

## The China IPR SME Helpdesk: Free IP information and support service for EU SMEs

The principle issues surrounding IPR development, protection and enforcement are essential to all aspects of your business. Your IPR strategy should be considered one of the main pillars of your business. A strong IPR strategy and proactive preparation not only helps to prevent IPR-related issues, but may also result in increased revenue as well as more effective and quick enforcement in the case of an infringement.

### What is IPR?

Intellectual Property Rights are legally enforceable rights over the use of inventions or other creative works. They confer a right to exclude others from their use. Securing your IPR will help you to prevent and enforce against infringers profiting from your innovation or brand by passing it off as their own. IP falls into the categories of registrable and non-registrable rights.

Registrable IP rights are territorial, which means they have to be claimed and asserted in each country individually. Registered IP in another country is not automatically valid in China; therefore, it is strongly recommended to register IP assets in the country *before* entering the market.

The best way to prevent IPR-related issues is to use a layered, holistic IPR protection strategy, which includes protection both by registration of your registrable rights and other methods such as contractual protection (confidentiality agreements, etc.) and internal security measures (limited access to certain work areas, etc.).

The main types of IP rights are:

#### **1. Copyrights**

Copyright protection is generally provided for written, oral, musical, dramatic, choreographic, artistic, architectural, photographic, cinematographic, audio-visual, graphic works and computer software. While you do not need to register copyright for protection, you may voluntarily register to prove ownership in China; this can be useful as evidence for enforcing your rights.

#### **2. Trade marks**

A trade mark is a sign or name that serves the specific and primary purpose of identifying the goods or services of a producer, thus allowing the consumers to distinguish goods or services of one producer from those of another. You can register either by filing an application directly at the China Trade mark Office or through the World Intellectual Property Organisation.

#### **3. Patents**

A patent is a set of exclusive rights granted to the inventor of a technical solution of a product for a limited amount of time. In China, invention patents are granted for innovations in the field of technology that are new and inventive over other existing products on the market. China also

provides for utility model patents, which are granted more quickly and require a lesser degree of inventiveness; usefully, invention patent and utility model patents can be applied for simultaneously allowing an invention to benefit from the protection afforded by utility models before the invention patent is granted.

#### 4. Trade Secrets

Nearly all businesses possess trade secrets – a non-registrable form of IP that can ensure your business' advantage over competitors. Precisely because a business does not wish to publicly disclose their trade secrets by registering patents, means a sound internal strategy to prevent them from being accidentally leaked or stolen is essential. If publically divulged, trade secrets enjoy no legal protection. The recipe for Coca-Cola is perhaps the classic example of a well-kept trade secret; had the company patented the formula, it would have become public knowledge as soon as the patent had expired.

The China IPR SME Helpdesk project is co-funded by the European Union and it provides support for European SMEs to both protect and enforce their IPR in or relating to China. It offers free information and services in the form of jargon-free, first-line, confidential advice on intellectual property and related business issues.

#### *The Helpdesk's free services include:*

##### **Helpdesk Enquiry Service – Confidential Advice**

Individual SMEs and SME intermediaries can submit IP enquiries directly to the Helpdesk via phone, email or in person, getting access to a panel of experts to receive free and confidential first-line advice.

##### **Training**

The Helpdesk arranges training on China IP protection and enforcement across Europe and China, tailored to the needs of businesses, including:

- General IP issues, including IP registration.
- Practical business challenges such as attending a trade fair and licensing.
- Helpdesk IP Clinics offering businesses free 20 minute one-on-one consultations with an IP expert.

##### **Materials**

Industry and business-focused guides and training materials address China country IPR issues by:

- **IP topic**, including patents, trademarks, copyrights and licensing.
- **Business focus**, including IP as a business asset and technology transfer.
- **Specific sector**, including textiles, medical devices and clean technology.

# CHINA IPR SME HELPDESK



## Online Services

The multi-lingual online portal provides easy access for all EU SMEs to Helpdesk information and services, including Helpdesk guides, E-learning modules, videos, event information and live webinars.

The China IPR SME Helpdesk is on hand to provide free, practical advice to your business no matter which stage of operations you are at, and always remember, 'Know Before You Go'.

**Please include the attached by-line after the article:**

# CHINA IPR SME HELPDESK



The **China IPR SME Helpdesk** supports small and medium sized enterprises (SMEs) from European Union (EU) member states to protect and enforce their Intellectual Property Rights (IPR) in or relating to China, Hong Kong, Macao and Taiwan, through the provision of **free information and services**. The Helpdesk provides jargon-free, first-line, confidential advice on intellectual property and related issues, along with training events, materials and online resources. Individual SMEs and SME intermediaries can submit their IPR queries via email ([question@china-iprhelpdesk.eu](mailto:question@china-iprhelpdesk.eu)) and gain access to a panel of experts, in order to receive **free and confidential first-line advice within 3 working days**.

The China IPR SME Helpdesk is an initiative by the European Union

To learn more about the China IPR SME Helpdesk and any aspect of intellectual property rights in China, please visit our online portal at <http://www.ipr-hub.eu/>.