



# NEWSLETTER GLAWCAL

Issue, 25 2014

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### *IPRs Regulation: China, Hong Kong and India*

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## IPRs Regulation

### CHINA AND US: NEW OUTLOOKS OF COLLABORATION

**T**he 2014 China's IPR Overseas Exchange event held in Georgetown on 19th of Friday. The Chinese delegates talked about the country's efforts in combating IPR infringement and piracy, enforcement of the legal system, and specifically, on copyright protection, the implementation of the trademark law and the introduction of Geographical Indications (GI), something relatively new in China (like the case of Napa Valley, California. In 2012, it became the first foreign wine region to be granted a GI recognition in China).

Chen Fuli, the IPR attaché at the Chinese embassy in Washington, said “the Chinese government has always put a high emphasis on IPR protection”. According to his opinion, the government had continued to push forward the legislation of a series of IPR laws and pursue relevant reforms in the judicial sector: citing the revision of the trademark law and copyright law, the establishment of new IPR courts in different cities (Beijing, Shanghai and



Guangzhou).

Chen noted that IPR has been a key issue in China-US economic and trade relations and China has placed a high priority on strengthening exchange with the US side on the issue. Mark Cohen, attorney-advisor of the US Patent and Trade Office, expressed that the US side will continue to work with China and strengthen exchanges through the existing bilateral mechanisms.

Finally also the US assistant secretary of state for economic and business affairs, Charles Rivkin highlighted the economic opportunities that exist for the US and Chinese companies while stressing the importance of IPR protection.

Furthermore, during this meeting, the Chinese officials talked about how recent campaigns have hit hard on websites and people committing IPR violations, such as, the Sword Net Action, first launched in 2010 by the National Copyright Administration of China and several other





## IPRs Regulation

### THE 2ND UK-CHINA IP SYMPOSIUM: ON THE ROAD TO ESTABLISH A NEW COLLABORATION

**O**n 1st September, the UK's Intellectual Property Minister, Baroness Neville-Rolfe started his visit in China. The visit aimed to push forward the collaboration between UK and China on intellectual property issues, especially with a focus on the 2nd UK-China IP Symposium.

The Symposium, held in Beijing, brought together more than 150 representatives from UK and Chinese firms and government to address key IP issues of concern to both countries.

The idea is to provide a platform for detailed exchanges between the IP agencies of each country on intellectual property policy, as well as offering businesses an opportunity to build stronger relationships with their international counterparts. Furthermore, they discussed different topics on key aspects of In-



tellectual Property, such as enforcement, trademarks, patents and designs.

At the end of this event, the UK Minister speaking regarding the platform, said that it will be an excellent way “on which to build on the recent progress between the UK and China on improving IP relations; it is also an important part of UK-China cooperation to construct a global IP system that promotes trade, investment and innovation”.

Moreover, the week-long visit aimed to further sign agreements in the areas of copy-





## IPRs Regulation

### WIPO ASKS FOR THE ADOPTION OF COPYRIGHT TREATIES

**T**he director general of the World Intellectual Property Organization (WIPO), Francis Gurry, has urged countries to ratify two new copyright treaties quickly: the Beijing Treaty on Audiovisual Performances and the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled.

He asked for quick ratifications of them to convert their promise into reality.

Moreover, Gurry urged member states to push forward and complete the “ongoing negotiation tracks”: a proposed design law treaty, broadcasting, and traditional knowledge, traditional cultural expressions and IP in relation to genetic resources.

The problem was the slower development of these projects in the past 12 months, therefore all member states have to use the session of the assemblies to try to set concrete schedules of work that will guide the organization towards successful results of all projects.



*WIPO director general urged countries to ratify the two new*



## IPRs Regulation

### CHINA NEEDS MORE FOREIGN EXPERTISES TO ENHANCE IPRs PROTECTION

**A**ccording to the Chinese Premier Li Keqiang, the government will continue to create an open, transparent and predictable institutional environment and enhance protection on intellectual property rights.

In his speech, he said that China needs more foreign expertise, and China has entered into an era of innovation and its economy is at a key stage for upgrading to better quality and efficiency.

It will be a government commitment to provide good service and support to foreign experts working in China, hoping they will bring advanced technology, managerial expertise and their own cultural experience to China.

The Chinese government conferred the Friendship Award to 100 foreign experts from 25 countries this year. This is an annual award issued by the Chinese government to honor outstanding foreign experts in China. The scheme was established in 1991.

*Chinese government supports foreign experts and hopes they will bring advanced technology*





## IPRs Regulation

### FILM COPYRIGHT TRADE: NEW PARTNERSHIP ON ASIAIPEX

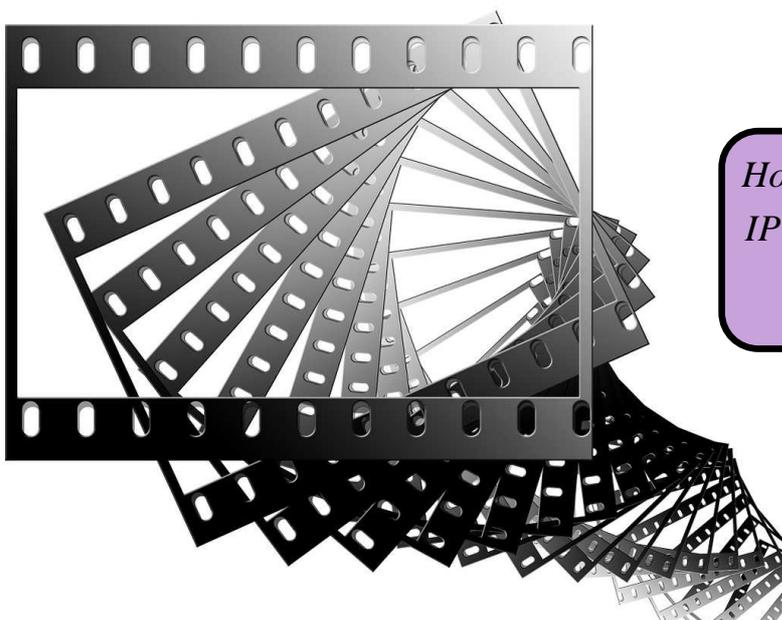
**D**istrify, a distribution platform for filmmakers, distributors, producers and rights holders, which help them find an audience for their film and generate sales, has recently discussed with the Hong Kong Trade Development Council (HKTDC) to pursue a partnership on AsialPEX to create an online platform. This platform will include an online catalogue of films; this project aims to increase the exposure in the Asian markets.

Distrify will soon set up their regional headquarters in Hong Kong in November. The

Chief Executive Officer Andy Green shares that one of the factors that motivated Distrify to choose Hong Kong, indeed, is the city's advantages as Asia's IP trading hub. Hong Kong can be the connection of IP trading between Mainland China and overseas.

According to the HKTDC, the idea of a direct, instant online distribution platform as well as the free system have offered the rights holders additional control over their own products and valuable market research data across global markets.

The potential partnership with Distrify demonstrates the advantage and effectiveness of the AsialPEX being a valuable online IP trading platform and an excellent promotion



*Hong Kong can be the connection of IP trading between Mainland China and overseas.*



## IPRs Regulation

### IPR'S PROGRESS BETWEEN CHINA AND EUROPEAN UNION

**F**

or many years, the issue of protecting IP rights has been one of the biggest problems for foreign companies to overcome when thinking about entering Chinese market. While significant progress has been made in China, some Western countries are still worried about IP protection.

At regard, Alibaba Group Holding Ltd. signed an agreement with the China-Britain Business Council and it has removed millions of knockoffs after receiving complaints.

Other companies are taking similar initiatives, such as ShangPin.com.

Such progress is being hailed by British business circles. In the United Kingdom, laws covering patents, trademarks, copyrights and designs have been formulated to help companies large and small. Working with the British side can improve China's IP protection in the UK as well. An agreement between the UK Copyright Licensing Agency (CLA) and the China Written Works Copyright Society was signed in Beijing. CLA is a nonprofit organization that has authorized many organizations and publications to copy and use copyright works while obtaining fair rewards for rights holders. Now, the agreement will place Chinese written works in the British market, including books, articles in newspapers and magazines and academic papers, under the protection of the CLA.

the protection of the CLA.

Since 2004, China has been working with the European Union. During these meetings, both sides have enabled to share information on multilateral IP issues, tackle shortcomings and find ways to improve, as well as set up a China IP desk to assist European small and medium-sized enterprises in the protection and enforcement of their IP rights in China.

China and the UK launched a program enabling companies to benefit from accelerated patent examinations when making the same application in both countries. This type of cooperation can make it harder for criminals to undermine consumer safety and damage legitimate businesses.

A consistent global IP system is good for business, innovation and society, and cooperation on IP

*China -UK cooperation will advocate consumer safety.*





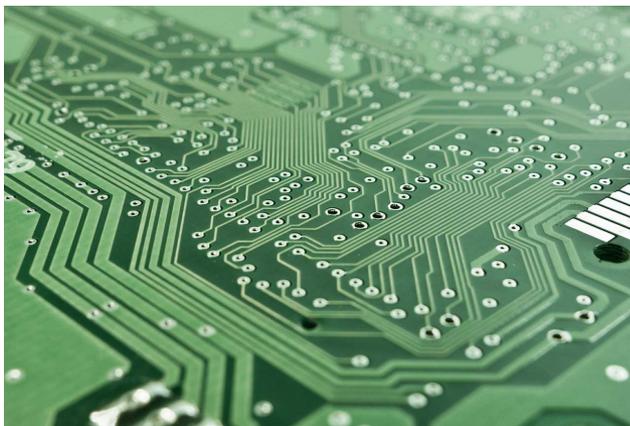
## IPRs Regulation

# OPEN INNOVATION WILL HELP CHINA TO BECOME A DEVELOPED COUNTRY

**D**uring the opening ceremony of an international forum themed "Open Innovation" in Moscow, Chinese Premier Li Keqiang said that all countries need to work together to achieve multiplication of knowledge and value through innovation cooperation, so as to solve development problems and promote common prosperity, because the world calls for innovation in large scale and at a deeper level.

Open innovation includes innovation cooperation not only in the fields of technology, but also in structure and mechanism. Creative and innovative vitality can only be stimulated when technological innovation is combined with structural reform, and only under these circumstances can the world economy recover steadily with a powerful impetus.

China has opened up to the outside world and kept on raising the degree and level of its opening-up, which in return promotes reform and improves competitiveness for the ability to innovate. However, China remains the biggest developing country in the world, and to achieve the goal of becoming a developed country by the middle of the century, Beijing needs to further emancipate minds



and stick to the path of reform and innovation.

China has been devising a mechanism to promote innovation; it will carry on reforming the scientific and technological system and improving the distribution mechanism for scientific achievements. China has been creating an environment that protects innovation: improving its legal system, regulating the market and creating an inclusive environment to attract more innovators, listing China's efforts in protecting intellectual property rights.

Furthermore, it has been supporting its entrepreneurs to innovate technologies and administration among others, developing an innovation-driven economy. On China-Russia ties, Beijing is ready to cooperate with Russia on major strategic projects, deepen people-to-people and local communication, support the cooperation between medium- and

*To become a developed Country,  
China needs to improve its  
innovation abilities*



## IPRs Regulation

### CHINA AIMS TO DOUBLE PATENT APPLICATION IN FIVE YEARS

**C**hina is becoming a superpower of innovation and Beijing has set an agenda to double the number of Chinese patent applications in the next five years. The number of patent applications is expected to reach 14 per 10,000 inhabitants by 2020, compared with six this year and four in 2013.

Improving the country's agricultural technologies, especially in grain production, is a major priority during the period, along with having more globally competitive enterprises with overseas patents.

The announcement comes after the easing of curbs on importing genetically-modified corn from the United States, with the two countries reaching an agreement in trade talks last month that it would lift a



**Made in China**

[www.cctv.com](http://www.cctv.com)

ban on certain varieties of genetically modified organisms, which had been approved by the US but not by China.

The number of Chinese patent applications rose 26.4 per cent in 2013, representing more than 32 per cent of global submissions. In contrast, Japan and Europe posted a decline for the same period.

At this regard, the director general of WIPO, Francis Gurry said China was on a journey to become a "created in China" from "made in China".



## IPRs Regulation

### CHINA PATENT WEEK SERVES INNOVATION DEVELOPMENT



**O**n November 17, the 8th China Patent Week with the theme of meeting the demands of company and serving innovation is held across the nation.

This year's Patent Week is aimed to demonstrate the achievements that IP administrative nationwide made in IP creation, utilization, protection and management. It is also aimed to serve companies' innovation work and create a sound innovative environment by focusing on promotion plan of patent strategy, the implementation of IP standard and improving IP capability of small and medium companies.

The 8th China Patent Week will focus on the following four special events.

The first one is to promote enterprises to enhance IPR management capacity, and it will promote the connection between consulting services and the enterprises, increase the intellectual property management personnel training, and the

implementation of relative national standards.

The second is to help the enterprises to create competitive advantage of intellectual property rights.

The third is to strengthen the utilization of intellectual property rights.

Finally, the fourth is to strengthen IP special services for of small and micro enterprises. The event will make full use of all types of IP public service platform to increase innovation counseling, management consulting, investment and financing, personnel training, technological innovation and other services, and to guide IP services agencies' fully participating in the improvement on IP services of small and medium



*Patent Week aims at creating an innovative environment for*

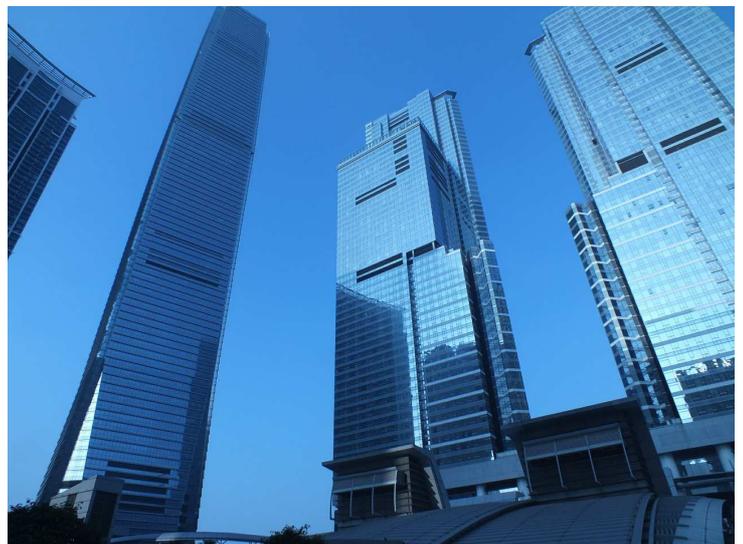
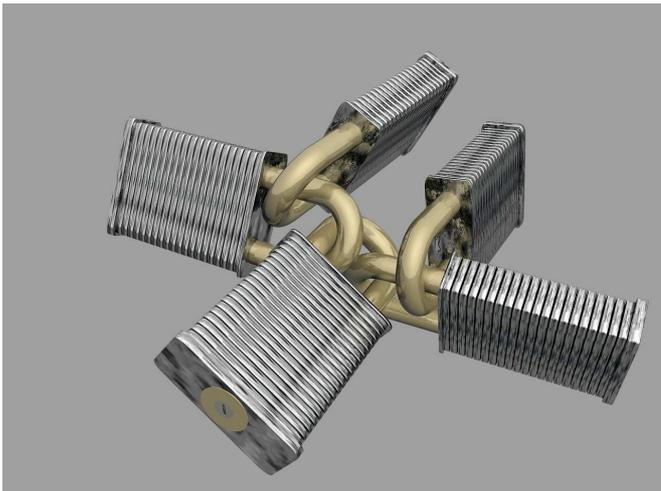
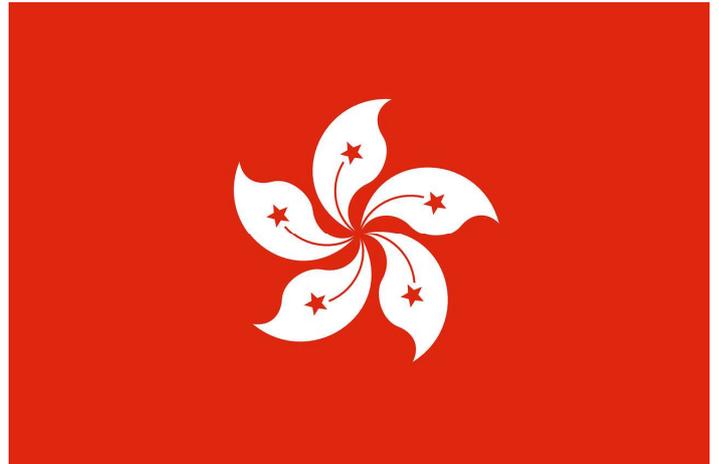


## IPRs Regulation

### HONG KONG FIGHTS AGAINST COUNTERFEITING

**H**ong Kong, the “shopping paradise”, is determined to strengthen its protection of Intellectual Property to keep its reputation.

With the help of strong marketing and growing participation, the campaign “No Fakes Pledge” distinguishes honest and reliable retail merchants, thereby gaining the confidence and trust of consumers. It is said that a number of other governments are drafting similar policies, because the efforts to protect intellectual property, and modernize the patent and trademark system are crucial.





## IPRs Regulation

### HONG KONG LAUNCHES DOMAIN MONITORING SERVICE TO PROTECT ONLINE BRANDS

# H

ong Kong Internet Registration Corporation (HKIRC) has launched the first .hk domain name monitoring service for brand owners.

The domain name is .hk WATCH, which is now open for all brand owners. It monitors ".hk" domain names, yet it does not imply that the search label must be ending with ".hk". By using this method, customers with other Top Level Domains (TLDs) can find out all .hk domain names which are identical, similar or feature common misspellings of their search label (s), also those combining prefix/suffix 'wildcards'.

The .hk WATCH service closely monitors .hk domain names to identify those which are identical, similar or feature common misspellings of a name, trademark or service mark, as well as those combining prefix/ suffix "wildcards" with trademarks, effectively tackling possible attempts of .hk domain names being used for cybersquatting and typosquatting activities.



This service also provides an initial report for subscribers, showing existing .hk domain names which resemble the brand name(s) or mark(s). The search runs daily, checking for newly registered .hk domain name that meets the search criteria. It keeps brand owners updated in a timely manner, alerting them if there is malicious activity.





## IPRs Regulation

### IPO AND EPO FURTHER COOPERATES ON PATENT

**T**he European Patent Office (EPO) and the Intellectual Property Office of India (IPO India) have agreed to renew their co-operation on patents in an effort to support innovation in both regions.

The EPO and the Government of India signed a Memorandum of Understanding on bilateral co-operation establishing a framework for structured work relations between the EPO and the Intellectual Property Office of India for at least four years. The aim is to support the development of the patent system in terms of service delivery and efficiency. Furthermore, the EPO and the Indian IPO also signed the first biennial work plan under the MoU.

Through this agreement Europe and India are reinforcing their efforts to create new opportunities for innovating businesses that will be able to benefit from improved conditions for the protection of intellectual property in India. This will encourage European businesses to take their inventions to the Indian market, whereas higher quality patents are making it easier for Indian inventors to access the European market. Moreover, the agreement also aims to stimulate the promotion of economic development and the transfer of technology between both regions.

*European businesses will be encouraged in investing in the Indian market*

the transfer of technology between both regions.

The EPO has also concluded a co-operation agreement with the Association of European Chambers of Commerce and Industry to promote the European patent system in India and to support technology transfer between Europe and India. The co-operation programme is being implemented through the European Business and Technology Centre (EBTC) which provides a platform for Indo-



European co-operation on clean energy technologies and advises European enterprises on IPR issues in India through its IPR Help Desk.

The EPO also signed a work plan with the

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## GLAWCAL

### GLOBAL LAW INITIATIVES FOR SUSTAINABLE DEVELOPMENT

#### WHO ARE WE

gLAWcal is an independent non-profit research organization (think tank) that aims at providing a new focus on issues related to economic law, globalization and development, namely the relationship between international economy and trade, with special attention to a number of non-trade-related values and concerns.

Through research and policy analysis, gLAWcal sheds a new light on issues such as good governance, human rights, right to water, rights to food, social, economic and cultural rights, labour rights, access to knowledge, public health, social welfare, consumer interests and animal welfare, climate change, energy, environmental protection and sustainable development, product safety, food safety and security.

**All these values are directly affected by the global expansion of world trade and should be upheld to balance the excesses of globalization.**

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