

Shallow the Intellectual Property Protection Current Situation of China Conference and Exhibition and the Path of Infringement

LI Jing

School of Management
Shanghai University of Engineering Science
No.333, Longteng Road
Songjiang District
Shanghai201620
China

Abstract

With the rapid development of the economy and the continuous grandness of convention and exhibition industry in China, exhibition of intellectual property have increasingly become the important part of the China conference and exhibition .Accelerating the construction of exhibition of intellectual property rights is a powerful guarantee for exhibition to the long-term development of China. This paper first introduces the concept of the exhibition of intellectual property and the significance of protection. Secondly, the paper expounds the present legal status of intellectual property rights of China conference and exhibition, the status of China conference and exhibition economy report in the journal and the situation of the infringement cases occur in abroad exhibitions. In addition, different attitudes towards the protection of intellectual property rights between China's and foreign conference and exhibition are illustrated. Finally, through the two case analysis the path of China convention and exhibition infringement, and put forward the related countermeasure analysis.

Key Words: China, Exhibition of Intellectual Property , Present Status ,Path of Infringement

1. Introduction

The definition of Wikipedia about intellectual property is refers to the people engaged in intellectual creative labor results after the proprietary rights in accordance with the law, is usually given the creator for its state intellectual achievements enjoy the exclusive rights in a certain period or exclusive rights[7].It includes inventions, literary and artistic works, and practical in commercial symbols, names, images, and designs. It can be divided into two categories, industrial property and copyright. Industrial property includes inventions (patents), trademarks, industrial designs, and geographic marks, and copyright includes literary and artistic works. Intellectual property is a kind of the intangible property right [5].

The intellectual property rights of conference and exhibition should include the conference and exhibition own intellectual property rights, and intellectual property rights in the process of the conference and exhibition [1].The conference and exhibition own intellectual property rights include the name, LOGO (LOGO), business signs, design concept, etc [3].In addition it also includes special LOGO and slogan of theft and counterfeiting. The intellectual property rights in the process of the conference and exhibition include the patent right of the exhibition booths design, the booths structures and goods displayed, trademark right, copyright and other issues. Because of the crash, copy and copy exhibition events occurred frequently makes exhibition solutions of the problem of intellectual property rights is particularly important.

Intellectual property protection is not only beneficial for the exhibitors and participation audience to easily identify and appraise the quality, brand and the quality of different exhibition services, create a good market environment for the exhibition. Meanwhile, the protection of intellectual property rights is beneficial for our country to set up the brand, cultivate healthy exhibition industry; It contributes to exchange the advanced world exhibition with our country exhibits, and advanced technical communication, narrows the gap between China's acquisition and the acquisition of developed countries and enhances the international image of China's acquisition.

It also lays the ground for the vigorous development of Chinese conference and exhibition industry that has a good and solid foundation and improves the international competitiveness of China's exhibition industry.

2. The Current Situation of the Intellectual Property Rights of the Conference and Exhibition

At present, our country in intellectual property protection has issued a series of comparatively complete laws and regulations. Although it does not have a specific "intellectual property", according to different intellectual property issues have corresponding legal protection, including the "trademark law", "patent law", "copyright law", "anti-unfair competition law", "the software protection law", "contract law" and the relevant provisions of the general principles of the "civil law" to protect the intellectual property rights in our country. Because the convention and exhibition industry has a temporary volatility, liquidity, short time period (more than 3, 4 days), with the actual operational on intellectual protection in exhibition industry and disputes are dismissed. The relevant administrative organization could not always effective real-time in accordance with the provisions of the relevant intellectual property laws and regulations and working procedures to solve intellectual property infringement in convention and exhibition has become a big problem on the exhibition industry. In order to reduce the damage to the image of China's exhibition industry of various intellectual property rights disputes in intellectual property rights, ensure good exhibition market environment and order, China on January 10, 2006 for the first time issued by the ministry of commerce and state administration for industry and commerce, national copyright office, state intellectual property office jointly formulated by the "exhibition of intellectual property protection method" (hereinafter referred to as the "method"), and in March 1, 2006 formally implemented. Meanwhile, it carried out the "Blue sky exhibition action" with the implementation of the "method". The action took the protection of trademark rights, Copyrights, patents as a key, focused on the influence on the international exhibition and put the holder of the intellectual property right as a strong case as the breakthrough point. It through the propaganda, training, communication, supervision and reporting activities to enhance comprehensively the level of exhibition industry in our country intellectual property rights protection work [4].

2.1 The Intellectual Property Work Deployment of the National Level

From the promulgation of the "method" to today's exhibition industry for nearly ten years development course, up to now our country has joined "International Exhibition Convention", "General Agreement on Trade in Services" (GATS), "Trade-Related Aspects of Intellectual Property Rights"(TRIPS) and "World Intellectual Property Organization Convention" and other international conventions. On January 11, 2006, "the second China international exhibition cooperation BBS (CEFCO2006)", the national 943 major ZuZhan unit jointly issued the "China Convention and Exhibition Industry Joint Action Declaration on the Protection of Intellectual Property", shows that the protection of intellectual property in China's mutual determination and practical measures. On January 11, 2006 in China and the United States jointly issued the "Joint Statement of Exhibition Industry of China and the United States to Protect Intellectual Property Rights". China council for the promotion of international trade on February 15, 2006 issued "About Trade Promotion System in the Exhibition Regulations for the Protection of Intellectual Property Work Notice". It also organized 11 convention and exhibition industry units to join by CCPIT the "Declaration of China's Exhibition Industry Joint Action on the Protection of Intellectual Property". In 2006 the ministry of commerce has issued a "About Strengthening the Overseas Exhibitors ZuZhan letter of Intellectual Property Rights Protection Work" and CCPIT issued a "About Reiterated of the Relevant Requirements of Overseas Exhibition IPR. Protection work notice" to drive the provinces of exhibition work of intellectual property [6].

2.2 Provinces Exhibition of Intellectual Property Work Deployment [8]

Guangdong Province

Culture bureau , industrial and commercial bureau of Shenzhen city in 2006, the public security bureau and other 17 relevant government departments to form, and formulated ".The Second Wenbo Cultural Security and Intellectual Property Protection Scheme". On December 1, 2010 formally implemented the regulations on "The Patents of Guangdong Province" is further handle intellectual property disputes for the exhibition organizers provide effective legal basis. During the 101th Canton fair, Guangdong province, established the "Alleged Infringement of Intellectual Property Rights of Complaints and Handling Measures". In 2012, the 27th international furniture (Dongguan) intellectual property office in Dongguan timely established during the exhibition" Dongguan Intellectual Property Office of the 'Three dozen Two' Built Special Operation Implementation Plan ", and established the "Rights complaint within the extension to get fast solution.

On October 15, 2012, Guangdong provincial government executive meeting examined and approved "The Exhibition of Guangdong Province Patent Protection Method". 2012, Yangjiang in Guangdong intellectual property office of the joint various counties (city, district), intellectual property office (Yangjiang) in the 11th China international hardware knife cut during expo, and doled out "The China (Yangjiang) International Knife Cut Fair Complaints of Suspected of Infringement of Intellectual Property and Processing Method ", "Patent Law", "Patent Labelled Method", "the Guangdong Patent Regulations", "The Exhibition of Guangdong Province Patent Protection Ordinance", and other key national, provincial and municipal relevant publicity materials, more than 1000 exhibitors and the masses to the related intellectual property consulting more than 100 times in order to ensure the work of intellectual property rights.

Beijing

On August 20, 2007, Cologne international exhibition co., LTD. (hereinafter referred to as the international Cologne) with a Chinese representative group units, signed in Beijing "About the Cooperation Memorandum of Understanding on the Protection of Intellectual Property Right". On November 9, at the annual meeting of the 73th UFI was held in Beijing, CCPIT and the international exhibition organizers association (UFI) signed "About the Protection of Intellectual Property Rights of Joint Exhibition Business Agreement". Enacted in 2008, the Beijing municipal government legislative affairs office of "The Beijing Exhibition of Intellectual Property Protection Way ". China textile industry association respectively with textile and apparel industry association of German and Italian federation of textile and apparel industry in Beijing signed "The Memorandum of Intellectual Property Rights Protection".

Shanghai

In August 2005, Shanghai the 11th China international home textiles and accessories fair issued "China International Home Textiles and Accessories Fair about the Protection of Intellectual Property Rights of Shanghai Declaration". In April 2008, according to "The Regulation of the World EXPO Logo Protection Ordinance", the bureau of Shanghai World EXPO coordination has been in China, the state administration for industry and commerce trademark office for record 42 World EXPO Logo. The state intellectual property office issued "The 2010 Shanghai World EXPO Patent Law Enforcement Rights Protection Work Plan" for making arrangements during the Shanghai world expo patent law enforcement rights protection work.

Other Provinces and Cities

Kunming city technology bureau by the Kunming municipal people's government on strengthening Intellectual Property Rights work of certain rules relating to the draft (hearing) hearing, for Kunming Intellectual Property Rights work. Henan province chamber of commerce is in accordance with the established rules of the convention exhibition industry emphasis on "The principle of Respect for Intellectual Property Rights". In 2011, Chongqing and Guangdong two provinces and cities in order to establish long-term stable cooperative relations also signed "The Chongqing and Guangdong Intellectual Property Strategic Cooperation Agreement", cooperation on intellectual property rights. On June14,2012, "The Yantai Intellectual Property Protection Measures" for the exhibition effect. Jinan 2013 intellectual property office and other four departments jointly establish "The Jinan Exhibition of Intellectual Property Protection Measures (trial) ", will make Jinan exhibition of intellectual property protection laws. 38 in 2010, the Xinjiang uygur autonomous region of the 11th National People's Congress standing committee examined and passed at the meeting of "The Xinjiang Uygur Autonomous Region Patent Promotion and Protection act (amendment)", exhibition economy in Xinjiang patent problems that exist in the specification. "Intellectual Property Rights Protection Measure of Exhibition in Yiwu " (2008).

According to statistics, the ministry of commerce and various provinces and regions in our country in 400 issues of journal of Chinese exhibition economy information about the protection of intellectual property rights in such aspects as laws, regulations and rules of work deployment situation: national has 10,Guangdong has 10,Beijing has 4, Shanghai has 3,other provinces and cities area have 7.The specific ratio situation are shown in figure 1:

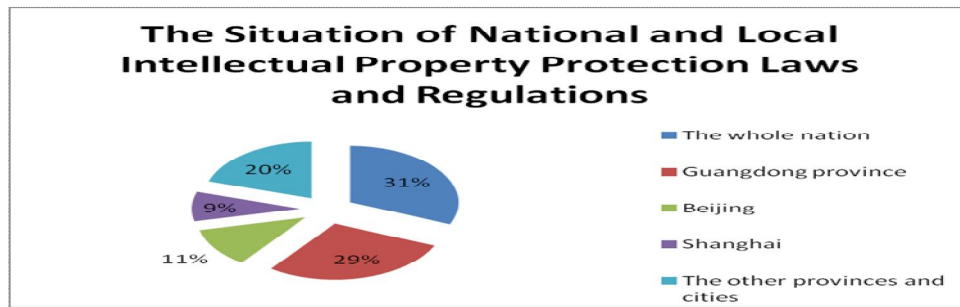


Figure 1. The Situation of National and Local Intellectual Property Protection Laws and Regulations

2.3 In the Chinese Exhibition Economy Information Reports of Exhibition of Intellectual Property Rights

According to statistics, the 400 issues of Chinese exhibition economy information have 116 piece/times journal articles which involve exhibition intellectual property and have a total of the reference information about the exhibition research information 32 piece/ time. Which involves the infringement cases of exhibitions 24 piece/ time , including abroad exhibition infringement cases 11 piece/ time, infringement cases of domestic exhibition 13 piece/time. These infringement cases mainly cover the appearance patent infringement, alongside the brand exhibition or branded goods three aspects of the infringement, and infringement of counterfeit products. Involved in the whole Chinese exhibition economy information exhibition articles, the articles on exhibition construction of intellectual property rights, the first-tier cities including Beijing 10 piece/times, Shanghai 5 piece/ time, Guangzhou 5 piece/ time; Second-tier cities of Shenzhen 5 piece/ time, Nanning 1 piece/times, Kunming 1 piece/ time; Chongqing 1 piece/times, Dongguan 1 piece/times, Xinjiang 1 piece/time, Xi 'an 1 piece/ time, Wuhan 1 piece/ time, Chengdu 1 piece/ time. The national conference of intellectual property rights construction of articles have 15 piece/time; Other classes on how to prevent infringement cases have 44 piece/time, etc[8]. Details are shown in figure 2:

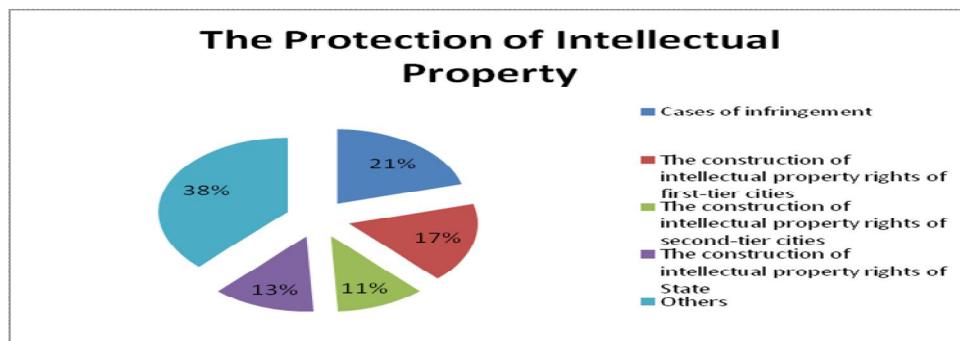


Figure 2. The Protection of Intellectual Property

In all cases of infringement cases of infringement in China compared with infringement cases in foreign countries are shown in figure 3:

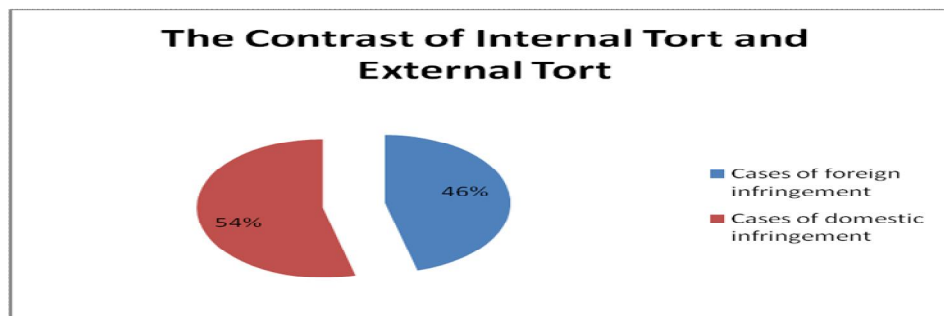


Figure 3. The Contrast of Internal Tort and External Tort

2.4 This Year Exhibitions Abroad Infringement Cases Were Reviewed

Europe is the most important region of our country enterprise participation. It is also the hardest hit of sanctions to China's enterprises. The next day we were told six exhibitors in our country were arrested on the raw materials for the 2005 world exhibition held in Paris, France which because of France's Sanofi-Aventis group company for infringed, then the booths were closed down. On the Milan, Italy international sanitary equipment exhibition in 2006, an Italian company charges in Guangdong's IKEA of China has a water pump in the booth photos posted which is a pump style of trademark infringement. The result was raided and confiscated. Berlin, Germany international audio-visual equipment exhibition in 2007, our country several manufacturers of Blu-Ray DVD collective were Japanese Toshiba told patent infringement; In Germany, on 2008, 2009 and 2010 information and communication technology exhibition, an Italian patent agents (Sisve) told our several companies which product USB flash disk, Mp3and MP4for some patents that no royalties of pay of full specified amount. In 2010, a high pressure concrete pump truck production equipment manufacturer in China, in preparation for the European international construction machinery exhibition equipment, have be threatred by a German production of similar type products manufacturer who think that China's products to copy their technology. Our company had the independent intellectual property rights and continued to join an exhibition bravely and nothing wasn't happened.

3. The Comparison of Chinese and Foreign Exhibition of Intellectual Property Protection

When it comes to Chinese and foreign exhibition of intellectual property protection, Europe is the origin of exhibition industry development. As the exhibition of intellectual property protection of origin and the convention of protection of intellectual property rules makers, Europe has very rich experience in exhibition of intellectual property protection. "Convention on the Protection of Industrial Property in Paris" in 1883 and 1886 about copyright (works) of the "Agency of Literary and Artistic Works Berne Convention" are the European convention on the basis of intellectual property. The exhibition industry in our country joined in 1985 and 1992. Compared with the European convention of intellectual property protection in China started relatively late. Europe is the comprehensive intellectual property law.

When the show have the protection of intellectual property rights disputes, Europe has specific laws (the "EU's agreement on trade-related intellectual property rights" and the "European Union law enforcement directive (2004/48 / EC)") and have specific legislation principles (such as exhibition civil execution principles of protection of intellectual property rights, execution, administrative trip) processing method. At present, but our country has only several about the protection of intellectual property rights law. We neither have specialized exhibition intellectual property law nor form a complete system of comprehensive protection of intellectual property law system. European Union countries can apply to the court in before and after the exhibition and get warrant of seizure issued by the court timely. Exhibition organizers will usually provide relevant exhibitors with instructions about design exhibition tort problem. The court usually by a faster way to deal with the exhibition cases of infringement of intellectual property rights. The violators can be warned by "warning book". If they can correct, they will not be charged. The court with the method of "temporary ban" can confiscate the infringing booth, at present both can only watch.

Our country not only have a complete treatment scheme as European Union countries and have no attachment to and warning book method of dealing with the cases of infringement, but also we can't even handle when the exhibition infringement cases come out, eventually go away. In addition, they have high consciousness to abide by the intellectual property protection in European countries. Our consciousness about intellectual property protection is weak. The cases about copying, reproduction, infringement, crash happened repeatedly.

The developed countries except Europe start protect the intellectual property rights open earlier than the level of our country and have more perfect protection of intellectual property rights law system. Their protection of intellectual property rights law is more effective. The "Patent Cooperation Treaty in Washington" was born in 1970, China joined in 1994. The "Trademark Registration Madlungapp: addword: Madlung Agreement" was born in 1891, China joined in 1989. "Integrated Circuit Property Protection Washington Treaty" was born in 1989, China is one of the first signatories. These can justify China started late on exhibition of intellectual property protection. The protection of intellectual property rights in the developed countries of Europe on the formulation and promotion are worth our using for reference and study.

4. The Case Analysis about Infringement of Intellectual Property Rights Cases Exhibition “Case 1” Trademark Protection cannot be Ignored [8]

Shanghai youth daily news Sponsored by the Shanghai international exhibition co., LTD "the 12th Shanghai international automobile industry exhibition" (English name: AutoShanghai2007, official website www.autoshanghai.com.cn) held on April 22, 2007 to April 28 in Shanghai new international EXPO center (Longyang road at no. 2345 of Pudong).The estimates more than 140000 square meters exhibition area. At present, the ostentatious and preparatory work has been officially launched.

But yesterday the reporter learns from some manufacturers. Recently, there was a company called Shanghai new exhibition service co., LTD which was at the same on April 22 to April 28 held "2007 Shanghai, China (6.60.060.92 %), automotive spare parts industry exhibition", the same as the English name of the exhibition "AutoShanghai2007",URLs are very similar to www.auto-shanghai.com.cn. The Shanghai international exhibition company according to the person familiar with the matter, recently, they have got a call or fax from multiple vendors to reflect someone pretending to be host of staff for the "2007 China Shanghai auto, parts and components industry exhibition". And at present some individual manufacturers have confused two exhibition by mistake, and pay rent the exhibition venue.

Shanghai international exhibition co., LTD. claimed that they have a formal report to the competent department of the Shanghai municipal government to tell the relevant circumstances, and that has not got approval from the competent department of the municipal government to hold the exhibition. The host will reserve the right to relevant parties shall be investigated for legal responsibility.

“Case 2” Dragon Dream Sale Suspected Counterfeits [8]

WoHua media network - 2011-04-27 Recently, the media reports on Shanghai, Changning Dragon Dream shopping center on the sale of a variety of "" break code" "promotional" banner of cheap goods are fake and "nearly 300 yuan of sneakers in the brand of Nike may be a few yuan of seven Pu cargo".

In this report, the reporter spend specially the 299 yuan to buy a pair of special Nike shoes, and go to Nike store inspection, six quality goods store clerks have pointed out that the special shoes are fake. A person in charge of converse hang lung store say this type of too low sneakers basic can't be the real thing.

It is understood that the host of Dragon Dream sale exhibition is Yueyi convention and exhibition services company of Shanghai. The special field is temporary leasing to Dragon Dream mall for a week. After being reported, The merchants who suspected of counterfeits played a "hide-and-see". Before the ministry of commerce and industry to check off, they removed all the goods to avoid punishment. After the industrial and commercial personnel went, the sale-shoes continued to put on shelves for sale.

In fact, this is not the first time that the Dragon Dream involves into storm the counterfeits. As early as in August last year, there is a media revealed that this was where citizens buy "Armani" is false. The dealer sales based on a "famous brand" market sale platform. Many goods are differ with international brand is only one letter that extremely easy to mislead consumers. The goods have a common quality. The famous brand goods seem got a bargain on sale are cheap price level.

"Case Analysis"

Case 1 related to the convention itself quotient table in the protection of intellectual property rights protection. In this case, Shanghai international auto industry exhibition has been successfully held the 12th and win the majority of exhibitors and exhibitors audience acclaim. It has a certain exclusive rights use the trademark. And some attempt to approximate English name and address of the Shanghai international auto industry exhibition to deceive the majority of exhibitors and visitors enterprise organization have seriously infringed the reputation of Shanghai international auto industry exhibition and disturbed the order of the convention and exhibition market. Therefore, we need a series of legislations about the protection of convention and exhibition trademark to ensure that the exhibition market order not to be disturbed. The trademark is just part the protection of intellectual property rights in exhibition itself. The design of patents and other intellectual property rights protection are also easily abused. And the organizers and the partner can get benefits from this kind of intellectual property rights, if we do not strengthen the protection of such intellectual property rights, it not only will make the economic losses to the beneficiaries, but also be harmful to the image of exhibition brand and it will hinder the development of brand exhibition.

Case 2 involved the protection of intellectual property rights in the process of exhibition exhibits in the fake and shoddy. In this case, it is infringement for original goods which is faked by a variety of "" break code" "promotional" banner of cheap sales on the Changning Dragon Dream shopping center. Such intellectual property rights protection not only serious infringes the interests of authentic goods, but also reduces the audience's interests. That has a serious influence on the reputation of the sale. Meanwhile, this case also reflects all kinds of short-term sale in China have low barriers entry and the mall doesn't fulfill the duty on commodity inspections in lease space aspect. If such cases are frequent would result in grave damage to China's convention and exhibition market trading order, reduce the exhibition of loyalty and trust, and hinder the development of exhibition industry in China. So we have to protect intellectual property rights of this kind of exhibition to ensure the normal operation and healthy development of the exhibition.

5. The Analysis about the Intellectual Property Infringement Path of Exhibition and Countermeasure

Through the analysis of this article, the author thinks that in the case of the exhibition of intellectual property infringement, intellectual property infringement mainly occurs in exhibition itself and the process of exhibition sponsored. The author puts forward relevant countermeasures against the two paths infringement analysis, but due to the limited information, the ability is limited, the relevant countermeasures of novel is not convincing enough, but the author does careful carve. Countermeasures and Suggestions are as follows:

1. The Analysis from the Angle of Law

Although there has been a success in the development of intellectual property right in China, compared with the exhibition developed countries, China have the obvious shortcomings in the exhibition construction of intellectual property rights. The existing intellectual property law is enough from the angle of law. The key are how to increase the force of law to crack down on intellectual property rights and how to establish an effective exhibition IPR complaints mechanism to speed up the exhibition intellectual property disputes. Through fair evaluation blacklist system to establish a targeted classify regulators exhibition of intellectual property rights [1]. Simultaneously, It can clear all the responsibilities and obligations of the guarantee subjects in the implementation of the guarantee system of exhibitions and the legal responsibility in the intellectual property disputes. It also need to clear main body's responsibility and obligation in the intellectual property rights (IPR) protection. The relevant departments should investigate the main subjects' legal criminal responsibility when the cases of infringement of intellectual property rights occur.

2. The Analysis from the Exhibition Organizers and Exhibitors Itself

Both the Chinese exhibition organizers and exhibitors have the weak consciousness on the protection of intellectual property rights. They don't know how to protect their intellectual property interests and how to maintain their intellectual property are not violated. Besides, they don't know how to efficiently handle infringement case. Therefore, the relevant departments should increase the propaganda and free online lectures about the protection of intellectual property rights and train regularly for the exhibition organizers to learn[2].

6. References

- CAO Liqin. "Legal Protection Research on Intellectual Property of Exhibition" [J]. Social Sciences Review (Theory of the new version), 2006 (1) .
- LAN Xing. "Shallow Discussion of Intellectual Property Protection Problems in Chinese Convention and Exhibition" [J]. International Business Research, 2005 (4) .
- ZHAN Pengpeng. "Legal Protection about the name of Exhibition" [J]. Intellectual Property, 2007 (1) .
- ZHAN Pengpeng. "The Rules of the WTO and the Legalization Process of Chinese Exhibition Industry" [J]. The Chinese Market - Exhibition of Wealth, 2004 (3) .
- LIU Chuntian. Intellectual Property Law [M]. Beijing: China Renmin University Press, 2002: 281.
- Law Library Network, http://www.law-lib.com/lw/lw_view.asp?no=5420
- Baidu Library, <http://baike.baidu.com/subview/18255/11191707.htm?fr=aladdin>
- Chinese Exhibition Economy Information Journals, 2006 (1) — 2014 (400) .