



 IPKey

CHINA

Exchange in China on the
Trademark Law

欧盟 - 中国商标法交流会议

Beijing, 29 May 2019
北京, 2019年5月29日

AGENDA

日程

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Directed by the European Commission, IP Key is implemented by the European Union Intellectual Property Office (EUIPO).

IP Key由欧盟委员会指导，欧盟知识产权局（EUIPO）实施。

09:00 – 09:20

Opening Remarks 开幕致辞

- Ruben Schellingerhout, Counsellor for Intellectual Property Rights, European Union Delegation to China Trade Section
何林豪，欧盟驻华代表团贸易处知识产权参赞
- Dong Cheng, Deputy Director General of International Cooperation Department, CNIPA
董铮，国家知识产权局国际合作司副司长

09:20 – 10:30

Session 1: The Legislative Framework concerning Trademarks (Part 1)**第一环节：商标立法框架（第1部分）**

Chair: Paul Ranjard, European Chamber IPR Working Group
主持人: Paul Ranjard, 欧洲商会知识产权工作组

- **The developments of relevant law or regulation within the framework of EUTM system, including the 2015 European Union Trademark Regulation,** Gunther Martin, Minister Counsellor/EUIPO IP Attaché, Trade Section, Delegation of the European Union to China
欧盟商标体系框架内相关法律规范的发展，包括 2015 年《欧盟商标条例》， 马君泽，公使衔参赞，欧洲知识产权局知识产权专员 - 欧盟驻华代表团贸易处
- **The Amendment of the Trademark Law,** Hu Anqi, Deputy Director of Division II, Legal and Treaty Department, CNIPA
《商标法》的修订， 胡安琪，国家知识产权局条法司条法二处副处长
- **Questions, answers and discussion**
问答与讨论

10:30 – 11:00

Coffee Break

茶歇

11:00 – 12:15

Session 1: The Legislative Framework concerning Trademarks (Part 2)**第一环节：商标立法框架（第2部分）**

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- **The Impact of the Trademark Law revision, Progress and Unsolved Challenges**, Charles Feng, Partner, East and Concord

《商标法》修订的影响, 取得的进步和待解决的挑战, 冯超, 天达共和律师事务所

- **Legislative proposals and legal practice - Possibility of seeking damages from bad faith applicants**, He Jing, Partner, Anjie Law

立法建议和法律实践——向恶意申请人寻求赔偿的可能性, 何菁, 安杰律师事务所合伙人

- **Questions, answers and discussion**
问答与讨论

12:15 – 13:45 Lunch Break
午餐

13:45 – 15:15 **Session 2: Best practices/forthcoming changes in preventing and handling bad-faith trademark registrations (part 1)**
第二环节：恶意商标注册的预防与处理 - 最佳实践/未来变化 (第 1 部分)

Chair: Hu An, Deputy Director of Division III, International Cooperation Department, CNIPA

主持人: 胡岸, 国家知识产权局国际合作司三处副处长

- **Reflection on the Certain Provisions for Regulating Applications for Trade Mark Registration**, Paul Ranjard, European Chamber IPR Working Group

关于规范商标申请注册行为的特定规定之反思, Paul Ranjard, 欧洲商会知识产权工作组

- **European best practices in preventing bad faith trademark applications**, Fabio Giacobello, Partner, HFG Law & Intellectual Property

欧洲预防恶意商标申请的最佳实践, 珐比奥, 上海恒方知识产权咨询有限公司管理合伙人



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- **Questions, answers and discussion**

- **问答与讨论**

15:15 – 15:45

Coffee break

茶歇

15:45 – 17:00

Session 2: Best practices/forthcoming changes in preventing and handling bad-faith trademark

第二环节：恶意商标注册的预防与处理 - 最佳实践/未来变

Chair: Hu An, Deputy Director of Division III, International Cooperation Department, CNIPA

主持人：胡岸，国家知识产权局国际合作司三处副处长

- **Prevent and handle bad-faith trademark in China**, Fan Yali, Director of Examination Management Division I, Trademark Office, CNIPA

中国对恶意商标的预防与处理, 范亚利，国家知识产权局商标局审查管理一处副处长

- **Current trends from an EU Member State perspective**, Federico Antonelli, Legal Attaché, Embassy of Italy

从欧盟成员国角度看当前趋势, 菲德利克·罗伯特·安东内利, 意大利大使馆在意大利驻华大使馆 担任 法律参赞

- **Questions and Answers, Discussion 问答与讨论**

17:00

Closing remarks 闭幕致辞

- **Gunther Marten**, Minister Counsellor, EUIPO IP Attaché – Trade Section, Delegation of the European Union to China

马君泽，公使衔参赞，欧洲知识产权局知识产权专员 - 欧盟驻华代表团贸易处

- **Dong Cheng**, Deputy Director General of International Cooperation Department, CNIPA

董铮，国家知识产权局国际合作司副司长



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Speakers & Moderators 与会嘉宾



Ruben Schellingerhout
Counsellor for
Intellectual
Property Rights,
European Union
Delegation to China
Trade Section

何林豪

欧洲联盟驻华代表团
贸易处知识产权参赞

Mr Ruben Schellingerhout is Counsellor in the Trade section of the European Union Delegation in Beijing working on intellectual property rights issues. He has also dealt extensively with market access for pharmaceuticals and medical devices in China. Before coming to Beijing, he worked in the European Commission's trade department on intellectual property rights protection in third countries, for example via Free Trade Agreements.

何林豪先生是欧洲联盟驻华代表团贸易处知识产权参赞。他还负责药物和医疗器械市场准入工作。在于北京任职之前，何林豪先生在欧洲委员会贸易部门工作，负责与第三国相关的知识产权保护，如通过自由贸易协定途径开展知识产权保护。



Dong Cheng
Deputy Director
General of
International
Cooperation
Department,
National
Intellectual
Property
Administration

董铮

国家知识产权局国际
合作司副司长

Ms. Dong participates in the cooperation and communication issues with foreign countries, regional organizations and World Intellectual Property Organization. Ms. Dong worked in the Legal Affairs Department of the CNIPA from 2007 and participated in providing drafts relating to the formulation and revision of international intellectual property treaties and foreign related intellectual property negotiations, providing the revision of Chinese Patent Law and its implementing regulations, patent examination guidelines, working regulations and rules relating to intellectual property protection. In 2018, she joined the International Cooperation Department of CNIPA.

董铮，国家知识产权局国际合作司副司长，负责对外（包括区域组织和WIPO）合作和沟通工作。

2007年起于国家知识产权局条法司工作，参与编写、修订国际知识产权条约草案，参与涉外知识产权谈判，参与修订中国专利权法及实施条例、专利审查条例和知识产权工作条例。2018年起于国际合作司任职。



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Gunther Marten
Minister Counsellor/
EUIPO IP Attaché,
Delegation of the
European Union to
China

马君泽

公使衔参赞，欧洲知识产权局知识产权专员 - 欧盟驻华代表团贸易处

Günther Marten is since 2016 Minister-Counsellor and EUIPO IP Attaché at the EU embassy in Beijing. He is in charge developing institutional relationships with Chinese IP authorities, maintaining fluent contact with European IP stakeholders, participating in high level meetings between European and Chinese authorities and monitoring legislative IP developments in China. He also meets with European companies and associations to support development of the IP protection and enforcement strategies in China. He is member of the IP Working Group of the EUCCC and participates in the yearly EU-CN IP Dialogue and Working Groups on EU funded programs.

自 2016 年起，马君泽先生在北京欧盟驻华代表团担任公使衔参赞以及欧盟知识产权局（EUIPO）知识产权专员一职。他主要负责加强与中国知识产权部门间的联系、保障同欧洲知识



Hu Anqi
Deputy Director of
Division II, Legal
and Treaty
Department,
CNIPA

胡安琪

国家知识产权局条法司条法二处副处长

Ms. Hu is Deputy Director of Division II, Legal and Treaty Department, CNIPA. Ms. Hu holds an LL.B and an LL.M from Shanghai University. She joined the CNIPA in August 2005. Her work focuses on IP laws. She is a member of CNIPA's Talent Training Program for International Cooperation. She is a lecturer and public lawyer of IP.

Ms. Hu participated in, among others, the 3rd and 4th revision of China's Patent Law, its Implementation Rules, and CNIPA's regulations. She was involved in IP-related negotiation and consultation processes of WIPO, WTO, APEC, IP5, and BRICS. She participated in the BFTA talks on IP issues with Australia and Peru. She is a researcher of international treaties and laws, and a translator of Germany and Brazil's IP laws. Her academic papers appeared in Patent Law Research and Electronic IP magazines. She now works in the areas of trademarks, geographical indications and genetic resources by developing draft rules and regulations and strategies for international negotiation and cooperation.

国家知识产权局条法司条法二处副处长。毕业于上海大学，拥有知识产权法学学士、法学硕士学位。2005 年 8 月进入国家知识产权局条法司从事知识产权法律工作，国家知识产权局高层次人



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产权相关方的顺畅联络、参加中欧政府部门间的高层会议、以及关注中国知识产权法规的进展等工作。他还与欧洲企业和组织一起支持中国知识产权保护 and 执法战略的发展。他还是中国欧盟商会知识产权工作组的成员，参加欧盟资助项目下每年的中欧知识产权对话和工作组会议。

人才培养对象（知识产权国际事务类），涉外教师，公职律师。

先后参与和负责专利法及其实施细则第三次、第四次修改，以及知识产权领域其他法律法规、国家知识产权局部门规章的制定和修改工作；参加 WIPO、WTO、APEC、发明五局合作、金砖国家合作等平台的多双边知识产权国际规则谈判与磋商，参与中国与澳大利亚、秘鲁等国双边自由贸易协定知识产权议题谈判；对国际条约和其他国家的法律进行研究，翻译出版德国、巴西等多部外国知识产权法律。在《专利法研究》《电子知识产权》发表学术文章多篇。现主要负责商标、地理标志、遗传资源领域法律法规、规章的草案起草工作，相关国际条约拟定、修改及对外谈判的方案准备工作。



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Charles Feng
Partner, East and Concord

冯超

北京合伙人
天达共和律师事务所

Mr. Feng is an IP specialist with substantial experience in intellectual property with reputable international and Chinese law firms, focusing on IP litigation and enforcement, as well as trademark and patent portfolio management. Mr. Feng has represented a number of foreign clients from the US, Japan, the EU and at various levels of courts, as well as enforcement agencies in China.

Mr. Feng is experienced in addressing clients' commercial needs in the areas of IP litigation and arbitration, including patents, copyright, trademarks, domain names, unfair competition, and trade secrets. In addition to his work in the courtroom, he has been involved in IP transactional work, including the drafting, negotiation and enforcement of IP assignment or licensing agreements.

冯超律师是最高人民法院案例指导基地咨询专家、中国版权协会常务理事、中国知识产权法学研究会理事，处理过的案件包括知识产权相关的争议性和非争议性案件。冯律师同时精通英文和日文，过去十余年中其代理了大量企业在中国法院的知识产权诉讼案件，包括驰名商标认定案件、著作权侵权案件、商标和专利的确权及侵权诉讼案件、侵犯商业秘密案件、



Federico Antonelli
Legal Attaché, Embassy of Italy

菲德利克·罗伯

特·安东内利

意大利大使馆在意大利
驻华大使馆 担任 法律
参赞

Federico R Antonelli (1974) is a researcher in comparative law at Roma TRE University. He holds a Ph.D. in comparative law and EU private law from the University of Macerata and a post-doctoral from Peking University. Since 2006 he hold the tenure of Chinese Law at Rome I University. He published numerous academic essays about Chinese Law. For more than 10 years he has collaborated with international firms. From 2011 he is the Legal attaché at the Embassy of Italy in Beijing.

菲德利克·罗伯特·安东内利，出生于1974年。意大利罗马第三大学比较法讲师。马切拉塔大学取得欧盟比较法与私法的博士学位并于在北大法律学院读过进修生。自2006年开始，在罗马第一大学讲授中国法课程。在中国历史与中国法方面发表了众多文章。有十多年的国际律师经验。2011年至今在意大利驻华大使馆担任法律参赞。



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反不正当竞争案件及反垄断案件，其中不少案件是具有突破性的里程碑式案件。在知识产权交易领域，其提供的服务包括起草、谈判及执行知识产权转让、许可协议等。冯律师对互联网领域的知识产权保护问题有较深入研究，其代理的客户多为跨国企业和国内知名企业。



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Fabio Giacobello
Managing Partner, HFG Intellectual Property Consulting Co.Ltd

珐比奥

上海恒方知识产权咨询有限公司管理合伙人

Fabio Giacobello is one of the managing partners of 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. Fabio is a member of the Internet Committee at INTA and Arbitrator at the Shanghai International Arbitration Center. 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, and arbitration in relation to disloyal behaviors of employees.

珐比奥，中国律师事务所和知识产权代理机构恒方知识产权咨询有限公司的管理合伙人之一、公认的中国最有价值知识产权实践者之一、国际商标协会网络委员会成员以及上海国际仲裁中心仲裁员。在商标组合管理、商标纠纷和诉讼以及包括反假冒方面，拥有丰富经验。其工作领域包括技术转让、专利和商业秘密诉讼以及与雇员不忠行为有关的仲裁。



Paul Ranjard
European Union Chamber of Commerce, IPR Working Group Representative

Paul Ranjard

欧洲商会知识产权工作组

Paul Ranjard is a French lawyer based in China since 1997. Since that date, Mr. Ranjard has devoted most of his time to IPR related cases, acting on behalf of French companies to help protect their intellectual property rights, as well as representing the French association Unifab, and contributing to the IPR Working Group of the European Chamber of Commerce. In this capacity, he has been involved in the drafting of all the EUCCC Position Papers on IPR and all the comments submitted by the Chamber concerning drafts of IP legislation. For the last ten years, he has been of Counsel to WAN HUI DA Intellectual Property Agency and Law firm.

Paul Ranjard，法国籍律师，1997年起常驻中国。主攻知识产权案件，为法国企业、法国制造商协会提供代理服务，保护其知识产权，并参与欧洲商会知识产权工作组工作。参与制订中国欧盟商会知识产权意见书及商会关于知识产权立法草案的建议。2009年起任任慧达知识产权代理、律师事务所律师。



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Fan Yali
*Director of
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 Division I,
 Trademark
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范亚利
 国家知识产权局商
 标局审查管理一处
 副处长

Ms. Fan is Director of Examination Management Division I, Trademark Office, CNIPA. At CNIPA, she has been involved in, among others, three-year non-use, substantive examination and quality assurance of trademarks.

She was on the SPC-led research team on combating malicious registration, speaking at seminars and drafting CNIPA internal position papers. She was the featured speaker on this topic during China Trademark Festival 2018 and of the lecture series on CNIPA's facilitation reforms.

范亚利，现任国家知识产权局商标局审查管理一处副处长，在商标局先后从事过撤销连续三年不使用商标审查、商标注册实质审查以及审查质量管理等工作。

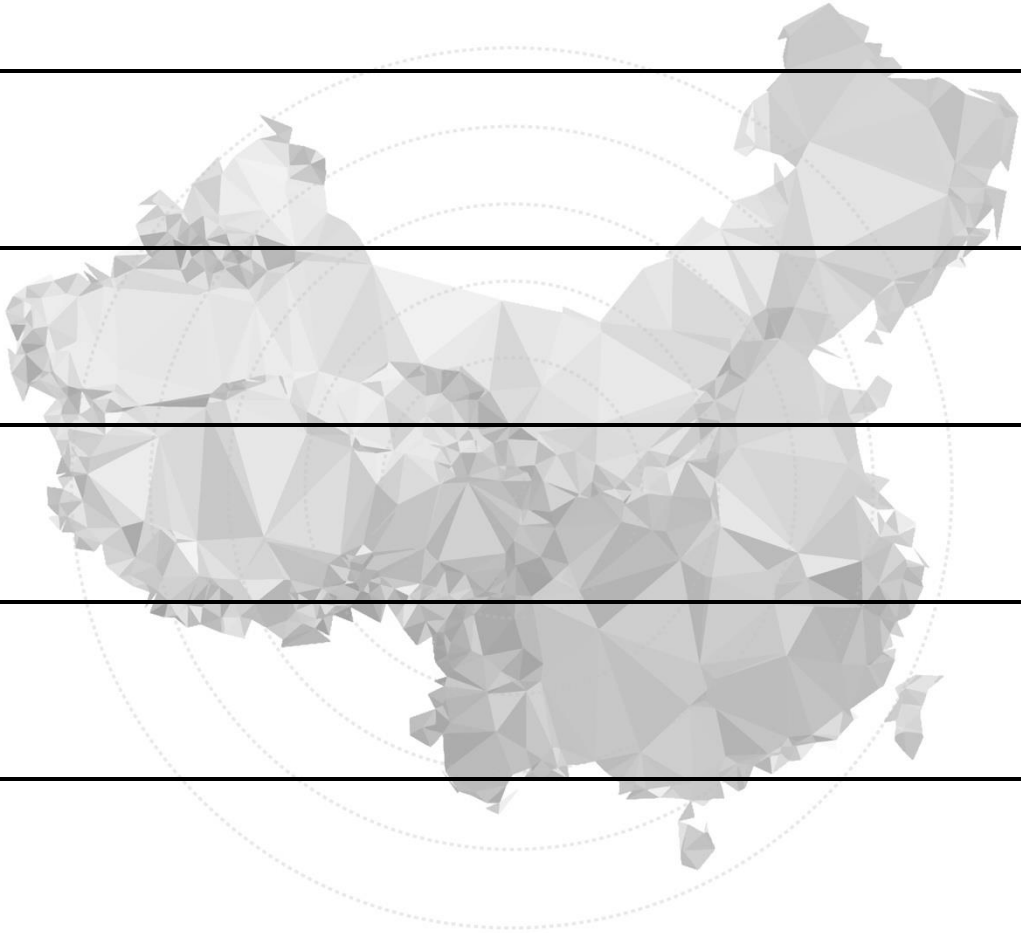
在打击恶意注册工作方面，参加了最高人民法院牵头的“商标恶意抢注制度研究课题组”，多次参与恶意注册专题研讨会，起草了商标局内部关于遏制恶意注册的审查指导意见书。2018年曾在中国国际商标节以及商标局便利化改革宣讲等活动中专题介绍商标注册实质审查阶段打击恶意注册工作实践。



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Notes
会议笔记



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IP Key由欧盟委员会指导，欧盟知识产权局（EUIPO）实施。