

# **QBPC Committees and IWGs**

## **2013 Work Report**

23 January, 2014

## Table of Contents

<u>BEST PRACTICES/ENFORCEMENT COMMITTEE</u>	<u>3</u>
<u>COMMUNICATION COMMITTEE</u>	<u>12</u>
<u>CUSTOMS COMMITTEE</u>	<u>14</u>
<u>GOVERNMENT COOPERATION COMMITTEE</u>	<u>17</u>
<u>LEGAL COMMITTEE</u>	<u>21</u>
<u>MEMBERSHIP SERVICE COMMITTEE</u>	<u>22</u>
<u>PATENT &amp; INNOVATION COMMITTEE</u>	<u>24</u>
<u>AGRICULTURAL IWG</u>	<u>26</u>
<u>AUTOMOTIVE IWG</u>	<u>27</u>
<u>HOME APPLIANCES IWG</u>	<u>28</u>
<u>PHARMACEUTICALS IWG</u>	<u>30</u>
<u>SPORTING GOODS IWG</u>	<u>32</u>

## **Best Practices/Enforcement Committee**

2013 & 2014 Supporting Vice Chairman: *Mr. Colin Chen/ Johnson & Johnson*

2013 Committee Chairman: *Mr. Conan Chen/ Estee Lauder*

2013 Vice Chairpersons: *Mr. Victor Shao/ Hewlett-Packard*  
*Mr. Kavin Ma/ Johnson & Johnson*  
*Ms. Angela Shi/ Philips*  
*Mr. Kelvin Liu/ Qualcomm*

2014 Committee Chairman: *Mr. Frank Ju/ Sanofi*

2014 Vice Chairpersons: *Mr. Conan Chen/ Estee Lauder*  
*Mr. Kavin Ma/ Johnson & Johnson*  
*Ms. Angela Shi/ Philips*  
*Mr. Kelvin Liu/ Qualcomm*

## **2013 BPEC Working Report**

By leading the BPEC team in 2013 and great support from QBPC leadership, BPEC, as a great team, have successfully carried out below projects with good deliverables beneficial to QBPC members and QBPC as a whole:

- Completed a research program on the Legality of IP Private Investigation which is a comprehensive and practical guideline to QBPC members to manage internal & external investigation and can create influence in the legislation and law enforcement authorities to better protect IP rights of brand owners.
- Conducted two exchange meetings with Shanghai ECID and renewed the MoU to move with times with strengthened cooperation in width and depth.
- Signed a MoU with FTB of Jiangsu AIC followed with an exchange meeting and two training events in Shuyang and Kunshan which offers good opportunities for QBPC members to interact with all major AICs in Jiangsu province.
- Signed a MoU with Zhejiang ECID followed with an exchange meeting which offers a good opportunity for QBPC members to report any case leads to Zhejiang ECID directly.
- Conducted an IP training & seminar of harmonizing administrative enforcement and criminal prosecution with SPP in Quanzhou with 120 officials including 30 representatives from SPP, SPC, MPS, GACC, SAIC, AQSIQ, NCAC, SFDA and SCLAO, 70 prosecutors from provincial level & key city level PP and 35 QBPC members participating in this event.
- Initiated a big change on the Guideline and Procedure for QBPC Yearly Best Practice extending the number of best cases from 10 to 20
- Successfully delivered the QBPC 13th Anniversary and 2012-2013 QBPC Yearly IPR Best Practice and the Five Model Case selection and ceremony.
- Signed a MoU with Changzhou ECID and facilitated the two MoU signing between Automotive IWG / Lighting IWG and Changzhou ECID with case leads reported to Changzhou ECID for following up.
- Conducted the IP Criminal Protection Training Program for elite officials of Heilongjiang Provincial and Hefei Municipal ECID/PSB in cooperation with CCPC with 147 PSB officials and 15 QBPC members attending the training program.
- Held an exchange meeting with Fujian ECID and the Inspection Supervision Dept. of the Fujian Provincial Procuratorate with good prospect to sign two MoUs in the coming year. It

also provided an opportunity for Luxury Goods and Sporting Goods IWG to introduce the challenges in Fujian and provide an initial written report on their IWG issues.

- Conducted a TSB training in Urumqi with 70 officials from Urumqi QTSB and 30 QBPC members attending the event which offered a good opportunity for QBPC members to present their brands and products, and interact with QTSB on their concerns and issues.
- Signed a MoU with Yiwu ECID followed up with an exchange meeting for QBPC members to report the case leads and exchange ideas on hot issues in criminal IP protection.
- Co-sponsored the 2014 U.S. Ambassador IP Roundtable to put real issues on the table driving for consensus on constructive solutions and well position QBPC as the bridge between China and U.S. The agreed action items will be blessed by the U.S. Ambassador for working with the Chinese government.
- Provided support to BP and SEB with existing SOP by reviewing their case reports with professional advice and helped forward the reports with QBPC cover letter to SPP which facilitated the case progress in local level.

## **Project Details**

### **1. The Exchange Meeting between Shanghai ECID and QBPC held on Jan. 18**

On Jan.18, leaders from Shanghai ECID had a communication meeting with QBPC member companies based in Shanghai. Vice director Yang Lei-Yi, Section Chief Huang Wei and Vice Section Chief Xu Qin together with Jack Chang of QBPC Chair, vice Chair Colin Chen, and leaders from BPEC, GCC of QBPC, Conan Chen, Chuck Qi, Victor Shao and Kavin Ma also attended it.

Mr. Xu Qin firstly introduced the status of the IPR criminal protection and some typical practices occurred in Shanghai last year, such as, the World drugstore manufacturing & selling counterfeit anticancer drugs case. And, Mr. Xu Qin also expressed that the next phase work will be focused on five product categories including farm products, cosmetics, food, drug, and pesticides, etc, which affect people's life. Besides, Mr. Yang Lei-Yi also communicated a lot on how to enhance cooperation with the IPR owner in the future work, such as the suspect samples' analyses, the storage of infringement products, and the revising of MOU, etc.

During the communication, Jack Chang reviewed the history of the cooperation between QBPC and Shanghai ECID, and gave high acknowledge efforts on the IPR criminal protection these years. Meanwhile, Colin Chen expressed appreciation on Shanghai ECID's great support and help for JNJ's IPR protection. And, he also communicated the strategy on the problems in disposing IPR criminal cases: the first the second is to enhance the supervision and promote the government information transparency; the second is to regulate proof, draft guideline of case disposal to uniform the enforcement; the third is to build the official warehouses according to the principles of "government – sponsored, enterprises-support, efficient surveillance". Besides, Conan Chen, Chuck Qi, Victor Shao and Kavin Ma also respectively reported the information share mechanism during the IPR criminal protection practice, as well as some counterfeiting problems in emphasized field especially Auto, Personal care, IT and Pharmaceutical industry.

The communication deepened the relationship of the two sides, and will push Shanghai IPR protection to a new stage.

### **2. Signing Ceremony of the MOU for Strengthening Cooperation in IPR Criminal Protection between Shanghai ECID and the QBPC**

## QUALITY BRANDS PROTECTION COMMITTEE

The Signing Ceremony of the Memorandum for Strengthening Cooperation in IPR Criminal Protection between the Economic Crime Investigation Department (the “ECID”) of Shanghai Public Security Bureau and QBPC was held at Shanghai ECID on March 20, 2013. Deputy Chief Commander of Shanghai ECID Mr. Xia Weidong, Political Commissar of ECID Mr. Yao Jianda, Commander of Second Detachment Ms. Qian Honghao, and Mr. Wang Zheng from Second Detachment as well as QBPC Chairman Mr. Jack Chang, Chairman of QBPC Best Practices/Enforcement Committee Mr. Conan Chen, Chairman of QBPC Legal Committee Mr. Yun Xuan, Vice Chairmen of QBPC Best Practices/Enforcement Committee Mr. Kavin Ma, Mr. Victor Shao, Ms. Angela Shi and Ms. Sherry Shi, Vice Chairman of QBPC Legal Committee Michael Yu and Amway delegate Ms. Vivian Xu attended this Signing Ceremony.

The Signing Ceremony started with an exchange ceremony of the memorandum between Deputy Chief Commander Xia Weidong on behalf of the Shanghai ECID and Chairman Jack Chang on behalf of QBPC of which photos were taken. After that, the participants took a group photo to witness this occasion. In the communication session that followed, Jack Chang first reviewed the pleasant relationship and fruitful cooperation between QBPC and Shanghai ECID and pointed out that the signing of a brand new memorandum of cooperation enabled the parties to pursue greater success on the basis of past glory and work together to promote the criminal protection of intellectual property. Conan Chen first reviewed the history of cooperation and intellectual property right protection and enforcement between Shanghai ECID and the QBPC since the signing of the memorandum of cooperation on July 18th, 2005 and expressed his most sincere gratitude towards Shanghai ECID for its strong support for the QBPC. He then put forth his expectation to strengthen cooperation with Shanghai ECID in the automotive industry and also proposed his suggestions on the construction of “public warehouses”. Kavin Ma reviewed the signing process of this memorandum and stressed that this memorandum differed from the past memorandums with its high substantiality and specific provisions. He believed that this memorandum could, through the QBPC publicity, could serve the members well in solving issues in this aspect. Jack Chang also further exchanged views with the participants on questions such as changes in the U.S. calculation of counterfeiting case values, QBPC’s plan to produce the Brochure for Criminal Protection of Intellectual Property Rights in China and trade secret.

In response to the QBPC participants, Deputy Chief Command Xia Weidong delivered a speech noting that: first, the signing of this memorandum enabled the parties to complement each other’s advantages and strengthen communication and join hands in the criminal protection of intellectual property rights on the same platform. Second, when it came to the relationship between temporary remedy and permanent cure, Shanghai ECID proposed the case-handling approach of “Temporary Remedies for Individual Cases and Permanent Cure for the Big Picture”, i.e. to realize the goals of criminal measures taking out production sites and cracking down the entire production network. Third, the parties should strengthen level-to-level communications and encourage the communication between QBPC member enterprises and the economic crime investigation authorities and cross-district/county authorities as this would benefit not only the municipal work planning but also the central coordination across the country. In light of the regional characteristics economic crimes, such communication channels would help to underscore the advantages of the economic crime investigation authorities. Fourth, enterprises should consider different communication approaches, involve the general public in intellectual property protection through effective communications, enhance the intellectual property protection awareness of the general public through greater public involvement and guide them to consciously boycott counterfeit products. For example, “4.26” and “5.15” campaigns could serve as the opportunities to escalate communication efforts and heighten communication levels and to publicize the significance of intellectual property protection by highlighting the real danger of counterfeits. Fifth, in light of the distinctiveness of patent, trade secret and copyright cases, communications should be carried out separately for the aforementioned fields

to ensure the expected results. Sixth, Deputy Chief Commander Xia Weidong propose to bring into play the leading role of the government in the “Public Warehouse” issue and then explore the establishment of appropriate systems to promote intellectual property protection. Last, with regard to the relationship between fighting and preventing, the former should constitute a special type of prevention and the second level of intellectual property. Therefore counteraction had great significance in enhancing public awareness as mentioned earlier and therefore the boycott of counterfeits.

In addition, Yun Xuan also noted that he looked forward for more opportunities for communication in the future which would allow member enterprises to share their experiences in the form of individual cases. In particular, QBPC urgently needed to strengthen communication with Shanghai Economic Crime Investigation on new trends and situations emerging in the Copyright area. Jack Chang and Xia Weidong brought up the suggestion of launching the publicity campaigns so as to optimize environments for the development of Shanghai into the Asia-Pacific Intellectual Property Hub by joint efforts.

### **3. MOU Signing Ceremony between the QBPC and the Jiangsu AIC Fair Trade Bureau**

In the afternoon of March 23, 2013, Jiangsu Administration of Industry and Commerce Fair Trade Bureau (the “Jiangsu AIC FTB”) and Quality Brands Protection Committee (the “QBPC”) signed MOU at Hua Dong Hotel, Nanjing City.

Ms. Qian Lin, Director General of Jiangsu AIC FTB, Mr. Yan Jin Jun, Deputy Director General of Jiangsu AIC FTB, Mr. Colin Chen, Vice Chairman of QBPC, Conan Chen, Chairman of BEPC Committee, Kavin Ma, Chairman of BEPC Committee, Angela Shi, Chairman of BEPC Committee, Amily Chen, representative of Burberry attended the MOU Signing Ceremony. Ms. Qian made welcoming speech on behalf Jiangsu AIC, Mr. Colin Chen made thank-you speech on behalf of QBPC.

After the ceremony, Mr. Yan shared his experience of anti-counterfeiting activities with the QBPC representatives. Looking into the future, both parties will work more closely on IP protection to establish a healthy environment of Chinese Market Economy.

After the MOU signing, Jiangsu FTB actively invited QBPC members (Luxury Goods and Personal Care IWGs) to deliver presentation on trademark infringement topics with focus on the problem of free ride of famous brands, from April 23 to 26 respectively in Shuyang and Wuxi, Jiangsu province.

### **4. QBPC Yearly Best Practice and Five Model Case**

After competition, the winning list of the QBPC Yearly Best Practice and the Five Model Case came out at 18:00 of April 18, 2013. 47 candidate cases were received competing for 20 seats of the “QBPC Yearly Best Practice” while 5 candidate cases for the “Five Model Case”. After the pre-review, and the Review & Voting meeting, we have witnessed 21 cases, 11 criminal and 10 non-criminal, were elected as “QBPC Yearly Best Practice” while 5 were all elected as the “Five Model Case”. All the winners reach the minimum threshold of 6 votes.

### **5. SPP IP Training on Harmonizing the Administrative and Judicial Enforcement**

From May 12th to 17th, 2013, the SPP IP Training on Harmonizing the Administrative and Judicial Enforcement was held in Quanzhou, Fujian Province. Around 180 representatives from the Procuratorates in the central and local level, the State Administration for Industry and Commerce, Renmin University of China, National Copyright Administration, Shanghai Branch of the Economic Crime Investigation Department of the Ministry of Public Security and the Supreme People's Court as well as QBPC delegates attended the training. Deputy Director General of the Investigation and Supervision Department of the Supreme People's Procuratorate Yuan Ming, Deputy Secretary of

## QUALITY BRANDS PROTECTION COMMITTEE

CPC Committee and Deputy Procurator-General of Fujian Provincial People's Procuratorate He Xiaomin, Secretary of CPC Leadership Group and Procurator-General of Quanzhou Municipal Procuratorate Ou Xiuzhu, Director of Intellectual Property Right Division of the Investigation and Supervision Department of the Supreme People's Procuratorate Zhang Jianzhong, QBPC Chairman Mr. Jack Chang, Vice Chairmen Mr. Colin Chen and Mr. Steven Wang, Chairman of QBPC Government Cooperation Committee Mr. Jimmy Zhong and Chairman of Legal Committee Mr. Yun Xuan attended the seminar.

On the morning of May 13th, Deputy Director of the Financial Prosecution Division of Shanghai Municipal People's Procuratorate Xiao Kai gave a lecture to all trainees. Mr. Xiao elaborated on the issue of IPR protection from the angles of domestic laws and WTO influences in light of the theories and practices. In the afternoon, Director of the Legal Affairs Division of the Trademark Office of the State Administration for Industry and Commerce Yuan Qi offered insightful analyses and presentation on the legislative background of the Trademark Law, several questions in the current legislation of the Trademark Law that had received extensive attention and some personal answers to such questions in connection with the legislation history of the Trademark Law and her in-depth involvement in the trademark legislation over the years.

On the morning of May 14th, Professor of Renmin University of China Law School and Doctoral Mentor Tian Hongjie gave a lecture to the trainees focusing on the criminal protection of intellectual property rights. Professor Tian visually illustrated abstract legal theories with three-dimensional geometric drawings and described the relationship among criminal laws, civil laws and administrative laws in a vivid manner. In the afternoon, former Director General of the Copyright Management Department of the National Copyright Administration Xu Chao enlightened the trainees on the history and current status of copyright protection and also analyzed some typical cases in details.

On the morning of May 15th, delegates from QBPC and Business Software Alliance gave lectures to the participating trainees. QBPC Chairman Mr. Jack Chang, Vice Chairmen Mr. Colin Chen and Mr. Steven Wang, Chairman of QBPC Government Cooperation Committee Mr. Jimmy Zhong, Chairman of Legal Committee Mr. Yun Xuan, Vice Chairman of QBPC Best Practices/Enforcement Committee Mr. Victor Shao and Mr. Ma Haijian from Syngenta provided detailed elaborations in different angles on IPR protection from the perspective of right holders in connection with rich practical experience of their own. Mr. Xia Weining, Deputy Director General of Shanghai Branch of the Economic Crime Investigation Department of the Ministry of Public Security, started the afternoon by sharing with the trainees the results achieved in combating counterfeits and various new measures adopted to improve the internal platforms by the Economic Crime Investigation Department of the Ministry of Public Security. Deputy Chief Captain Mr. Xia then provided a detailed introduction on the gathering and admission of evidences in investigations. The lively and thorough presentation of Mr. Xia was very fruitful.

On the morning of May 16th, Presiding Judge of the No. 2 Criminal Tribunal of the Supreme People's Court Liu Weibo gave the participating trainees a lecture. Presiding Judge Mr. Liu elaborated on various IPR-related provisions under criminal laws and highlighted the applications of such provisions and possible issues in the application. In the afternoon, the On-site Promotion Seminar Harmonizing Administrative and Judicial IP Enforcement was held. Representatives from the Investigation and Supervision Division of Fujian Provincial People's Procuratorate, First Investigation and Supervision Division of Hebei Provincial People's Procuratorate, the Investigation and Supervision Division of Shanghai Municipal People's Procuratorate, the Investigation and Supervision Division of Shandong Provincial People's Procuratorate, First Investigation and Supervision Division of Hunan Provincial People's Procuratorate, First Investigation and Supervision Division of Guangdong Provincial People's Procuratorate, the Investigation and Supervision Division

of Gansu Provincial People's Procuratorate, Quanzhou Municipal People's Procuratorate and Quanzhou Municipal Administration for Industry and Commerce shared their experience and practices in promoting the "Harmonization of Administrative and Judicial Enforcement".

#### **6. The MOU Signing Ceremony between the Zhengjiang ECID and the QBPC**

The MOU regarding the Enhancement of the IPR Criminal Protection Signing Ceremony between the Quality Brands Protection Committee (the "QBPC") of CAEFI and the Economic Investigation Crime Department of Zhejiang Public Security Bureau (the "ECID") was held on May 14 in Hangzhou, Zhejiang Province (the "Ceremony").

Mr. Zhang Shencai, the Political Commissar of the ECID, chaired the Ceremony on behalf of the ECID. Mr. Jack Chang, the Chair of the QBPC, expressed his appreciation following the opening speech addressed by Mr. Man Niu, the Commander in Chief of the ECID. Then Mr. He Xiaogang, the Deputy Commander in Chief, briefed the general situation with respect to the IPR Criminal Protection in Zhejiang Province, the concise analysis about the trend in such area as well as the arrangement for the coming tasks. Mr. Colin Chen and Mr. Steven Wang, Vice Chairs of the QBPC, also made their representations in such Ceremony. Mr. Alexander Theil, the Coordinator of the Automotive IWG of the QBPC, shared the cases concerning the crack-down the counterfeits successfully closed by the ECID with the assistance from the Automotive IWG with the attendees. In the Q&A section, Mr. He and Mr. Xu Shenghui, the Associate Consultant of the ECID gave patient answers to the various questions raised by the representatives from the QBPC.

The ECID also threw an event titled "Crack-Down on the Economic Crimes, Cooperation in the Construction of Rule of Law", the 2013 Publicity Day of the Combat and Deterrence of the Economic Crimes of Hangzhou, on May 15 in Hangzhou. Mrs. Angela Shi, the Vice Chair of the BPEC, on behalf of the QBPC, exchanged the MOU with the Mr. Man Niu who represented the ECID, and took group photos in such event.

#### **7. Signing Ceremony for the MOU between the ECID of Changzhou PSB and the QBPC, QBPC Lighting IWG and Auto IWG**

The Signing Ceremony for the MOU on Strengthening Intellectual Property Rights Protection was held at the meeting room of Changzhou PSB on Jun. 7, 2013. Changzhou ECID/PSB signed 3 MOUs with QBPC, QBPC Lighting IWG and Auto IWG respectively.

From 2010, Changzhou ECID has completed 2118 IP infringement cases, arrested 6740 criminal suspects, closed 574 illegal websites and initiated 24 battles of cluster. The performance in the Special Operation ranked No.1 in Jiangsu province. Automotive and Lighting IWGs introduced their issues and concerns in Changzhou. Case leads to be reported to Changzhou ECID for following up.

#### **8. Training Program for Heilongjiang Provincial and Hefei Municipal ECID in CCPU**

From Aug. 8 - 16, 2013, the IP Criminal Protection Training Program for elite officials of Heilongjiang Provincial and Hefei Municipal ECID/PSB was held in China Criminal Police College (CCPC) in Shenyang City of Liaoning Province. Totally, 147 PSB officials from Heilongjiang and Hefei, 15 QBPC members attended this training program. 10 QBPC members delivered presentation to the officials.

#### **9. Exchange Meeting with Yiwu ECID**

From 4:00pm to 6:00 p.m. of August 14th 2013, the Exchange Meeting of Quality Brand Protection Committee (QBPC) and Economic Crime Investigation Division of Yiwu (ECID) Municipal Public Security Bureau (PSB) was held in Shanghai. Although this meeting was arranged in a rush, there were still representatives from 11 member companies attended the meeting. The Exchange Meeting was held by the chairman of Best Practice/ Enforcement Committee (BPEC) Conan Chen,



the Political Instructor of the ECID Chen Jianzhong, and Chief Wang Hua of the 3rd Division of the ECID of Yiwu PSB communicated pleasantly and effectively with the QBPC members. QBPC Chairman Jack Chang and Vice Chairman Colin Chen showed up to support the communication and joined the discussion on relevant issues.

The travel of Yiwu ECID aimed at two targets: the first is to search some case clues which could be managed by means of 'Battle Cluster' and get some suggestions on intellectual property criminal protection from QBPC members; the second is to communicate how to build long-term corporation mechanism between Yiwu ECID and QBPC, and discuss the execution of Memorandum of Understanding (MOU). Since there are not too many members attended the meeting, Chen Jianzhong and Wang Hua hoped we could strengthen the corporation between QBPC with Yiwu ECID in long term, and they will timely communicate related case clues and suggestions to all members of QBPC. Yiwu ECID hoped to cooperate with the members of QBPC closely and promotes the IP protection work of Yiwu.

Considering the character of the lawbreakers in making and selling fake and shoddy goods in Yiwu in manufacturing and selling fake goods, and the advantages of Yiwu ECID in anti-counterfeiting, Yiwu ECID hoped the members of the QBPC could actively provide clues of cases which could be managed by means of 'Battle Cluster' in the following three categories: 1. Clues of Taobao on-line shops selling counterfeits. Yiwu ECID executed 'Inquiry Cooperation Agreement' with Taobao, and possesses the advantage in inquiring the on-line data of suspected target, and could carry out real time investigation. But the clues should be filtered by the obligee first, in comprehensive consideration of factors as the funding time, sale amount(must reach 50 thousand RMB), selling price and choose 8-20 Taobao shops selling fakes and shoddy goods across 3 provinces and submit all the information in group; 2. The clues of major dens manufacturing counterfeits and clues of its selling net; 3. Since Yiwu is the largest distributing center of small commodities of the world, ECID also welcome members to provide clues of cases which could be handled together with foreign police force. Even though the agreement of anti-counterfeit action of Ministry of Public Security has flexibility in the right of jurisdiction, Yiwu ECID still hoped the members could take the prior consideration of Yiwu ECID before submitting the cases.

The contact person of Yiwu ECID: Mr. Wang Hua TEL: 0579-85275292 Fax: 0579-85275295  
Email: [174481347@qq.com](mailto:174481347@qq.com)

## **10. Exchange Meeting with Fujian ECID/PSB**

As discussed, Sporting and Luxury Goods IWGs had been facing serious counterfeiting problems in Fujian Province while our network with the Provincial ECID disconnected few years ago due to the ECID personnel changes without timely follow up actions. However, since the MPS/ECID was kind enough to share with us the contact list of the local ECID leaders, who participated in the 2012 MPS/QBPC Criminal IP Protection Seminar last Dec., that BPEC organized, we were able to contact the current Deputy Director and Chief Captain of the Fujian Provincial ECID to schedule the meeting on last Friday. Lucky enough, Deputy Director Xia Weining of the Shanghai Branch of the MPS/ECID were in Fuzhou for business the same day. He joined our meeting with the Fujian Provincial ECID and spoke of the QBPC highly. Peter Chong from LVMH and Victor Liu from NBA in their respective role as the Luxury Goods and Sporting Goods IWG Coordinators immediately reached out to their members to collect initial info while Florence Tam (LVMH), Amily Chen (Burberry) and Leo Liao (Nike) were able to join our meeting on extremely short notice.

At the meeting, we introduced the QBPC and the strong partnership between the QBPC and the MPS/ECID as well as many local ECIDs. Florence, Amily, Victor and Leo introduced the issues that the 2 IWGs are facing. Florence and Amily provided an initial written report on their IWG issues. The Fujian Provincial ECID is now very interested in working with the QBPC. The chances of

signing a cooperation MOU are good. We received the VIP treatments including airport pickup/drop off and good seating at the dinner they hosted. I took the opportunity to call DG Gao of the MPS/ECID to share the good news of possible signing the MOU with Fujian Provincial ECID. DG Gao talked with the Provincial ECID leader immediately, which reinforced the Fujian Provincial ECID's confidence in building a formal partnership with the QBPC. The ECID contacted me today for the templates of the QBPC MOUs that QBPC signed with the Shanghai, Zhejiang & Sichuan ECIDs. I have forwarded to them. This is a good start. But to deliver real impact, the IWGs need the cross-committee QBPC chairs' support. The hot spot identified by the IWGs is Putian, which we will need to initiate a special project later. Let's discuss further in person when we meet in Guangzhou. Thanks to Peter, Victor, Florence, Amily and Leo! See the photo taken by Victor Liu at the ECID meeting.

Separately, with the help from the SPP, we also had a meeting with the Inspection Supervision Dept. of the Fujian Provincial Procuratorate. The meeting went well too. Will forward them the template of QBPC MOU with Guangdong Provincial ECID for their reference. But we need to put more substance in the MOU with Fujian Provincial Procuratorate, if possible to sign.

### **11. Training Program for Urumqi QTSB & ECID**

On Sep.17, 2013, the training for elite officials of Urumqi QTSB and ECID was held in Urumqi. Totally, 70 officials from QTSB & ECID, and 30 QBPC members attended this training program. It offers a good opportunity for QBPC members to present their brands and products, and interact with TSB & PSB on their concerns and issues. Urumqi QTSB targets not only factories, warehouses but also distributors of counterfeits.

### **12. The MOU Signing Ceremony on Intellectual Property Criminal Protection between QBPC and Economic Crime Investigation Department of Yiwu Public Security Bureau**

The MOU Signing Ceremony on Intellectual Property Criminal Protection between QBPC and Economic Crime Investigation Department of Yiwu Public Security ("Yiwu ECID") was held in Yiwu on Nov 1, 2013. Deputy Director of Yiwu Police Station Mr. Yang Shanmin, Political instructor of economic investigation team Mr. Xu Jianghong, Leader of economic investigation team Mr. Jin Zhimao, Leader of the third squadron of economic investigation team Mr. Wang Hua, Chair of QBPC Mr. Zhang Weian, Vice chairs of QBPC Mr. Chen Xiaodong and Mr. Wang Zhiping, Chair of BEPC Mr. Chen Chao, Chair of CC Mr. Qi Xuefeng, Vice chair of BEPC Ms. Shi Qing, and twenty members of QBPC participated in the ceremony. Police station of Yiwu is the first county-level city that signs agreement with QBPC. This shows the importance of Yiwu for the protection of IP with QBPC.

Firstly, vice director of Yiwu Police Station Mr. Yang Shanmin introduced the basic information of Yiwu and the work circumstances of Yiwu Police Station to crack down IP infringement. Then Leader of economic investigation team Mr. Jin Zhimao give details about "Sword Action" in 2010, "Detection Battles" in 2011 and specific action of anti-counterfeiting this year. He hopes QBPC can give adequate support and cooperation on selecting of best cases, training of IP protection, national level media publicity, cracking of international crimes. Chair of QBPC Mr. Zhang Weian reviewed good relationship and highly effective cooperation with Yiwu economic investigation team these years. He pointed out that this new *Memorandum of cooperation to enforce criminal protection of IP* is good for both sides. Leader of economic investigation team Mr. Jin Zhimao and Chair of QBPC Mr. Zhang Weian signed the memorandum and took photos with the attendees.

At last, each member gave speech of their own industry and company's IP problems. Both sides went deep into the fields such as transfer of clues and judicial assistance, and achieved consensus about the cooperation framework and the contents.

### **13. U.S. Ambassador IP Roundtable**

The U.S. Ambassador IP Roundtable was conducted on Nov. 14 in Beijing. QBPC members and related Chinese government officials are invited to the meeting as well as being the speakers and moderators of Roundtable discussion on Trade Secrets and Enforcement. The Roundtable includes the morning USG/US industry briefing conducted in the U.S. Embassy building, the lunch meeting with a senior Chinese official giving keynote, and the 3 afternoon industry sessions covering 1) Copyright-45 minutes; 2) Trade Secret legal framework reform-45 minutes; and 3) Enforcement-90 minutes.

### **14. Research on IP Private Investigation**

The Seminar on the Issues related to Investigation for IP Protection (the “Seminar”) sponsored by QBPC and the School of Intellectual Property of the East China University of Political Science and Law (the “ECUPL”) was held at the East China University of Political Science and Law on the afternoon of March 15th, 2013. Professor Huang Wushuang, Yin Lamei, Tang Chun and Teacher Huang Guoqun from the School of Intellectual Property of the East China University of Political Science and Law, QBPC Chairman Mr. Jack Chang, Vice Chairmen Mr. Colin Chen, Project Coordinator and Product Safety Manager of Syngenta (China) Investment Co., Ltd. Mr. Ma Haijian, QBPC Best Practices/Enforcement Committee Chairman Mr. Conan Chen, Vice Chairmen Mr. Victor Shao, Ms. Angela Shi and Ms. Sherry Shi, QBPC Legal Committee Vice Chairman Mr. Michael Yu and Mr. Zhang Shaofei from QBPC Communications Committee and over thirty delegates from QBPC member enterprises and business investigation enterprises attended this Seminar.

Professor Ma Haijian started the meeting with a brief introduction of the background, purpose and significance of this project for the participants so as to facilitate better understanding of the project. Colin Chen expressed his gratitude towards the research team led by Professor Huang Wushuang before sharing some of his opinions on the legal position and legal basis of business investigation in China in connection with security systems overseas. He then suggested that efforts needed to be made for the development of business investigation by seizing the opportunity of the government’s institutional reform under the existing legal environments. Next, Professor Huang Wushuang presented the project progresses to the participants and highlighted two issues that the project urgently needed to tackle: classification of investigation methods and optimization of investigation procedures. He hoped that professionals from the QBPC could provide some suggestions from professional legal perspectives and also that this project would contribute towards the optimization of the relevant laws and regulations in the future.

During the communication session, Colin Chen use the Johnson case in Baiyun District of Guangzhou as an example to highlight to the participants the significance and practical applicability of business investigation in the field of intellectual property protection. However, he also noted that, as Professor Huang Wushuang pointed out, the business investigation procedure, in particular the delivery of evidential materials, needed to be improved. Professor Ma Haijian engaged in some interactive communications with the participants on the necessity of business investigation methods, opinions on the specific investigation methods and the types of investigation methods that could be converted into evidence in light of his practical experiences. On top of the above presentations, Victor Shao highlighted the concerns of companies in the selection of business investigation methods as well as the relevant analyses from the perspective of internal procedures of companies. Lin Zhuping from Business Investigation Industry Association briefly introduced this industry association and the industry background and emphasized the basic principles to be followed by business investigators, i.e. integrity and legitimacy. Conan Chen, Michael Yu, Felix Zhang, Monica Lin, Yang Yan and other speakers also analyzed for and discussed with the participants the role of

business investigation in intellectual property protection and its strengths and weaknesses based on the seminar outline.

At the end of the Seminar, Professor Ma Haijian summarized the project progress in the next stage. Based on that, Professor Huang Wushuang expressed his hope that QBPC member enterprises could provide more information on business investigation methods for further research. Both Jack Chang and Colin Chen acknowledged the efforts of business investigators. In addition, Jack Chang also remarked that the joint efforts of the enforcement authority, right holders, investigators and academic institutes would be required to realize the goal of enhanced enforcement environment in Shanghai.

By close working with the research team of the East China University of Political Science and Law (ECUPL), we have successfully completed the research program on the Legality of IP Private Investigation. It is a comprehensive and practical guideline to QBPC members on how to conduct legitimate investigations and minimize the risks incurred by external investigation agencies. We are working with Law Press China to publish the book with a view to obtain acknowledgement and endorsement by China legislation and law enforcement authorities to leverage better resources for IP protection in China.

## Communication Committee

*2013 Supporting Vice Chairman:* Mr. Michael Ellis/ Beiersdorf (January to May)

Mr. Edward Yang/ Nokia (May to December)

*2013 Committee Chairman:* Mr. Hugo Zhang/ Reed Elsevier

*2013 Committee Vice Chairpersons:* Mr. Alan Liu/ MSD

Mr. Felix Zhang/ Johnson & Johnson

Mr. Karl Guo/ P & G

Ms. Michelle Du/ Samsung

*2014 Supporting Vice Chairman:* Mr. John E. Matheson/ Intel

*2014 Committee Chairman:* Mr. Hugo Zhang/ Reed Elsevier

*2014 Committee Vice Chairpersons:* Ms. Crystal Zhang/ GM

Mr. Alan Liu/ MSD

Mr. Felix Zhang/ Johnson & Johnson

Mr. Karl Guo/ P & G

## **2013 Communication Committee Working Report**

The 2013 QBPC Communication Committee formed in Dec 2012 with 1 Chair and 4 vice chairs. Among them, there is only 1 vice chair who served in the 2012 Communication Committee. The others were new to their positions. But we quickly worked together to do several things to understand the role and responsibilities of Communication Committee:

- Organized conference calls with former Communication Committee chairs to understand the situation and unfinished projects
- Talk to QBPC Chairman to understand the expectation from QBPC leadership
- Hold a meeting with QBPC Office team to discuss the priorities and collaboration between the two divisions

After a solid understanding of the history and mission, Chairs worked together on the Communication Committee strategy and priorities for 2013. Our mission is:

Effectively promote the efforts QBPC has contributed to build a healthy IP environment in China to Chinese governments, members, stakeholders and the public.

Most of the projects fall into 3 categories:

1. **Streamline the communication channels of QBPC.** After a quick examination of the existing communication channels, we realized that to better promote QBPC, we need to focus on improving the quality and effectiveness of those channels. We decided to do a few things:
  - A. We redesigned QBPC Newsletter to make it external focused, bilingual, more meaningful content (not only text and photo records of the meetings). A lot of efforts have been put into the columns and content quality of the Newsletter. New columns, for example, Message from the Chairpersons and Introduction of QBPC Family (Committees and IWGs) were welcomed by members. Message From the Chairpersons invite Chairs to deliver the important message to members and external world. Introduction of QBPC Family gives a human face of QBPC by introducing the personal lives and hobbies (location they like to travel, books they like to read or people they admire, etc).
  - B. We redesigned QBPC Website to make it modern, user friendly and increasing speed of communication. Most of the report of current meetings will be uploaded to the website instead of waiting for the Newsletter which will be published a few months later.
  - C. We redesigned QBPC logo to make it better reflecting QBPC's current mission and IP environment. The key characteristic of the previous QBPC logo was designed 10 years ago with a focus on anti-counterfeiting goods. But QBPC's mission has evolved during the past 10 years to cover a broader area of all IP related issues. Many members and chairs expressed that they would like to see a new logo of QBPC. We have taken 6 months to prepare the members with 4 rounds of surveys, 4 internal meetings within Communication Committee and QBPC office, and 2 meetings with the designer. The new QBPC logo has been approved by Steer Council in Dec. It will be implemented in 2014. We got very positive feedback from members.
2. **Build partnerships with key media.** We keep good relationship with media in the legal, IP and international trade communities. Above all, we selected two organizations and built strategic partnership with them.
  - A. We re-signed the strategic partnership MOU with Faren Magazine. This will provide QBPC with more exposure to legal media and legal & community. Hugo Zhang, together with Jack Chang, Yan Zhang represented QBPC to attend & spoke at the China Legal Counsel Annual Conference. Faren Magazine's sister magazine China Corporate Legal Affairs has also opened a column for QBPC members to talk about legal and IP issues they are facing in China.
  - B. We negotiated and signed strategic partnership MOU with China Policy Daily to get closer to China Policy Department, leverage the relationship of CPD to help our members with cases and organize IP education events in China. Through the coordination with CPD, we hold QBPC exchange meeting with Tianjin Police Department. Close to 20 members joined the meeting and the feedback was positive.
3. **Engage in conferences and other speaking opportunities to promote QBPC.** Chairman of Communication Committee has been identified as a spoke person for QBPC supported by QBPC leadership. We actively engage in conferences and other opportunities to promote QBPC. Here are two examples:
  - A. Communication Committee Chair Hugo Zhang spoke at 2012 Corporate Legal Counsel Summit on the role of QBPC and challenges in copyright area.

B. Communication Committee Hugo Zhang spoke at Shanghai Police Department 5-15 Fighting and Preventing Economic Crime exhibition.

4. **Draft speech for vice minister Jiang Zengwei from MOFCOM at the QBPC IP Forum.** Vice chair Felix Zhang took the responsibility for the important job with the support from Kevin Ma and Colin Chen. It effectively summarized the contribution of QBPC and the concerns and suggestions members have for the Chinese government to protect foreign companies IP interests.

We are very proud of the achievements of Communication Committee in 2013. We want to give special thanks to QBPC Chairman Jack Chang, supporting Vice Chair Edward Yang and vice chair Colin Chen for their supports. We could not achieve these without the support from BPEC Chair Conan Chen and his team, Legal Committee Chair Yun Xuan and his team, QBPC office manager Sherry Hu and her team (especially Summer Gao). We expect more collaborations with them and other committees going forward. Finally, it is also a team work within Communication Committee – especially vice chairs Michelle Du, Allan Liu, Felix Zhang, and Karl Guo – great team work and we expect to continue in 2014.

## Customs Committee

*2013 & 2014 Supporting Vice Chairman:* *Mr. Steven Wang/ Philips*  
*2013 Committee Chairman:* *Mr. Chuck Qi/ Beiersdorf*

*2013 Committee Vice Chairpersons:* *Ms. Karen Li/ Apple*  
*Mr. Felix Fan/ Nokia*  
*Mr. Charles Hoskin/ Unilever*  
*Mr. Ding Yong/ Bosch*

*2014 Committee Chairman:* *Mr. Chuck Qi/ Beiersdorf*

*2014 Committee Vice Chairpersons:* *Ms. Karen Li/ Apple*  
*Mr. Felix Fan/ Nokia*  
*Mr. Charles Hoskin/ Unilever*  
*Mr. Ding Yong/ Bosch*

## 2013 Customs Committee Working Report

QBPC Customs Committee has been dedicating to and exerting its influence in many aspects through joint efforts in Y2013, including implementation and deliverables of CC projects, partnership with GACC and local customs, WCO and foreign customs authorities, support to its members whenever needed etc.

Main activities are summarized and highlighted as below:

### **1. Continually Strengthening the Partnership with China Customs in IPR Protection Enforcement**

- 1) **The GACC-QBPC Annual Exchange Meeting** (Jan 8, in Dali, Yunnan, 30 customs officers & 46 members) which covers GACC 2012 IPR protection summary, GACC's priority in 2013 & new measures re IP cases in postal channel, customs protection of patent, and customs' cooperation with police (*Karen Li, Ding Yong, Pang Fei, Chuck Qi*)

## QUALITY BRANDS PROTECTION COMMITTEE

- 2) **The Exchange Meeting with GACC & US CBP/ICE** ( Jan 30-31, 40 Chinese officers, 4 US officers & 45 members), covers 11 topics in many areas of customs IP protection, and the special operation jointly launched by China Customs and CBP & ICE (the 1st Special Operation during Mar 15 – Apr 14 targeting consumer electronics-Lights & chargers with UL labels; mobile phones & parts, chargers, batteries and cables, by Air Cargo and Express channel between China & USA) (*Project leader Karen Li*)
- 3) **The survey on “OEM issue”** jointly with LC, submitting the survey report and QBPC Position Paper to GACC (*Project leader Ding Yong*)
- 4) **The survey on customs protection of patent** (Dec, 2012), **the discussion on patent protection in the Exchange meeting with GACC** (Jan 8, in Dali, Yunnan), and **the customs seminar/training on Patent Protection with Ningbo customs** (Dec 19, in Ningbo, 32 members). (*Project leader Ding Yong*)
- 5) **The GACC-QBPC Exchange Meeting on Customs IPR Enforcement, the group visit to Yiwu Customs operational site, the visit to China Customs IPR Protection Exhibition and the on-site Interactions** (Oct 31, in Yiwu) (*Project leader Felix Fan, Chuck Qi*)
- 6) **The Yiwu Customs-QBPC Best Practice Sharing Seminar on Customs IPR Case Investigation & Case Transfer** (Nov 1, in Yiwu) (*Project leader Felix Fan, Chuck Qi*)
- 7) **Seminar on Customs IPR Enforcement in the East & South China & Customs IPR Enforcement Legal Salons** (Nov 20, Lianyungang, 60 Customs officials & 35 QBPC members) An in-depth exchange with Nanjing Customs, Shanghai Customs, Ningbo Customs, Hangzhou Customs, Qingdao Customs, Xiamen Customs & Shenzhen Customs. (*Project leader Karen Li, Felix Fan*)
- 8) **Customs Capacity Building Trainings (Co-organize /coordinate)**
  - a) **The Capacity Building Trainings with Nanjing Customs** (Mar 25-26, in Nanjing, 40 customs officials & 25 QBPC members) (*Project leader Karen Li*)
  - b) **Coordinate Kunming Customs Capacity Building Training** ( Mar 28-29/ Oct 16-17, in Kunming) (*Project leader Karen Li*)
  - c) **Xiamen Customs & Fuzhou Customs Capacity Building Training** (Apr 9, in Xiamen, 60 Customs officials & 40 QBPC members) (*Project leader Felix Fan, Chuck Qi*)
  - d) **Hangzhou Customs Capacity Building Training** (April 10-11, in Hangzhou, 40 Customs officials & 40 QBPC members) (*Project leader Karen Li*)
  - e) **Nanjing Customs Capacity Building Training** (Nov 20-21, in Lianyungang, 60 Customs officials & 35 QBPC members) (*Project leader Karen Li, Felix Fan*)
  - f) **Coordinate Gongbei Customs Capacity Building Training** ( Nov 27-28, in Zhuhai, QBPC 6 IWGs) (*Project leader Karen Li*)

- g) **WCO Regional Customs Training Capacity Building Workshop** ( Dec 3, in Shanghai, Coordinate with WCO and Shanghai Customs College, 6 QBPC IWGs ) *(Project leader Chuck Qi, Ding Yong)*
  - h) Coordinate **Nanchang Customs Capacity Building Training** ( Nov 6, in Nanchang, 6 QBPC IWGs) *(Project leader Ding Yong)*
  - 9) The signing of the **Cooperative MOU between Hangzhou Customs & QBPC** *(Project leader Felix Fan, Chuck Qi)*
2. **Strengthening QBPC members capacity in customs IPR protection by organizing exchanging meetings, salon, customs panels on customs IP enforcement, supporting IWG cooperation with Customs**
- 1) **QBPC-Shanghai Customs Interactive exchange meeting on customs enforcement** (Mar 20, in Shanghai) *(Project leader Chuck Qi)*
  - 2) **GACC-QBPC Pham IWG Exchange Meeting** on counterfeiting situation and customs counter- measures in cooperation with foreign customs ( August 15, at Nivea Shanghai) *(Project leader Karen Li, Chuck Qi)*
  - 3) **QBPC Roundtable on Specific Issues in Customs Protection with GACC, Shanghai Customs, Beijing Customs & Guangzhou Customs** ( August 15, at Nivea Shanghai, over 60 members) *(Project leader Charles Hoskin, Chuck Qi)*
  - 4) Invite Mr. Xu Feng, Deputy Director of Legal Dept. Shanghai Customs to **present on China Customs IP Enforcement at QBPC 2013 Q1 Membership Meetings** in Shanghai *(Project leader Chuck Qi)*
  - 5) Invite Mr. Zhang Shujie, Deputy Director of Training & International Cooperation Dept, Shanghai Customs College, to **present on Partnership in IPR Protection at QBPC 2013 Q2 Membership Meeting** in Beijing *(Project leader Chuck Qi)*
  - 6) Support to the **QBPC Sporting Goods IWG Exchange Meeting with Xiamen Customs, Fuzhou Customs** (Nov 28, at Xiamen, Fuzhou)
  - 7) Invite Ms. Sophie Molle, IPM Project Manager, WCO and Ms. Li Wujun, Director of Legal Dept. Beijing Customs conduct **Customs Panel at QBPC 2013 Q4 Membership Meetings** in Beijing *(Project leader Chuck Qi)*
  - 8) **Customs Enforcement Salon** (Dec 26, at Nivea Shanghai, by Mr. Xu Feng, Deputy Director of Legal Dept. Shanghai Customs, Mr. Wang Zhengwei, IP Division Chief, Shanghai Customs, Mr. Yu Zegang, former IP Division Chief, Ningbo Customs and 35 members) *(Project leader Chuck Qi)*



- 9) **Seminar on Customs Patent Protection** with Ningbo Customs in Ningbo on Dec. 19.  
(Project leader Ding Yong)
3. **Raising Awareness of China Customs IPR Protection & QBPC's efforts in this regard**
  - 1) **Establish the QBPC section in the China Customs IPR Protection Exhibition** in Yiwu, enable QBPC members to use and manage all the facilities, from multimedia to physical ones, in the Exhibition that open to right holders to promote QBPC, QBPC IWGs and members brands profiles, to raise IPR awareness, interact with customs and LEAs and educate the public. *(Project leader Chuck Qi with support from QBPC Office)*
  - 2) Promote QBPC by **publishing a QBPC introduction in the 2012 China Customs IPR Protection Almanac** which is designed to be a comprehensive summary of China Customs IP protection in 2012 as well as an informative reference book for the public, IPR right holders and customs officers. *(Project leader Chuck Qi)*
  - 3) Customs Committee Chair Present at the 7th Global Congress on Combating Counterfeiting and Piracy (Apr 25, in Istanbul)
4. **Strengthening the Cooperation with foreign customs authorities, LEAs and IPR associations**
  - 1) The signing of **the Cooperative MOU between WCO & QBPC** (Sep 12, in Guangzhou)  
*(Project leader Chuck Qi)*
  - 2) The signing of **the Cooperative MOU between Vietnam Customs & QBPC** (Nov 5, in Hanoi), visit Vietnam Customs Head Office for **the exchange meeting and negotiating the MOU** (Jul 9, in Hanoi) *(Project leader Charles Hoskin, Chuck Qi)*
  - 3) The signing of the **Cooperative MOU between QBPC & Rusbrand**, the Association of Branded Goods Manufacturers in Russia (Sep 13, in Guangzhou) *(Project leader Chuck Qi)*
  - 4) Customs Committee Chair presents on QBPC at the **2013 Interpol Enforcement and IP Crime Conference** (Oct 15, in Dublin)
  - 5) Customs Committee Chair participated in **the Russian & CIS Customs Conference** (Sept 3-5, in Irkutsk), presented on QBPC at **the Russian Federal Customs Service Enforcement Workshop** (Nov 12, in Khabarovsk)

For more details about above-mentioned activities, please refer to relevant summaries at QBPC homepage/QBPC newsletters.

## Government Cooperation Committee

2013 Supporting Vice Chairman: *Mr. Jack Chang/General Electric*  
2013 Committee Chairman: *Mr. Jimmy Zhong/Sony*

# QUALITY BRANDS PROTECTION COMMITTEE

2013 Vice Chairpersons: *Mr. Kevin Sun/ rep. ABRO*  
*Mr. Edward Tang/Fresenius*  
*Ms. Kathryn Guan/Procter & Gamble*  
*Mr. Kelvin Liu/Qualcomm*

2014 Committee Chairman: *Mr. Allen Zhou/ Schneider Electric*

2014 Vice Chairpersons: *Ms. Young Wang/ DuPont*  
*Ms. Kathryn Guan/Procter & Gamble*  
*Mr. Xiaolin Zhang/ Qualcomm*  
*Ms. Joann Chen/ rep. TE*

## **2013 Government Cooperation Committee Working Report**

### **1. 2013 GCC Project Update**

<b><u>Government Cooperation Committee</u></b>	<b>2013 Budget</b>	<b>Actual Spence</b>	<b>Balance</b>
Exchange Meeting with Guangdong Law Enforcement Agencies	\$ 16,950	\$ 17,525	\$ (575)
Formal exchange meeting with MOFCOM, the leading group office	\$ -		\$ -
QBPC seminar/training/workshop with SPP regarding case transferring, prosecution of IP criminal cases and network establishment	\$ 14,500	\$ 14,319	\$ 181
Exchange Meeting with Shantou Anti-counterfeit office	\$ 3,063	\$ 3,261	\$ (198)
331 Industrial IPR Training (6 times) for Chinese SMEs by MIIT	\$ 30,000	\$ 30,000	\$ -
U.S. Ambassador IP Roundtable on Nov. 13	\$ 1,452	\$ 1,475	\$ (23)
<b><i>Committee Budget Total Proposed</i></b>	<b>\$ 65,965</b>	<b>\$ 66,580</b>	
<b><i>Committee Balance Total</i></b>			<b>(\$615)</b>

### **2. GCC 2013 Project Update**

#### **1) Formal exchange meeting with MOFCOM, the leading group office**

- This project was initiated by Vice Minister Jiang Zengwei last year. GCC has submitted QBPC member's comment/suggestions to MOFCOM in writing in Feb. 2013;
- First exchange meeting with DG Chai Hai Tao of the Leading Group Office of MOFCOM was held on Sept. 12. 40 QBPC representatives participated in the exchange meeting and 8 speakers addressed 9 IP issues;
- Second exchange meeting will was held on Dec. 5 in Beijing with 90 attendances, 9 speakers from QBPC.



No.

ngch  
pc.or

il:

**2) U.S. Ambassador IP Roundtable**

The U.S. Ambassador IP Roundtable was conducted on Nov. 14 in Beijing. QBPC members and related Chinese government officials are invited to the meeting as well as being the speakers and moderators of Roundtable discussion on Trade Secrets and Enforcement. The Roundtable includes the morning USG/US industry briefing conducted in the U.S. Embassy building, the lunch meeting with a senior Chinese official giving keynote, and the 3 afternoon industry sessions covering 1) Copyright-45 minutes; 2) Trade Secret legal framework reform-45 minutes; and 3) Enforcement-90 minutes.



**3) 331 Industrial IPR Training (6 times) for Chinese SMEs by MIIT**

Committee	Project Name	Priority A or B	Objective/Project Description	Location	Start/End Date
GCC Jimmy	331 Industrial IPR Training (6 times) for Chinese SMEs by MIIT	A	6 trainings budget will be paid in later 2013. The actual training will be done in year 2014.	Chengdu, Yinchuan, Nanjing, Fuzhou, Zibo, Hangzhou	April 17 - 19. May 30-31 July 19 July 24,25 Sept. 5 Sept. 11,12

- We have completed 6 trainings this year according to agreement
- Trained about 700 people in local SMEs on IP strategy and IP management
- MIIT IP Center appreciates very much contribution from QBPC members in SME IP management education.
- MIIT had an Appreciation event on Nov. 14
- Thanks Steven Wang (Philips), Andrew Luo (GM), Kavin Ma (J&J), Amily Chen (Burberry) and Sean Ke (NXP) for their contribution.



**4) QBPC seminar/training/workshop with SPP regarding case transferring, prosecution of IP criminal cases and network establishment**

This Seminar was held in Quanzhou from 2013 May 15-16. To make sure SPP pays enough attention on case transferring, prosecutions after criminal investigations. In case individual members have some special leads or encountered obstacles in the criminal case operation, this is also a good platform to communicate.

This was a joint project with BPEC. May refer to report from BPEC.

**5) Exchange Meeting with Shantou Anti-counterfeit Office**

The Exchange Meeting with Shantou Anti-counterfeit Office was held in Shantou on the afternoon of June 6, 2013. About 70 representatives from local QTSB, AIC, PSB and Shantou Commission of Economy and Information Technology, Shantou Customs and over 30 QBPC members attended the meeting.

**Key issues covered:**

- 1) The work of Shantou Anti-counterfeit Office in 2012 and key work in 2013 was introduced;
- 2) Achievements of cracking down on counterfeit actions and experience-sharing;
- 3) QBPC representatives put forward their requirement and expectation to Shantou Anti-counterfeit Department and introduced identification skills;

**Outcome:**

- 1) Shantou Anti-counterfeit Office promised to keep anti-counterfeit work with high pressure and will conduct publicity, build and enhance the cooperation among government, enterprises and QBPC;
- 2) Having an anti-counterfeit meeting with QBPC every year and building quarterly contact mechanism with QBPC membership enterprises;
- 3) Shantou Anti-counterfeit Office promised to handle QBPC members' cases with full transparency to strengthen the anti-counterfeit work in Shantou.



**6) Exchange Meeting on Fighting against IPR Infringement and Making & Selling of Shoddy Quality Goods between Guangdong PSB and QBPC**

The Exchange Meeting was jointly initiated by Guangdong PSB/ECID and the QBPC was successfully in Guangzhou from October 28 to 29, 2013. Around 45 officials from Guangdong PSB, Guangdong PSB/ECID, 21 local PSBs in Guangdong, and representatives from Guangdong Higher People's Court and People's Procuratorate of Guangdong attended this exchange meeting. More than 70 member representatives were also present at the meeting.

**Key issues covered:**

- 1) The IPR protection work of Guangdong PSB and their efforts in fighting against making and selling of counterfeit products and typical cases was thoroughly introduced;
- 2) QBPC representatives introduced the overall situation, common issues and typical cases of each IWG;
- 3) Officials from Guangdong Higher People's Court and the People's Procuratorate introduced their IPR protection work and challenges they encountered;

**Outcome:**

- 1) Guangdong public security organs will take QBPC's suggestions seriously and further promote mutual cooperation in the field of information exchange, case-filing, case investigation, etc.;
- 2) The cooperation between Guangdong PSB and QBPC was greatly enhanced;
- 3) QBPC and Guangdong PSB will sign a MOU as a follow-up action.



## Legal Committee

<i>2013 Supporting Vice Chairman:</i>	<i>Mr. John Matheson/ Intel</i>
<i>2013 Committee Chairman:</i>	<i>Mr. Yun Xuan/ Microsoft</i>
<i>2013 Committee Vice Chairpersons:</i>	<i>Mr. George Li/ BASF</i> <i>Mr. Michael Yu/ Johnson &amp; Johnson</i> <i>Ms. Heart Chen/ QUALCOMM</i> <i>Mr. Miao Liu/ Sony</i>
<i>2014 Supporting Vice Chairman:</i>	<i>Mr. Yun Xuan/ Microsoft</i>
<i>2014 Committee Chairman:</i>	<i>Mr. Lingfei Lei/ Intel</i>
<i>2014 Committee Vice Chairpersons:</i>	<i>Mr. George Li/BASF</i> <i>Mr. Michael Yu/Johnson &amp; Johnson</i> <i>Ms. Heart Chen/QUALCOMM</i> <i>Mr. Miao Liu/Sony</i>

## 2013 Legal Committee Working Report

Legal Committee kept the momentum to deliver high quality projects and services to members. China is still in a big window for IPR law and enforcement regime reform. Therefore, LC and other relevant committees acted quickly to make sure that QBPC and its members were duly informed and consulted in the process of revision and drafting. With excellent team work, Legal Committee initiated several important research/cooperation projects with legislative and judicial organs at both central and local levels, and worked out a number of position papers to comment on the draft laws, regulations and judicial guidelines on behalf of our members. In addition, LC functioned as in house legal department to help to review and update QBPC's internal compliance policies/guidelines/process, and to review the contracts and conduct compliance check for nearly all QBPC projects. The major accomplishments include:

- Having followed through the **Amendment to Trademark Law** by providing comments on the National People's Congress drafts and meeting with the leading officials of NPC for face to face discussions; QBPC was the only industry group that was involved till the end of NPC review and many of our suggestions were taken by the top legislative body and written into the new law; Following up with the Supreme People's Court (SPC) and State Administration of Industry & Commerce (SAIC) respectively on the drafting of a new/updated **Judicial interpretation** to the new Trademark Law and the **Implementation Regulations** and provided QBPC comments on the TML IR and research for SPC JI.
- Having followed through the drafting of Beijing Higher People's Court's Guidelines on IPR Protection over E-Commerce Business that shed lights on judicial assessment of the civil

## QUALITY BRANDS PROTECTION COMMITTEE

liabilities of the websites involved in online counterfeiting, piracy, and trade secret thefts. Judge Shi Bisheng from BJHPC delivered a presentation at the QBPC December GM in Beijing to introduce the new guidelines.

- The 3<sup>rd</sup> field research meeting in Beijing and a big seminar to discuss Beijing Normal University's research paper and proposal on **amendment to the IPR crime related provisions the Criminal Code** were conducted, and the final research paper has been completed and sent to "Shuangda" Leading Group Office in MOFCOM.
- Having cooperated with Beijing Higher Court to develop a set of research papers regarding the **Connection between Registration and Protection of Well Known Trademark** and hold a high level seminar with broad participation by QBPC members. The final research paper was finalized and circulated to members for reference, which can serve good guidance in judicial protection of well-known trademark in Beijing area.
- Having collaborated with Patent & Innovation Committee (PIC) and Business Software Alliance to jointly co-sponsor the research project by Jiangsu Higher People's Court and Nanjing Normal University on **Evidentiary Rules in Civil IPR Disputes** that resulted in a good quality draft report and a high lever International Conference in Nanjing on that subject in which nearly 60 member reps participated. The research paper is to be finalized soon.
- Collaborating with Customs Committee and PIC to support SPC's research in **OEM Liability, Trade Secret Protection, and Preliminary Measures** that may also lead to new judicial guidelines in these fields. Two half day close door preliminary roundtable discussions with SPC judges on these subject to voice QBPC members' positions and suggestions have been conducted in early Jan. 2014.
- Having updated **QBPC compliance policies/guidelines** as well as all the major **contract templates** and improving the **standard process for contract review** in order to ensure compliance with internal guidelines. The whole team reviewed contracts plus compliance check for nearly all QBPC projects;
- Helped to bridge the cooperation between QBPC and BSA to co-sponsor the 2013 **National Prosecutors' Training for Handling IPR Crimes** in Quanzhou City of Fujian Province;
- Having collaborated with Communication Committee, Best Practice & Enforcement Committee, Member Service Committee, and QBPC Office to jointly organize the **2012-2013 Best Practice Cases Announcement** and reception in May.

There is more that LC has contributed to the organization and in serving our members, e.g. LC has always been proactive in supporting other projects and initiatives managed by other committees as well as in reaching out to sister organizations for information sharing and collaboration. The last but not the least, LC formed a superb crew of servants that plan and execute projects and manage the internal legal matters in a thoughtful, timely, and compliant manner according to members' need and expectations. We also spent substantial time to help develop the young talents in QBPC office through training and day to day communication, in particular to help Lizzy Liu grow into a Senior Legal Specialist.

## Membership Services Committee

## QUALITY BRANDS PROTECTION COMMITTEE

<i>2013 Supporting Vice Chairman:</i>	<i>Mr. Ron Davis/ Qualcomm</i>
<i>2013 Committee Chairperson:</i>	<i>Ms. Cecilia Dou/Heineken</i>
<i>2013 Vice Chairpersons:</i>	<i>Mr. Cheney Xu/ IBM</i> <i>Mr. Xi Chen/ Philips</i> <i>Mr. Li Bingtao/ Underwriters Laboratories</i>
<i>2014 Committee Chairman:</i>	<i>Mr. Li Bingtao/ Underwriters Laboratories</i>
<i>2014 Vice Chairpersons:</i>	<i>Mr. Cheney Xu/ IBM</i> <i>Mr. Jerry Yang/ Johnson &amp; Johnson</i> <i>Mr. Xi Chen/ Philips</i>

### **2013 Membership Services Committee Working Report**

#### QBPC Members in General

- QBPC now has 215 members, of which 26 are voting members and 189 are general members;
- 18 New members in 2013. We are glad to have Moncler, Kao, Agilent, Wacom, FURLA, Cheese Town, Ozaki, Nikon, Wacoal, Hyundai, Trendy, Victorinox, Toms, ADI, A&F, Altria, Kohler and Merck Serono into QBPC family. Welcome!
- 4 New members in 2014. We are glad to have Orion Food, Novo Nordisk, Voith, Altera into QBPC family. Welcome!
- In 2013, QBPC received the Y2012 member fee of USD59,417 and Y2013 membership fee of USD1,180,553. Thank you all for the contribution.
- Membership withdrew: 20 member companies withdrew from QBPC in 2013, 6 member companies withdrew from QBPC in 2014 because of like personnel change; re-visit their IP strategy and priority etc. Thanks for their contribution in the past. The door is always open to them.

#### Projects and Services Provided in 2013

- Conducted the membership survey: learn members' needs, collect feedback, for continuous improvement;
- Supported the translation project on Supreme Court implementation of Patent infringements cases;
- Host the Breakfast meetings with the new and potential members;
- Assisted on IP-related criminal law amendment suggestion research program.

#### Improvement Projects

- Developed the proposal of opening vote to general members by working with the chairs. This is really a risk-taking approach, but will be beneficial to most members.
- Internal MSC team building:
  - ✓ Stronger team for better services
  - ✓ Recruit new vice chairs
  - ✓ More frequent and regular meetings
  - ✓ Working closely with QBPC office operation team

#### We are Ready to Assist

#### Contact information:

- ☐ Li, Bingtao [bingtao.li@ul.com](mailto:bingtao.li@ul.com)
- ☐ Xu, Cheney [xuchi@cn.ibm.com](mailto:xuchi@cn.ibm.com)
- ☐ Chen, Xi [Xi.C.CHEN@philips.com](mailto:Xi.C.CHEN@philips.com)
- ☐ Jerry Yang [lyang79@its.jnj.com](mailto:lyang79@its.jnj.com)

### **Patent & Innovation Committee**

2013 & 2014 Supporting Vice Chairperson: Ms. Zhang Yan/ IBM  
2013 Committee Chairman: Mr. Xiaoyang Qu/ Siemens

2013 Vice Chairman: Mr. Andy Xiang/ ABB  
Mr. David Shen/ AstraZeneca  
Mr. Sam Li/ rep. Bayer  
Mr. Fei Zeng/ Intel

2014 Committee Chairman: Mr. Xiaoyang Qu/ Siemens  
2014 Vice Chairpersons: Mr. Andy Xiang/ ABB  
Mr. David Shen/ AstraZeneca  
Mr. Sam Li/ rep. Bayer  
Ms. Minjia Zheng/ IBM

## **2013 Patent & Innovation Committee Working Report**

In 2013, with whole PIC team (Sam, Fei, David and Andy), we conducted 6 projects for QBPC member companies within planned budget and 1 project delay.

### **● Research Project with Jiangsu Higher People's Court Evidence in IP Litigation**

This is a joint project between P&I and Legal Committee. The project is part of the SPC's effort to further develop evidence rules and practice in IPR litigation. We are working with Jiangsu Higher People's Court. This project review and evaluate evidence practice in the areas of standard of proof, notarization, trade secrets/method patents, damages, preservation, legitimate source, appraisal and expert witnesses, and will produce reports regarding the evidence practice. The report will make recommendations on developing evidence rules. It will also be published for sharing with the larger IPR community. QBPC has had a kick-off meeting with Jiangsu Higher People's Court in March, and the high-level seminar with participations by leading judges, experts and QBPC members in this regard has been successfully held in Nanjing on November 23 and 24.

### **● Research Project with Beijing First Intermediate People's Court – Damages**

The project explores law and practices in damages determination for IPR infringement, P&IC expects the project will enhance members' understanding of the damages determination in IPR litigation and promote predictability and reasonableness in courts' damage awards. In November 2, 2012, leading participants of the project from the QBPC and the court held a discussion walking through preliminary research results made by the court. The P&IC is working with the court and developed outlines for the project. The project is planned to be completed and publication of project reports afterwards.

### **● 2013 Project on 4th Amendments to the China Patent Law and Draft Service Invention Regulations**

MIIT IP Center has been very active in coordinating the opinions from government officials, academies, and domestic industries under MIIT to influence and change the two legislative



activities. By this project, we have utilized the relationship and platform of MIIT IP Center to team with the major China domestic players to talk directly with SCALO officials working on these two legislative activities to make sure our concerns and suggestions are well heard or read by SCLAO. The Seminar on the Service Invention Regulations Draft jointly held by the QBPC and the IP Center of the MIIT (the “Seminar”) was launched on May 28 in Beijing.

● **2013 Project on Handling Patent Issues in the Development of Chinese National Standards with CNIS**

The QBPC members together with many industry players both inside and outside China are very much concerned on what will be included in the GB of < Special procedures for the development of standards Part 1: Standard related to patents> (“Special Procedure”). China National Institute of Standardization (CNIS) is improving the Special Procedure based on the 2009 Draft. Taking advantage of this occasion, the CNIS and the QBPC carried out a cooperative study on the best practices of handling patents in standardization. In this cooperative study, the CNIS plans to organize at least two forums to hear comments from QBPC members and experts invited from both China and outside to discuss key issues of patents in standards. A Seminar on the Latest Progress of the Standard and Patent Policy was jointly held by the CNIS and the QBPC on June 7th 2013.

● **Research Project on Doctrine of Equivalent with Shanghai Higher People’s Court**

The project is to explore the doctrine of equivalence issue in patent infringement, and the P&I expects this project clarifies courts’ position to our members operating in Shanghai and provide guidance them in IP practice of Shanghai. The project looks into the current practice in the Chinese judicial system, studies the practice in the foreign judicial system and makes suggestion on improvement for the Chinese practices:

- How the doctrine of equivalency should be limited
- Whether there is any difference for different technologies

The first conference was held on March 29, 2013 at Tongji University together with Shanghai High Court, IP Chamber and sister organization - the RDPAC. Judges from most major higher courts and the SPC participated in this conference.

● **Research Project on Trade Secret Protection with the Supreme People’s Court**

Trade secret protection is essential for innovation. It is a great concern of many QBPC member companies. In 2011, we had a project with SPC on trade secret protection, which surveyed courts’ practice nationwide. The outcome of the project has substantial impact the practice. There are also a rising number of trade secret cases. SPC is contemplating on issuing new guidance on trade secret protection, probably sometime in 2014. We are invited to provide our insight into this very important area of the law. The court also plans to organize a conference on the subject in early 2014. The project offers an opportunity for QBPC voice its accumulated experience and thoughts over the years.

● **Research Project on Preservation/Preliminary Measures in Civil IP Disputes/Joint program with LC**

This project is to collaborate with the IP Tribunal of SPC to conduct a study on evidence preservation, property preservation and preliminary injunction in civil IPR disputes. Many members that resort to civil litigations to protect their IP have encountered difficulties in getting access to evidence/property preservation and preliminary injunction, and those measures are crucial to the effectiveness and deterrence of civil remedy in many cases. The court also plans to organize a conference on the subject in early 2014.

● **2 Seminars and Trainings Sponsored by PIC**

- Shanghai IP Judges Training Program (from Jul 22nd to Jul 26th, 2013, Shanghai), QBPC members participated.
- Workshop on FRAND and Standards-related Essential Patent Litigations (August 14, 2013, Beijing). QBPC members gave key-note speech.

● **4 Comments Seeking by PIC**

- Comments Seeking on the Latest Amendment to the Patent Law for SCLAO
- Comments Seeking on the Patent Infringement Determination Guideline for SIPO
- Comments Seeking on Article 33 of Patent Law for SPC
- Comments Seeking on Patent Examination Guideline for Graphical User Interface Design for SIPO

● **3 PIC Working Lunches:**

The PIC has a tradition to invite members for lunch and speaking hot IP topic in each quarterly GM meeting. By far, 3 have been made. Topics include trade secret protection, service invention regulations draft, and discussion on PIC projects.

In 2013, I have led the Patent & Innovation Committee actively monitored the legislative/policy related matters from government/courts side, and timely distributed and translated the draft legislative documentations to the members attention, and consolidated Comments from the members to be provided to the government and courts. We are happy to see more members participating the PIC events and contributing their intelligence and time to the PIC.

## **Agricultural IWG**

**IWG Coordinator: Ms. Jennifer Kang/ Bayer**

**Group Members:**

BASF

Bayer

DuPont

Monsanto

Mosaic  
Novozymes  
Syngenta

## **2013 Home Agricultural IWG Working Report**

In 2013, AIWG had two workshops focusing on IPR protection for agricultural products. Members and invited speakers participated in the workshops and gave presentations on topics on concerns issues of the business. In the presentations specific IPR issues in the agriculture business are addressed and discussed among members. Those topics include the newly amended PVP law, IPR protection for plant cells and gene technology, anti-counterfeiting experience for agrichemical and seed business etc. The speaker also shared their experience in helping companies to protect IPR.

Photo: speaker giving a presentation on IPR protection for agrichemicals



## **Automotive IWG**

**IWG Coordinator: Mr. Alex Theil/ rep. Audi**

**Group Members:**

3M  
ALTECO  
Audi  
BMW Group  
Bosch  
Caterpillar  
Continental  
Cummins  
Daimler  
Delphi  
Eastman  
Eaton  
ExxonMobil  
Federal-Mogul  
Ford  
Freudenberg  
Gates Unitta  
General Motors  
Harley-Davidson  
Harman  
Hella  
Hitachi  
Honeywell

Hyundai  
Jaguar Land Rover China  
John Deere  
Mahle  
Mann-Hummel  
Michelin  
NGK Spark Plug  
Nissan  
PSA Peugeot Citroen  
Saint-Gobain  
Schaeffler  
Shell  
SKF  
Timken  
TOYOTA  
TRW  
Valeo  
Volkswagen AG  
WD-40  
ZF

### **2013 Automotive IWG Working Report**

In 2013 the Auto IWG organised/engaged in the following

- PR Booth at Guangzhou Auto Show
- PR Booth at Shanghai Automechanika
- MOU signed with Changzhou ECID
- Rui'an Initiative including kick-off meeting and follow-up destruction event.
- Attended MOU with Zhejiang PSB and organised an AIWG follow-up visit
- AIWG participated in Guangdong ECID Exchange Meeting
- AIWG attended various Customs Training Events both with China Customs as well as WCO.

## **Home Appliances IWG**

**IWG Coordinator: Mr. Li Hai/ Sony**

**Group Members:**

AkzoNobel  
GHD  
Hitachi  
Kohler  
LG Electronics  
Lutron  
Nikon  
Osram  
Panasonic Corporation  
Philips  
Samsung  
Seb Developpement  
Sony Mobile  
Sony  
Toshiba  
Wacom  
Wahl

## **2013 Home Appliances IWG Working Report**

### **2013 IP Protection Training Seminar with Kunming AIC**

**Date** : July 24<sup>th</sup>, 2013

**Venue:** Kunming's Kai Wah Plaza International Hotel (Kunming 157 Beijing Road)

#### **In attendance:**

- Kunming AIC/PSB/Court of PRC
- LG Electronics china co., ltd.;
- NIKON IMAGING (CHINA) SALES CO., LTD.
- Panasonic Corporation;
- Philips (China) Investment Co., Ltd.;
- Samsung China;
- Sony (China) Limited

#### **Brief Summary**

Home Appliance Industry Working Group of QBPC (“HA IWG”) successfully conducted the IP training seminar with Kunming AIC on July 24<sup>th</sup>, 2013. About 60 officials from the trademark office of Kunming AIC, PSB and Court attended the seminar and most of the attending officials work on the front line of IP Protection. Representatives from LG, NIKON, Philips, Panasonic, Samsung and Sony made an introduction about their brands and what they had done to deal with counterfeiters from the perspective of identifying fake products. 6 attending IWG member companies also brought their genuine products and counterfeits seized in past enforcement actions for on-site comparison. The AIC officials raised various questions and actively participated in the discussions.

#### **Training Seminar** (2013-07-24)

Kunming AIC included this training seminar on July 24th and about 60 officials of Kunming AIC, PSB and Court attended the seminar, including Director of Kunming AIC’ Mr. Chen.

Mr. Chen made a report on the IP enforcement work of Kunming AIC in 2012 and mentioned in the coming 2013 in spite of the slow-down of the global economy and noticeable decrease in the export, they would continue to strengthen the IP protection and education of the manufacturing companies in Kunming on IP protection.

After Mr. Chen’s report, Mr. Lee Hai from Sony made a welcome speech on behalf of HA IWG. Representatives from 6 HA IWG member companies made presentations to introduce their own companies and products, especially on how to verify the counterfeits.



## **Highlights**

We received positive feedback from officials of Kunming AIC about the IP training seminars that they learnt lots of verification skills through the training.

We encouraged attending HA IWG member companies to bring some genuine and fake samples of their products for comparison when briefing the verification skills to the officials. Most officials think highly of this arrangement, which made our introduction more impressive and vivid.

Plus, several HA IWG member companies arranged some quiz after their presentation and gave some small prizes (their own products) to those officials who provided the right answer. It's obvious that officials were quite interested in such quiz and more concentrating on the presentation.

We believe such training seminars will provide AIC more knowledge about the brands of HA IWG member companies and help us to set up better communication channel with authorities in China.

## **Pharmaceutical IWG**

**IWG Coordinator: Ms. Monica Lin/ Johnson & Johnson**

### **Group Members:**

Agilent  
Ansell  
AstraZeneca  
Bayer  
Beaufour Ipsen  
Eli Lilly  
Evonik  
GlaxoSmithKline  
Johnson & Johnson  
Life Technologies  
Merck Serono  
MSD  
Novartis  
Pfizer  
Roche  
Sanofi  
Servier  
Takeda

## **2013 Pharmaceutical IWG Working Report**

In 2013, PIWG had several projects such as trainings and seminars. In detail, there are trainings for Hubei FDA, Nanchang FDA, GZ customs, Beijing PSB and also seminars with GACC, Shantou anti-counterfeit office, WCO and some other domestic law enforcements.

We have applied funds for 3 projects: GZ customs training, Nanchang FDA visit& training and Beijing PSB training. Due to some reasons, only the last project (Beijing PSB training) used the budget.

**Date** : Dec. 4<sup>th</sup>, 2013

**Venue**: Beijing PSB meeting room

**In attendance:**

- 60 officials from Food and Drug Crime Investigation Detachment of Beijing PSB and Beijing FDA
- 11 well-known pharmaceutical companies attended: AstraZeneca, Bayer, Sanofi, JNJ, MSD, Novartis, NovoNordisk, Roche, GSK, Pfizer, Servier.

**Brief Summary**

PIWG successfully conducted the training with Beijing PSB on Dec. 4th, 2013. About 60 officials from Food and Drug Crime Investigation Detachment of Beijing PSB and Beijing FDA attended and most of the attending officials work on the front line of anti-counterfeit medicines.

Mr. Xie Wenkui, Director of Food and Drug Crime Investigation Detachment of Beijing PSB, made an opening greeting and pointed out that the training was full of significance which can effectively improve the local PSB officials' ability to identify drugs are genuine or not on the spot. Combatting counterfeit drugs is an unremitting work that requires closer cooperation among law enforcements, social public and rights holders. Especially, the right holders should play a more active role and make use of their advantages in professional knowledge.

Representatives from AstraZeneca, Bayer, Sanofi, JNJ, MSD, Novartis, NovoNordisk, Roche, GSK, Pfizer, Servier made an introduction about their products and their experiences in distinguishing counterfeit ones from the genuine, some typical cases were also mentioned.



**Highlights**

To get a better training effect, several pharmaceutical companies, including JNJ, brought genuine and counterfeit drugs & medical devices samples and placed on the front desk in the conference room. During the break, representatives made clear explanation to PSB officers about the differentials between genuine and counterfeit drugs face to face.

Director Xie said that Beijing PSB will devote more resources, innovate working methods, strengthen information exchanging with pharmaceutical companies to fight against cunning criminals.

Beijing is becoming a hot area of counterfeit drugs especially oncology medicines in northern China. So, this training was an excellent chance to communicate with Beijing PSB officials for pharm companies and it would surely foster better collaboration in the future.

## Sporting Goods IWG

**IWG Coordinator: Mr. Victor Liu/ NBA**

**Group Members:**

A&F  
Adidas  
Amer Sports  
Bestseller  
BMW Group  
Caterpillar  
Deckers  
Harley-Davidson  
Kering  
Levi Strauss  
Manchester United FC  
Micro-Pak  
Moncler  
NBA  
New Era Cap  
Nike  
Pentland  
Red Bull  
SGG Lisco LLC  
Toms  
Trendy  
Victorinox

### **2013 Sporting Goods IWG Working Report**

In 2013, Sporting Goods IWG conducted three (3) projects below covering the main working targets we previously determined: (a) talking with e-commerce platforms to improve online anti-counterfeiting; (b) training with Chinese customs and (c) ongoing brand education to the government enforcement agencies. Please refer to the details below:

**1. Meeting with JD.com**

**Time:** 9:30 – 11:00 AM, December 5, 2013

**Place:** Office of JD.com

**Summary:** The meeting with JD.com was arranged to begin anti-counterfeiting talk. Our primary goal of establishing communication with JD.com's legal has been successfully achieved. After talking with Ellen Lin (Senior Director of Legal Department) and Judy Fan (IP Group Manager, Legal), we know that (a) JD.com started from B2C model 10 years ago, so their IP infringement issues was not that prominent at the beginning; (b) now, JD.com has another platform for C2C model. That is why JD.com's IP infringement issues is getting more and more attention; (c) JD.com is at its starting point to establish its own IP complaint system; (d) JD.com is willing to talk with us about IP infringement issues and they are willing to have another meeting if we still have issues with JD.com in dealing with IP infringement issue (even a mutual training with JD.com in 2014); and ( e) JD.com welcomes



our brands to open our business on JD.com (though we reiterated several times that we need to see JD.com's respect to our IP rights first).

We would track the enforcement works with JD.com and try to arrange another meeting in 2014 to follow up if necessary.

## 2. Meeting with Customs in Xiamen and Fuzhou

**Time:** December 19 (Fuzhou Customs); December 20 (Xiamen Customs)

**Place:** Fuzhou Customs; Xiamen Customs

**Summary:** Around 12 brands visited the customs in Fuzhou and Xiamen. Each member delivered the introduction to the own brand and products. Two customs not only introduced their works in 2013 and latest cases which are relevant to Sporting Goods IWG, but also gave us advices which might be relevant to other QBPC members. For instance,

- Brand owners' information in customs filing system shall be consistent and updated. Customs officials are always confused by the name inconsistency among a company's English name, Chinese name in traditional Chinese and Chinese name in simplified Chinese. The customs prefer simplified Chinese in the filing.
- Chinese introduction about each QBPC brand and their products. With Chinese introductions, customs officials could check brand and product information and compare when they meet suspicious goods to be imported / exported. I think we have full list and link to each member on our QBPC's English webpage, but I am not sure whether we have those in Chinese.

## 3. Desk Calendar (Year 2014) for Brand Education

In 2013, Sports Group has decided to print desk calendar instead of previous trademark handbook to give government enforcement agencies continues education about our brands. The calendars will contain the participated brands' introduction and photos for the trademark and products. 17 members have participated in this project.

We have finalized the design with each participated member and we are in the process of calendar printing right now. We planned to have the calendars produced at the end of January 2014; distributed to each participated members in the week of January 20, 2014, so each member could arrange give away before or after the Chinese New Year.

