

1 总则

1. 本规则根据商务部、国家工商总局、国家版权局、国家知识产权局 2006 年第 1 号令《展会知识产权保护办法》（自二零零六年三月一日起实施）制定，旨在加强本展览会期间对专利、商标、著作权等知识产权的保护。
2. 主办单位尊重并依法维护展览会期间的知识产权权利人的合法权益。参展商应当增强知识产权保护意识，并承诺其参展展品不侵犯他人的知识产权。
3. 参展商必须保证所有的展品、包装及相关宣传材料（包括但不限于，宣传册、海报、广告牌、背景板等）不侵犯任何第三方权益，包括但不限于，专利权、商标权、版权、设计、名称，以及已注册或尚未注册的知识产权，并未曾受到有关法律强制措施的限制。
4. 参展商必须严格遵守参展规则、中国法律法规、国际条约等规定，不侵犯任何其他主体及其产品的合法权利，不复制、运用、制作、摘抄、修改任何其他主体及其产品所拥有的商标、外观设计、包装装潢、发明创造等知识产权，且不会采取其他不合法的行为措施妨害其他参展商依法行使和保护其自身产品的合法知识产权和所有权。

2 投诉机构

1. 主办单位本着保护知识产权、促进展览会良好健康发展的原则，在展览会现场设立知识产权投诉受理机构（以下简称“投诉受理机构”），提供知识产权法律咨询、依照有关知识产权保护的法律法规及本规则协调处理展览会期间发生的知识产权侵权纠纷。
2. 投诉受理机构应严格按照本规则的相关规定处理在展览会期间发生在展馆现场的知识产权侵权投诉。投诉人必须听从主办单位和投诉受理机构的指示，配合相关安排。在展览会举办期间，未经主办单位和 / 或投诉受理机构的事先同意，投诉人不得在展会现场直接与被投诉人进行交涉、作出口头或书面警告或通过其他方式就相关知识产权侵权事项进行沟通。

3 投诉受理

1. 投诉人必须是知识产权权利人或者利害关系人。利害关系人包括知识产权的授权或许可使用人或知识产权的合法继承人。对于专利实施许可合同的被许可人，独占实施许可合同的被许可人可以单独提出投诉。排他实施许可合同的被许可人经专利权人同意，可以单独提出投诉；除合同另有约定外，普通实施许可合同的被许可人不能单独提出投诉。
2. 参展商在展览会期间若发现其他参展商展出的产品侵犯其专利、商标、著作权的，应尽快以书面形式向展览会现场投诉受理机构提出投诉，且不得自行与涉嫌侵权方沟通。
3. 投诉人在向展览会现场投诉受理机构提出投诉的同时应按要求填写一份《知识产权投诉登记表》并提供以下资料一式二份：
 - a) 合法有效的知识产权权属证明：
 - i. 涉及专利的，应当提交专利证书或专利登记簿副本、专利公告文本、专利权人的身份证明、专利法律状态证明复印件，并由投诉人签章确认。涉及实用新型或外观设计专利的，还需提供专利评价报告原件；
 - ii. 涉及商标的，应当提交商标注册证明档和商标权利人身份证明复印件，并由投诉人签章确认；
 - iii. 涉及著作权的，应当提交著作权权利证明原件、著作权人身份证明复印件并由投诉人签章确认。
 - b) 涉嫌侵权的展品名称、被投诉人名称及摊位号码等基本信息；

- c) 投诉人的企业注册证书复印件（加盖投诉人企业公章）、投诉人与知识产权享有人不为同一人的，需另提交知识产权实施许可合同复印件（加盖投诉人企业公章）；
- d) 涉嫌侵权的理由和证据；
- e) 委托代理人投诉的，应提交授权委托书原件；
- f) 投诉受理机构所可能要求的其他资料。

投诉人为外国人、外国公司或者外国其他组织的，提交的有效证件需经该国公证机关公证并经中国驻该国大使馆或领事馆认证；委托代理人的，其授权委托书也应经上述公证认证；投诉人来自香港或澳门地区的，提交的有效证件需经当地公证律师或公证机关公证并经中国法律服务（香港）有限公司或中国法律服务（澳门）有限公司加盖转递章，委托代理人的，其授权委托书也应经上述公证并经加盖转递章；投诉人来自台湾地区的，提交的有效证件需经当地公证机关公证并经内地公证协会核证，委托代理人的，其授权委托书也应经上述公证并经内地公证协会核证。如上述档以外文书写，该等档应由中国有资质的翻译机构翻译成中文并加盖该等翻译机构的公章。

- 4. 投诉人须保证所提供的所有资料的真实性和有效性。因提供虚假投诉资料或其他投诉不实给被投诉人带来损失，应当承担相应法律责任。
- 5. 有下列情形之一的，投诉受理机构对侵权投诉将不予受理：
 - a) 投诉人提供的资料不符合投诉受理机构要求，经通知补充有关资料后仍未予补充的；
 - b) 投诉人或者请求人已经向人民法院提起侵权诉讼的；
 - c) 专利权正处于无效宣告请求程序之中的；
 - d) 专利权存在权属纠纷，正处于人民法院的审理程序或者管理专利工作的部门的调解程序之中的；
 - e) 专利权已经终止，专利权人正在办理权利恢复的；
 - f) 商标权已经无效或者被撤销的；
 - g) 投诉人与知识产权权利人不为同一人，且不能提交相关知识产权授权或实施许可档的；
 - h) 投诉人已在往届展览会期间就相同的展品侵犯同一知识产权提出侵权投诉的；
 - i) 投诉受理机构认定的其他情形。

4 投诉处理

- 1. 投诉受理机构在收到符合要求的投诉资料后，应及时通知被投诉人。被投诉人应在半日内进行答辩。
- 2. 被投诉人认为不侵权的，应提供相应的证据证明。被投诉人可参考上述 3-3 点的规定提供证据，包括但不限于准备所有展品的知识产权证明书或合法及有效的许可证接受投诉受理机构的检查。被投诉人如不能在答辩期间对其涉嫌侵权的展品提出不侵权的有效证据，被投诉人应立即撤下被投诉的展品，并在展览会期间不再展示。如被投诉人在展览会期间就已撤下展品向投诉受理机构提出不侵权的有效证据，投诉受理机构可允许其恢复展出。
- 3. 被投诉人在答辩期内不提供相应的证据材料或者提供的材料不能证明其不侵权的，又不主动撤下涉嫌侵权展品的，投诉受理机构有权要求被投诉人暂停涉嫌侵犯知识产权的展品在展览会期间展出、销毁或停止发放介绍涉嫌侵权展品的宣传资料、更换介绍涉嫌侵权展品的展板。如被投诉人拒不执行投诉受理机

构的上述要求，投诉受理机构可协助投诉人将有关投诉资料和相关信息移交相关知识产权行政管理部门依法处理。

- 4. 投诉受理机构认为有必要时，可以允许并配合投诉人在展览会期间对涉嫌侵权的展品进行拍照、摄像等方式取证，被投诉方应当予以配合。
- 5. 展览会主办单位可协助知识产权行政管理部门对涉嫌侵犯知识产权的展品采取抽样取证或登记保存措施，被投诉人应予接受。
- 6. 为维持展会秩序，在投诉受理机构作出处理后至当届展会结束前，投诉人不得自行在展览会现场对被投诉人采取进一步的行动。
- 7. 投诉人在展览会结束之后，应当就有争议的知识产权侵权纠纷通过法院或者行政机关途径解决。否则，投诉人在下次展览会期间就相同的展品侵犯同一知识产权再次提出侵权投诉的，投诉受理机构有权不予受理。

5 罚则

1. 对于擅自与被投诉人进行交涉，在展览会现场引起纠纷而影响展览会秩序的参展商、非参展商人员，主办单位有权禁止其进入或令其退出展馆。
2. 对于拒不执行展览会现场投诉受理机构或知识产权行政管理部门的处理，继续在展览会上展出侵权产品，或未经投诉受理机构允许，又再次展出已撤下的涉嫌侵权展品的，主办单位有权单方面解除与该等参展商的参展合同，查封其展位，没收该等参展商已付的展位费，并追究该等参展商的其他违约责任和侵权责任。
3. 对于多次在展览会上展出侵权产品，且影响展览会声誉的，展览会主办单位有权取消该参展商在之后举办的展览会的参展资格。

6 免责

1. 展览会的主办单位以及投诉受理机构对知识财产权侵权纠纷投诉处理的结果不作任何保证，也不就任何处理结果对任何相关方承担任何责任。
2. 如知识财产权侵权纠纷投诉或处理对任何投诉人、被投诉人或其他参展商、非参展商造成任何损失或损害，遭受损失或损害方应通过法律途径追究直接责任方的法律责任，展览会的主办单位以及投诉受理机构对该等损失或损害不承担任何责任。

Regulation for Protection of Intellectual Property Rights During Exhibition

1 General Provisions

1. Aiming at protecting the intellectual property rights (the “IPR”) including patent, trademark, copyright etc. during the exhibition (the “Exhibition”), this regulation (the “Regulation”) is formulated in accordance with the Measures for Protection of Intellectual Property Rights during Exhibitions jointly promulgated by Ministry of Commerce, State Administration of Industry and Commerce, State Copyright Bureau and State Intellectual Property Office and came into force as of March 1, 2006.
2. The Organisers shall respect and protect the legitimate rights and interests of IPR owners during the Exhibition. The exhibitor shall strengthen their consciousness of IPR protection and undertake that their exhibits will not infringe others’ IPR.
3. Exhibitor must guarantee that all exhibits, packages and relevant advertising materials (including but not limited to brochures, posters, advertising boards, background panel, etc.) do not infringe any IPR of any third party, including but not limited to patent, trademark, copyright, design, name, and registered or unregistered IPR, which shall not be restricted by relevant legal restraint measures.
4. Exhibitor undertakes to strictly comply with the exhibition regulation, laws of P.R. China and regulations, and international treaties etc. and will not infringe on the legal rights of any other entity or its products, or copy, use, produce, extract or modify the trademark, design, package or invention owned by any other entity or its products, or take any illegal actions to prevent any other exhibitors from exercising and protecting their legal IPR and ownership on their products.

2 Complaint Review Panel

1. In order to protect the IPR and to promote the healthy development of the Exhibition, the Organisers establish a Complaint Review Panel (the “CRP”). The CRP will be responsible for consultancy services relating to IPR, and reviewing the IPR disputes occur during the Exhibition in accordance with the laws and regulations in respect of IPR.
2. The CRP shall strictly deal with IPR infringement complaints which occur in the Exhibition venue during the Exhibition period in accordance with this Regulation. The complainant should follow and cooperate with the Organisers and the CRP. During the Exhibition, the complainant shall not directly negotiate with or make oral or written warning to the respondent or communicate with the respondent through other methods regarding the relevant IPR infringement matter onsite during the Exhibition without the prior consent of the Organisers and / or CRP.

3 Acceptance of Complaint

1. The complainant shall be the owner or the interested party of the IPR. The interested party shall include the authorised or licensed user, or the legitimate successor of the IPR. The licensees of patent licensing contracts and sole licensing contracts may file the complaint independently; the licensees of exclusive licensing contracts may file the complaint independently with permission of the patent owner. Unless otherwise stipulated in the contract, the licensees of general licensing contracts may not file the complaint independently.
2. The exhibitor shall file a complaint with the CRP in writing as soon as it finds any infringement of its patents, trademarks or copyrights, and shall not communicate with the suspected infringing exhibitor directly by itself.

3. The complainant shall fill in a IPR Complaint Record Form and submit the following materials in two copies when filing a complaint with the CRP:
- a) Legal and valid ownership certification of intellectual property rights:
 - i. If a patent is involved, the photocopies of the patent certificate or the duplicate of patent register, the text of patent announcement, the identity certification of the patentee, and the certification of legal status of the patent signed and confirmed by the complainant shall be submitted. If the patent involved is utility model or appearance design, the original copy of a patent evaluation report shall also be provided;
 - ii. If a trademark is involved, the photocopies of the trademark registration certification documents as well as the identification certification of the owner of the trademark right signed and confirmed by the complainant shall be submitted;
 - iii. If a copyright is involved, the original copy of the copyright certification and the photocopies of the identification certification of the copyright owner signed and confirmed by the complainant shall be submitted.
 - b) Basic information of the party suspected of committing infringement, including the name of the exhibits, the name of the respondent and the booth number, etc;
 - c) Photocopy of the complainant's business registration certification (stamped with the common seal of the complainant). If the complainant is not the IPR holder, the complainant shall provide a photocopy of the licensing agreement in respect of such IPR (stamped with the common seal of the complainant);
 - d) Reasons and evidences regarding the suspected infringement;
 - e) If the complaint is filed by an agent, an original copy of Power of Attorney shall be submitted;
 - f) Other materials may be required by the CRP.
- If the complainant is a foreigner, foreign entity or other foreign sation, the valid certifications submitted shall be duly notarised by a notary public in its own country and attested by the Chinese embassy or consulate in such country; if the complaint is filed by an agent, the Power of Attorney shall also be notarised and attested.
- If the complainant is from Hong Kong or Macau area, the valid certifications submitted shall be duly notarised in Hong Kong or Macau and then stamped by China Legal Service (Hong Kong) Limited or China Legal Service (Macau) Limited; if the complaint is filed by an agent, the Power of Attorney shall also be notarised and stamped.
- If the complainant is from Taiwan area, the valid certifications submitted shall be duly notarised in Taiwan and verified by Notary Association in Mainland China; if the complaint is filed by an agent, the Power of Attorney shall also be notarised and verified.
- If the foregoing documents are written in foreign languages, they shall be translated into Chinese by a PRC qualified translation agency and the corporate seal thereof shall be attached thereto.
4. The complainant shall warrant that all the materials submitted are authentic and effective, and shall be liable for any loss caused to the respondent due to any unauthentic complaint materials or any other untrue complaint.
5. If any of the following occurs, the CRP shall not accept the complaint:
- a) Where the materials submitted by the complainant do not meet the CRP's requirement and the complainant does not supplement the relevant materials required after notified by the CRP.
 - b) Where a complainant or claimant has filed a lawsuit with a law court in China against the infringement;
 - c) Where the patent is being applied for patent right invalidation proceedings;
 - d) Where there is dispute over the ownership of a patent which is under a trial held by a law court in China or a mediation proceeding held by a patent administrative department in China;
 - e) Where a patent has been terminated and its owner is handling patent restoration formalities;
 - f) Where a trademark right has been invalidated or cancelled;
 - g) Where a complainant is not the owner of the IPR who cannot submit relevant IPR authorization or licensing documents;

- h) Where a complainant has filed a complaint against the same exhibit for infringing the same IPR during the past exhibitions;
- i) Other circumstances determined by the CRP.

4 Complaints Handling

1. Upon receipt of complaint materials as required, the CRP shall notify the respondent on a timely basis. The respondent shall response within half of a day.
2. If the respondent denies infringement, it shall submit corresponding evidences. The respondent may provide the evidences in accordance with the Section 3-3(a), including but not limited to preparing the IPR certificates or legal and valid licenses of all exhibits for inspection by CRP. If the respondent fails to submit valid evidences within the foregoing time limit for response, the respondent shall immediately remove the exhibit being complained and shall not re-exhibit the same during the Exhibition. If the respondent can submit valid evidences proving that the removed exhibit does not infringe others' IPR, the CRP may allow the exhibitor to re-exhibit the removed exhibit.
3. If the respondent does not submit the relevant evidences, or the materials submitted cannot prove that the exhibit does not infringe any IPR, nor does the respondent remove the exhibit suspected of infringement, the CRP shall have the right to request the respondent to: (1) suspend the display of the exhibit suspected of infringement, (2) destroy or cease the distribution of advertising materials on the exhibits suspected of infringement, and (3) to remove the exhibiting board introducing the exhibit suspected of infringement. If the respondent refuses to act as required by the CRP, the CRP may assist the complainant to send relevant complaint materials and relevant information to the competent administration department of IPR for handling in accordance with the law.
4. If the CRP deems it necessary, the CRP may allow and assist the complainant to collect evidence by means of photographing, videotaping, etc., and the respondent shall cooperate.
5. The Organisers may assist the intellectual property administrative department to collect evidence by sampling from or registering and preserving the exhibit suspected of infringement, the respondent shall accept.
6. In order to maintain the order of the Exhibition, after the CRP has handled the complaint and before the end of the Exhibition, the complainant shall not adopt any further action against the respondent at the Exhibition venue.
7. After the end of exhibition, the complainant shall resolve such IPR dispute through law court or administration department. Otherwise, the CRP will not accept the complaint with respect to the same exhibit for infringement of the same IPR in the exhibitions thereafter.

5 Penalties

1. If any personnel of exhibitors or non-exhibitors who negotiate with the respondent without permission of the CRP and cause dispute at the Exhibition venue which negatively impacts the order of the Exhibition, the Organisers shall have right to refuse their entrance into the Exhibition venue or order them to leave the Exhibition venue.
2. If the exhibitor refuses to enforce the decision made by the CRP or the intellectual property administrative department and continue to exhibit the exhibit suspected of infringement, or the exhibitor displays the removed exhibits suspected of infringement again without permission of the CRP, the Organisers shall have right to unilaterally terminate the exhibition agreement with such exhibitor, seal the booth, forfeit the participation fee paid by such exhibitor, and pursue the liabilities of breach of contract and infringement against such exhibitor.
3. The Organisers shall have the right to revoke the participation qualification of any future exhibitions of the exhibitor who has displayed the exhibit infringing IPR for several times at exhibitions and adversely affects the reputation of the Exhibition.

6 Disclaimer

1. The Organisers do not guarantee the result of handling the complaint regarding IPR dispute, or undertake any responsibility for such result for any relevant parties.
2. Should the complaint or handling the complaint causes any loss or damage to any complainant, respondent, other exhibitor or non-exhibitor, the party which suffers the loss or damage shall pursue legal liabilities against the responsible party through legal actions. The Organisers and the CRP shall assume no responsibility for such loss or damage.