

**SOUTH-EAST ASIA
IP SME HELPDESK**

SPEAKER ONBOARDING



HOW TO PROTECT YOUR IP AT TRADE FAIRS INTERNATIONALLY?

Discover your IP rights to shield your business assets

The Event Will Be Held On:



Tuesday
20 June, 2023



10:00 (CEST) /
15:00 (ICT)



Via
ZOOM



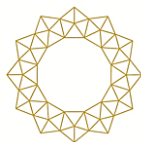
Welcome to the Webinar

Moderator:

Mr. Benoît Tardy

IP Business Advisor

South-East Asia IP SME Helpdesk



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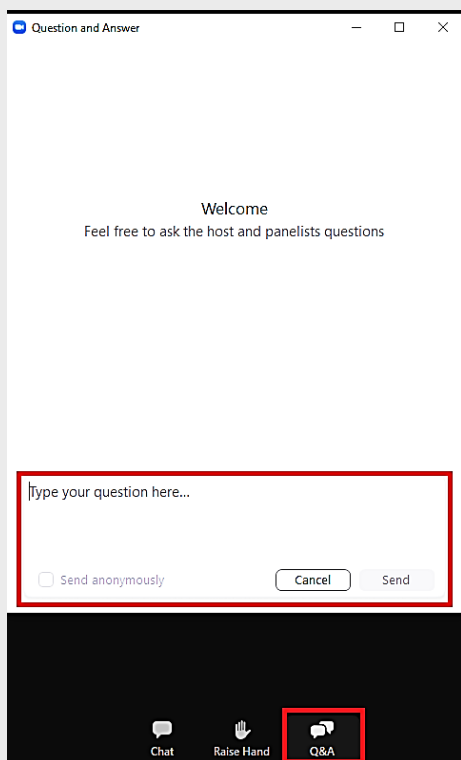
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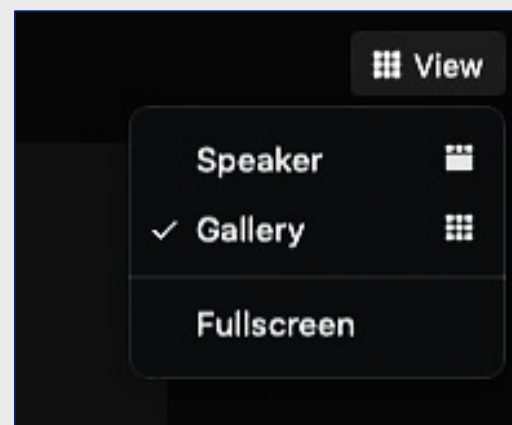


How to use the Zoom Panel?

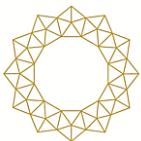
- Participants' microphone will be muted during the live session.
- It is recommended to switch to Gallery View (Click View in the top-right corner, and then select Gallery).
- In case there is any internet disruption, please be patient and try to join the Zoom link again.



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Speakers



Enrique Fontes
Legal Advisor

**European Major Exhibition
Centres Association
(EMECA)**



Girish Somwarpet Nagraj
IP Expert

**India
IP SME Helpdesk**



César Elvira Fernández
IP Expert

**Latin America
IP SME Helpdesk**



Lisa Lu
IP Expert

**China
IP SME Helpdesk**

Agenda (CEST)

TIME	OVERVIEW	SPEAKER(S)/ MODERATOR
10:00 – 10:10	Introduction to International IP SME Helpdesks (10mins)	- Benoît Tardy, SEA IP SME Helpdesk.
10:10 – 10:20	Opening remark: What is IP and why it's important at trade fairs internationally? (10 mins)	- Enrique Fontes, European Major Exhibition Centres Association (EMECA)
10:20 – 10:30	Basic IP strategy before attending trade fairs in the target markets (10 mins)	- Girish Somwarpet Nagraj, India IP SME Helpdesk
10:30 – 10:40	IP concerns when attending trade fairs in the target markets (10 mins)	- Cesar Elvira Fernandez, Latin America IP SME Helpdesk
10:40 – 10:50	What to do in case of infringement in the target markets? (10 mins)	- Lisa Lu, China IP SME Helpdesk
10:50 – 11:00	Case study (10 mins)	- Benoît Tardy, SEA IP SME Helpdesk.
11:00 – 11:25	Take away messages and Q&A (10 mins)	- All Speakers
11:25	Closing remarks	- Benoît Tardy, SEA IP SME Helpdesk.

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Regional helpdesks

- Africa IP SME Helpdesk**
A first-line IP assistance service for European SMEs that operate or intend to access the African market and look to improve their global competitiveness.
- China IP SME Helpdesk**
A first-line IP assistance service for European SMEs that operate or intend to access the China market and that aim to improve their global...
- European IP Helpdesk**
A first-line intellectual property (IP) service providing free-of-charge support to help European SMEs and beneficiaries of EU-funded research...
- India IP SME Helpdesk**
A first-line IP assistance service for European/COSME SMEs that operate or intend to access the Indian market to improve their...
- Latin America IP SME Helpdesk**
A first-line IP assistance service for European/COSME SMEs that operate or intend to access the Latin America market and that aim...
- South-East Asia IP SME Helpdesk**
A first-line IP assistance service for European SMEs that operate or intend to access the South-East Asia market and that aim to improve their global

Training Workshops



Guides and Factsheets



Website of the Regional IP Helpdesks:

www.ec.europa.eu/ip-helpdesk



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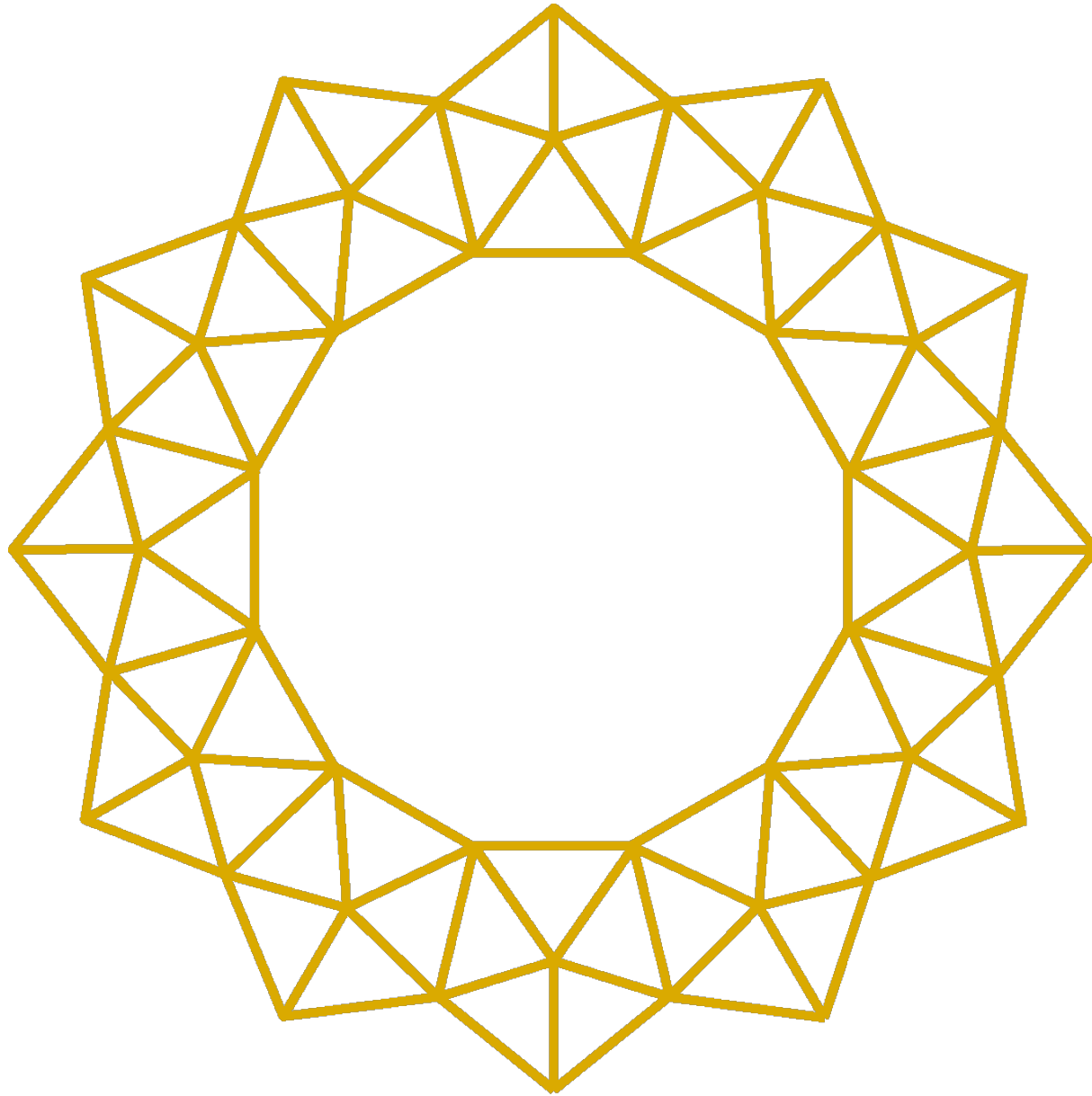
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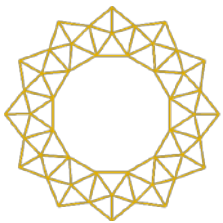
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Enrique Fontes

**WHAT IS IP AND WHY IT IS
IMPORTANT AT TRADE FAIRS
INTERNATIONAL?**

Webinar
South Asia IP Help Desk

20 June 2023

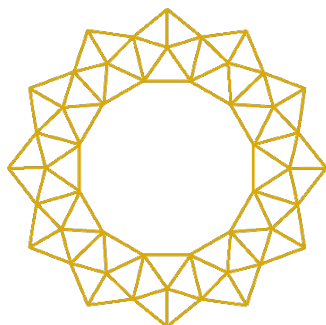


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ENRIQUE FONTES – IP AND ITS IMPORTANCE AT TRADE FAIRS

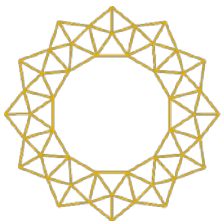
The intellectual property legal framework

- > **Modern and dynamic**, updated legal system, attentive to the latest technologies
- > **IPR** is an instrument that allows to **protect any of the intangible assets** of a person or of a company
- > **IPR** helps protect immaterial creations by giving its creator an **exclusive right** to it



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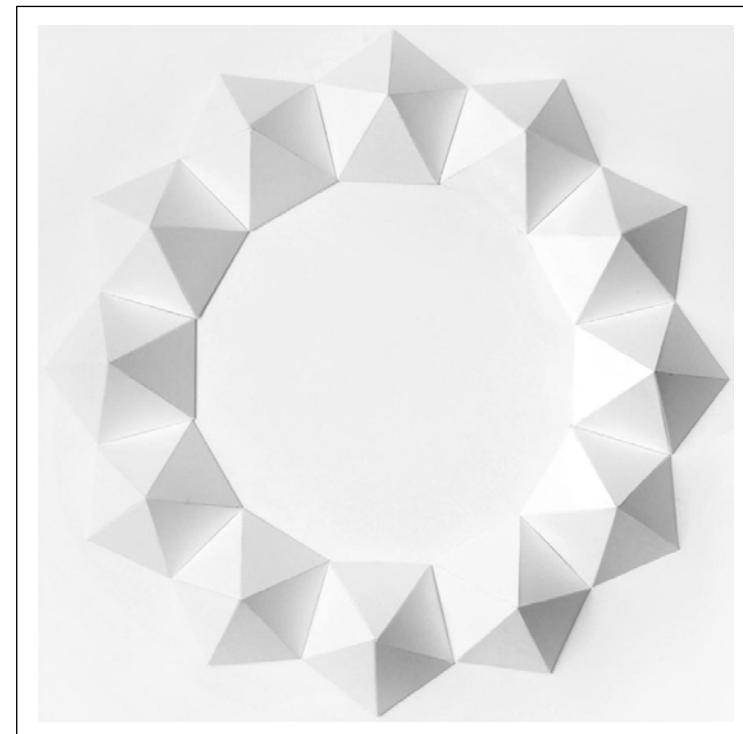


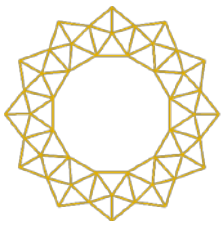
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ENRIQUE FONTES – IP AND ITS IMPORTANCE AT TRADE FAIRS

What is Intellectual Property?

- > The product of the mental effort of a person
- > **Knowledge, know-how and the ability to innovation** can be the most valuable assets of a company



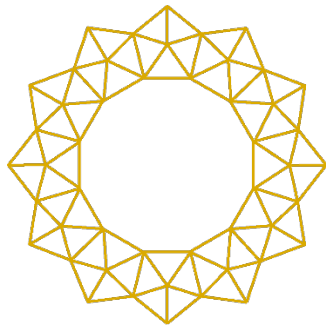


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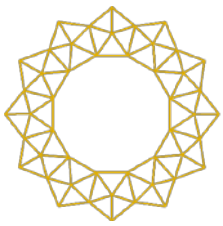
Why is it important to protect IP?

- > IP holder can capture the return of its investment and effort
- > Prevent others from benefiting of your efforts
- > Discourage potential offenders
- > Increase competitiveness
- > Achieve a leadership position within their productive sector



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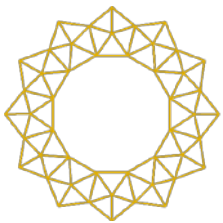




ENRIQUE FONTES – IP AND ITS IMPORTANCE AT TRADE FAIRS

Why is IP important at Trade Fairs Internationally?

- > IPR are specific to each country and limited to its territory
- > The **Paris Union Agreement of 1883**, in its article 4 already contemplated the **Union priority right**
- > Trade Fair exhibitions are a **privileged channel for the presentation of novelties and for the achievement of commercial agreements**
- > At the same time, appropriate places for third parties to take advantage of the creative effort of others (**piracy and counterfeiting**)
- > **For this reason, the Paris Union Agreement of 1883**, in addition to the Union Priority Right, contemplates in its article 11 **the right of priority for exhibition at fairs**, which grants those who had presented novelties at officially recognized International Fairs, a temporary protection of 6 months



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ENRIQUE FONTES – IP AND ITS IMPORTANCE AT TRADE FAIRS

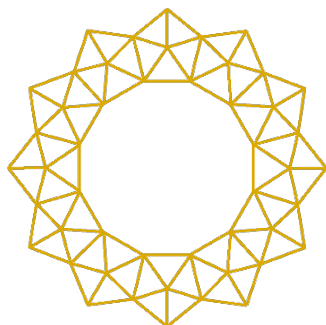
Type of Exhibitions in which the right of priority for exhibition is applied:

Official: organized by the State or by a public entity

Officially recognized: not organized by the state but recognized by this

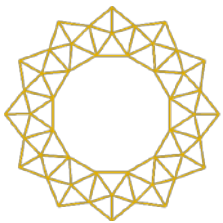
International: Objectively verified compliance, either by a company specialized in audits, either by the UFI, of one of the following conditions:

- > That the number of direct foreign exhibitors is at least 10% of the total number of direct exhibitors
- > That foreign visitors do not represent less than 5% of the total number of visitors



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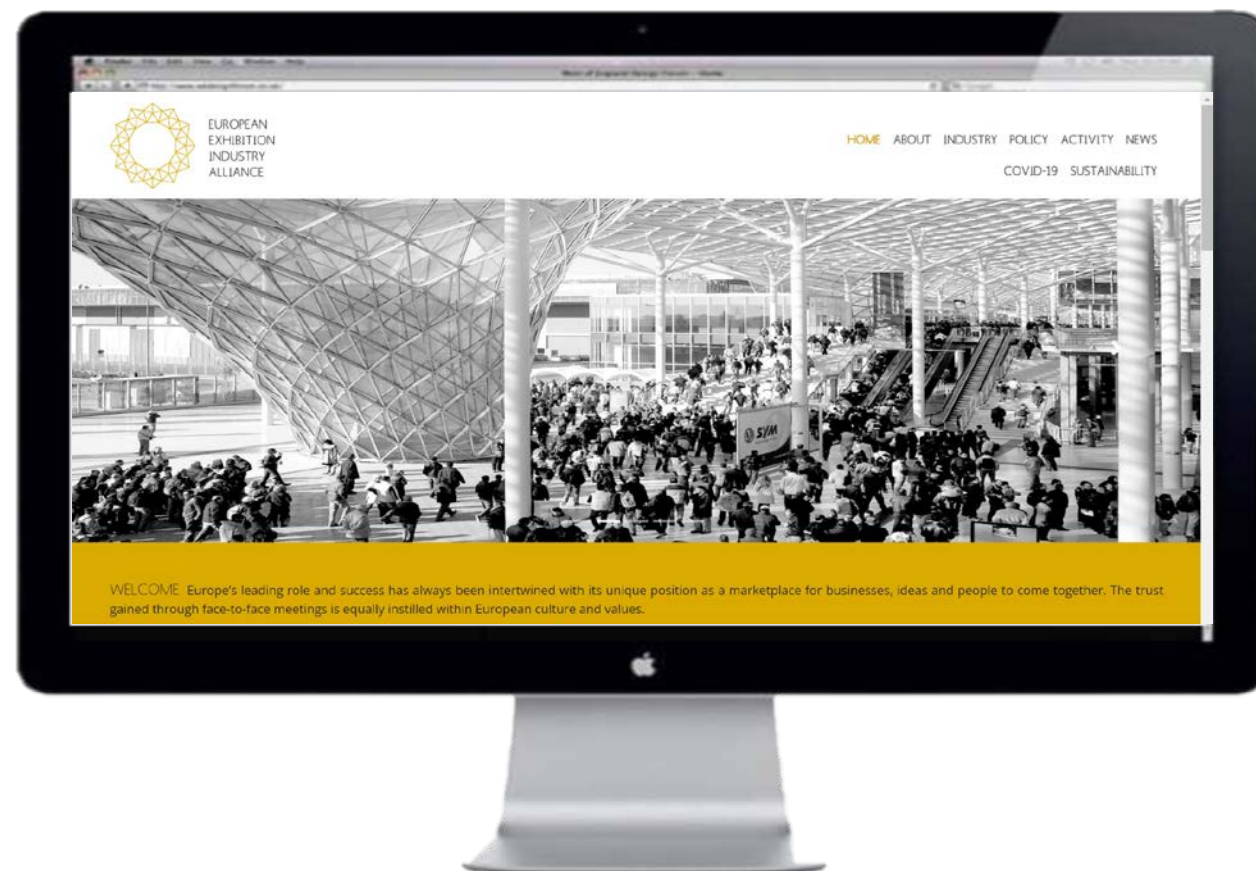


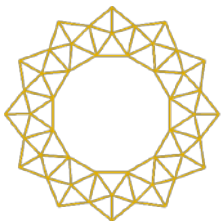


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Q & A: THE FLOOR IS YOURS...

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THANK YOU!

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Basic IP strategy before attending trade fairs in the target markets

Name: Girish Somawarpet Nagraj

Position: IP Business Advisor

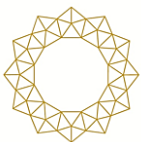
Helpdesk: India IP SME Helpdesk

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IP STRATEGY

- Conduct an IP audit & review your IP rights (registered or not).
- Does the trade fair have an IP Office ?
- Prepare and have certification of ownership documents (in respective languages).
- Once you disclose your invention make sure to register it within 6-12 months.
- It is always good to be prepared and consult a local notary / lawyer familiar with workings in the respective geographical trade fairs.

©	This shall be combined with the year of creation or publication and name of the author to assert copyright ownership in works such as brochures, websites, software, pictures, music, etc.
TM	If you have applied for a trade mark but it is not yet registered or even if you have not applied but are using the trade mark, the TM abbreviation can be used to assert your trade mark.
®	This symbol can only be used for registered trade marks. It can be a criminal offence to use this symbol if the trade mark is not registered (prosecutions are however very rare).
Patent Pending	If the patent application has been made but has not yet been granted, this phrase can be used.
Patented or Patent No.	Once the patent is granted, usually the patent number and jurisdiction are used to show where the patent has been issued.



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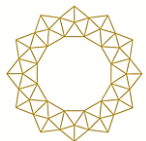
Brief Overview in the target markets

Patent [20 years]

- 6-12 months from first filing or publication, depending on each country. DISPLAYING can constitute PUBLICATION.
- PCT (157 contracting states) -> check joint Helpdesk guide
- {India} Compliance with section 8 - “furnishing details of corresponding applications filed outside of India” & annual statement of working (SOW).

Copyright

- Local registration not mandatory but advised (not possible in HK, Macao, Brunei and Singapore).
- Registration procedure is usually faster and cheaper than for other IPRs.



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Brief Overview in the target markets

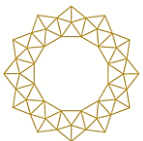
Design [10 to 25 years]

International route via the Hague System (79 contracting Parties)

- No international route for Hong Kong / Macao and India
- {Latin America} International route for 2 countries (Brazil, Mexico).
- {SEA} International route for 4 countries (Brunei, Cambodia, Singapore and Vietnam).

Trademark [10 years renewable]

- International route via the Madrid System (130 countries)
- > Check joint Helpdesk guide
- Careful with the use of your trademark



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IP concerns when attending trade fairs in the target markets

Name: César Elvira Fernández

Position: IP Expert

Helpdesk: Latin America IP SME Helpdesk

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IP concerns when attending trade fairs

I came here to show my new products: am I safe?

- Preserving the novelty against harmful disclosures (pitch, live sessions, social media,...)

I got my IP protected, I think...

I'll meet a potential partner/distributor

- Keep your eyes open!

They copied me! What should I do now?

- Evidence gathering



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Enforcement actions against the infringement during trade fairs

Name: Lisa Lu

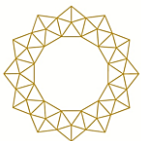
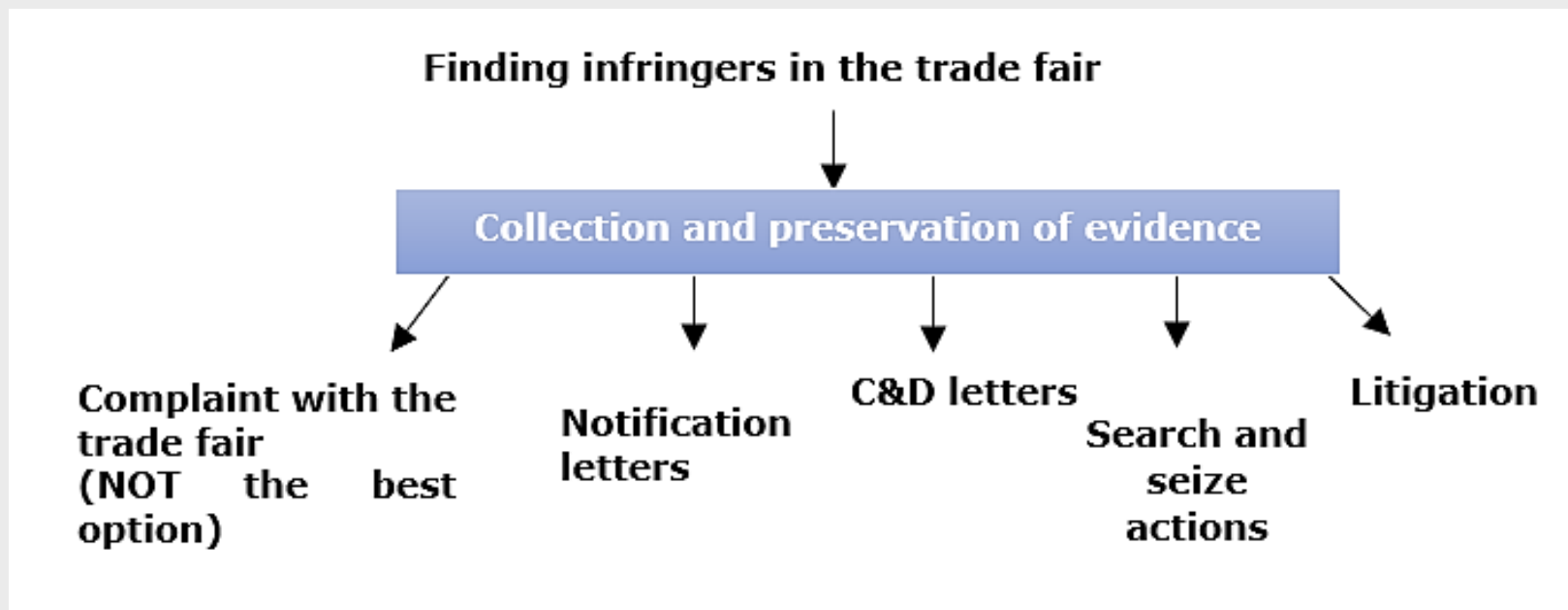
Position: IP Business Advisor

Helpdesk: China IP SME Helpdesk

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Enforcement actions

- IP claim desks are not available in some trade fairs in SEA & India
- Obtain evidence at the trade fair and investigate the exhibitor after the trade fair
- Preparing your registration certificates



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Evidence

Burden of proof: Plaintiff (owner of the right)

Registration certificates

Infringement evidence

- China: notarised evidence, registration certificates in Chinese
- Latin America: notarised evidence + check country specificities
- SEA: notarised evidence (Vietnam, Indonesia) + check country specificities
- India: abroad evidence to be notarised



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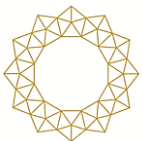
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Proceedings

- Enforcement remains a strictly domestic matter (territoriality).
- Seek the advice of a local IP lawyer.
- Contact the corresponding Helpdesk and check the available publications online.



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Case Study

Name: Benoît Tardy

Position: IP Business Advisor

Helpdesk: South-East Asia IP SME Helpdesk

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Case Study

1) Background

- European SME with innovative machinery/equipment selling in SEA, India and Latin America;
- Trade Fair in Bangkok – F&B industry;
- Copycat booth of a Chinese company (identical design of machines, similar brand, even same flyers and brochures)...ex interested customer.

2) Action given

- Investigate (booth info) & collect evidence at TF (notarised elements);
- Check IP protection status for the target countries (ID & TM registered in Thailand);
- Contact urgently a local lawyer for C&D letter.



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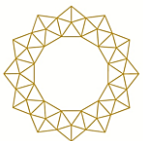
Case Study

3) Action taken

- Support of local public notary to collect tangible evidence.
- Support of local lawyer to prepare/send C&D letter.
- Support of TF organizer to obtain removal of visible infringing elements.

4) Lessons learnt

- Do not share valuable information even to potential customers.
- Protect your IPRs where you have customers and local partners.
- React promptly, seek for local support and proactively negotiate with third parties in case of infringement (or alleged infringement).



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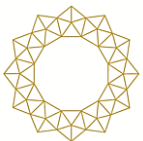
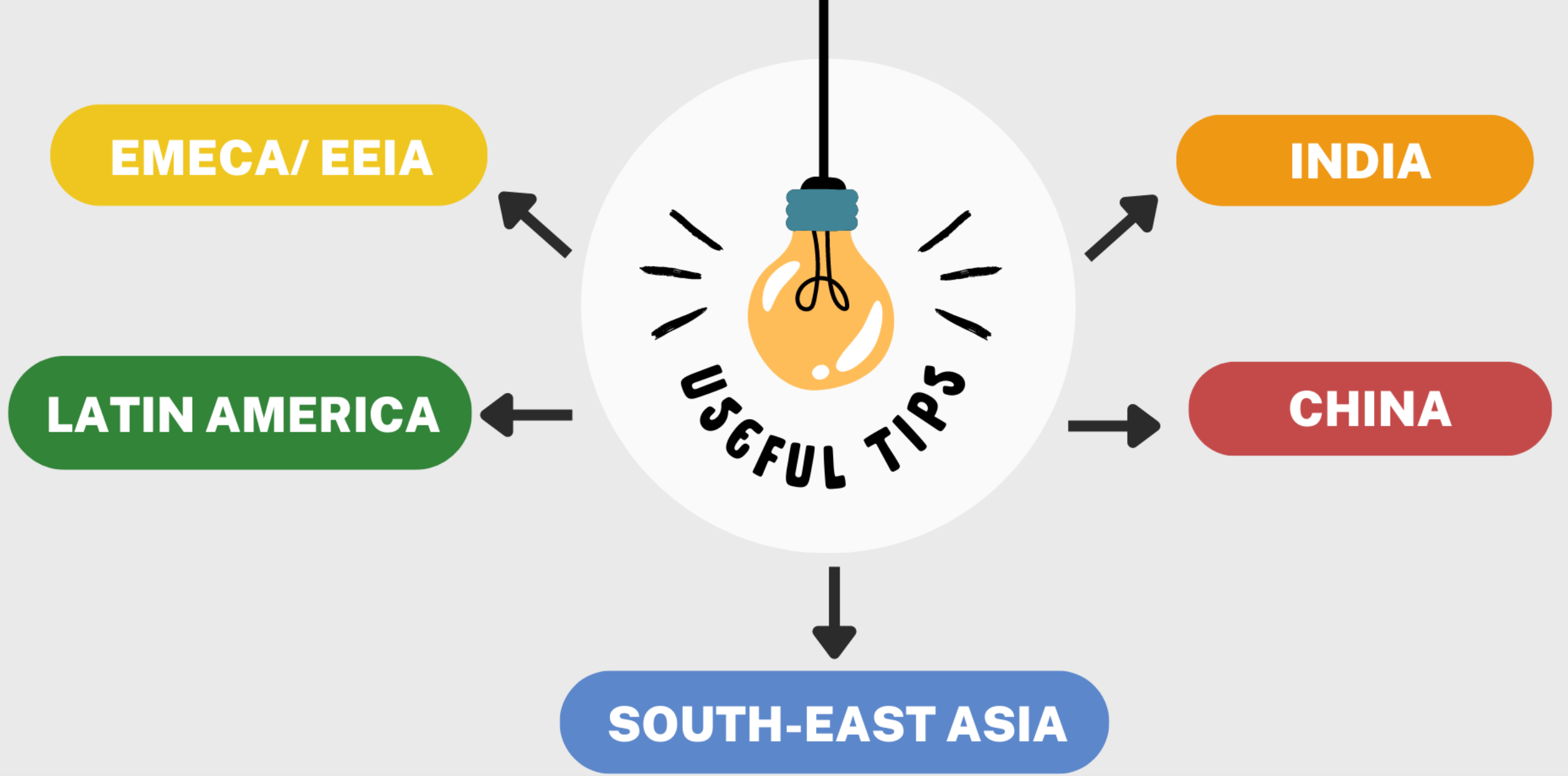
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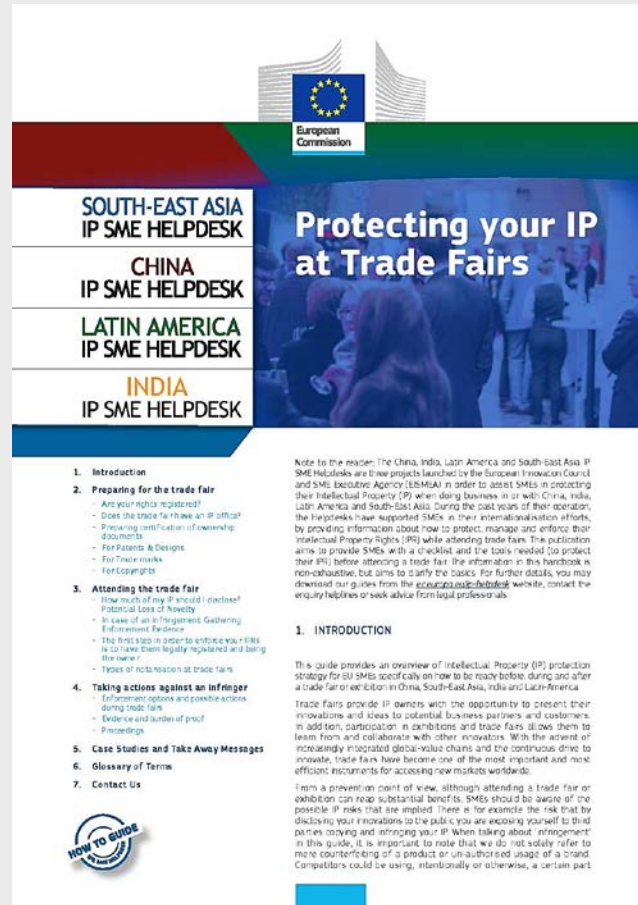
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Recommended Reading: Protecting your IP at Trade Fairs



<https://op.europa.eu/en/publication-detail/-/publication/72962835-5648-11ec-91ac-01aa75ed71a1/language-en/format-PDF/source-search>



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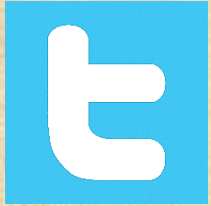
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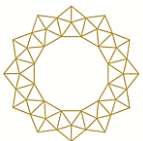
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