



## PROPERTY RIGHTS

### Interim Provisions on Protection of Intellectual Property Rights

To protect intellectual property rights (IPR), encourage design innovation, standardize market order and set up a good image in the aspects of IPR, Shanghai International Furniture Machinery & Woodworking Machinery Fair (hereinafter the "Exhibition") makes the following decisions on related IPR protection problems:

- I. Exhibitors must abide by the state laws and regulations concerning protection as well as the related provisions of Exhibition on the participation item (including but not limited to exhibits, display boards, platforms, products and photos, catalogs, videos and other related publicity materials) and management of related IPRs and prepare for valid supporting documents for IPRs of the participation projects.
- II. Exhibition requires that exhibitors must strictly review the status of IPRs for the participation items and provide legal and valid certificates of IPR ownership and other supporting documents if claiming that their items enjoy IPRs. All their items shall not infringe the prior IPRs owned by others and are prohibited to bring the infringing products to the exhibition. Exhibitors are not allowed to attend the exhibition, quote price or conclude transactions with the IPRs of others or infringe the IPRs of others.
- III. During the exhibition, IPR owners or any interested party shall submit the following materials if filing a request for handling to the IPRs administrative department or its on-site office set up in the exhibition:
  1. The request signed or sealed by the IPR owners or any interested party. Such request shall follow the format published by IPR Office during complaint. The complainant may ask for such request from the on-site office set up by IPR administrative department in the exhibition or IPR Consulting Office set up by Exhibition.
  2. The complainant's valid identity certificate or business registration certificate.
  3. If an agent is authorized to handle it, the authorization letter signed or sealed by the owner shall be provided. The authorization letter shall indicate the scope of authority and the valid identity certificate of the agent shall be provided simultaneously.
  4. For patent complaints, it is required to submit the patent certificate, text of patent announcement, certificate of owner's identity and proof of legal status of patents. For trademark complaints, it is required to submit the supporting documents for trademark registration and certificate of owner's identity. For copyright complaints, it is required to submit the certificate of copyright ownership and certificate of copyright owners. For interested party complaints, it is required to submit the exclusive license contract or sole license contract and the other supporting documents.
  5. The respondent's basic information, including the respondent's name, title and booth.
  6. As for design patents or utility model patents, it is required to submit the exclusive license contract or sole license contract and the other evidences.
  7. Names, reasons and evidence of respondent's allegedly infringing participation projects.
  8. The foresaid evidence involving the request for handling patent infringement shall meet the following conditions:
    - (i) In addition to invention patents of new product manufacturing methods, for process invention patents or products directly obtained according to the patented process, it is required to submit the recipes, ingredients of design products, or process used by the respondent.
    - (ii) For utility model patents or invention patents involving machinery and precision instruments, it is required to submit the relevant evidences for their shape, structure, or a combination of both falling within the scope of patent protection;
    - (iii) Any other evidences that can prove the infringement of the allegedly infringing products.
  9. The materials submitted by the party that are formed outside the People's Republic of China shall conform to the laws and regulations for notarial verification. If the original materials are written in foreign language, the corresponding Chinese translation version shall also be provided.
  10. Any other materials requested by the IPR administrative department according to the specific conditions of the complaints.
  11. The said materials shall be provided in duplicate. For photocopies, the original copies shall be provided for verification or the owners shall sign and seal to confirm the consistence between the photocopies and the original copies.
- IV. If the complaint is accepted, the complainant shall provide the host with a written guarantee. If malicious complaints cause losses to the host or the respondent, the complainant shall assume the relevant legal



responsibility.

If the IPR administrative department sets up the on-site office ("on-site office") during the exhibition, the complainant may select the IPR administrative department concerned or on-site office to make a complaint for trademark or copyright infringement. For a complaint about patent infringement, the on-site office only accepts the disputes to which the summary procedure applies, which shall meet the following criteria:

1. the patentee or interested party only request the respondent to stop the infringement in this exhibition; and
  2. the submitted materials are true, accurate, complete and conform to the relevant provisions of the Measures of Shanghai on Protection of Intellectual Property Rights; and
  3. the related patents have been put on record and publicized in accordance with relevant regulations before the exhibition.
- V. If a complaint is accepted by the administrative department concerned or on-site office, the host will assist the department concerned or notary office in on-site investigation and inspection at the booths. If the administrative department concerned or on-site office confirms that it constitutes alleged infringement, the exhibitor must produce relevant evidence in half a working day (subject to the timetable of the venue) to prove no infringement or instantly remove the alleged infringing product from the display rack.
- VI. The complained exhibitor and its participants shall actively cooperate with the IPR administrative department or on-site office in inspection, mediation and handling of the exhibit patents to ensure that the exhibition goes on smoothly. The IPR administrative department and on-site office are entitled to ask the public security and the security guards in the venue for cooperation and assistance.
- VII. The on-site IPR consulting office ("on-site consulting office") set up by the host consists of the host and Shanghai IPR Administrative Department and is the only on-site organization that accepts inquiries about alleged infringing patents, trademarks and copyrights in the exhibition halls during the Exhibition. It is entitled to assist the IPR administrative department or the other on-site office in accepting, investigating and handling the IPR complaints on behalf of the host during the exhibition.  
The uncovered matters are subject to the Measures of Shanghai Municipality on Protection of the Exhibition Patents, Measures of Shanghai Municipality on Protection of Intellectual Property Rights and other applicable laws and regulations

### **Process for Complaints and Handling of Alleged Infringing IPRs during the Exhibition**

- I. The participants in the Exhibition with valid badges may consult the on-site consulting office for related matters or complain to the competent IPR administrative department or on-site office if any participation items, including exhibits, display boards, platforms, products, photos, catalogs, videos and other publicity materials are found to allegedly infringe.
- II. The complainant who complains to the on-site office set up by the IPR administrative department shall produce the evidence of ownership to the consulting office staff. Refer to the Interim Provisions on Protection of IPRs during Exhibition or the website of IPR administrative department concerned.
- III. The said related documents shall be submitted to the on-site office for handling subject to verification by the consulting office staff.
- IV. When the on-site office handles the complaint about the alleged infringing IPRs, the respondent shall produce the certificate of title or other evidence to prove that it owns the IPRs for the participation items or has obtained the relevant license and put to the proof of no infringement as well as assist the consulting office staff in inspecting the alleged infringing items if informed of that its participation items allegedly infringe.
- V. If the respondent fails to put to the valid proof of no infringement for the allegedly infringing participation items or its proof of no infringement is confirmed by the on-site office to be false, it is required to take such measures as concealment and move-out for such allegedly infringing exhibits. If the respondent refuses to cooperate with the on-site office, the host is entitled to handle in accordance with the exhibition contract and related laws and regulations.
- VI. The respondent who has any objection to the handling results may put to the additional proof of no infringement at the on-site office within half a working day after the handling measures such as move-out for the respondent's participation items are taken. The on-site office will cancel related handling measures and allow the respondent to continue exhibition if confirming the objection is tenable. If the on-site office confirms that the objection is untenable and the respondent exceeds time limit to put to the proof or fails to put to the additional proof, the relevant handling measures will remain in effect until the end of the exhibition.



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- VII. After the on-site office handles the complaint and the respondent accepts such handling, the complainant shall not harass the respondent during the exhibition or violate the legal rights and interests of others and disturb the on-site order of the exhibition.
  
- VIII. The complainant who complains to the on-site office and the complaint is accepted may ask the on-site office to issue a certificate of the fact status. The on-site office shall issue such certificate according to the actual conditions of the complaint handling and provide it to the complainant with valid certificate or its authorized person on the last day of the exhibition.