

Procedure of Complaint & Settlement for Patent Infringement in Canton Fair

Complaint

Appellant submits relevant materials electronically and makes a complaint application in the I.P.R. complaint system.



Verification

CFCS checks the originals on site and reviews the completeness and validity of submitted materials in the system.



Acceptance

After reviewing the complaint application, CFCS arranges staff members to deal with the valid one.



Settlement

Staffs investigate relevant booth and carry out settlement.



Recording

Detailed recordings for all situations and keep in files then return files to CFCS.

Conditions for Complaint

A. The appellant:

1. Patent Owner, patent executer with independent claim rights, legal successor of the patent;
2. The patent owner (Self-complain) or agent (authorized-complain) with valid Canton Fair badge.

B. Documents to be submitted:

1. The reasons and evidences of defendant's suspected infringement.
2. Patent Certificate, Official announcement of the patent, Copy of patent registration that certifies the legal status of the patent.
3. The identity documents of patent owner (ID card, the copy of legal person or unincorporated organization's registration certificate with official seal affixed and the identity documents of legal representative or person who in charge, hereinafter inclusive).
4. The patent executer with independent claim rights shall submit contracts and identity documents.
5. Legal successor of the patent shall submit relevant legal certificates regarding validity of such succession.
6. The authorized agent shall submit the original copy of authorization letter and identity documents. The authorization letter shall be signed or sealed with the authorized details and permission. Agency shall submit the responsible person and his institution's qualification or practice certificates, the original copy of recommendation letter.
7. Foreign appellant shall provide identity documents that are notarized by relevant government agencies in their country and authenticated by the Chinese embassy or consulate in that country or has undergone the legalization formalities prescribed in the relevant treaty concluded by China and that country, along with their IPR ownership certificates. Materials in a foreign language must be with Chinese translation, and the Chinese translation must be signed by the translator and with the official seal of translation agency. Appellants from Hong Kong SAR, Macao SAR and Taiwan Province shall submit relevant notary documents.
8. Canton Fair badges for Appellant or appellant's agents (agents from IPR agencies and law firms shall hold the Business (IPR) Badge).

C. All relevant materials shall be submitted electronically in the I.P.R. complaint system and originals mentioned above shall be brought to the site for verification.

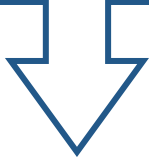
Settlement

- A. The defendant shall furnish to the staffs the legal evidences and related documents and prove his non-infringement. Otherwise, the infringing exhibits should have to be removed from the exhibition when the staffs confirm his infringement after investigation; the defendant shall meanwhile sign on the *Letter of Undertaking* to commit that he shall not exhibit or sell the accused items.
- B. In case that the defendant disagrees with the settlements of CFCS, the defendant shall furnish supplement evidences of non-infringement to CFCS within one workday (based on time-table of the Canton Fair). The exhibits would be allowed to exhibit if the exhibitor takes effective proof, or otherwise, the infringing exhibits shall be removed by the exhibitor or confiscated by CFCS during the exhibition.

Procedure of Complaint & Settlement for Trademark Infringement in Canton Fair

Complaint

Appellant submits relevant materials electronically and makes a complaint application in the I.P.R. complaint system.



Verification

CFCS checks the originals on site and reviews the completeness and validity of submitted materials in the system.



Acceptance

After reviewing the complaint application, CFCS arranges staff members to deal with the valid one.



Settlement

Staffs investigate relevant booth and carry out settlement.



Recording

Detailed recordings for all situations and keep in files then return files to CFCS.

Conditions for Complaint

A. The appellant:

1. Trademark registered owner, trademark executer with independent claim rights, legal successor of the trademark;
2. Foreigners or foreigner enterprises without any habitual residence or business office that tend to complain about trademark shall authorize the legal trademark agency to complain.
3. The trademark owner (Self-complain) or agent (authorized-complain) with valid Canton Fair badge.

B. Documents to be submitted:

1. The reasons and evidences of defendant's suspected infringement.
2. The Trademark Registration Certificate.
3. The identity documents of trademark owner (ID card, the copy of legal person or unincorporated organization's registration certificate with official seal affixed and the identity documents of legal representative or person who in charge, hereinafter inclusive).
4. The trademark executer with independent claim rights shall submit contracts and identity documents.
5. Legal successor of the trademark shall submit relevant legal certificates regarding validity of such succession.
6. The authorized agent shall submit the original copy of authorization letter and identity documents. The authorization letter shall be signed or sealed with the authorized details and permission. Agency shall submit the responsible person and his institution's qualification or practice certificates, the original copy of recommendation letter.
7. Foreign appellant shall provide identity documents that are notarized by relevant government agencies in their country and authenticated by the Chinese embassy or consulate in that country or has undergone the legalization formalities prescribed in the relevant treaty concluded by China and that country, along with their IPR ownership certificates. Materials in a foreign language must be with Chinese translation, and the Chinese translation must be signed by the translator and with the official seal of translation agency. Appellants from Hong Kong SAR, Macao SAR and Taiwan Province shall submit relevant notary documents.
8. Canton Fair badges for Appellant or appellant's agents (agents from IPR agencies and law firms shall hold the Business (IPR) Badge).

C. All relevant materials shall be submitted electronically in the I.P.R. complaint system and originals mentioned above shall be brought to the site for verification.

Settlement

- A. The defendant shall furnish to the staffs the legal evidences and related documents and prove his non-infringement. Otherwise, the infringing exhibits should have to be removed from the exhibition when the staffs confirm his infringement after investigation; the defendant shall meanwhile sign on the *Letter of Undertaking* to commit that he shall not exhibit or sell the accused items.
- B. In case that the defendant disagrees with the settlements of CFCS, the defendant shall furnish supplement evidences of non-infringement to CFCS within one workday (based on time-table of the Canton Fair). The exhibits would be allowed to exhibit if the exhibitor take effective proof, or otherwise, the infringing exhibits shall be removed by the exhibitor or confiscated by CFCS during exhibition.

Procedure of Complaint & Settlement for Copyright Infringement in Canton Fair

Complaint

Appellant submits relevant materials electronically and makes a complaint application in the I.P.R. complaint system.

Verification

CFCS checks the originals on site and reviews the completeness and validity of submitted materials in the system.

Acceptance

After reviewing the complaint application, CFCS arranges staff members to deal with the valid one.

Settlement

Staffs investigate relevant booth and carry out settlement.

Recording

Detailed recordings for all situations and keep in files then return files to CFCS.

Conditions for Complaint

A. The appellant:

1. Copyright Owner, copyright executer with independent claim rights, legal successor of the copyright;
2. The copyright owner (Self-complain) or his agent (authorized-complain) with valid Canton Fair badge.

B. Documents to be submitted:

1. The reasons and evidences of defendant's suspected infringement.
2. Voluntary registration certificate and the original copy of the works.
3. The identity documents of copyright owner (ID card, the copy of legal person or unincorporated organization's registration certificate with official seal affixed and the identity documents of legal representative or person who in charge, hereinafter inclusive).
4. The copyright executer with independent claim rights shall submit contracts and identity documents.
5. Legal successor of the copyright shall submit relevant legal certificates regarding validity of such succession.
6. The authorized agent shall submit the original copy of authorization letter and identity documents. The authorization letter shall be signed or sealed with the authorized details and permission. Agency shall submit the responsible person and his institution's qualification or practice certificates, the original copy of recommendation letter.
7. Foreign appellant shall provide identity documents that are notarized by relevant government agencies in their country and authenticated by the Chinese embassy or consulate in that country or has undergone the legalization formalities prescribed in the relevant treaty concluded by China and that country, along with their IPR ownership certificates. Materials in a foreign language must be with Chinese translation, and the Chinese translation must be signed by the translator and with the official seal of translation agency. Appellants from Hong Kong SAR, Macao SAR and Taiwan Province shall submit relevant notary documents.
8. Canton Fair badges for Appellant or appellant's agents (agents from IPR agencies and law firms shall hold the Business (IPR) Badge).

C. All relevant materials shall be submitted electronically in the I.P.R. complaint system and originals mentioned above shall be brought to the site for verification.

Settlement

- A. The defendant shall furnish to the staffs the legal evidences and related documents and prove his non-infringement. Otherwise, the infringing exhibits should have to be removed from the exhibition when the staffs confirm his infringement after investigation; the defendant shall meanwhile sign on the *Letter of Undertaking* to commit that he shall not exhibit or sell the accused items.
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