Seminario sulla tutela dei marchi in Cina

In collaborazione con l’Amministrazione Statale per il Commercio e l’Industria della Repubblica Popolare Cinese (SAIC)

Il seminario è organizzato da IP Key Action della Commissione Europea e dell’Ufficio Europeo per la Proprietà Intellettuale (EUIPO)

PROVISIONAL PROGRAM

Milano
Fondazione Stelline
Centro Congressi
C. so Magenta 61

13 ottobre 2016
**MATTINA**

08:30 – 09:00  Registrazione dei partecipanti
09:00 – 09:15  Saluti iniziali

**SAIC:** Chen Zhuo, Vice Direttore Generale, Dipartimento Cooperazione Internazionale, SAIC

**IP Key:** Davide Follador, IP Key Beijing

**INDICAM**

09:15 – 12:30  Sessione 1 – domande di registrazione ed esame – cancellazione per non uso - IG

*Modera:* Davide Follador, IP Key

09:15 – 10:00  Liang Sen, Direttore della Divisione Affari Generali, Ufficio Marchi della RPC

- Consigli e suggerimenti per la protezione dei marchi d’impresa in Cina – marchi internazionali v. nazionali
- e-Tools (TM Class, China’s TM database);

10:00 – 10:10  Q&A

10:10 – 10:50  Liang Ruibin, Direttore Generale, Dipartimento Esame Marchi, SAIC

- Protezione dei marchi in Cinese Mandarin
- Scegliere la classe corretta: classificazione cinese – domande multi-classe – prodotti/servizi non-standard

10:50 – 11:00  Q&A

11:00 – 11:15  Pausa caffè/te’

11:15 – 12:00  Liang Sen, Direttore della Divisione, Affari Generali, Ufficio Marchi della RPC

- Onere probatorio nei procedimenti di cancellazione per non-uso
- I marchi di certificazione e la tutela delle Indicazioni Geografiche

12:00 – 12:30  Q&A

12:30 – 14:00  Pausa e pranzo-buffet per i partecipanti

---

**POMERIGGIO**

14:00 – 17:30  Sessione 2: marchi notori e registrazioni “in malafede” - enforcement

*Modera:* Carlo Alberto Demichelis, INDICAM

15:00 – 15:30  Prof. Cesare Galli, Universita’ di Parma/Studio Legale Galli IP Law

- Tutela del marchio notorio nella giurisprudenza italiana e cinese

15:30 – 15:40  Q&A

15:40 – 16:20  Ma Yanyan, Vice Direttore di Divisione, Affari Legali, SAIC

- Oposizioni e azioni di nullita’ fondate su diritti anteriori diversi dai marchi
- Opposizioni e azioni di nullita’ contro marchi registrati “in malafede”
- Prova d’uso e notorietà: uso del marchio all’estero/su internet e impatto sul mercato domestico
- Formalità per le prove di origine estera

16:20 – 16:30  Q&A

16:30 – 16:40  Pausa caffè/te’

16:40 – 17:10  Fabio Giacopello, HFG Law Firm Shanghai

- Marchi e malafede: esperienze italiane in Cina

17:10 – 17:20  Q&A

17:20 – 17:30  Conclusioni
Fabio Giacopello is partner at HFG Law & Intellectual Property, a Chinese law firm and intellectual property agency. He has been widely recognized as one of the most valuable Intellectual Property practitioner in China. He is ‘Winner of Client Choice Award’ by ILO, 2013, he is a 2015 ‘IP Star’ by Managing Intellectual Property 2015, ‘Notable practitioner’ by Chamber and Partners (trademark & patents), ‘Lawyer of the Year – Intellectual Property – China’ by Global 100, ‘Expert in the trademark category’ by Asia IP Expert 2014 and he is a ‘Recommended lawyer’ by Legal500.

Fabio is a member of the Internet Committee at INTA and Arbitrator at the Shanghai International Arbitration Center (SHIAC, former CIETAC Shanghai). He is author of several articles published by International and local publishing houses. Fabio often cooperates with education institutions and associations for giving lectures about Chinese IP System and/or European IP System (INTA, CIPA, Indicam, SMI, China-Italy Chamber of Commerce, etc.).

Fabio has substantive experience in trademark portfolio management, trademark disputes and litigations, and enforcement including anti-counterfeiting. Fabio’s practice includes technology transfer, patent and trade secret litigations, arbitration in relation to disloyal behaviors of employees. He has also achieved brilliant results in commercial and corporate transactions on behalf of international companies.

Founder of IP Law Galli Law Firm, Cesare Galli deals with important IP litigations in Europe, in particular patents and trade secrets, He is full professor of IP Law at the Faculty of Law of the University of Parma. In 1999, together with Professor Vanzetti, he obtained the first Italian decision in the biotechnologies field with regard to biotech patents. In 2004 Professor Galli obtained the first Italian decision assessing the validity of a computer implemented invention patent. Likewise between 2004 and 2010 Professor Galli obtained one of the most relevant decisions concerning the protection of strategic patents both in the pharmaceutical and TMT fields. Since 2009 he has been also member of the OHIM European Observatory on Infringements of Intellectual Property Rights. Author of several books on IP Law, including the new Commentary on the Italian Intellectual Property Rights Code, (4,000 pages), Professor Galli regularly gives his contribution to Italian IP Law reviews and financial newspapers and, every year, he also coordinates successful Italian conferences on IP issues. In 2011 he was invited by the Italian Ministry of Economic Development to take part in the panel of Legal Experts of the National Anti-Counterfeiting Council (CNAC).
Davide Follador is currently working for the EUIPO as Long-Term IP Expert at the IP Key Action of the European Union in China, focusing on policy dialogue and technical cooperation on Intellectual Property. He served as Commissioned Officer of Italian Police, subsequently obtained Masters in Law and practiced as IP lawyer at major law firms in EU and China for more than ten years. Qualified European Trademark and Design Attorney, admitted to Milan BAR. IP expert for the EU-CHINA/ASEAN IPR SME Helpdesk in several executive training and workshops for EU companies in China, Davide Follador specialises in EU-China IP protection issues and authors articles on IP policy and enforcement in China. Pro-bono research fellow at EU funded projects (renewable energy and green-tech), lecturer at IP Summer Institute of Beijing University and Istituto Marangoni Fashion School in Shanghai.
Intellectual Property:
A Key to Sustainable Competitiveness

IP Key Technical Expert Team
Room 2480. Sunflower Tower
37 Maizidian West Street, Chaoyang District
Beijing, China 100125
Telephone: +86 10 8527 5705

IP Key Backstopping Team
European Intellectual Property Office
(EUIPO)
International Cooperation and Legal Affairs
Department (ICLAD)
Avenida de Europa, 4 E-03008
Alicante, Spain
Telephone: +34 965 137 754

IP Key is co-financed by the European Union and the European Intellectual Property Office (EUIPO) under the framework of the new EU-China Cooperation.

It is implemented by the EUIPO in cooperation with the European Patent Office (EPO).

The contents of this event are the sole responsibility of the project implementation team and can in no way be taken to reflect the views of the European Union.