

**Proactive**

**Pioneering**

**&**

**Formidable**

# IP Enforcement

IP is not just a legal right, but also a valuable business asset. IP infringement in China remains a strategic concern for many companies. With many years of experience in China, our award-winning team offers reliable and commercially focussed ideas.

**Expert and practical solutions**

# Enforcing your rights in China

Our leading IP enforcement team has experience in all aspects of IP enforcement in China and understands the minutiae of the different systems to ensure that you are in safe hands.

## Highlights of recent work include:

- Litigation strategy for a provider of nanotechnology solutions involved in an invention patent dispute with a third party.
- Acting on behalf of a car manufacturer in respect of design patent rights and unfair competition.
- Acting on behalf of luxury mobile phone manufacturer Vertu in a case of unfair competition and in successful administrative proceedings where an infringer used Vertu's trade marks for a class of services not included on the trade mark application.
- Protecting Morgan Stanley in relation to trade mark squatting.

Our IP team's cutting-edge capability and high success rate has been repeatedly recognised – winning 2012 IP Deal of the Year (China Business Law Journal), Technology Media and Telecoms Team of the Year in both the Legal Business Awards 2014 and British Legal Awards 2013 and Patent Contentious Firm of the Year at the Managing Intellectual Property Awards 2014.

As a Representative Office in China, we have many years of experience working with local counsel and investigative agents throughout China both on the prosecution and enforcement of IP rights to achieve our clients' goals. Our in-depth knowledge of Chinese law, procedure, practice and customs means we are in a position to protect your IP rights as soon as evidence of any infringement emerges. We will devise the most effective and efficient strategy to achieve the right result for you; we offer realistic budgets, reliable costs updates and flexible fee arrangements with the certainty of fixed fees in many aspects of our work.

## Enforcement strategies in China include:

- Litigation strategies for all IP rights including: patents (invention, utility and design), brands, copyright and unfair competition.
- Evidence preservation orders and asset preservation orders against infringers.
- Investigating infringers as a precursor to administrative and civil actions.
- Patrolling key Chinese trade fairs and making on-site complaints to appropriate personnel and government officials.
- Customs seizures of infringing products to prevent export.
- Internet monitoring and online enforcement of IP rights.

## Cleaning up for Dyson

The commercial success of Dyson's bladeless Air Multiplier™ fan has led to companies selling imitation models. Our China team manages a global enforcement programme for Dyson and has successfully targeted infringers using a variety of strategic and innovative enforcement methods including civil and administrative actions, customs actions and internet market place enforcement strategies.

The team has managed over 150 cases against infringing companies with an unprecedented success rate, and in 2014 achieved a 96% take down rate for infringing links as a result of vigilant internet monitoring and online enforcement. Our China team has also filed nearly 250 patent invalidations for Dyson at the Patent Re-examination Board of the State Intellectual Property Office (SIPO), successfully invalidating over 90%.

## Our award-winning team

**Partner and Head of the International Intellectual Property Team Gordon Harris** conducts litigation across continents. He has led over 100 cases for Dyson in China to enforce its rights for the bladeless fan product and famously, in the UK, saved Zodiac Seats UK Ltd £49m by securing a Supreme Court decision against Virgin Atlantic Airways Ltd which overturned over 100 years of existing patent law.

**Partner Jamie Rowlands is the Chief Representative Officer of the China office.** He is an English qualified lawyer with extensive experience in all aspects of contentious and non-contentious IP matters across diverse sectors including: financial services, mobile telecoms, software, aviation, offshore oil and gas exploration and production, engineering and manufacturing.

Jamie has significant expertise representing parties in complex litigation (both court and arbitrations) from the UK, Europe, USA, China and Japan. He has extensive experience of litigation within China and regularly speaks at international conferences on the subject.

**Director Dr Jian Xu heads our IP practice** and is a dual qualified Chinese lawyer and patent and trade mark attorney, specialising in patent and trade mark filing. Having previously worked for China Sinda, one of the largest intellectual property law firms in Beijing, he has handled all aspects of IP in

business and conducted litigation and administrative actions against infringers all over China.

Jian is the chair of the Legal Forum of the British Chamber of Commerce in Beijing and an IP expert at the European IPR SME Helpdesk. Author of 'Chinese Intellectual Property – A Practitioner's Guide', published in 2013, Jian regularly speaks at conferences and has published articles in the Chinese Patent Agency and the China-Britain Business Council IPR Edition among others. He is fluent in English and Mandarin.

**Senior Associate Alice Li** has more than ten years' experience working in intellectual property law, focusing on civil enforcement of patents and trade marks against infringers of our clients' intellectual property rights, including managing investigators, notaries and local counsel. Previously the in-house counsel at Motorola and Amway, she advised on all aspects of their intellectual property strategy, with particular focus on the enforcement of trade marks by both civil and administrative actions. She is fluent in English, Mandarin and Cantonese.

**Senior Associate Daniela Shaw** has more than nine years' experience in intellectual property with extensive experience in filing trade marks and design patents. She consults on intellectual property strategy and transactions and her contentious experience includes drafting opinions and pursuing litigation both in court and at the Administration of Industry and Commerce. She is fluent in English and Mandarin.



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