**

- Matias Zubimendi, 06.16.2020

# Helpdesk free services

## Enquiry Helpline



[question@china-iprhelpdesk.eu](mailto:question@china-iprhelpdesk.eu)

## Training Workshops



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## Guides & Factsheets



CHINA IPR  
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## IP Factsheet: Mainland China

**1. THE FACTS: Business in Mainland China for EU Companies**  
(Source: DG Trade)

**SIZE of Market:**

- EU exports to Mainland China: EUR 173.5 billion
- EU imports from Mainland China: EUR 299.9 billion
- Total trade in goods: EUR 473.4 billion

> Mainland China is the EU's second largest trading partner, after the USA.  
 > The EU is China's largest trading partner.

**Key INDUSTRY SECTORS:**

- > EU exports to Mainland China are dominated by machinery and equipment, motor vehicles, aircraft, and chemicals.
- > Mainland China's key export items to the EU include machinery and equipment, footwear and clothing, furniture and lamps, and toys.

**1 THE FACTS: Business in Mainland China for EU Companies**  
SIZE of Market:  
Key INDUSTRY SECTORS

**2 IPR in Mainland China for SMEs: BACKGROUND**  
Intellectual Property Rights for SMEs: Why is this RELEVANT to you?  
How does Mainland China's IP legal framework compare to INTERNATIONAL STANDARDS?

**3 IP Rights in Mainland China THE BASICS**  
A. Copyright  
B. Patents  
C. Trade Marks  
D. Geographical Indications (GIs)  
E. Trade Secrets

**4 Using CUSTOMS to block counterfeits**

**5 Enforcing your IP**  
Administrative actions  
Civil Litigation  
Criminal Prosecution

**6 RELATED LINKS and Additional Information**

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# Protecting Your Trade Secrets in China

Prevention is the key to protection.

## WHAT EXACTLY CAN BE A TRADE SECRET

**1** is not publicly known

**2** has commercial value

**3** you took measures to keep secret

expressions of ideas

know-hows, manufacturing or design techniques

status of products or services under development

valuable business information, lists, cost and price information

**TRADE SECRETS**

## KEEP IT SECRET, KEEP IT SAFE

It is important to remember that once trade secrets become publicly known, they can no longer be protected as trade secrets.

### DON'T FORGET YOUR EMPLOYEES

Limit access and copying rights to the personnel who actually need it.	Require all employees to sign an employment agreement with strict confidentiality provisions.	Be sure to hold exit-interviews and have them return documents, materials, computers, and files.	Establish an internal management system for trade secrets. Training and clear written guidelines are essential.
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## DEALING WITH THIRD PARTIES

Business dealings or negotiations with third parties, potential partners, suppliers, contractors, licensees, or customers

**monitor** your partners, suppliers or licensees to make sure they are complying with your trade secrets protection policy

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# Speaker's Bio



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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.

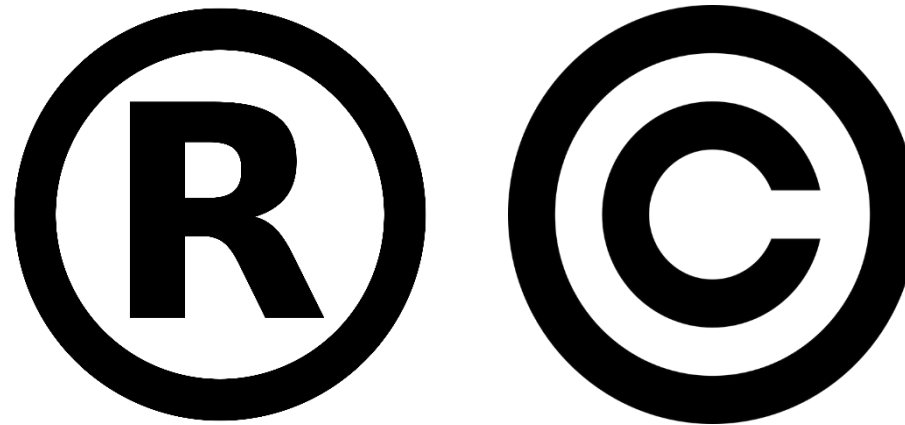
## Intellectual Property Rights

### MAIN INTELLECTUAL PROPERTY RIGHTS

1. INNOVATION PATENTS & UTILITY MODELS
2. DESIGN PATENTS
3. TRADEMARKS
4. COPYRIGHT
5. TRADE SECRETS

### MAIN PRINCIPLES

1. REGISTRATION
2. TERRITORIALITY



## Main Policies Adopted by Governments and Their Consequences for SMEs






- |  |  |
|--|--|
| ① QUARANTINE                                 | ① HOME OFFICE  |
| ② CLOSURE OF BORDERS                         | ② LIMITATIONS TO TRAVEL  |
| ③ CLOSURE OF BUSINESS                        | ③ { IMPOSSIBILITY TO RESEARCH<br>IMPOSSIBILITY TO SELL<br>INCREASE OF E-COMMERCE |
| ④ CLOSURE OF STATE<br>ADMINISTRATIVE OFFICES | ④ IMPOSSIBILITY TO REGISTER /<br>OBTAIN PERMISSIONS                              |

## Main policies adopted by governments for returning to work *- Ten Measures to Support the Resumption of Work and Production*

1. PROMOTION OF ONLINE SERVICES PROVIDED BY NATIONAL AUTHORITIES.
2. SIMPLIFICATION AND STREAMLINE OF REGULAR PROCEDURES.
3. IMMEDIATE ADDRESS OF URGENT ISSUES.
4. REDUCTION OF COSTS AND BURDENS.
5. PROVISION OF TECHNICAL ASSISTANCE AND SUPPORT.
6. SPEED UP INSPECTION AND RELEASE OF IMPORTED PRODUCTION EQUIPMENT AND RAW MATERIALS.
7. PROMOTE THE EXPANSION OF IMPORTS OF AGRICULTURAL PRODUCTS AND FOOD.
8. SUPPORT ENTERPRISES TO EXPAND EXPORTS.
9. SIMPLIFY QUARANTINE APPROVAL OF IMPORTED SPECIAL MEDICAL ARTICLES.
10. HANDLE ADMINISTRATIVE PENALTIES QUICKLY AND EASILY

## CNIPA Policies

### *Notice 350*

-  PRIORITY FOR HEALTH PRODUCTS SUPPLIERS
-  TECHNICAL SUPPORT AND ASSISTANCE
-  FAST-TRACK FOR PATENTS AND TRADE MARKS
-  FINANCIAL SUPPORT
-  RESUMPTION OF WORK – DEADLINES
  - ✓ trade marks
  - ✓ Patents



# Risks for IP

## 1.Quarantine → *Home Office*



OWNERSHIP OF IP



LEAKS OF INFORMATION



COMMUNICATION



## 2.Closure of Borders

 *Limitations to Travel*



BRANCHES AND KEY EMPLOYEES



NEW SERVICE PROVIDERS



HANDBOOK OF EMPLOYEES – PROTOCOL FOR  
IP HANDLE



image from baidu.com

## 3.Closure of Business

→ *Impossibility to Research*

→ *Impossibility to Sell*

### Impossibility to Research

 NON-DISCLOUSE AGREEMENTS

 HIDE PROTOTYPES

 LIMIT ACCESS TO DOCUMENTS

### Impossibility to Sell

 NEW COMPETITORS

 TRADE MARK  
SURVEILLANCE

## 3.Closure of Business

→ *Increase of E-commerce*



BUSINESS OPORTUNITY VS RISK



TRADE MARK PROTECTION



RESEARCH E-RETAILERS



NOTICE AND TAKE DOWN



CUSTOM BORDERS CONTROL



## 4. Closure of State / Administrative Offices

→ *Impossibility to obtain licenses / permissions*



NO IP REGISTRATION



OWNERSHIP CONTRACTS



TRADE SECRETS PROTECTION



# Anticipate IP Investment

## IP Investment

*INVESTMENTS TIPS FOR  
AFTER COVID-19 CRISIS*



IDENTIFY KEY INTANGIBLE ASSETS (FOR EXAMPLE, MOST IMPORTANT TRADE MARKS)



COMBINE REGISTRATIONS (FOR EXAMPLE, MIXED TRADE MARKS)



TRADE SECRET PRIORITY



COPYRIGHT VS TRADE MARKS



# Questions?

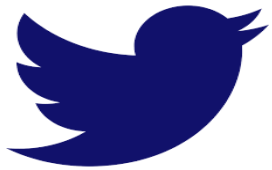
# HELPLINE

*free, fast & confidential*

*3* <sup>working</sup> *days*

*[question@china-iprhelpdesk.eu](mailto:question@china-iprhelpdesk.eu)*

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