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CNIPA Puts Exhibitions on Notice About IP Infringement

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To further standardize the administration of intellectual property (IP) protection at exhibitions, the China National Intellectual Property Administration (CNIPA) issued Guidelines for IP Protection at Exhibitions (the Guidelines) on July 20, 2022. The Guidelines apply to IP protection at online and in-person economic and technological trade fairs, exhibitions, and similar events in China.

The Guidelines consist of 22 articles in four sections. The first section covers general issues such as application scope and principle. The second to fourth sections specify the IP protection measures before, during, and after exhibitions. Compared with the Measures for IP Protection at Exhibitions that were implemented in China on March 1, 2006, the Guidelines include more detailed and operable provisions, particularly the provisions highlighted here:

1. The application scope of the Guidelines covers not only in-person exhibitions but also online ones;
2. Such necessary clauses as the commitment of voluntary compliance with IP protection rules and non-infringement, explicit indication of the IP rights associated with the displayed items, and cooperation with the inspections shall be stipulated in the exhibition participation contracts;
3. Workstations shall be set up if necessary, and their responsibility range includes providing preliminary judgment on the infringement complaint, coordinating with the exhibition organizers to deal with the potential infringement, and transferring the complaint materials to the local IP administrative organs or the relevant enforcement organs, etc.;
4. The information on IP complaint channels and methods shall be published at the exhibitions;
5. If the respondent fails to file written counterstatements and evidence without justified reasons within 24 hours after receiving the complaint notification, the infringement fact has been affirmed by effective legal instruments, or the respondent confesses the infringement, the workstation shall coordinate with the exhibition organizer to take immediate measures, including but not limited to removing the infringing booth from the exhibition, covering and deleting the infringing information, blocking and disconnecting

network links; and

6. In addition to recording the infringement of the exhibition participants, any malicious complaint act should be recorded by the exhibition organizers.

Generally, exhibitions are held for short periods and in specific places. Once IP infringement occurs, an exhibition may face many difficulties in stopping the infringement promptly. The workstations at exhibitions and the application of the Guidelines are undoubtedly very significant in providing urgent remedies, though perhaps only efficient in clear-cut cases.