



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 e' organizzato da "IP Key Action" della Commissione Europea e dell'Ufficio
Europeo per la Proprieta' Intellettuale (EUIPO)

IPKey

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

Camera di Commercio Italo Cinese

09:15 – 12:30

Sessione 1 – esame delle domande di registrazione – 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 Jiang Ruibin, Direttore Generale, Dipartimento Esame Marchi, SAIC

- Protezione dei marchi in Cinese Mandarino
- 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 -- tutela dei marchi notori e registrazioni "in malafede" – online enforcement

Modera: Carlo Alberto Demichelis, INDICAM

15:00 – 15:30 Prof. Cesare Galli, Università 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 nullità fondate su diritti anteriori diversi dai marchi
- Opposizioni e azioni di nullità contro marchi registrati "in malafede"
- Prova d'uso e notorietà: uso del marchio all'estero/su internet e impatto sul mercato domestico
- Formalità richieste per le prove formate all'estero.

16:20 – 16:30 Q&A

16:30 – 16:40 Pausa caffè/te'

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

- Marchi e malafede: esperienze italiane in Cina

17:10 – 17:20 Q&A

17:20 – 17:30 Conclusioni



SPEAKERS

Fabio Giacobello

Partner at HFG Law & Intellectual Property

Fabio Giacobello 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.



Prof. Cesare Galli

University of Parma Galli Law Firm

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).



Chen Zhuo

Deputy Director General—
International Cooperation
Department, SAIC

Chen Zhuo, born in May 1963, is the Deputy Director General of International Cooperation Department. He studied law at Peking University from 1983 to 1987 and was a tutor at Electric Power Management Bureau of North China from 1987 to 1990. Later he respectively took the positions of the Division Director of Department of Policies, Laws and Regulations, Deputy Director of Trademark Review and Adjudication Board (TRAB), and DDG of International Cooperation Department.



Jiang Ruibin

Director General of TM
Examination Assistance Centre,
SAIC

Mr. Jiang Ruibin, born in March 1961 with the Han nationality, is from Nanyang, Henan Province, China. He became a member of the Communist Party of China since May, 1985. He received the bachelor's degree from Wuhan University in July 1983. In September 2005, Mr. Jiang started his career in SAIC, and used to take the positions including DD (Deputy Director) of Anti-Unfair Competition Division, DD of CTMO, Leadership Group Member of Building Construction of TM Bureau, DDD of the Office, Secretary of the Party Branch, as well as Secretary of China Trademark Association. In April 2015, Jiang Ruibin took over the position as Director General of TM Examination Assistance Centre (positive director level), responsible for comprehensive work of the Centre.



Liang Sen
Division Director of General
Office, CTMO, SAIC

Liang Sen, Division Director of General Office, CTMO, graduated with a Master's Degree of Public Management. He started to work in CTMO as an examiner of the Examination Division and GI Division of CTMO, mainly working on the examinations of general trademarks as well as certifications GIs. Liang became the Deputy Division Director of General Office in 2010 and was promoted to the Division Director of the Office in 2015.



Ma Yanyan
Deputy Division Director, Legal
Affairs Division, TRAB, SAIC

Ma Yanyan is the Deputy Division Director of Legal Affairs Division, TRAB. In January 2005, she began to deal with trademark reviews and prosecutions at TRAB. From September 2011 to September 2012, she studied at Kyushu University in Japan and received the Master's Degree of Law. Later in September 2015, she took the work at Legal Affairs Division on dealing with affairs related to trademark reviews.



Davide Follador

IP Key Action of the EC and
EUIPO

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

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