

Protecting your Intellectual Property Rights (IPR) in China



As China's World Trade Organization (WTO) accession promises greater market access and a more predictable commercial environment, new entrants will be encouraged to enter China's market. Though companies are finding commercial opportunities in China, there are many potential pitfalls companies should be aware of, including issues related to the protection of intellectual property.

STRATEGIC PROTECTING OF TECHNOLOGY AND INTELLECTUAL ASSETS

Commercializing and marketing of technologies may take years in China and companies aiming to operate in China must at the same time protect their intellectual assets.

Today, it is necessary for every foreign company to develop an effective IPR plan to protect their intellectual assets strategically and enable action against IPR infringements. Strategic IPR protection can be achieved through careful analysis and planning, registering Intellectual Property Right portfolios in China, monitoring infringements and reacting effectively police, administrative or court sanctions.

Strategic Five Steps Approach

Fintrade-Mercer Group has developed a straight forward strategic five step system which is in line with the latest China WTO entry promises as well as the State Council and State Intellectual Property Office promulgated policies towards better IPR protection of foreign IPR in China.

- Step 1** Analyze Portfolio of Intellectual Assets, Recommendation and Legal Advice for Effective IPR protection
- Step 2** Develop Strategic Intellectual Asset Plan for China, Lay a Foundation for Successful IPR Asset Portfolio and Protection against Infringements and Initiate Registrations
- Step 3** Filing of IPR registration in China in Forms of Patent, Utility Model, Design Patent, Copyright or Software, Trade mark and or related registrations Directly at State Intellectual Property Office Headquarters in Beijing
- Step 4** Establish Reporting and Monitoring System for Infringements, Detect Infringements, Carry out Investigations, Collect Evidence and Substantiate Claims
- Step 5** Defend Intellectual Assets by means of Police Sanctions, Administrative Process or Court Proceeding.

Careful consideration should be given to acquiring proper registration and licenses, implementing local IPR enforcement and preparing to deal with infringements in cost effective way since only through careful preparation and strong local reinforcement will protect intellectual assets in China.

Foreign companies should note that clauses for intellectual property assets and ownership of IP rights must be included in every trade contract with Chinese entities as well as NDA documents.



Fintrade-Mercer Group have more than 23 years experience of taking Finnish companies to the China market, incorporating and establishing companies in China as well as preparing investment approvals, localization projects and protecting technologies and intellectual assets of Finnish companies in China.

Fintrade-Mercer Group have been at the forefront of corporate, marketing and branding trends in China and lead the field in integrated China Business Solutions.

IPR Project in China:

The project is including: Legal and advisory work shown in steps 1-5 and Fintrade-Mercer's professional services. Services will be planned more detailed with each company according to their needs.

For further information, please contact Exigo, Nina Eriksson, e-mail: nina.eriksson@exigo-finland.com, tel. +358-40 772 2929.

