
Appendix 11 Measures for Suspected Infringement of Intellectual Property Rights at the China International Import Expo

1. General Provisions

- 1.1 These Measures are hereby formulated in accordance with the relevant laws and regulations of the People's Republic of China concerning intellectual property, in order to strengthen the protection of intellectual property during the China International Import Expo (hereinafter referred to as the "CIIE"), to maintain order at the exhibition, and to protect the legitimate rights and interests of exhibitors and owners of intellectual property rights (hereinafter referred to as the "IPR").
- 1.2 These Measures apply to complaints regarding suspected acts concerning intellectual property infringements occurring in the exhibition hall during the CIIE, and to the handling of said complaints.
- 1.3 The term "intellectual property" as mentioned in these Measures refers to patent rights, trademark rights, copyrights and other rights conferred in accordance with relevant laws and regulations of the People's Republic of China on intellectual property.

2. Duties and Obligations

- 2.1 In order to protect the legitimate legal rights and interests of exhibitors and intellectual property right owners, the CIIE organizer (hereinafter referred to as "Organizer") performs the following duties:
 - 1) Formulation of measures for handling complaints regarding the suspected acts of intellectual property infringement;
 - 2) Establishment of a Service Center for intellectual property protection and commercial dispute resolution (hereinafter referred to as the "Service Center") during the CIIE, to which relevant experts shall be invited for conciliation and processing of complaints regarding suspected acts of intellectual property infringement, in accordance with the relevant provisions of the CIIE, and to provide relevant intellectual property consultation to the consultant for reference; and
 - 3) Cooperation with administrative IPR departments, etc. for intellectual property protection.
- 2.2 Exhibitors shall sign the exhibition participation contract and perform the following obligations regarding intellectual property protection:
 - 1) Undertake that their exhibits, exhibit packing, booth design, promotional items, other exhibition booth components and other exhibition items (hereinafter collectively referred to as the "Exhibition Items") do not infringe upon the intellectual property rights of others;
 - 2) Make available for reference certificates of intellectual property ownership and relevant certification materials when participating in the CIIE; and
 - 3) Cooperate with the Service Center in the resolution of any complaint regarding suspected infringement of intellectual property that they might be subject to during the CIIE.
- 2.3 In order to preclude suspicion of intellectual property infringement acts, exhibitors are recommended to review the intellectual property status of the items to be exhibited before participation in the CIIE; exhibitors who have not applied for a patent or trademark registration for said items may do so, as required, in accordance with the relevant laws and regulations of the People's Republic of China.
- 2.4 The Service Center may provide consultation services related to IPR, publish and distribute IPR-related guidance, and provide information on Chinese IPR laws and regulations, on the application for IPR, and the safeguarding of IPR, etc. to promote better understanding of the Chinese IPR protection laws and policy environment among exhibitors and buyers.
- 2.5 The Service Center will publish and distribute IPR brochures, carry out various forms of IPR publicity and consultation activities, as well as publicize and disseminate information regarding the measures for the protection of IPR adopted during the CIIE in order to enhance the awareness of exhibitors and buyers regarding IPR protection.

3. Complaint Application

- 3.1 If an intellectual property right owner discovers an Exhibition Items suspected of infringing his/her intellectual property rights on display in the exhibition hall, any complaint to the Service Center must be filed in person; the Service Center will not accept complaints filed by other methods such as telephone or email.

- 3.2 The complainant shall submit the following materials when filing a complaint:
- 1) An Application for Complaint (Annex 1);
 - 2) Copy of the complainant's identity certificate and materials as the main body, which shall be signed and stamped with seal;
 - 3) Evidence of the suspected intellectual property infringement of the Exhibition Items that are complained;
 - 4) Legal and valid certificates of intellectual property ownership, including but not limited to the following: (in the case of patents) letters of patent, patent announcement texts, identity certificate of the patentee, and legal status certification of the patent; (in the case of trademarks) evidence of trademark registration document, and identity certificate of the trademark owner; (in the case of copyright) copyright certificate and identity certificate of the copyright owner; other materials providing evidence of the legal status of intellectual property; and
 - 5) Power of attorney and the identity certificate document of any agent (where an agent is entrusted on the complainant's behalf in order to file a complaint). The power of attorney shall be signed or sealed by the principal, and shall specify the entrusted tasks and the scope of the power of agency.
- The Service Center may also require the complainant to present detection and inspection reports, publicly available documentation (patent documents, textbooks, magazines, etc.) and/or other materials, depending upon the specific conditions of the complaint case.
- 3.3 Where materials submitted by the complainant, such as identity certificates and intellectual property ownership certificates are sourced extraterritorially, the evidence shall be subject to the certification of the notarization authorities of the country concerned and shall be authenticated by the embassy of the People's Republic of China at the said country, or shall be subject to the certification formalities as provided in the relevant treaties concluded between the People's Republic of China and the said country. Where materials submitted by the complainant concerned are sourced from Hong Kong Special Administrative Region (HKSAR), Macao Special Administrative Region (MSAR) and the Taiwan region, the relevant applicable formalities shall also be completed.
- The complainant shall ensure that the materials submitted are genuine, legitimate and valid. Materials in foreign languages shall be submitted together with a Chinese translation thereof, and shall ensure its accuracy as well.
- 3.4 A complaint under any of the following circumstances will not be accepted by the Service Centre:
- 1) Where the complaint of suspected infringement has been submitted to the administrative IPR department, or the complainant has filed a lawsuit in the People's Court, or an application for arbitration has been made to an arbitration institution, and the procedure of these complaints has not yet been completed or concluded;
 - 2) Where the intellectual property is invalid or currently undergoing a request for nullification;
 - 3) Where the intellectual property whose ownership is disputed is currently being mediated or handled by the administrative IPR departments, or subject of a case being heard by the People's Court; or
 - 4) Where the materials submitted by the complainant fail to meet the requirements of Article 10 and Article 11 hereof.

4. Complaint Handling

- 4.1 After accepting the complaint materials that meet the requirements, the Service Center shall promptly notify the respondent, and request the respondent to submit a reply within a twenty-four (24) hour period.
- If the respondent believes that the Exhibition Items subject to the complaint does not constitute infringement, the respondent shall provide the Service Center with legal and valid intellectual property ownership certificate(s) and other evidence of non-infringement; otherwise, the Service Center receives the aforesaid materials, and believes that the respondent does not infringe the intellectual property right, and shall notify the handling results to the complainant; if the respondent cannot submit the aforesaid materials, the respondent shall sign the *Letter of Commitment* (Annex 2) and voluntarily remove said Exhibition Items, thereby discontinuing exhibition for the duration of the CIIE. The *Letter of Commitment* shall be prepared in duplicate, the respondent and Service Center each retaining one copy and the Service Center shall notify the handling results to the complainant.
- 4.2 The Service Center shall give due consideration to the opinions of the complainant and the respondent, and may organize mediation as appropriate; if they reach consensus on mediation, the complainant and the respondent shall sign a memorandum of mediation, which shall be executed in triplicate, with the complainant, the respondent and the Service Center holding one copy each.
- If the respondent fails to provide relevant evidence within the specified reply period, or the materials provided fail to prove non-infringement, and the respondent does not voluntarily remove the Exhibition Items suspected of infringement, the Service Center shall transfer the materials received from the complaint to the relevant administrative IPR departments, to be dealt with in accordance with the law, and inform the complainant accordingly.

- 4.3 Where the respondent violates the *Letter of Commitment* and re-exhibits Exhibition Items suspected of infringement at the current CIIE, the Service Center may advise the CIIE organizer to, in accordance with the terms of the exhibition contract, deal with the situation, or cancel the respondent's exhibition rights to attend the current CIIE.
- 4.4 If the complainant or the respondent refuses to accept the outcome of handling made by the Service Center, or fails to reach mediation under the auspices of the Service Center, the Service Center shall inform the complainant or the respondent of the way and procedures to apply for handling at relevant administrative IPR departments and judicial organs.
- 4.5 The complainant and respondent shall abide by the provisions relevant to maintenance of order at the exhibition. Exhibitors and buyers affecting the order of the exhibition shall be subject to sanction as per the relevant provisions on maintenance of order at the exhibition.
- 4.6 The Service Center shall establish an archival system for complaints, maintain timely records of complaints with the settlement outcomes, and perform statistical analysis thereupon. The relevant information may be passed on to relevant departments based on the requirements of their tasks, so that it can be referred to during the qualification and evaluation of exhibitors for the next CIIE.

5. Supplementary Provisions

- 5.1 These Measures shall be subject to the interpretation of the China International Import Expo Bureau.
- 5.2 These Measures shall be effective from the date of issuance.
Relevant annexes are available for downloading from the official website of the CIIE (<https://www.ciee.org/>).