

● LIVE WEBINAR

Protecting your IP in China

Agreements, registrations and practical tips on how to protect your brands.



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Dan Harris

Founder of the China Law Blog
by

 HARRIS | BRICKEN



Dan Harris

Founder of Harris Bricken and The China Law Blog

Besides being an influential international lawyer, Dan Harris is widely known as the writer of the China Law Blog, where he educates readers on intellectual property management and protections. Harris' firm, Harris Bricken, is an international law firm with lawyers in Seattle, Los Angeles, Portland, San Francisco, Beijing and Barcelona.

HB HARRIS | BRICKEN China Law Blog



Conrado Lamas

VP of Communications at Red Points

Conrado has been working in communications and digital marketing for more than 10 years and is the head of Red Points' Comms Department. Red Points is a technology solution that detects and enforces more than 200,000 brand infringements every month for more than 300 clients.

Red Points is trusted by:

HEARST
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FOREO

This presentation was made possible thanks to



A TECHNOLOGY DESIGNED TO PROTECT YOUR INTELLECTUAL PROPERTY

www.redpoints.com



The smart solution **for online brand protection**



Red Points is **the most rapidly-growing company** offering game-changing, cloud-based AI technology solution that **automates the task of online brand protection**.

Our software can protect brand assets on multiple platforms on a global scale. We offer **the fastest, most comprehensive, and most cost-effective protection in the market**.

Red Points is **the smartest online brand protection solution**, and that's why **more than 20 new customers move to us every month** to handle this increasingly difficult and complex problem, with a simple-to-use technology.

The solution: **Smart technology**

Developing product technology to expand capabilities
and to allow the system to make more decisions by
automating more aspects of the process.



Artificial Intelligence

Deep learning processes thousands of elements from your account history and creates new detection rules and keyword opportunities, finding where the problems are hiding.



Image recognition

Red Points spots products based on images. This helps identify cases where the description is evasive or where keyword searches are not viable (patents, design or copyright). The technology is designed to handle a vast spectrum of image edits including resizing, cropping, colour changes and blurring.



Actionable Intelligence

Get the full picture of all the steps involved in the detection, validation and enforcement of your brand online. Build dashboards with a full overview of your brand protection activity. Filter by date, assets, type of infringements, regions, sellers and others.



Smart & Easy-to-Use

No matter the type of source, asset or infringement, Red Points organises all cases into beautiful, user-friendly cards that are prioritised according to their potential threat to your brand. Manage your brand assets in an organized, task-based workflow, with little training required.



Red Points: **Facts & Figures**



96%

Average success rate of detections to removals.



30+

Top marketplaces with 99% enforcement rate.



1.5 DAY

Average time from detection to removal.



5,000+

Marketplaces, social media, apps & websites.



< 1%

Of customer churn rate.

Plus 400 additional brands

Trusted by

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Knockaround.



HAWKERS

) david
trubridge

PAUL HEWITT

MVMTM

THE:5TH



"original
beautyblender"



CATAN
STUDIO

DOPE

Plus 400 additional brands



What Our Clients **Say About Us**



Watch & read our customer success stories at
www.redpoints.com

Know more about us at

www.redpoints.com

Contact us

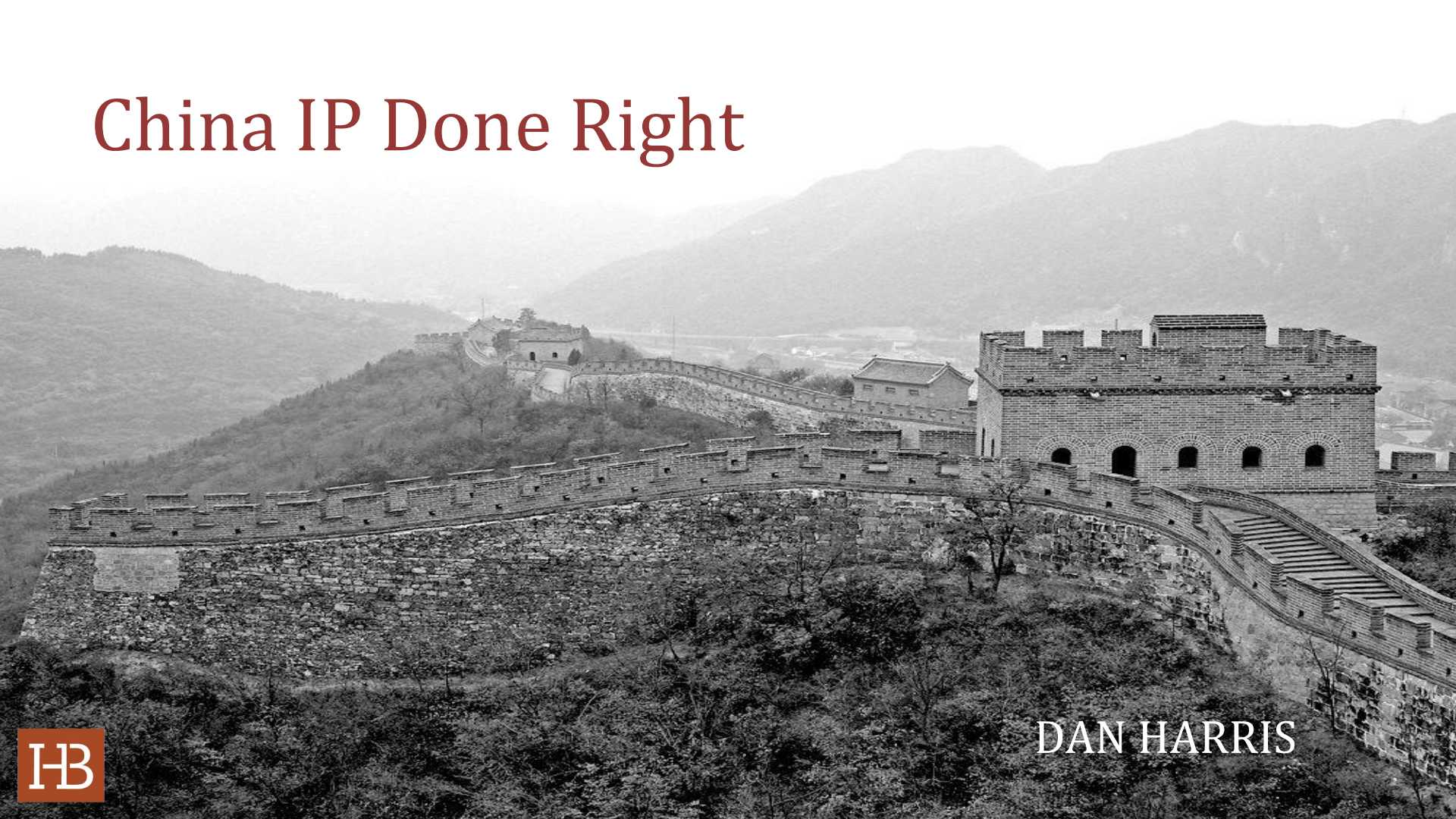
Calle Berlín 38-48 1º
08029 **Barcelona** Spain
+34 93 418 94 33

12 East 49th Street
10017, **New York**, United
States
+1 415 906 5224

info@redpoints.com | **redpoints.com**



China IP Done Right



> THREE KEYS

Structural protection

Good contract

Good registration



STRUCTURAL PROTECTION -- GOOD PARTNER/BE SMART

Due Diligence

Confirm Existence

Go There

WEBSITE



REAL LIFE





DUE DILIGENCE

Distrust all company info

Look around, ask around

Scrutinize the paper

Delegate. Do not delegate.

> DEAL/CONTRACT

Structure your deal and write your contract so that your Chinese partner believes it will make more money
with you than without you



WHY BOTHER WITH A CONTRACT?



Clarity

Prevention

Enforcement



WHY BOTHER WITH A CONTRACT?

WHAT ABOUT CORRUPTION?



THE GOOD CONTRACT

GUIDELINES

In writing

One language

Excruciating detail

Sealed



THE GOOD CONTRACT

THINK

...

LIQUIDATED DAMAGES



THE GOOD CONTRACT

THINK

...

DISPUTE RESOLUTION



LITIGATING OUTSIDE CHINA

Chinese courts are NOT
obligated to enforce
US judgments...

and they don't.



LITIGATING OUTSIDE CHINA

Chinese courts ARE
obligated to enforce
Spanish judgments...

and they don't.



ARBITRATING OUTSIDE CHINA

THINK ABOUT...

**Hong Kong, Singapore,
Vancouver, London, New
York....**

**China does not recognize ad
hoc arbitrations (HK
exception?).**

**Enforcement in China per
New York Convention:
“Getting better....”**



CHINA COURT REALITIES

Injunctive relief?

Yeah, maybe, but
probably not.



CHINA COURT REALITIES



DISCOVERY

What's that?



CHINA COURT REALITIES

Remember Equity?

Harmony is not just a
name from the '60s



CIETAC ARBITRATION CLAUSE

Specify

- English language
- Non-Chinese arbitrator, or two or three

Think

- About injunctive relief-carve out
- About third parties
- About discovery
- About Service/Notice



Common Contracts

NNN

**Product
Ownership**

**Product
Development**

Manufacturing



Common Contracts

Distributor

Reseller

Joint Venture

**Employment
(Two)**



LICENSING AGREEMENTS

Make sure you get paid

Register with
the proper
government
agency



EMPLOYEE CONTRACTS

Confidentiality/Trade Secret?

YES

Non Compete?

MAYBE

Non Solicitation?

YES

IP Ownership?

ABSOLUTELY



IP REGISTRATIONS

PATENTS

TRADEMARKS

COPYRIGHTS

**LICENSING
AGREEMENTS**



CHINA TRADEMARKS

Someone will apply for your trademark and they will probably get it and be able to keep it.

Even if you are only manufacturing in China for export.

Selling in China? Apply for *both* an English and a Chinese language trademark.



CHINA TRADEMARKS

For trademark purposes, Hong Kong, Macao, and Taiwan are *not* part of the PRC.

Filing a trademark through Madrid can be risky.

You have three years to use your China trademark.

Trademark registrations are valid for ten years + ten years.



CONTACT



Dan Harris
dan@harrisbricken.com

USA | Spain | China



HARRIS | BRICKEN