



CHINA

ANNEXES 附录

IP Key China study: Lessons from the EU experience with memoranda of understanding in tackling the online sale of counterfeit goods

IP Key 中国研究：关于打击互联网销售仿冒商品备忘录的欧盟经验分享

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I. List of documents reviewed 已审核文件清单

| Document Name 文件名称 | Author / Publisher 作者 / 机构 | Version / Publishing Date 版本 / 发表日期 |
|--|---|---|
| 1 Commission Declaration on the Facilitation and Monitoring of Memoranda of Understanding Seeking to Dissuade Commercial Scale Intellectual Property Infringing Activities in the Internal Market 欧委会关于推动和监督“劝阻内部市场商业规模知识产权侵权活动的谅解备忘录”落实工作的宣言 | European Commission 欧委会 | Brussels, 20.6.2016 C(2016) 3724 final 布鲁塞尔, 2016 年 6 月 20 日, C(2016)3724 号文件终稿 |
| 2 Report on the protection and enforcement of intellectual property rights in third countries 第三国知识产权保护与执法报告 | European Commission 欧委会 | Brussels, 21.2.2018 SWD(2018) 47 final 布鲁塞尔, 2018 年 2 月 21 日, SWD(2018)47 号文件终稿 |
| 3 2017 Situation Report on Counterfeiting and Piracy in the European Union 2017 年欧盟打击假冒和盗版情况报告 | EUROPOL and EUIPO 欧洲刑警组织、 欧盟知识产权局 | June 2017 2017 年 6 月 |
| 4 THE ECONOMIC COSTS OF COUNTERFEITING AND PIRACY 假冒与盗版造成的经济成本 | Frontier Economics | January 2017 2017 年 1 月 |
| 5 An Economic Analysis of Counterfeit Goods: the Case of China 假冒商品的经济学分析：中国案例 | Yao | Vol 1, No 1 (2006) |
| 6 Misuse of Small Parcels for Trade in Counterfeit Goods | OECD and EUIPO | 2018 |

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| | 假货贸易中小件包裹的滥用 | 经合组织、欧盟 知识产权局 | |
| 7 | Trade in Counterfeit and Pirated Goods: Mapping the Impact 假冒与盗版商品贸易：影响映射分析 | OECD and EUIPO 经合组织、欧盟 知识产权局 | 2016 |
| 8 | Latest Development of China's IP Work 中国知识产权工作的最新进展 | Dong Cheng, SNIPA 中国国家知识产权 局 | September 2018 2018 年 9 月 |
| 9 | Up to EUR 60 billion lost each year in the EU due to counterfeiting in 11 key economic sectors 欧盟 11 个重点经济领域每年因假冒活动损失近 600 亿欧元 | EUIPO Press Release 欧盟知识产权局 新闻发布稿 | 6 June, 2019 2019 年 6 月 6 日 |
| 10 | European Business in China: Business Confidence Survey 2019 欧洲在华企业：2019 商业信心调查 | European Union Chamber of Commerce 欧盟商会 | 2019 |
| 11 | MoU signed between Tencent Weixin, CBBC, IPCC on IPR Protection 腾讯微信、英中贸易协会与在华国际出版商版权保护联盟关于知识产权保护的谅解备忘录 | CBBC Press Release 英中贸易协会新 闻发布稿 | 7 August 2019 2019 年 8 月 7 日 |
| 12 | Report on the implementation of the EU Customs Action Plan to Combat Intellectual Property Right Infringements for the Years 2009 to 2012 2009 ~ 2012 欧盟打击知识产权侵权海关行动计划的实施报告 | European Commission 欧委会 | Brussels, 23.10.2012 SWD(2012) 356 final |

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| | | | 布鲁塞尔，2012 年 10 月 23 日，SWD(2012)356 号文件终稿 |
| 13 | British Chamber of Commerce Position Paper 2019 英国商会 2019 立场文件 | British Chamber of Commerce 英国商会 | 2019 |
| 14 | A tale of two camps - and we favor the one with strong growth prospects 两大阵营孰优孰劣——看多强增长前景方 | Deutsche Bank Research 德银研究 | 27 May 2019 2019 年 5 月 27 日 |
| 15 | European Union Chamber of Commerce Position Paper 2019/2020 欧盟商会 2019/2020 年立场文件 | European Chamber 欧洲商会 | 2019 |
| 16 | Position Paper on E-Commerce Law 2019 2019 年《电子商务法》立场文件 | China-Britain Business Council 英中贸易协会 | February 2019 2019 年 2 月 |
| 17 | REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the functioning of the Memorandum of Understanding on the Sale of Counterfeit Goods via the Internet 欧委会向欧洲议会和理事会提交的报告：《打击互联网售假的谅解备忘录》的作用 | European Commission 欧委会 | Brussels, 18.4.2013 COM(2013) 209 final 布鲁塞尔，2018 年 4 月 18 日，COM(2013)209 号文件终稿 |
| 18 | Weixin Report on Protection of Brand Owner 微信品牌权利人保护报告 | Tencent 腾讯 | March 2018 2018 年 3 月 |
| 19 | Addressing the Sale of Counterfeits on the Internet 解决互联网售假问题 | International Trademark Association | 2017 |

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| | | 国际商标协会 | |
| 20 | Intellectual Property Rights Protection Annual Report 知识产权保护年度报告 | Alibaba Group 阿里巴巴集团 | 2018 |
| 21 | E-Commerce in China: Facts and Law Regulations 中国电商：实际情况与法律规范 | Starke Starke 公司 | November 2016 2016 年 11 月 |
| 22 | MEMORANDUM OF UNDERSTANDING ON ONLINE ADVERTISING AND INTELLECTUAL PROPERTY RIGHTS 关于网络广告与知识产权的谅解备忘录 | European Commission 欧委会 | 25 June 2018 2018 年 6 月 25 日 |
| 23 | Overview of the functioning of the Memorandum of Understanding on the sale of counterfeit goods via the internet 《打击互联网售假的谅解备忘录》的作用概述 | European Commission 欧委会 | Brussels, 29.11.2017 SWD(2017) 430 final 布鲁塞尔, 2017 年 11 月 29 日, SWD(2017)430 号文件终稿 |
| 24 | Memorandum of Understanding on the sale of counterfeit goods via the internet 打击互联网售假的谅解备忘录 | European Commission 欧委会 | 21 June 2016 2016 年 6 月 21 日 |
| 25 | Evaluation of the application of Regulation 386/2012 评价第 386/2012 号条例的适用性 | European Commission 欧委会 | October 2017 2017 年 10 月 |
| 26 | BENCHMARKING NATIONAL AND REGIONAL SUPPORT SERVICES FOR SMEs IN THE FIELD OF INTELLECTUAL AND INDUSTRIAL PROPERTY 知识与工业产权领域面向中小型企业标杆型国家级与地区级支持活动 | European Commission and PRO INNO EUEOPE 欧委会、欧洲创 新力促进计划 | 2007 |

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|----|---|---|--------|
| | | (PRO INNO EUROPE) | |
| 27 | German Chamber Business Confidence Survey 2019/20 德国商会 2019/2020 年商业信心调查 | German Chamber of Commerce 德国商会 | 2019 |
| 28 | Trade, growth and intellectual property - Strategy for the protection and enforcement of intellectual property rights in third countries 贸易、经济增长与知识产权——在第三国的知识产权保护与执法策略 | European Commission 欧委会 | (2014) |
| 29 | A Single Market for Intellectual Property Rights Boosting creativity and innovation to provide economic growth, high quality jobs and first class products and services in Europe 促进创造创新的单一知识产权市场：推动欧洲经济增长、创造高质量就业机会、提供一流产品与服务 | European Commission 欧委会 | (2011) |
| 30 | Evaluation of the Intellectual Property Rights Enforcement Strategy in Third Countries 评价在第三国的知识产权执法策略 | European Commission and Analysis for Economic Designs 欧委会、经济设计分析 | 2010 |

II. List of Interviewees and survey respondents (where respondents were willing to have details published) 采访与调查对象名单（仅限同意具名者）

List of Interviewees:

采访对象名单：

| List of Interviewees and survey respondents (where respondents were willing to have details published) 采访与调查对象名单（仅限同意具名者）

| Organisation 组织 | Organisation type 组织类型 |
|----------------------------|---|
| Moodie Davitt Report | Business Intelligence provider 商业情报提供商 |
| JD.com 京东 | E-commerce platform 电商平台 |
| Mogu 蘑菇街 | E-commerce platform 电商平台 |
| Pinduoduo 拼多多 | E-commerce platform 电商平台 |
| DHGate 敦煌网 | E-commerce platform 电商平台 |
| White Bullett | E-commerce platform research analyst 电商平台研究分析机构 |
| RB | Law firm 律师事务所 |
| Hogan Lovells 霍金路伟 | Law firm 律师事务所 |
| Marks and Clerk 麦仕奇 | Law firm 律师事务所 |
| Womble Bond Dickinson | Law firm 律师事务所 |
| German Chamber of Commerce | Business association |

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|-----------------------------|----------------------|
| 德国商会 | 商业协会 |
| CBI | Business association |
| 英国工业联合会 | 商业协会 |
| CBBC | Business association |
| 英中贸易协会 | 商业协会 |
| Danish Chamber of Commerce | Business association |
| 丹麦商会 | 商业协会 |
| Swedish Chamber of Commerce | Business association |
| 瑞典商会 | 商业协会 |
| Ferrero | Rights holder |
| 费罗列 | 权利人 |
| Harris Bricken Law Firm | Law firm |
| | 律师事务所 |

List of Survey Respondents:
调查对象名单：

| Number 编号 | institution/entity name 机构 / 主体名称 | Does your company own intellectual property registered in the following region and country? 您的公司是否拥有在下列国家 / 地区注册的知识产权? | Does your company sell IP-protected products in China? 您的公司是否在中国 销售受知识产权保护 的产品? | Does your company sell IP-protected products in the EU? 您的公司是否在欧 盟销售受知识产权 保护的产品? |
|--------------|--------------------------------------|--|--|---|
| 2 | (Not disclosed) | China, EU, US | Yes | Yes |

| List of Interviewees and survey respondents (where respondents were willing to have details published) 采访与调查对象名单（仅限同意具名者）

| | | | | |
|----|---|---------------------------|----------|----------|
| | (未披露) | 中国、欧盟、美国 | 是 | 是 |
| 3 | Jellycat | China, EU, US 中国、欧盟、美国 | Yes 是 | No 否 |
| 4 | CBBC 英中贸易协会 | China, EU, US 中国、欧盟、美国 | No 否 | No 否 |
| 5 | The Weir Group PLC | EU 欧盟 | Yes 是 | Yes 是 |
| 6 | Richemont 历峰 | China, EU, US 中国、欧盟、美国 | Yes 是 | No 否 |
| 7 | Mancunian IP | China 中国 | No 否 | No 否 |
| 8 | Melody Rose Ltd t/a Melody Rose London Melody Rose Ltd (商业名: Melody Rose London) | China, EU, US 中国、欧盟、美国 | No 否 | Yes 是 |
| 9 | Glencairn crystal | China, EU, US 中国、欧盟、美国 | Yes 是 | Yes 是 |
| 10 | (Not disclosed) (未披露) | China, EU, US 中国、欧盟、美国 | Yes 是 | Yes 是 |
| 11 | Springer Nature | China, EU, US 中国、欧盟、美国 | Yes 是 | Yes 是 |
| 12 | 1421 Consulting Group | EU 欧盟 | No 否 | No 否 |
| 13 | UNITALEN ATTORNEYS AT LAW | China, EU, US | No | No |

| List of Interviewees and survey respondents (where respondents were willing to have details published) 采访与调查对象名单 (仅限同意具名者)

| | | | | |
|----|---------------------------------|---------------------------|----------|----------|
| | 集佳知识产权代理有限公司 | 中国、欧盟、美国 | 否 | 否 |
| 14 | Incopro 茵可普(上海)信息技术有限公司 | EU 欧盟 | No 否 | No 否 |
| 15 | Cosmetic Warriors/ Lush Limited | China, EU, US 中国、欧盟、美国 | Yes 是 | Yes 是 |
| 16 | BRITA China 碧然德中国 | China, EU 中国、欧盟 | Yes 是 | Yes 是 |
| 17 | (Not disclosed) (未披露) | China, EU, US 中国、欧盟、美国 | Yes 是 | Yes 是 |
| 18 | Scotch Whisky 苏格兰威士忌 | China 中国 | No 否 | No 否 |
| 19 | The LEGO Group 乐高集团 | China, EU, US 中国、欧盟、美国 | Yes 是 | Yes 是 |

Detailed data analysis on survey results:

有关调查结果的详细数据分析：



Study on Online
Counterfeit in China -

III. List of E-commerce cases before 2019 电商案例清单 (2019 年前)

| Case Number 案号 | Plaintiff 原告 | Defendant 被告 | Court 法院 | Location 地点 | Appeal 是否上诉 | Compensation Awarded (RMB) 判决赔偿金额 (人民币) | Compensation Awarded in EUR 判决赔偿金额 (欧元) | Cause of Action 案由 |
|--|--|---|---------------------------------------|-----------------|----------------|--|--|---|
| (2016) Zhe 0782 Minchu No.12765 (2016)浙 0782 民初 12765 号 | Puma European companies (PUMASE) 彪马欧洲公司 | Zhejiang property supply chain service co., Ltd. Lin Yanqing 浙江物产中大供应链服务有限公司 林雁庆 | Yiwu People's Court 义乌人民法院 | Zhejiang 浙江 | N/A 不适用 | 150,000 | 19,330 | Infringement of trademark rights dispute 侵害商标权纠纷 |
| (2015) Yuezhifashangminchu No.59 | SeggerMicrocontroller GmbH&Co.KG 泽格微控制器有限公司 | Chen Shuhai, Shenzhen Zhixinrui Electronics Co., Ltd. | Guangzhou Intellectual Property Court | Guangdong 广东 | N/A 不适用 | 410,000 | 52,835 | Copyright ownership disputes, infringement of trademark |

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|---|--|--|---|---------------------|----------------|---------|--------|--|
| (2015)粤知法商民初字第 59 号 | | 陈树海、深圳市智芯锐电子有限公司 | 广州知识产权法院 | | | | | rights dispute 著作权属纠纷、侵害商标权纠纷 |
| (2015) Yuezhifashangminchu No.46 (2015)粤知法商民初字第 46 号 | SeggerMicrocontroller GmbH&Co.KG 泽格微控制器有限公司 | Mao Weiqiang 毛伟强 | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | N/A 不适用 | 40,000 | 5,155 | Infringement of trademark rights dispute 侵害商标权纠纷 |
| (2015) Yuezhifashangminchu No.47 (2015)粤知法商民初字第 47 号 | SeggerMicrocontroller GmbH&Co.KG 泽格微控制器有限公司 | Peng Jianguo, Guangzhou Jiawei Computer Technology Co., Ltd. 彭建国、广州佳维计算机科技有限公司 | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | N/A 不适用 | 235,000 | 30,284 | Copyright ownership disputes, infringement of trademark rights dispute 著作权属纠纷、侵害商标权纠纷 |

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|---|---|--|---|---------------------|----------------|-----------|---------|--|
| (2015) Yuezhifashangminchu No.54 (2015)粤知法商民初字第 54 号 | SeggerMicrocontroller GmbH & Co. KG 泽格微控制器有限公司 | Peng Zhen, Guangzhou Jiawei Computer Technology Co., Ltd. 彭震、广州佳维计算机科技有限公司 | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | N/A 不适用 | 3,015,000 | 388,531 | Copyright ownership disputes, infringement of trademark rights dispute 著作权属纠纷、侵害商标权纠纷 |
| (2015) Yuezhifashangminchu No.55 (2015)粤知法商民初字第 55 号 | SeggerMicrocontroller GmbH & Co. KG 泽格微控制器有限公司 | Xie Aimei, Shenzhen Futian District Saige Electronic Market Zhantao Electronic Business Department 谢爱梅、深圳福田区赛格电子市场展滔电子经营部 | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | N/A 不适用 | 1,123,800 | 144,820 | Copyright ownership disputes, infringement of trademark rights dispute 著作权属纠纷、侵害商标权纠纷 |
| (2015) Yuezhifashangminchu No.53 | SeggerMicrocontroller GmbH & Co. KG 泽格微控制器有限公司 | Zhang Yang and Shenzhen Futian District Shengshi Chengfa Electronic Trading Company | Guangzhou Intellectual Property Court | Guangdong 广东 | N/A 不适用 | 235,000 | 30,284 | Copyright ownership disputes, infringement of trademark |

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|---|--|---|---|---------------------|----------------|-----------|---------|--|
| (2015)粤知法商民初字第 53 号 | | 张洋、深圳市福田区盛世城发电子商行 | 广州知识产权法院 | | | | | rights dispute 著作权属纠纷、侵害商标权纠纷 |
| (2015) Yuezhifashangminchu No.52 (2015)粤知法商民初字第 52 号 | SeggerMicrocontroller GmbH&Co.KG 泽格微控制器有限公司 | Liu Huoliang and Guangzhou Menghuo Network Technology Co., Ltd. 刘火良、广州猛火网络科技有限公司 | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | N/A 不适用 | | | Copyright ownership disputes, infringement of trademark rights dispute 著作权属纠纷、侵害商标权纠纷 |
| (2015) Yuezhifashangminchu No.51 (2015)粤知法商民初字第 51 号 | SeggerMicrocontroller GmbH&Co.KG 泽格微控制器有限公司 | Chen Miao, Shenzhen Boqian Electronic Technology Co., Ltd. 陈苗、深圳市博嵌电子科技有限公司 | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | N/A 不适用 | 3,015,000 | 388,531 | Copyright ownership disputes, infringement of trademark rights dispute |

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|---|---|--|---|---------------------|----------------|-----------|---------|--|
| | | | | | | | | 著作权属纠纷、侵害商标权纠纷 |
| (2015) Yuezhifazhuminchu No.131 (2015)粤知法著民初字第 131 号 | SeggerMicrocontrollerGmbH&Co.KG 泽格微控制器有限公司 | Xu Mingshu, Shenzhen Futian District Saige Electronic Market Zhantao Electronic Business Department 徐铭树、深圳市福田区赛格电子市场展滔电子经营部 | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | N/A 不适用 | 1,176,400 | 151,598 | Infringement of computer software copyright disputes 侵害计算机软件著作权纠纷 |
| (2016) Ji 01 Minchu No.708 (2016)冀 01 民初 708 号 | REUSCHGMBH | Shijiazhuang Aixue Outdoor Trade Co., Ltd. 石家庄爱雪户外商贸有限公司 | Shijiazhuang Intermediate People's Court of Hebei Province 河北省石家庄市中级人民法院 | Hebei 河北 | N/A 不适用 | | | Infringement of trademark rights dispute 侵害商标权纠纷 |

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|--|---|--|---|--------------------|----------------|---------|--------|---|
| (2016) Su 01 Minchu No.55 (2016)苏 01 民初 55 号 | Carl's el creation studio co., LTD. (CARTIERCREATION STUDIOSA) 卡尔蒂埃尔创造工作室股份有限公司 | Nanjing Wachi Trading Co., Ltd., Xia Bing and Shenzhen Longdu Electronic Commerce Co., Ltd. 南京沃持贸易有限公司、夏冰、深圳市郎度电子商务有限公司 | Nanjing Intermediate People's Court of Jiangsu Province 江苏省南京市中级人民法院 | Jiangsu 江苏 | N/A 不适用 | 500,000 | 64,433 | Infringement of design patent dispute 侵害外观设计专利纠纷 |
| (2016) Zhe 0108 Minchu No.1401 (2016)浙 0108 民初 1401 号 | Cartier international co., LTD. (CartierInternationalAG) 卡地亚国际有限公司 | Hangzhou Ruishang Electronic Commerce Co., Ltd. 杭州瑞尚电子商务有限公司 | Hangzhou Binjiang District People's Court 杭州市滨江区人民法院 | Zhejiang 浙江 | N/A 不适用 | 300,000 | 38,660 | Unauthorized use of well-known products' unique names, packaging, and decoration disputes 擅自使用知名商品特有名称、包装和装潢纠纷 |

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|---|--|--|---|---------------------|----------------|---------|--------|---|
| (2016) Su 01 Minchu No.56 (2016)苏 01 民初 56 号 | Cartier international co., LTD. (CartierInternational alAG) 卡地亚国际有限公司 (CartierInternational alAG) | Nanjing Wachi Trading Co., Ltd., Xia Bing and Shenzhen Longdu Electronic Commerce Co., Ltd. 南京沃持贸易有限公司、夏冰、深圳市郎度电子商务有限公司 | Nanjing Intermediate People's Court of Jiangsu Province 江苏省南京市中级人民法院 | Jiangsu 江苏 | N/A 不适用 | 500,000 | 64,433 | unfair competition disputes 不正当竞争纠纷 |
| (2015) Shenbaofazhiminchu No.1575 (2015)深宝法知民初 字第 1575 号 | SeggerMicrocontroller GmbH&Co.KG 泽格微控制器有限公司 | Peizheng Lin and Shenzhen Youxin Electronic Technology Co., Ltd. 林培正、深圳市优信电子科技有限公司 | Shenzhen Baoan District People's Court 深圳市宝安区人民法院 | Guangdong 广东 | N/A 不适用 | 80,000 | 10,309 | Trademark ownership dispute 商标权属纠纷 |
| (2015) Shenbaofazhiminchu No.1578 (2015)深宝法知民初 字第 1578 号 | SeggerMicrocontroller GmbH&Co.KG 泽格微控制器有限公司 | Shenzhen Boqian Electronic Technology Co., Ltd. 深圳市博嵌电子科技有限公司 | Shenzhen Baoan District People's Court | Guangdong 广东 | N/A 不适用 | 250,000 | 32,216 | Infringement of trademark rights dispute 侵害商标权纠纷 |

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| | | | 深圳市宝安区人民法院 | | | | | |
| (2015) Shenbaofazhiminchu No.1574 (2015)深宝法知民初字第 1574 号 | SeggerMicrocontroller GmbH & Co. KG 泽格微控制器有限公司 | Feng quan, Shenzhen Quandong electronic technology co., ltd, Shenzhen Yifang micro technology co., ltd 冯权、深圳市全动电子技术有限公司、深圳市亿方微科技有限公司 | Shenzhen Baoan District People's Court 深圳市宝安区人民法院 | Guangdong 广东 | N/A 不适用 | 30,000 | 3,866 | Trademark ownership dispute 侵害商标权纠纷 |
| (2015) Shenbaofazhiminchu No.1577 (2015)深宝法知民初字第 1577 号 | SeggerMicrocontroller GmbH & Co. KG 泽格微控制器有限公司 | Wang Li 王莉 | Shenzhen Baoan District People's Court 深圳市宝安区人民法院 | Guangdong 广东 | N/A 不适用 | 40,000 | 5,155 | Trademark ownership dispute 商标权属纠纷 |

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| (2015) Shenfufazhiminchu No.738 (2015)深福法知民初字第 738 号 | SeggerMicrocontro llerGmbH&Co.KG 泽格微控制器有 限公司 | Li Xiping, Shenzhen Shaibao Technology Co., Ltd. 李喜平、深圳市晒宝 科技有限公司 | Shenzhen Futian District People's Court 深圳市福 田区人民 法院 | Guangdong 广东 | N/A 不适用 | 100,000 | 12,887 | Infringement of trademark rights dispute 侵害商标权 纠纷 |
| (2015) Dongminzhichu NO.14391 (2015)东民（知）初 字第 14391 号 | CHANEL co., LTD. (CHANEL) 香奈儿股份有限 公司 (CHANEL) | Beijing Jingtalong International Hotel Management Co., Ltd. 北京京泰龙国际大酒 店管理有限公司 | Beijing Dongcheng District People's Court 北京东城 区人民法 院 | Beijing 北京 | N/A 不适用 | 80,000 | 10,309 | Infringement of trademark rights dispute 侵害商标权 纠纷、不正 当竞争纠纷 |
| (2013) Minminsanzhichu No.585 (2013)闵民三（知） 初字第 585 号 | RILEYCUESPORTSLI MITED 莱利球杆体育用 品有限公司 | Shanghai Changning District Laili Sports Goods Store and Tianjin Laili Sports Equipment Co., Ltd. | Shanghai Minhang District People's Court | Shanghai 上海 | N/A 不适用 | 18,000 | 2,320 | Infringement of trademark rights disputes, unfair competition disputes |

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| | | 上海市长宁区来力体育用品店、天津来力体育器材有限公司 | 上海闵行区人民法院 | | | | | |
| (2016) Yue 73 Minchu No.1209 (2016)粤 73 民初 1209 号 | Christian Louboutin 克里斯提·鲁布托 | Guangzhou wentan trading co., ltd. and Guangzhou beilingfei cosmetics co., ltd. 广州问叹贸易有限公司、广州贝玲妃化妆品有限公司 | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | Yes (2017) Yueminzhong No.347 是, (2017) 粤民终 347 号 | 340,000 | 43,814 | Infringement of design patent dispute 侵害外观设计专利权纠纷 |
| (2016) Yue 73 Minchu No.1208 (2016)粤 73 民初 1208 号 | Christian louboutin 克里斯提·鲁布托 | Guangzhou wentan trading co., ltd. and Guangzhou beilingfei cosmetics co., ltd. 广州问叹贸易有限公司、广州贝玲妃化妆品有限公司 | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | Yes (2017) Yueminzhong No.346 是, (2017) 粤民终 346 号 | 340,000 | 43,814 | Infringement of design patent dispute 侵害外观设计专利权纠纷 |
| (2016) Yue 73 Minchu No.1207 (2016)粤 73 民初 1207 号 | Christian louboutin 克里斯提·鲁布托 | Guangzhou wentan trading co., ltd. and Guangzhou beilingfei cosmetics co., ltd. | Guangzhou Intellectual Property Court 广州知识产权法院 | Guangdong 广东 | Yes (2017) Yueminzhong No.345 | 340,000 | 43,814 | Infringement of design patent dispute |

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| | | 广州问叹贸易有限公司、广州贝玲妃化妆品有限公司 | | | 是, (2017) 粤民终 345 号 | | | 侵害外观设计专利权纠纷 |
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IV. Relevant policies and guidelines related to the E-commerce Law 《电子商务法》相关政策和指南

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| E-commerce Law 电子商务法 | 2019 Online Market Regulation Special Action Plan 2019 网络市场监管专项行动方案 | Promulgation of the Implementing Measures for Strengthening Intellectual Property Law Enforcement in the Fields of Online Shopping and Import and Export 加强网购和进出口领域知识产权执法实施办法 | Work Plan for the Management of Counterfeit and Inferior Key Areas (2019-2021) 假冒伪劣重点领域治理工作方案 (2019 ~ 2021) | Notice of SAMR and CNIPA on the "Tie Quan" Action Plan of Intellectual Property Enforcement in 2019 国家市场监督管理总局、知识产权局关于 〈2019 年知识产权执法 | Amendment on Administrative Measures for Online Transaction (Draft for Comment) 网络交易监督管理办法（征求意见稿） |
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| “铁拳”行动方案》的通知 | | | | | | |
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| E-commerce business operators information registration 电子商务经营者信息登记 | Article 10 E-commerce business operators shall complete market entity registration formalities pursuant to the law, except for individuals selling self-produced agricultural products and home-made handicraft products, and individuals using their own skills to engage in convenient labour activities and sporadic small transactions for which licensing is not required by law, as well as e-commerce business operators who are not required to register pursuant to the laws and administrative regulations. 第 10 条 电子商务经营者应当依法办理市场主体登记。但是，个人销 | Key task (1) Focus on standardizing the qualifications of e-commerce entities and create a good access environment. 重点任务（1）着力规范电子商务主体资格，营造良好准入环境。 Investigate and deal with the behaviour of e-commerce operators in violation of the information disclosure obligations stipulated in Article 15 of the E-commerce Law. 依法查处电子商务经营者违反《电子 | - | - | - | Article 8 Except for business operators which are not required to be registered pursuant to the provisions of Article 10 of the E-commerce Law, online trading operators shall complete market entity registration formalities pursuant to the law. 第 8 条 除依照《电子商务法》第 10 条规定不需要进行登记的经营者以外，网络交易经营者应当依法办理市场主体登记。 Where administrative licenses are required in accordance with the law for online trading operators to engage in operating activities, such administrative licenses shall be obtained in accordance with the law. Online trading operators shall not engage in unlicensed |

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| | <p>售自产农副产品、家庭手工业产品，个人利用自己的技能从事依法无须取得许可的便民劳务活动和零星小额交易活动，以及依照法律、行政法规不需要进行登记的除外。</p> <p>Article 15 E-commerce business operators shall display, prominently and continuously on their homepage, their business license information, administrative licensing information relating to their business operation, and information that they are not required to complete market entity registration pursuant to the provisions of Article 10 of this Law, or hyperlinks of the aforesaid information.</p> | <p>《电子商务法》第 15 条规定的信息公示义务的行为。</p> <p>Supervise e-commerce operators to handle market entity registration in accordance with the law, standardize e-commerce subject qualifications, and strengthen the normative guidance for social e-commerce and cross-border e-commerce operators.</p> <p>监督电子商务经营者依法办理市场主体登记，规范电子商务主体资格，加强对社交电商、跨</p> | | | | <p>business operation in violation of the provisions of laws, regulations and the decisions of the State Council.</p> <p>网络交易经营者从事经营活动，依法需要取得行政许可的，应当依法取得行政许可。</p> <p>网络交易经营者不得违反法律、法规、国务院决定的规定，从事无证无照经营。</p> <p>Article 9 Where an online trading operator applies for registration as an enterprise, individually-owned business or farmers' cooperative, it shall apply to the market regulatory authorities for market entity registration pursuant to the relevant provisions on administration of market entity registration.</p> <p>第 9 条 网络交易经营者申请登记成为企业、个体工商户或者农民专业合作社的，应</p> |
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| | <p>Where there is any change to the information stipulated in the preceding paragraph, the e-commerce business operators shall promptly update and announce the information.</p> <p>第 15 条 电子商务经营者应当在其首页显著位置，持续公示营业执照信息、与其经营业务有关的行政许可信息、属于依照本法第 10 条规定的不需要办理市场主体登记情形等信息，或者上述信息的链接标识。</p> <p>前款规定的信息发生变更的，电子商务经营者应当及时更新公示信息。</p> | <p>境电商经营者的规范引导。</p> <p>Supervise e-commerce platform operators to register and record in accordance with the "E-commerce Law" and other laws and regulations, verify and register the real information of the operators entering the platform, establish registration files. Supervise postal enterprises and express delivery enterprises to strengthen the review of the business scope of the e-commerce enterprise agreement customers.</p> | | | | <p>当依照市场主体登记管理相关规定向市场监督管理部门申请办理市场主体登记。</p> <p>Article 12 Online trading operators which are not required to complete registration formalities for market entities pursuant to the provisions of Article 10 of the E-commerce Law shall announce, on a prominent location of the home page of their website or the main page for business activities, their self-declaration that they are not required to complete registration formalities for market entities pursuant to the law, as well as information such as business address, contact details etc, or links to the aforesaid information.</p> <p>第 12 条 依照《电子商务法》第 10 条规定不需要办理市场主体登记的网络交易经营者，应当在其网站首页或</p> |
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| | | <p>督促电子商务平台经营者按照《电子商务法》等法律法规要求登记备案，对进入平台的经营者的真实信息进行核验、登记，建立登记档案，监督电子商务经营者做好亮照、亮证、亮标工作。督促邮政企业、快递企业加强对电子商务企业协议客户经营范围的审查。</p> <p>Standardize the main body of e-commerce, and focus on rectifying illegal Internet applications (websites, apps, etc.).</p> | | | | <p>者从事经营活动的主页面显著位置，持续公示其属于依法无需办理市场主体登记的具体情形的自我声明，以及经营地址、联系方式等信息，或者上述信息的链接标识。</p> |
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| | | <p>(The General Administration of Market Supervision, the Ministry of Industry and Information Technology, the Ministry of Public Security, the General Administration of Customs, and the Post Office cooperate according to their responsibilities)</p> <p>规范电子商务经营主体，集中整治非法主体互联网应用（网站、APP等）。</p> <p>（市场监管总局、工业和信息化部、公安部、海关总署、邮政局按职责分工协作）</p> | | | | |
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| <p>E-commerce business operators who sell goods or services infringing upon intellectual property 销售或提供侵害知识产权的商品或服务的电子商务经营者</p> | <p>Article 85 E-commerce business operators who violate the provisions of this Law in selling goods or providing services that do not comply with the requirements for protection of personal safety and property security, or carrying out false or misleading business promotion and other unfair competition, abusing market dominance position, or infringing upon intellectual property, consumer rights etc. shall be punished pursuant to the provisions of the relevant laws.</p> <p>第 85 条 电子商务经营者违反本法规定，销售的商品或者提供的服务不符合保障人身、财产安全的要求，实施虚假或者引人误解的商业宣</p> | <p>Key task (2) Strictly crack down on the online sales of counterfeit and shoddy products, unsafe foods and counterfeit drugs, and create a safe environment for consumption. Strengthening regulatory enforcement and focusing on food (including health food), medicines, electronic products, auto parts, furniture and home furnishings, household items, children's products, clothing and shoes, and labour protection helmets, etc. Criminal justice, with major cases as a breakthrough, organizes a concentrated attack</p> | <p>I. Strengthening law enforcement regulation in accordance with the law 依法加强执法监管 II. Broadening the source channels of clues 拓宽线索来源渠道 III. Strengthening law enforcement coordination and linkage 强化执法协调联动 IV. Striving to promote the administrative-criminal</p> | <p>The "Proposal" carries out special governance for the deployment of four areas where the counterfeit and shoddy issues are more prominent: “方案”针对四个假冒伪劣问题突出领域部署开展假冒伪劣专项治理： First, focusing on small household appliances, washing chemicals, hardware and electrical materials, and agricultural production materials, focus on the special management of the rural market, purify the rural market environment, and help implement the</p> | <p>Key task (2) Strictly investigate and deal with illegal patents. Focus on key products such as food and medicine, household appliances, daily necessities, environmental protection products, and electronic information products. Focus on shopping malls, supermarkets, professional markets, technology business incubators, start-up parks, and online</p> | - |
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| | <p>传等不正当竞争行为，滥用市场支配地位，或者实施侵犯知识产权、侵害消费者权益等行为的，依照有关法律的规定处罚。</p> | <p>and firmly holds the bottom line of people's life health and safety.</p> <p>重点任务（2）</p> <p>严厉打击网上销售假冒伪劣产品、不安全食品及假药劣药，营造放心消费环境。</p> <p>以食品（含保健食品）、药品、电子产品、汽车配件、家具家装、家庭日用品、儿童用品、服装鞋帽以及劳动防护安全帽等社会反映集中、关系健康安全的消费品为重点，加强监管执法和刑事司法，以大要案为突破口，组织开展集中打</p> | <p>penalty connection</p> <p>大力推进行刑衔接</p> <p>V. Improving the social co-governance mechanism</p> <p>完善社会共治机制</p> | <p>rural revitalization strategy;</p> <p>第一，以小家电、洗化用品、五金电料、农资及农产品为重点，集中开展农村市场专项治理，助力乡村振兴战略实施。</p> <p>Second, focusing on strengthening the supervision of special foods, school foods, catering services and online ordering, focus on special food safety management to ensure the safety of the people on the tongue;</p> <p>第二，加强对特殊食品、校园食品、餐饮服务和网上订</p> | <p>trading platforms, organize law enforcement inspections, and severely investigate and deal with counterfeiting. Patent violations.</p> <p>主要任务</p> <p>（2）严厉查处假冒专利违法行为。聚焦食品药品、家用电器、日用品、环保产品、电子信息产品等重点产品。以商场、超市、专业市场、科技企业孵化器、创业园区及网络交</p> | |
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| | | <p>击，坚决守住人民生命健康和安全的底线。</p> <p>Adhere to the combination of online and offline governance, strengthen the inspection of commodities such as food and beverage products in circulation, strengthen the food safety supervision of online catering services, strengthen risk monitoring, purify the source of production, and investigate and punish the use of the Internet to sell illegal and criminal activities of counterfeit and shoddy goods.</p> | | <p>餐等的监管，集中开展食品安全专项治理，保障百姓舌尖上的安全。</p> <p>The third is to focus on illegal publicity, false promotion, infringement and counterfeiting and other illegal acts, focusing on the special management of e-commerce platform to purify the trading environment of the online market;</p> <p>第三，严厉查处网络违法经营行为，强化对虚假宣传、虚假促销、刷单炒信、侵权假冒等违法行为的监测和治理，集中开展电商</p> | <p>易平台等为重点，组织开展执法检查行动，严厉查处假冒专利违法行为。</p> <p>key field 3.(1) Strengthen law enforcement in the field of e-commerce. Establish online inspection, source traceability, and collaborative investigation mechanism to promote online and offline integrated law enforcement. Strengthen</p> | |
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| | | <p>坚持线上线下治理相结合，加强流通销售餐饮环节食品等商品抽查，加强网络餐饮服务食品安全监管，加强风险监测，净化生产源头，依法查处利用互联网销售假冒伪劣商品违法犯罪活动。</p> <p>Dispose of Internet infringement and counterfeit harmful information in accordance with the law. (The General Administration of Market Supervision, the Ministry of Public Security, the General Administration of Customs, and the</p> | | <p>平台专项治理，净化网络市场交易环境。</p> <p>The fourth is to investigate and deal with illegal activities such as buying and selling licenses, false certifications, and out-of-scope certifications, focusing on special governance in the field of certification, and effectively maintaining the certification market order.</p> <p>第四，严厉查处买卖证照、虚假认证、超认证范围等非法行为，集中开展认证领域专项治</p> | <p>the monitoring, identification and investigation of online infringements, do a good job in collecting information and fixing evidence, and severely investigate and deal with infringement and counterfeiting violations committed by e-commerce operators.</p> <p>重点领域 (1) 加强电子商务领域执法。建立线上排查、源头追溯、协同查处</p> | |
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| | | Post Office cooperate according to their responsibilities) 依法依规处置互联网侵权假冒有害信息。 (市场监管总局、公安部、海关总署、邮政局按职责分工协作) | | 理，有效维护认证市场秩序。 | 机制，推进线上线下一体化执法。加强对线上侵权行为的监测、识别和排查，做好信息采集和证据固定，严厉查处电子商务经营者存在的侵权假冒违法行为。 | |
| Consumers' review & Business creditworthiness evaluation system 消费者评价和企业信用评价系统 | Article 17 E-commerce business operators shall disclose information of goods or services fully, truthfully, accurately and promptly, and protect consumers' right to know and right to choose. E-commerce business operators shall not use false transactions, fabricated user review etc. to conduct false or | Key Task (3) Strictly crack down on unfair competition and create a fair competitive market environment. 重点任务 (3) 严厉打击不正当竞争行为，营造公平竞争的市场环境。 | - | - | - | Article 15 Online trading operators shall disclose the information on commodities or services in a comprehensive, truthful, accurate and timely manner so as to safeguard consumers' right to know and right to choose. Online trading operators shall not carry out commercial promotions in a false or misleading manner to deceive |

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| | <p>misleading business promotion, so as to defraud or mislead consumers.</p> <p>第 17 条 电子商务经营者应当全面、真实、准确、及时地披露商品或者服务信息，保障消费者的知情权和选择权。电子商务经营者不得以虚构交易、编造用户评价等方式进行虚假或者引人误解的商业宣传，欺骗、误导消费者。</p> <p>Article 39 E-commerce platform operators shall establish and improve upon their creditworthiness review system, announce their creditworthiness review rules, and provide an avenue for consumers to review the goods sold or</p> | <p>In accordance with the "Anti-Unfair Competition Law", "E-commerce Law" and other relevant regulations, severely crack down on online false propaganda, illegal promotion, illegal tying and other acts. Seriously investigate and punish violations of the promotion of infant formula foods.</p> <p>按照《反不正当竞争法》、《电子商务法》等相关规定，严厉打击网络虚假宣传、刷单炒信、违规促销、违法搭售等行为。严肃查处违规推销宣</p> | | | | <p>or mislead consumers by means of fictitious transactions, fabricating user evaluations, deleting adverse user evaluations or otherwise.</p> <p>第 15 条 网络交易经营者应当全面、真实、准确、及时地披露商品或者服务信息，保障消费者知情权和选择权。</p> <p>网络交易经营者不得以虚构交易、编造用户评价、删除用户不利评价等方式进行虚假或者引人误解的商业宣传，欺骗、误导消费者。</p> <p>Article 31 Operators of online trading platforms shall establish and perfect a credit evaluation system, make public credit evaluation rules, and provide consumers with channels to publicly evaluate the commodities sold or services provided on the</p> |
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| <p>services provided on the platform. E-commerce platform operators shall not delete reviews by consumers on the goods sold or services provided on their platform.</p> <p>第 39 条 电子商务平台经营者应当建立健全信用评价制度，公示信用评价规则，为消费者提供对平台内销售的商品或者提供的服务进行评价的途径。</p> <p>电子商务平台经营者不得删除消费者对其平台内销售的商品或者提供的服务的评价。</p> <p>Article 70 The State supports creditworthiness evaluation organisations established pursuant to the law to conduct e-</p> | <p>传婴幼儿配方食品的行为。</p> <p>Severely crack down on illegally sending empty parcels and other means to help other operators to conduct false evaluations and other illegal activities.</p> <p>严厉打击通过组织非法寄递空包裹等方式，帮助其他经营者进行刷单炒信等违法行为。</p> <p>Supervise e-commerce platform operators to further strengthen the monitoring of false evaluation behaviours, improve the</p> | | | | <p>platforms as well as operators on the platforms. Operators of online trading platforms shall not delete consumers' comments on the commodities sold or services provided on their platforms, or the business operators using their platforms.</p> <p>第 31 条 网络交易平台经营者应当建立健全信用评价制度，公示信用评价规则，为消费者提供对平台内销售的商品或者提供的服务以及平台内经营者进行公开评价的途径。</p> <p>网络交易平台经营者不得删除消费者对平台内销售的商品或者提供的服务以及平台内经营者的评价。</p> |
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| | <p>commerce creditworthiness evaluation, and provide e-commerce creditworthiness evaluation services to the public.</p> <p>第 70 条 国家支持依法设立的信用评价机构开展电子商务信用评价，向社会提供电子商务信用评价服务。</p> <p>Article 81 E-commerce platform operators who violate the provisions of this Law in committing any of the following acts shall be ordered by the market supervision and administration authorities to make correction within a stipulated period, and may be subject to a fine ranging from RMB20,000 to RMB100,000; in serious cases,</p> | <p>commodity (service) credit evaluation system, and cooperate with law enforcement work.</p> <p>督促电子商务平台经营者进一步加强 对刷单炒信行为的 监测监控，完善商 品（服务）信用评 价体系，配合执法 工作开展。</p> <p>Investigate and deal with the behaviour of operators in the e-commerce platform to restrict the participation of operators in the platform in other third-party e-commerce platform operations.</p> <p>依法查处电子商务 平台经营者限制平</p> | | | | |
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| | <p>a fine ranging from RMB100,000 to RMB500,000 shall be imposed:</p> <p>.....</p> <p>(4) fail to provide an avenue for consumers to review the goods sold or services provided on the platform, or delete consumer reviews arbitrarily.</p> <p>第 81 条 电子商务平台经营者违反本法规定，有下列行为之一的，由市场监督管理部门责令限期改正，可以处二万元以上十万元以下的罚款；情节严重的，处十万元以上五十万元以下的罚款：</p> <p>.....</p> <p>(4) 未为消费者提供对平台内销售的商品或者</p> | <p>台内经营者参与其他第三方电子商务平台经营活动等行为。</p> <p>(The General Administration of Market Supervision, the Development and Reform Commission, the Ministry of Commerce, and the Post Office cooperate according to their responsibilities)</p> <p>(市场监管总局、发展改革委、商务部、邮政局按职责分工协作)</p> | | | | |
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| | 提供的服务进行评价的途径，或者擅自删除消费者的评价的。 | | | | | |
| Online advertising 网络广告 | Article 18 Where an e-commerce business operator provides consumers with search results for goods or services based on consumers' preference or consumption habit, it shall also provide consumers with options which are not targeted at their personal characteristics, to respect and equally protect the legitimate rights and interests of consumers. E-commerce business operators sending ads to consumers shall comply with the relevant provisions of the Advertising Law of the People's Republic of China. | Key Task (4) Carry out Internet advertising rectification work and create a good advertising market environment. 重点任务（4）深入开展互联网广告整治工作，营造良好广告市场环境。 Focusing on portals, search engines, and e-commerce platforms with large social impact and wide coverage, we will highlight Internet media such as mobile clients and new media accounts, and target people's | - | Agriculture field: (4) Strictly investigate and punish false and illegal advertisements. Strengthen advertising-oriented supervision and increase advertising supervision in the fields of medicine, medicine, food, health food, and financial investment. Highlight the focus of traditional media and important Internet media advertisements, conduct special monitoring with special rectification work, carry out key monitoring around | - | Article 19 Where an online trading operator provides consumers with search results of goods or services or displays commercial information based on consumers' personal characteristics such as their hobbies, consumption habits and browsing history, it shall also provide consumers with options not tailored to the consumers' personal characteristics in a prominent manner, and respect and equally protect the legitimate rights and interests of consumers. 第 19 条 网络交易经营者根据消费者的兴趣爱好、消费习惯、浏览历史等个人特征向其提供商品或者服务的搜索结果或者展示商业性信息的，应当同时以显著方式向 |

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| | <p>第 18 条 电子商务经营者根据消费者的兴趣爱好、消费习惯等特征向其提供商品或者服务的搜索结果的，应当同时向该消费者提供不针对其个人特征的选项，尊重和平等保护消费者合法权益。</p> <p>电子商务经营者向消费者发送广告的，应当遵守《中华人民共和国广告法》的有关规定。</p> <p>Article 40 E-commerce platform operators shall, based on the price, sales, creditworthiness etc. of the goods or services, display search results for goods or services to consumers via various methods; for products or services ranked according to bids, the word</p> | <p>bodies for medical, pharmaceutical, health food, real estate, financial investment and financial management. False illegal advertisements for health and property safety, increase the investigation and punishment of cases, and investigate and handle a number of major cases.</p> <p>以社会影响大、覆盖面广的门户网站、搜索引擎、电子商务平台为重点，突出移动客户端和新媒体账户等互联网媒介，针对医疗、药品、保健食品、房地产、金</p> | | <p>major events and important festivals, find clues, and quickly dispose of them.</p> <p>农业领域：(4)严厉查处虚假违法广告。</p> <p>强化广告导向监管，加大医疗、药品、食品、保健食品、金融投资等领域广告监管力度。突出重点传统媒体、重要互联网媒介广告抽查监测，配合专项整治工作开展专项监测，围绕重大活动、重要节日开展重点监测，发现线索，快速处置。</p> | | <p>消费者提供不针对其个人特征的选项，尊重和平等保护消费者的合法权益。</p> <p>Any online trading operators shall abide by the Advertising Law, the Anti-Unfair Competition Law, the Law on the Protection of Consumer Rights and Interests and other relevant provisions in sending advertisements or commercial information to consumers.</p> <p>网络交易经营者向消费者发送广告或者商业性信息的，应当遵守《广告法》、《反不正当竞争法》、《消费者权益保护法》等有关规定。</p> <p>Article 32 Operators of online trading platforms shall, according to prices, sales volumes and credits of goods or services, display search results of goods or services to consumers in multiple ways; and For goods or services</p> |
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| | <p>"advertisement" shall be stated prominently.</p> <p>第 40 条 电子商务平台经营者应当根据商品或者服务的价格、销量、信用等多种方式向消费者显示商品或者服务的搜索结果；对于竞价排名的商品或者服务，应当显著标明“广告”。</p> | <p>融投资理财等关系人民群众身体健康和财产安全的虚假违法广告，加大案件查处力度，查办一批大案要案。</p> <p>(The General Administration of Market Supervision, the Ministry of Industry and Information Technology, the Ministry of Public Security, and the Office of the Ministry of Communications shall cooperate according to their responsibilities)</p> <p>(市场监管总局、工业和信息化部、公安部、网信办按职责分工协作)</p> | | <p>We will increase the supervision of key false and illegal advertising cases, and regularly expose typical cases to play a deterrent role. Relying on the inter-ministerial joint meeting of rectification of false and illegal advertisements to strengthen collaborative supervision, improve the inter-departmental supervision and law enforcement linkage mechanism and information feedback processing mechanism. Formulate standards and procedures for the publication of</p> | | <p>displayed in the form of paid ranking, procedural purchase of advertisements, etc, the wordings "advertisement" shall be prominently indicated via a method which can be identified by consumers.</p> <p>第 32 条 网络交易平台经营者应当根据商品或者服务的价格、销量、信用等多种方式向消费者显示商品或者服务的搜索结果；对于以竞价排名、程序化购买广告等方式显示的商品或者服务，应当采取消费者能够辨识的方式显著标明“广告”。</p> <p>Article 65 Operators of online trading platforms which fail to display search results for goods or services to consumers pursuant to the provisions of Article 32 hereof shall be ordered to make correction within a stipulated period and be subject to a fine ranging from RMB10,000 to</p> |
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| | | <p>(7) Implementing the responsibility of e-commerce operators...</p> <p>...</p> <p>Directing and urging e-commerce platform operators to implement the obligation to clearly mark bidding products (services) as "advertising".</p> <p>(7) 落实电子商务经营者责任.....指导和督促电子商务平台经营者落实显著标明竞价排名商品（服务）为“广告”义务。</p> | | <p>advertisements for pharmaceuticals, medical devices, health foods, and formulas for special medical uses.</p> <p>加大重点虚假违法广告案件督办力度，定期曝光典型案例，发挥震慑作用。充分发挥部际联席会议在纠正假冒违法广告行为中的作用，加强协作监管、大力推动跨部门联合检查、执法联动、信息反馈处理机制。制定标准和程序个，规范药品、医疗器械、保健品、特殊用途配方产品等的广告发布活动。</p> | | <p>RMB30,000; to be specific, operators of online trading platforms which fail to state the word "advertisement" prominently for goods or services displayed by way of bidding ranking or procedural purchase of advertisements etc shall be punished pursuant to the provisions of the Advertising Law.</p> <p>第 65 条 网络交易平台经营者未按照本办法第 32 条规定向消费者显示商品或者服务的搜索结果的，责令限期改正，处一万元以上三万元以下的罚款；对其中以竞价排名、程序化购买广告等方式显示的商品或者服务未显著标明“广告”的，依照《广告法》的规定处罚。</p> |
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| <p>Personal information 个人信息</p> | <p>Article 23 E-commerce business operators collecting and using personal information of their users shall comply with the provisions of laws and administrative regulations on protection of personal information.</p> <p>第 23 条 电子商务经营者收集、使用其用户的个人信息，应当遵守法律、行政法规有关个人信息保护的规定。</p> <p>Article 32 E-commerce platform operators shall adhere to the principles of transparency, fairness and equitableness, formulate platform service agreement and transaction rules, and specify the rights and obligations pertaining to accessing and exiting the platform, quality assurance for goods and</p> | <p>Key Task (5) ...Enhance the protection of personal information in all aspects and channels, and standardize the contractual format clauses involving personal information; Seriously investigate and deal with the illegal collection, use, excessive collection or disclosure, illegal sale, illegal provision of personal information to others, investigate and deal with non-fulfilment of personal information protection obligations, and provide support</p> | <p>-</p> | <p>-</p> | <p>-</p> | <p>Article 22 Collection and use of information of consumers or business operators by online trading operators in the course of business activities shall be in compliance with the principles of legitimacy, property and necessity, the purpose, method and scope of collection and use of information and collection and use rules shall be expressly stated, the consent of the parties whose information is collected shall be obtained, collection and use of information shall not be in violation of the provisions of laws and regulations and the agreement between both parties.</p> <p>第 22 条 网络交易经营者在经营活动中收集、使用消费者或者经营者信息，应当遵循合法、正当、必要的原则，明示收集、使用信息的目的、方式、范围和收集、</p> |
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| | <p>services, consumer rights protection, protection of personal information etc.</p> <p>第 32 条 电子商务平台经营者应当遵循公开、公平、公正的原则，制定平台服务协议和交易规则，明确进入和退出平台、商品和服务质量保障、消费者权益保护、个人信息保护等方面的权利和义务。</p> <p>Article 79 E-commerce business operators who violate the provisions of laws and administrative regulations on protection of personal information, or who fail to perform the cyber security protection obligations stipulated in Article 30 of this Law and the relevant laws and administrative regulations shall be punished pursuant to the</p> | <p>and assistance for network crimes;</p> <p>重点任务（5）.....全方位多渠道加大个人信息保护力度，规范涉及个人信息的合同格式条款；</p> <p>严肃查处未经同意收集、使用、过度收集或泄露、非法出售、非法向他人提供个人信息行为，依法查处不履行个人信息保护义务、为网络违法犯罪提供支持帮助的网络平台；</p> <p>Severely crack down on crimes against citizens' personal information and</p> | | | <p>使用规则，并经被收集者同意，不得违反法律、法规的规定和双方的约定收集、使用信息。</p> <p>To collect and use the personal information of a consumer, an online trading operator shall seek the consent of the consumer each time, and shall not obtain the consent of the consumer by way of one-off authorisation, or refuse to sell goods or provide services to the consumer on the ground that the consumer does not agree to collect the personal information irrelevant to the said online transaction.</p> <p>网络交易经营者收集、使用消费者个人信息的，应当逐次征求消费者同意，不得采取一次性授权方式获得消费者同意，不得因消费者不同意收集与该网络交易活动无</p> |
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| | <p>provisions of the Cyber Security Law of the People's Republic of China and related laws, administrative regulations.</p> <p>第 79 条 电子商务经营者违反法律、行政法规有关个人信息保护的规定，或者不履行本法第 30 条和有关法律、行政法规规定的网络安全保障义务的，依照《中华人民共和国网络安全法》等法律、行政法规的规定处罚。</p> <p>Article 87 For officers of the authorities responsible for supervision and administration of e-commerce pursuant to the law, who are guilty of dereliction of duties, abusing official powers,</p> | <p>effectively prevent the abuse of personal information by big data technology.</p> <p>严厉打击侵犯公民个人信息犯罪，切实防范大数据技术对个人信息的滥用。</p> | | | | <p>关的个人信息而拒绝向其销售商品或者提供服务。</p> <p>Online trading operators and their employees shall strictly keep confidential consumers' personal information or trade secrets of business operators which have come into their knowledge, and shall not divulge, sell or provide such information to others illegally; and shall adopt the requisite measures to ensure information security, prevent divulgence and loss of information; in the event of occurrence or possible occurrence of divulgence or loss of information, remedial measures shall be forthwith adopted.</p> <p>网络交易经营者及其工作人员应当对知悉的消费者个人信息或者经营者的商业秘密严格保密，不得泄露、出售或者非法向他人提供；并应</p> |
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| | <p>corruption or divulging or selling personal information, privacy and commercial secrets which have come into their knowledge during performance of duties, their legal liability shall be pursued in accordance with the law.</p> <p>第 87 条 依法负有电子商务监督管理职责的部门的工作人员，玩忽职守、滥用职权、徇私舞弊，或者泄露、出售或者非法向他人提供在履行职责中所知悉的个人信息、隐私和商业秘密的，依法追究法律责任。</p> | | | | | <p>当采取必要措施，确保信息安全，防止信息泄露、丢失；在发生或者可能发生信息泄露、丢失的情况时，应当立即采取补救措施。</p> |
| <p>Cross-border E commerce 跨境电子商务</p> | <p>Article 71 The State promotes cross-border e-commerce development, establishes and improves upon administrative systems pertaining to</p> | <p>Key Task (5) Increase the investigation and punishment of violations of online sales of single-use</p> | <p>I. Strengthening law enforcement regulation in</p> | | <p>Main field (3) Strengthen law enforcement in the field of</p> | - |

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| | <p>Customs, tax, inbound and outbound inspection and quarantine, payment settlement which correspond to characteristics of cross-border e-commerce, improves the level of facilitation of various phases in cross-border e-commerce, and supports cross-border e-commerce platform operators etc. to provide warehouse logistics, Customs declaration, inspection declaration services etc. for cross-border e-commerce transactions. The State supports small and micro enterprises to engage in cross-border e-commerce.</p> <p>第 71 条 国家促进跨境电子商务发展，建立健全适应跨境电子商务特点的海关、税收、进出口检验检疫、支付结算</p> | <p>commercial prepaid cards. Strict overseas purchasing behaviour supervision and increase efforts to rectify cross-border e-commerce import and export links.</p> <p>重点任务（5）加大对网络销售单用途商业预付卡违规行为查处力度。</p> <p>严格海外代购行为监管，加大对跨境电商进出口环节整治力度。</p> <p>Strengthen the monitoring and supervision of the ban on trading of online sales, and continuously purify the network market environment.</p> | <p>accordance with the law</p> <p>依法加强执法监管</p> <p>II. Broadening the source channels of clues</p> <p>拓宽线索来源渠道</p> <p>III. Strengthening law enforcement coordination and linkage</p> <p>强化执法协调联动</p> <p>IV. Striving to promote the administrative-criminal penalty connection</p> <p>大力推进行刑衔接</p> | | <p>foreign investment.</p> <p>主要领域</p> <p>（3）加强外商投资领域执法。</p> <p>Strengthen law enforcement cooperation with customs, public security and other departments, increase the enforcement of intellectual property rights in import and export trade, severely investigate and deal with the source of infringing goods, and vigorously</p> | |
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| | <p>等管理制度，提高跨境电子商务各环节便利化水平，支持跨境电子商务平台经营者等为跨境电子商务提供仓储物流、报关、报检等服务。</p> <p>Article 72 The importation and exportation administrative authority of the State shall promote the establishment of an integrated service and regulatory system for Customs declaration, tax payment, inspection and quarantine and other phases in cross-border e-commerce transactions, optimize regulatory process, promote and materialize information sharing, regulatory mutual recognition, law</p> | <p>(The General Administration of Market Supervision, the Ministry of Industry and Information Technology, the Ministry of Public Security, the Ministry of Commerce, the General Administration of Customs, the Office of the Ministry of Communications, and the Post Office shall cooperate according to their responsibilities)</p> <p>加强对网络销售禁止交易商品的监测监管工作，不断净化网络市场环境。</p> <p>(市场监管总局、工业和信息化部、公安部、商务部、</p> | <p>V. Improving the social co-governance mechanism</p> <p>完善社会共治机制</p> | | <p>punish internal and external collusion and cross-border production and sale of infringing goods.</p> <p>加强与海关、公安等部门的执法协作，加大进出口贸易中知识产权执法力度，严厉查处侵权商品制售源头，大力惩治内外勾结、跨境制售侵权商品违法行为。</p> | |
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| | <p>enforcement mutual assistance, and improve service and regulatory efficiency for cross-border e-commerce transactions. Cross-border e-commerce business operators may complete the relevant formalities with the importation and exportation administrative authority of the State using electronic documentation.</p> <p>第 72 条 国家进出口管理部门应当推进跨境电子商务海关申报、纳税、检验检疫等环节的综合服务和监管体系建设，优化监管流程，推动实现信息共享、监管互认、执法互助，提高跨境电子商务服务和监管效率。跨境电子商务</p> | <p>海关总署、网信办、邮政局按职责分工协作)</p> | | | | |
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| | <p>经营者可以凭电子单证向国家进出口管理部门办理有关手续。</p> <p>Article 73 The State promotes and establishes exchange and cooperation with different countries and regions for cross-border e-commerce, particulates in formulation of international rules for e-commerce, and promotes international mutual recognition for electronic signatures, electronic IDs etc.</p> <p>The State promotes establishment of dispute resolution mechanism for cross-border e-commerce between different countries and regions.</p> <p>第 73 条 国家推动建立与不同国家、地区之间跨境电子商务的交流合作，参与电子商务国际</p> | | | | | |
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| | <p>规则的制定，促进电子签名、电子身份等国际互认。</p> <p>国家推动建立与不同国家、地区之间的跨境电子商务争议解决机制。</p> | | | | | |
| <p>Product and service quality 产品与服务质量</p> | <p>Article 32 E-commerce platform operators shall adhere to the principles of transparency, fairness and equitableness, formulate platform service agreement and transaction rules, and specify the rights and obligations pertaining to accessing and exiting the platform, quality assurance for goods and services, consumer rights protection, protection of personal information etc.</p> <p>第 32 条 电子商务平台经营者应当遵循公开、公平、公正的原则，制定平台服务协议和交易</p> | <p>Key Task (6) Strengthening network transaction information monitoring and product quality spot checks to create a good consumer environment.</p> <p>重点任务（6）强化网络交易信息监测和产品质量抽查，营造良好消费环境。</p> <p>Continuously strengthen the application of regulatory technology, explore new ways to apply</p> | - | <p>Agriculture & Food safety fields.</p> <p>农业与食品安全领域。</p> <p>Agriculture part see above.</p> <p>农业部分见上文。</p> <p>Food safety: Carry out health food quality and safety improvement actions.</p> <p>食品安全：开展保健食品质量安全提升行动。</p> | <p>Job requirements 5. (2) Innovative law enforcement methods. Strengthen the enforcement of intellectual property rights and product quality, consumer rights protection, anti-unfair competition and other law enforcement, using a variety</p> | <p>Article 27 Operators of online trading platforms shall, by following the principles of openness, fairness and impartiality, formulate platform service agreements and trading rules, clarifying the rights and obligations in such aspects as access to and exit from the platforms, quality assurance of commodities and services, protection of consumers' rights and interests, and protection of personal information.</p> <p>第 27 条 网络交易平台经营者应当遵循公开、公平、公正的原则，制定平台服务协议和交易规则，明确进入和</p> |

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| | 规则，明确进入和退出平台、商品和服务质量保障、消费者权益保护、个人信息保护等方面的权利和义务。 | network transaction information monitoring, improve the monitoring and supervision process, and effectively discover clues about illegal online transactions. 不断强化监管技术应用，探索应用网络交易信息监测的新方式，完善监测监管流程，有效发现网络交易违法线索。 Focus on network centralized promotion period, holidays and other important time nodes, conduct network market orientation monitoring and product quality | | Improve the food safety grading management system for catering services and gradually push it across the country to promote the effective connection of daily supervision and inspection, risk grading and food safety grading management system for catering services. 完善餐饮服务食品安全分级管理制度并逐步在全国推开，推动日常监督检查、风险分级和餐饮服务食品安全分级管理制度的有效衔接。 | of means to strictly combat illegal activities. 工作要求 5. (2) 创新执法方式。加强知识产权执法与产品质量、消费者权益保护、反不正当竞争等执法的衔接，运用多种手段从严从重打击违法行为。 | 退出平台、商品和服务质量保障、消费者权益保护、个人信息保护等方面的权利和义务。 Article 49 Operators of online trading platforms are encouraged to establish commodity and service quality guarantee mechanisms conducive to the development of online trading and the protection of consumers' rights and interests. 第 49 条 鼓励网络交易平台经营者建立有利于网络交易发展和消费者权益保护的商品、服务质量担保机制。 |
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| | | <p>sampling, timely identify risks, play the role of departmental untrustworthy joint punishment, and implement network-wide warning.</p> <p>重点关注网络集中促销期、节假日等重要时间节点，开展网络市场定向监测和产品质量抽检，及时发现风险，发挥部门失信联合惩戒作用，实施全网警示。</p> <p>(The General Administration of Market Supervision, the Development and Reform Commission, the Ministry of Industry and Information</p> | | <p>Prepare the “Food Safety Supervision and Inspection Operation Manual for Catering Services” to provide a basis for food safety supervision and inspection of catering services, urge food service providers to strengthen food safety management, strengthen training of food safety management personnel and practitioners, and ensure that various food safety systems are effective.</p> <p>Implementation.</p> <p>编写《餐饮服务食品安全监督检查操作手册》，为餐饮服务食品安全监督</p> | | |
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| | | <p>Technology, the Ministry of Public Security, the Ministry of Commerce, the General Administration of Customs, the Office of the Ministry of Communications, and the Post Office shall cooperate according to their responsibilities)</p> <p>(市场监管总局、发展改革委、工业和信息化部、公安部、商务部、海关总署、网信办、邮政局按职责分工协作)</p> <p>Key Task (7) Supervise e-commerce operators to fulfil their obligations in consumer rights,</p> | | <p>检查提供依据，督促餐饮服务提供者加强食品安全管理，强化食品安全管理人员和从业人员培训，确保各项食品安全制度得到有效实施。</p> <p>Strengthen the food safety supervision of online catering services, carry out special inspections on food catering services for online catering services, and urge the third-party platform of online catering services and catering service providers to strictly implement the “Internet catering service”. Provisions such as the Food</p> | | |
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| | | <p>intellectual property rights, personal information protection, etc., bear the responsibility for product and service quality according to law, and strictly implement the responsibility of repairing and replacing returns for online sales of goods.</p> <p>重点任务（7）监督电子商务经营者履行消费者权益、知识产权、个人信息保护等方面的义务，依法承担产品和服务质量责任，严格落实网络销售商品修理更换退货责任。</p> | | <p>Safety Supervision and Administration Measures.</p> <p>Focusing on the catering services of processing and operating surface products, we will deploy special treatments for exceeding the standard of aluminium content.</p> <p>加强网络餐饮服务食品安全监管，开展网络餐饮服务食品安全专项检查，督促网络餐饮服务第三方平台和入网餐饮服务提供者严格执行《网络餐饮服务食品安全监督管理办法》等规定。</p> | | |
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| | | | | 以加工经营面制品的餐饮服务为重点，部署开展铝含量超标问题专项治理。 | | |
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Online Market Regulation Special Action Plan:**网络市场监管专项行动方案:****Promulgation Authorities :** State Administration for Market Regulation**颁布部门:** 市场监管总局**Release date :** 2019.06.20**发布日期:** 2019 年 6 月 20 日

On 20 June, eight government departments, including the State Administration for Market Regulation (SAMR), National Development and Reform Commission (NDRC), the Ministry of Industry and Information Technology (MIIT), the Ministry of Public Security (MPS), the Ministry of Commerce (MOFCOM), General Administration of Customs (GACC), Cyberspace Administration of China (CAC), and State Post Bureau (SPB) jointly issued the "2019 Plan of Special Action ("Network Sword Action") for Online Market Regulation".

6 月 20 日，市场监管总局、国家发展与改革委员会、工业与信息化部、公安部、商务部、海关总署、国家互联网信息办公室、国家邮政局八部门联合印发《2019 年网络市场监管专项行动（“网剑行动”）方案》。

Lasting from June till November this year, the "Network Sword Action" aims to enforce the E-Commerce Law of the PRC and crack down major problems in China's e-commerce sector. "网剑行动"从六月持续开展到十二月，旨在落实《中华人民共和国电子商务法》，解决中国电子商务领域存在的主要问题。

Key tasks are as follows:**重点任务如下:**

1. Regulates registration of e-commerce entities to create a healthy environment for new entrants of the ecommerce market
着力规范电子商务主体资格，营造良好准入环境
2. Creates a safe consumption environment by cracking down counterfeit products, unsafe foods, counterfeit medicine, etc.
严厉打击网上销售假冒伪劣产品、不安全食品及假药劣药，营造放心消费环境
3. Creates a fair market environment for competition by regulating anti-competitive practices
严厉打击不正当竞争行为，营造公平竞争的市场环境
4. Regulates false advertising
开展互联网广告整治工作
5. Regulates illegal activities for online transactions
打击各类网络交易违法行为
6. Strengthens the monitoring of transaction information and product inspection
强化网络交易信息监测和产品质量检查

7. Implements the responsibilities of e-commerce operators so as to maintain a lawful business environment

落实电子商务经营者责任，营造诚信守法经营环境

Amendment on Administrative Measures for Online Transaction (Draft for Comment)

网络交易监督管理办法（征求意见稿）

Promulgation Authorities : State Administration for Market Regulation

颁布部门: 市场监管总局

Release date : 2019.04.30

发布日期: 2019 年 4 月 30 日

(Public comments period ended on May 29, 2019.)

(意见征求期结束于 2019 年 5 月 29 日)

The "E-Commerce Law", which came into effect on January 1, 2019, is a superior law in this industry. There are many inconsistencies between the previous Administrative Measures for Online Transaction, which took effect on March 15, 2014. As a comprehensive and basic law in the field of e-commerce, the E-commerce Law is the legal norm that must be obeyed in e-commerce activities. Therefore, after the promulgation and implementation of the "E-Commerce Law", the contents of the "Administrative Measures for Online Transaction" had to be amended. In the Measure Draft, a total of 24 articles were deleted, 34 articles were amended, and 36 articles were added. The Measure Draft consists of 6 chapters and 70 articles, including general rules, online transaction operators, consumer rights protection, supervision and management, legal responsibilities, and supplementary rules. 2019 年 1 月 1 日生效的《电子商务法》是电子商务行业的上位法。《电子商务法》与 2014 年 3 月 15 日生效的《网络交易管理办法》存在诸多不一致之处。作为电子商务领域的综合法与基本法，《电子商务法》是电商活动必须遵守的法律规范。因此，《电子商务法》颁布实施之后，有必要对原来的《网络交易管理办法》加以修订；在此背景下，出台了《网络交易监督管理办法(征求意见稿)》（以下简称“《办法（征求意见稿）》”）。与原《办法》相比，《办法（征求意见稿）》共删除条文 24 条、修改条文 34 条、新增条文 36 条。《办法（征求意见稿）》共 6 章，70 条，包括总则、网络交易经营者、消费者权益保护、监督管理、法律责任、附则。

Compared with the previous Administrative Measures for Online Transaction, the new Draft states key points as follow:

与原《办法》相比，本次征求意见稿主要有以下亮点：

1. First, in defining "online transactions", the definition of e-commerce in the E-commerce Law is followed, which means the terminologies "e-commerce" and "online transactions" are unified in the Draft;

第一，在定义网络交易时沿用了《电子商务法》中对电子商务的定义，统一了电子商务与网络交易的概念；

2. The second is to clarify that individual shops need to apply for industrial and commercial registration and publicity. Those who do not need to apply for industrial and commercial registration according to law, should disclose the reasons, business address, contact information and other necessary information;
第二，明确个人店铺需办理工商登记并进行公示，依法不需要办理工商登记的经营者，应当公示无需办理的原因、经营地址、联系方式等信息；
3. The third is to expand scope of the submission about online transaction information data. The platform operator shall submit to the market supervision department the business license, administrative license, contact information, network shop name, network operation place and other information of the operator who has already registered with the market entity in accordance with the prescribed procedures, and the market entity registration is not required according to law. The name, ID number, business address, contact information, online store name, network business location and other information of the operator in the platform. The online transaction operator shall submit to the market supervision department the business statistics such as the sales volume and sales volume of the goods or services of a specific time period, specific area or specific category, and provide information on the network transaction data such as goods or service information and transaction information;
第三，扩大了网络交易信息数据的报送范围。平台经营者应向市场监督管理部门报送依法已经办理市场主体登记的网络交易经营者的营业执照、行政许可、联系方式、网络店铺名称、网络经营场所等信息。网络交易经营者的姓名、身份证号码、经营地址、联系方式、网络店铺名称、网络经营场所等信息。网络交易经营者应当向市场监督管理部门报送特定时段、特定品类、特定区域的商品或者服务的销量、销售额等统计资料，并提供商品或服务信息和交易信息等网络交易数据；
4. The fourth is to collect and use consumer personal information, should seek consent by each user, and must not refuse to sell goods or provide services to consumers for they do not agree to upload unnecessary personal information.
第四，收集、使用消费者信息，应当逐次征求同意，且不得因消费者不同意收集与该网络交易活动无关的个人信息而拒绝向其销售商品或者提供服务。
5. The operator shall disclose the goods or service information in a comprehensive, true, accurate and timely manner. The sales of the goods or the provision of services shall be clearly priced, and the transactions shall not be fictitious, the user evaluation shall be fabricated, the user's unfavourable evaluation shall be deleted, and the goods or services shall not be tying illegally restrictions on transactions, unreasonable fees, etc.
第五，网络交易经营者应当全面、真实、准确、及时地披露商品或服务信息，销售商品或者提供服务应当明码标价，不得虚构交易、编造用户评价、删除

用户不利评价、不得对商品或服务附加任何不合理的交易限制或收取不合理的费用等。

6. Platform operators shall follow the principles of openness, fairness and impartiality and formulate platform service agreements and trading rules; A credit evaluation system should be established and a credit evaluation rule should be publicized to provide consumers with a public evaluation approach; The search results of the goods or services should be displayed to the consumer in a variety of ways; The true identity information of the operator applying to enter the platform shall be verified, registered and filed; It is necessary to establish an inspection and monitoring mechanism for the goods and services in the platform, and to dispose of and report illegal information in the platform according to law.

第六，平台经营者应当遵循公开、公平、公正的原则，制定平台服务协议和交易规则；应当建立健全信用评价制度，公示信用评价规则，为消费者提供公开评价的途径；应当以多种方式向消费者显示商品或者服务的搜索结果；对申请进入平台销售商品或者提供服务的经营者的身份、地址、联系方式、行政许可等真实信息，进行核验、登记，建立登记档案；有必要对平台内的商品和服务建立检验监督机制，依法处理并报告平台内发现的非法信息。

7. Protection of consumer rights and interests. Internet transaction operators shall promptly handle consumer complaints and reports; platform operators shall actively assist consumers in safeguarding their rights; and encourage platform operators to establish online dispute resolution mechanisms and quality guarantee mechanisms.

第七，消费者权益保护。网络交易经营者应及时受理并处理消费者的投诉、举报；平台经营者应积极协助消费者维护合法权益；鼓励平台经营者建立争议在线解决机制和质量担保机制。

Notice of SAMR and CNIPA on the "Tie Quan" Action Plan of Intellectual Property Enforcement in 2019

市场监管总局、国家知识产权局关于〈2019 年知识产权执法“铁拳”行动方案〉的通知

Release date: 25 April 2019

发布日期: 2019 年 4 月 25 日

Promulgation authorities: State Administration for Market Regulation, State Intellectual Property Office

颁布部门: 市场监管总局、国家知识产权局

Main contents:

主要内容:

1. Five major tasks are mentioned in the action plan, including severely investigating and punishing trademark infringement, counterfeiting patent, patent infringement, geographical indication infringement and special mark infringement.

《行动方案》中提到五项主要任务，包括严厉查处商标侵权、假冒专利、专利侵权、地理标志侵权和特殊标志侵权违法行为。

2. In terms of severely investigating and punishing trademark infringement, the action plan points out that we should strengthen the protection of well-known trademarks, time-honoured trademarks and foreign-related trademarks.

关于严厉查处商标侵权违法行为，《行动方案》指出应该强化对驰名商标、老字号商标、涉外商标的保护。

3. In view of patent infringement, the action plan proposes to strengthen the on-site supervision during important exhibitions and trade fairs, actively take measures such as pre exhibition review, on-site inspection, site station setting, etc., cooperate with relevant parties to quickly handle patent infringement disputes, investigate and deal with illegal acts.

关于专利侵权，《行动方案》提出加强重要展会、交易会期间驻会监管，积极采取展前审查、展中巡查、现场设站等措施，协同相关方快速处理专利侵权纠纷，查处违法行为。

4. The plan first points out that it is necessary to strengthen the law enforcement in the field of e-commerce, including monitoring, identification and investigation of online infringement, information collection and evidence fixation, and severe investigation and punishment of infringement, counterfeiting by e-commerce platform operators. At the same time, the plan proposes to promote the implementation of e-commerce law and urge the operators of e-commerce platform and platform operators to implement the responsibility of 'principle of notice deletion'.

《行动方案》指出有必要强化电子商务领域执法，包括加强对线上侵权行为的监测、识别和排查，做好信息采集和证据固定，严厉查处电子商务经营者存在的侵权假冒违法行为。同时，《行动方案》还提出推进电子商务法实施，督促电子商务平台经营者、平台内经营者落实“通知—删除”责任。

Promulgation of the Implementing Measures for Strengthening Intellectual Property Law Enforcement in the Fields of Online Shopping and Import and Export

加强网购和进出口领域知识产权执法实施办法

Release date and effective Date : 8 April 2019

发布日期与生效日期: 2019 年 4 月 8 日

Promulgation authorities: The Ministry of Public Security, Ministry of Agriculture and Rural Affairs, General Administration of Customs, National Copyright Administration, State Intellectual Property Office

颁布部门: 公安部、农业农村部、海关总署、国家版权局、国家知识产权局

Main content:

主要内容:

There are 6 aspects of work measures:

| Relevant policies and guidelines related to the E-commerce Law
《电子商务法》相关政策和指南

6 方面工作措施：

1. Strengthening law enforcement regulation in accordance with the law: Relevant administrative law enforcement departments and public security organs shall conscientiously perform their duties of law enforcement, strengthen the routine regulation in the fields of online shopping and import and export, and strictly investigate into and punish the criminal acts of infringement of trademark right, patent right, copyright, new plant variety right, right in relation to geographical indications and trade secrets in accordance with law.

依法加强执法监管：有关行政执法部门和公安机关要认真履行执法职责，强化对网络购物和进出口领域的日常监管，依法严厉查处侵犯商标权、专利权、著作权、植物新品种权、地理标志、商业秘密等违法犯罪行为。

2. Broadening the source channels of clues: It is required to give full play to the role of complaint hotlines, to unblocked the channels for public complaint channels, to improve the handling and incentive mechanism for complaints, and to encourage the public to actively report the clues of illegal acts of infringement upon intellectual property, so as to maximize the role of social regulation. It is required to maximize the role of the network monitoring information platforms of relevant departments, to strengthen the application of new technologies such as big data, cloud computing and mobile internet in law enforcement regulation, and to improve the capability of analysis, research and judgement of online transaction data as well as the capability of screening and discovery of illegal clues.

拓宽线索来源渠道：充分发挥投诉举报热线作用，畅通社会投诉举报渠道，完善投诉举报受理处置和激励机制，鼓励社会公众积极举报侵犯知识产权违法线索，充分发挥社会监督作用。充分发挥有关部门网络监测信息化平台的作用，加强大数据、云计算、移动互联网等新技术在执法监管中的应用，提高对网络交易数据的分析研判和违法线索的筛查发现能力。

3. Strengthening law enforcement coordination and linkage: In light of the characteristics of online and offline integration and chain of illegal acts concerning infringement upon intellectual property, efforts should be made to establish a sound clue discovery, source traceability and local investigation mechanism. It is required to start with illegal clues to trace the sales network and production sources and to conduct full-chain investigation and punishment of infringement upon intellectual property.

强化执法协调联动：针对侵犯知识产权违法行为线上线下一体化、链条化的特点，建立健全线索发现、源头追溯、属地查处机制。从违法线索入手，追查销售网络和生产源头，对侵犯知识产权行为开展全链条查处。

4. Striving to promote the administrative-criminal penalty connection: The administrative law enforcement departments and the public security organs shall

strengthen collaboration and cooperation, exert their respective advantages in aspects such as inspection and appraisal, infringement judgment, investigation and evidence collection, etc., and improve the efficiency of law enforcement.

大力推进行刑衔接：行政执法部门与公安机关要加强协作配合，发挥各自在检验鉴定、侵权判断、调查取证等方面优势，提高执法打击效能。

5. Improving the social co-governance mechanism: Administrative law enforcement departments and public security organs shall strengthen coordination with intellectual property obliges, e-commerce platforms and industry organizations.

完善社会共治机制：行政执法部门和公安机关要加强与知识产权权利人、电商平台、行业协会的协作。

6. Establishing work assurance system: Case consultation system, data statistical system and expert consultation system shall be established.

建立工作保障制度：建立案情会商制度、数据统计制度、专家咨询制度。

Work Plan for the Management of Counterfeit and Inferior Key Areas (2019-2021)

假冒伪劣重点领域治理工作方案 (2019-2021)

Promulgation Authorities : State Administration for Market Regulation

颁布部门: 市场监管总局

Release date : 2019.01.03

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Main content:

主要内容:

The "Proposal" carries out special governance for the deployment of four areas where the counterfeit and shoddy issues are more prominent:

“方案”针对四个假冒伪劣问题突出领域部署开展假冒伪劣专项治理：

1. First, focusing on small household appliances, washing chemicals, hardware and electrical materials, and agricultural production materials, focus on the special management of the rural market, purify the rural market environment, and help implement the rural revitalization strategy;

第一，以小家电、洗化用品、五金电料、农资及农产品为重点，集中开展农村市场专项治理，助力乡村振兴战略实施。

2. Second, focusing on strengthening the supervision of special foods, school foods, catering services and online ordering, focus on special food safety management to ensure the safety of the people on the tongue;

第二，加强对特殊食品、校园食品、餐饮服务和网上订餐等的监管，集中开展食品安全专项治理，保障百姓舌尖上的安全。

3. The third is to focus on illegal publicity, false promotion, infringement and counterfeiting and other illegal acts, focusing on the special management of e-commerce platform to purify the trading environment of the online market;

第三，严厉查处网络违法经营行为，强化对虚假宣传、虚假促销、刷单炒信、侵权假冒等违法行为的监测和治理，集中开展电商平台专项治理，净化网络市场交易环境。

4. The fourth is to investigate and deal with illegal activities such as buying and selling licenses, false certifications, and out-of-scope certifications, focusing on special governance in the field of certification, and effectively maintaining the certification market order.

第四，严厉查处买卖证照、虚假认证、超认证范围等非法行为，集中开展认证领域专项治理，有效维护认证市场秩序。

V. Interview/Survey Questions 采访/调查问题

General questionnaire/survey

1. Your institution/entity name [填空题]

2. Your institution/entity type [单选题]

☐ Government entity

☐ Intellectual property rights holder

☐ Law firm

☐ E-commerce platform

☐ Payment service provider

☐ Online advertising service provider

☐ Other: please list _____ *

3. Where is your organization headquartered? [单选题]

☐ China

☐ EU

☐ US

☐ Other: please list _____ *

4. Your position [单选题]

☐ Executive

☐ IP/Legal Counsel

☐ Specialist

☐ Other: please list _____ *

5. Your main area of work: [填空题]

6. In your personal or professional life have you encountered any IP rights violations?

[单选题]

☐ Yes

☐ No

7. If yes: How?

What types? [多选题]

☐ Counterfeit goods

☐ Brand infringements

☐ Criminal cases

☐ Other: please list _____ *

8. Do you know how to report fake counterfeit goods that you encounter online? [单

选题]

☐ Yes

☐ No

☐ Any extra comments: _____ *

9. Are you aware of China's new E-commerce Law (enacted on January 1st, ? [单选

题]

☐ Yes

☐ No

10. If yes: In your understanding, how well do you feel you understand this law? [单

选题]

☐ Not at all ☐ 不满意 ☐ 一般 ☐ 满意 ☐ Very well

11. Are you aware of the EU's MoU approach to e-commerce IP rights enforcement?

[单选题]

☐ Yes

☐ No

12. If yes: In your understanding, how well do you feel you understand this MoU? [

单选题]

☐ Not at all ☐ 不满意 ☐ 一般 ☐ 满意 ☐ Very well

13. In your personal or professional life have you noticed or observed a difference in the e-commerce IP rights enforcement environments in China compared to the EU? [

单选题]

☐ Yes

☐ No

14. Why? [多选题]

- ☐ Time taken for take down request completion
- ☐ Responsiveness of e-commerce platforms
- ☐ Law enforcement and administration
- ☐ Transparency of regulators
- ☐ Clarity of law
- ☐ Costs of enforcing IPR
- ☐ Time and cost of litigation
- ☐ Severity of punishment for IPR infringers
- ☐ Placement of liability for IPR enforcement (which party is obliged to take action, and which party is punished)
- ☐ Other: please list _____*

15. From your perspective, which of these IP rights enforcements environments do you perceive to be more effective for e-commerce platforms? [单选题]

☐ China

☐ EU

16. Why? [多选题]

☐ Time taken for take down request completion

☐ Responsiveness of e-commerce platforms

☐ Law enforcement and administration

☐ Transparency of regulators

☐ Clarity of law

☐ Costs of enforcing IPR

☐ Time and cost of litigation

☐ Severity of punishment for IPR infringers

☐ Placement of liability for IPR enforcement (which party is obliged to take action, and which party is punished)

☐ Other: please list _____ *

17. If yes: From your perspective, which of these IP rights enforcements environments do you perceive to be more effective for IP rights holders? [单选题]

☐ China

☐ EU

18. In the past year have you noticed a change in the e-commerce IP rights environment, in **China**? [单选题]

☐ Yes

☐ No

19. If yes for China, was that change positive or negative? [单选题]

oVery Negative o不满意 o一般 o满意 oVery Positive

20. What do you believe were the main reasons for this change? [多选题]

- ☐ Technological changes
- ☐ Changed law/policy (introduction of new E-commerce law)
- ☐ Changed law enforcement
- ☐ Changed public awareness
- ☐ Changed availability or effectiveness IP-related government services
- ☐ Other: please list _____ *

21. In the past year have you noticed a change in the e-commerce IP rights environment, in the EU? [单选题]

- ☐ Yes
- ☐ No

22. If yes for EU, was that change positive or negative? [单选题]

oVery Negative o不满意 o一般 o满意 oVery Positive

23. What do you believe were the main reasons for this change? [多选题]

- ☐ Technological changes
- ☐ Changed law/policy (introduction of new E-commerce law)
- ☐ Changed law enforcement
- ☐ Changed public awareness
- ☐ Changed availability or effectiveness IP-related government services
- ☐ Other: please list _____ *

24. Have you noticed a change in the number of times you encounter IP infringing products on e-commerce platforms in China in the past year? [单选题]

Increasing significantly to ☐ 不满意 ☐ 一般 ☐ 满意 ☐ significantly decreasing

25. In your observations, what are the most effective laws, rules or regulations for reducing copyright infringement in China? Specific procedures eg: [多选题]

- ☐ Automatic takedowns
- ☐ Takedown procedures
- ☐ Criminal procedures
- ☐ Fines to platforms
- ☐ Fines to IP infringers
- ☐ Other: please list _____ *

26. In your understanding, what hinders or impedes the process of IP rights enforcement on e-commerce platforms in China? [多选题]

- ☐ Deliberation time for takedown processes
- ☐ Public acceptance or awareness of IP rights
- ☐ Time, cost, and frequency of litigation
- ☐ Poorly managed e-commerce platforms
- ☐ Lack of clarity in the law
- ☐ Lack of law enforcement
- ☐ Lack of appropriate technology
- ☐ Other: please list _____ *

27. Please write here any other interesting information or data that you think is relevant to this study. We would appreciate it! [填空题]

28. Please write here any feedback that you have for this survey [填空题]

电子商务公司调查问卷

Questionnaire/Survey for E-commerce companies

1. Your institution/entity name:

您的机构或实体名称是：[填空题]

2. What size company do you consider your company to be?

您公司的规模有多大？[单选题]

☐ Small (annual turnover of less than 20 million RMB) 小型（年营业额小于 2000 万人民币）

☐ Medium (annual turnover between 20 million RMB and 60 million RMB but not exceeding 60 million RMB) 中型（年营业额超过 2000 万人民币但小于 6000 万人民币）

☐ Corporate (annual turnover of 60 million RMB or more) 大型（年营业额大于等于 6000 万人民币）

3. Where is your organization headquartered?

您的组织的总部所在地是？[单选题]

☐ China 中国

☐ EU 欧盟

☐ US 美国

☐ Other – please list 其他—请注明 _____ *

4. In which countries and/or territories is your organization registered?

您的组织是在哪个国家或地区注册的？[多选题]

☐ China 中国

☐ EU 欧盟

☐ US 美国

☐ Other – please list 其他—请注明 _____ *

5. Your position: [单选题]

☐ Executive 公司管理层

☐ IP/Legal Counsel 公司法务

☐ Specialist 专员

☐ Other – please list 其他—请注明 _____ *

6. Does your company sell foreign companies' IP-protected products in China?

您的公司是否在中国销售外国公司受到知识产权保护的产品？ [单选题]

☐ 是 YES

☐ 否 NO

7. Does your company focus on retail of any particular sector, or is more general a go-to for buying goods from any sector?

您的公司平台是专注于销售特定领域的商品，还是综合销售各种领域的商品？ [单选题]

☐ Focus on retail of any particular sector 专注销售特定领域

☐ General a go-to for buying goods from any sector 综合销售各种领域

8. Which sector(s) does your e-commerce platform focus on?

您的电子商务平台专注于哪一个或哪几个领域？

[多选题]

☐ Clothing 服装

☐ Shoes 鞋品

☐ Luggage 箱包

☐ Luxury 奢侈品

- ☐ Accessories 饰品/配件
- ☐ Outdoor sport 运动/户外
- ☐ Furniture/Household appliances 家具/家电
- ☐ Home textile 居家/家纺
- ☐ Mobile/digital 手机/数码
- ☐ Travel 旅行
- ☐ Maternal baby/toy 母婴/玩具
- ☐ Office/entertainment 办公/娱乐
- ☐ Beauty /Personal care 美妆/个护
- ☐ Other – please list 其他—请注明 _____ *

9. Does your company's platform offer products from EU companies?

在您公司的平台上是否提供来自欧盟公司的产品？

[单选题]

- ☐ 是 YES
- ☐ 否 NO

10. How many EU companies sell products through your platform?

有多少欧盟公司通过您的平台出售产品？

[单选题]

- ☐ 20 个以内 (Less than 20)
- ☐ 20 个至 50 个 (20 to 50)
- ☐ 50 个至 100 个 (50 to 100)
- ☐ 100 个以上 (More than 100)

11. How has sales-per-month for EU companies through your platform changed over the past year?

在您平台上的欧盟公司产品的每月销售额在过去一年中有怎样的变化？[单选题]

- ☐ Decreased significantly 显著下降 ☐ 2 ☐ 3 ☐ 4 ☐ Increased significantly 显著提升

12. The EU companies on your platform are selling products from which sectors?

这些商品都来自哪些领域？[多选题]

- ☐ Clothing 服装
☐ Shoes 鞋品
☐ Luggage 箱包
☐ Luxury 奢侈品
☐ Accessories 饰品/配件
☐ Outdoor sport 运动/户外
☐ Furniture/Household appliances 家具/家电
☐ Home textile 居家/家纺
☐ Mobile/digital 手机/数码
☐ Travel 旅行
☐ Maternal baby/toy 母婴/玩具
☐ Office/entertainment 办公/娱乐
☐ Beauty /Personal care 美妆/个护
☐ Other – please list 其他—请注明 _____*

13. What proportion of the goods available on your platform are foreign?

外国商品在您的平台上占多少比例？[单选题]

- ☐ 10%以内
☐ 10%-30%
☐ 30%-50%
☐ 50%-70%

☐ 70%以上

14. What proportion of the goods 【sold】 on your platform are foreign?

在您【售出的】商品中外国商品占多少比例？[单选题]

☐ 10%以内

☐ 10%-30%

☐ 30%-50%

☐ 50%-70%

☐ 70%以上

15. What proportion of the goods available on your platform are from EU companies?

来自欧盟公司的商品在您的平台上占多少比例？[单选题]

☐ 10%以内

☐ 10%-30%

☐ 30%-50%

☐ 50%-70%

☐ 70%以上

16. What proportion of the goods 【sold】 on your platform are foreign?

在您【售出的】商品中外国商品占多少比例？[单选题]

☐ 10%以内

☐ 10%-30%

☐ 30%-50%

☐ 50%-70%

☐ 70%以上

17. Does your company record numbers of takedowns?

您的公司是否记录了下架商品的数量？[单选题]

☐ 是 YES

☐ 否 NO

18. How has the number of takedowns changed since the introduction of the E-commerce Law?

自“电子商务法”出台以来，下架商品的数量有变化吗？ [单选题]

☐ Decreased

significantly

显著下降

☐ 2

☐ 3

☐ 4

☐ Increased

significantly

显著提升

19. Number of takedowns per month for the past year

过去 1 年中您每月下架的商品数量分别是多少？ [单选题]

☐ 20 个以内 (Less than 20)

☐ 20 个至 50 个 (20 to 50)

☐ 50 个至 100 个 (50 to 100)

☐ 100 个以上 (More than 100)

20. Number of takedowns on behalf of EU companies per month over

每月代表欧盟公司下架的商品数量： [单选题]

☐ 20 个以内 (Less than 20)

☐ 20 个至 50 个 (20 to 50)

☐ 50 个至 100 个 (50 to 100)

☐ 100 个以上 (More than 100)

21. Does your company record numbers of takedown requests/notices?

您的公司是否有记录来自其它公司对商品下架的要求/通知？ [单选题]

☐ 是 YES

☐ 否 NO

22. How has the number of takedown request/notices changed since the introduction of the E-commerce Law?

自“电子商务法”出台以来，收到下架请求/通知的数量有何变化？ [单选题]

- | | | | | |
|---|---------------------------|--------------------------|--------------------------|---|
| <input type="radio"/> Decreased significantly 显著下降 | <input type="radio"/> 不满意 | <input type="radio"/> 一般 | <input type="radio"/> 满意 | <input type="radio"/> Increased significantly 显著提升 |
|---|---------------------------|--------------------------|--------------------------|---|

23. Takedown request/notice success rate

商品下架要求/通知的成功率是？ [单选题]

- ☐ 10%以内
- ☐ 10%-30%
- ☐ 30%-50%
- ☐ 50%-70%
- ☐ 70%以上

24. Number of takedown requests/notices per month for the past year

过去 1 年中每月收到商品下架要求/通知的数量是多少？ [单选题]

- ☐ 20 个以内 (Less than 20)
- ☐ 20 个至 50 个 (20 to 50)
- ☐ 50 个至 100 个 (50 to 100)
- ☐ 100 个以上 (More than 100)

25. Number of takedown requests/notices on behalf of EU companies per month over

每月代表欧盟公司的商品下架要求/通知的数量： [单选题]

- ☐ 20 个以内 (Less than 20)
- ☐ 20 个至 50 个 (20 to 50)
- ☐ 50 个至 100 个 (50 to 100)
- ☐ 100 个以上 (More than 100)

26. Does your company record numbers of sellers' objections to takedown requests?

您公司是否记录商品销售方对下架要求的申诉？[单选题]

☐ 是 YES

☐ 否 NO

27. How has the number of objections changed since the introduction of the E-commerce Law?

自“电子商务法”出台以来，商品销售方提出下架要求的数量有何变化？[单选题]

☐ Decreased significantly
显著下降

☐ 不满意

☐ 一般

☐ 满意

☐ Increased significantly
显著提升

28. Objection success rate

申诉成功率 [单选题]

☐ 10%以内

☐ 10%-30%

☐ 30%-50%

☐ 50%-70%

☐ 70%以上

29. Average time taken per objection:

平均每起申诉处理时长：[矩阵单选题]

| | 1 个月以内 | 1-3 个月 | 3-6 个月 | 6-12 个月 | 12-18 个月 | 18-24 个月 | 24 个月以上 |
|---------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Overall 总数 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | | | |
|----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Successful 成功数 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Unsuccessful 不成功数 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

30. Number of sellers' objections per month for the past year

过去 1 年中每月商品销售方对商品下架的申诉数量 [单选题]

- ☐ 20 个以内 (Less than 20)
- ☐ 20 个至 50 个 (20 to 50)
- ☐ 50 个至 100 个 (50 to 100)
- ☐ 100 个以上 (More than 100)

31. Number of seller's objections on behalf of EU companies per month over

每月商品销售方对商品下架的申诉中代表欧盟公司的申诉数量 [单选题]

- ☐ 20 个以内 (Less than 20)
- ☐ 20 个至 50 个 (20 to 50)
- ☐ 50 个至 100 个 (50 to 100)
- ☐ 100 个以上 (More than 100)

32. What penalties are levied on sellers of counterfeit goods on your platform? 在您

所在平台上对假冒商品的卖家有哪些惩罚？ [单选题]

- ☐ Products takedown 商品临时下架
- ☐ Delete store-related information 删除店铺相关信息
- ☐ Delete sales records 删除销量

☐ Other – please list 其他—请注明 _____ *

33. Are you aware of China's new E-commerce Law (enacted on January 1st, 2019)?

您是否了解到中国的新电子商务法（已于 2019 年 1 月 1 日实施）？

[单选题]

☐ 是 YES

☐ 否 NO

34. How did you find out about China's 2019 E-commerce Law?

您是通过何种途径了解到中国的 2019 年电子商务法的？ [多选题]

☐ Government announcement 政府公告

☐ Chamber of Commerce 商会

☐ News 新闻

☐ Employee 员工

☐ Other – please list 其他—请注明 _____ *

35. Has your company modified its IP management systems and processes as a result of the E-commerce Law?

您的公司是否受电子商务法影响修改了自己的知识产权管理系统与流程？ [单选题]

☐ 是 YES

☐ 否 NO

36. To what extent has the 2019 E-commerce Law impacted your company's business operations?

电子商务法对您的商业运营有多大影响？ [单选题]

☐ Not at all 一点不受影响
 ☐ 不满意
 ☐ 一般
 ☐ 满意
 ☐ significantly 有显著影响

37. Has the impact of the 2019 E-commerce Law been positive or negative?

2019 年电子商务法带来的影响是积极的还是消极的？[单选题]

☐ Negative 消极
 ☐ 不满意
 ☐ 一般
 ☐ 满意
 ☐ Positive 积极

38. In what way has the 2019 E-commerce Law changed your company's business operations?

2019 年电子商务法出台后，您的商业运营有哪些变化？[多选题]

- ☐ Improved qualification review of information such as the identity of supplier within the platform 提高了对平台内经营者身份等信息的资质审核
- ☐ Regularly submit the identity information to the market supervision and management department 向市场监督管理部门定期报送平台内经营者的身份信息
- ☐ Regularly report to the tax authorities the tax-related information 向税务部门定期报送平台内经营者的身份和与纳税有关的信息
- ☐ Developed a cyber-security incident emergency plan 制定了网络安全事件应急预案
- ☐ Extended the retention time of trading Information 延长了交易信息的保存时间
- ☐ Established a platform credit evaluation system 建立了平台信用评价制度
- ☐ Revised the "transfer notification" rules to obey the law 修改了“转送通知”程序规则使之与法律相对应
- ☐ Established a mechanism to connect with market regulators or judicial authorities 建立了与市场监管部门或者司法途径对接的机制
- ☐ More timely action was taken after receiving the notice 接到通知后采取措施行动更加及时
- ☐ Other – please list 其他—请注明 _____ *

39. How do you manage the IP environment on your platform?

您的平台如何管理知识产权环境？[多选题]

- ☐ Dedicated department 专职部门
- ☐ Dedicated employee 专职员工
- ☐ Consulting company 咨询公司
- ☐ Company providing software services for automatic recognition and/or takedown of goods abusing IPR 公司用软件自动识别和/或下架违反国际知识产权的商品
- ☐ Other: please list 其它：请写出相关方式 _____ *

40. Do you provide IP services to companies on your platform?

您为在您平台上的公司提供知识产权服务吗？[单选题]

- ☐ 是 YES
- ☐ 否 NO

41. What proportion of companies use this service?

使用这一服务的公司占了多少比例？

[单选题]

- ☐ 10%以内
- ☐ 10%-30%
- ☐ 30%-50%
- ☐ 50%-70%
- ☐ 70%以上

42. What proportion of foreign companies use this service?

使用这一服务的外国公司占了多少比例？

[单选题]

☐ 10%以内

☐ 10%-30%

☐ 30%-50%

☐ 50%-70%

☐ 70%以上

43. What proportion of EU companies use this service?

使用这一服务的欧盟公司占了多少比例？

[单选题]

☐ 10%以内

☐ 10%-30%

☐ 30%-50%

☐ 50%-70%

☐ 70%以上

44. Do you think there is enough cooperation and communication between right's holders, e-commerce platforms and government in China?

您认为现在知识产权权利方、电子商务平台和中国政府三者之间是否有足够的沟通合作？ [单选题]

☐ 是 YES

☐ 否 NO

45. Are you aware of the MoU between rights holders, e-commerce platforms and government in the EU?

您是否了解欧盟中知识产权权利方、电子商务平台和政府三者之间的知识产权谅解备忘录？ [单选题]

☐ 是 YES

☐ 否 NO

46. How did you find out about the MoU?

您是通过何种途径了解到欧盟的谅解备忘录的？

[多选题]

☐ Government announcement 政府公告

☐ Chamber of Commerce 商会

☐ News 新闻

☐ Employee 员工

☐ Other – please list 其他—请注明 _____ *

47. Has your company signed the MoU?

您的公司是否已签署谅解备忘录？

[单选题]

☐ 是 YES

☐ 否 NO

48. To what extent has the MoU impacted your company's business operations?

谅解备忘录对您的商业运营有多大影响？ [单选题]

☐ Not at all 完全没影响
 ☐ 不满意
 ☐ 一般
 ☐ 满意
 ☐ Significantly 有显著影响

49. Has the impact of the MoU been positive or negative?

谅解备忘录带来的影响是积极的还是消极的？ [单选题]

☐ Negative 消极的
 ☐ 不满意
 ☐ 一般
 ☐ 满意
 ☐ positive 积极的

50. In what way has the MoU impacted your company's business operations?

谅解备忘录通过什么方式影响到了您的商业运营？

[多选题]

- ☐ Easier to process take-down requests 处理商品下架请求更容易
☐ Take-down process faster than before 商品下架请求处理时间较之前更短
☐ Take-down success rate change (better/worse) 商品下架成功率有所变化（变得更长/更短）
☐ Other – please list 其他—请注明 _____*

51. Do you think China would benefit from the introduction of an MoU similar to that of the EU?

您认为引进和欧盟谅解备忘录类似的举措可否使中国从中受益？ [单选题]

☐ Yes

☐ No

52. If you have anything else you would like to share regarding the e-commerce IP environment in either/or/both the EU and China, please write here:

关于中国和/或欧盟的电子商务知识产权环境，您有没有别的信息愿意和我们分享： [填空题]

53. If you have any feedback for this survey, please write here:

如果您对我们的这次调查有何反馈，请您示下：[填空题]

Questionnaire/Survey for IP Rights Holders

1. Your institution/entity name: [填空题]

2. How large is your company? [单选题] *

☐ Small (annual turnover of less than €2m)

☐ Medium (annual turnover between €2m and €7m but not exceeding €7 mil)

☐ Corporate (annual turnover of €7 mil or more)

3. Where is your organization headquartered? [单选题] *

☐ China

☐ EU

☐ US

☐ Other – please list _____ *

4. In which countries and/or territories is your organization registered? [多选题] *

☐ China

☐ EU

☐ US

☐ Other – please list _____ *

5. Your position: [单选题] *

☐ Executive

☐ IP/Legal Counsel

☐ Specialist

☐ Other – please list _____ *

6. In which industry(ies) does your company operate? [多选题] *

- ☐ Agriculture, forestry and fishing
- ☐ Mining and quarrying
- ☐ Manufacturing
- ☐ Electricity, gas, steam and air conditioning supply
- ☐ Water supply; sewerage, waste management and remediation activities
- ☐ Construction
- ☐ Wholesale and retail trade; repair of motor vehicles and motorcycles
- ☐ Transportation and storage
- ☐ Accommodation and food service activities
- ☐ Information and communication
- ☐ Financial and insurance activities
- ☐ Real estate activities
- ☐ Professional, scientific and technical activities
- ☐ Administrative and support service activities
- ☐ Public administration and defence; compulsory social security
- ☐ Education
- ☐ Human health and social work activities
- ☐ Arts, entertainment and recreation
- ☐ Other – please list _____ *

7. Does your company own intellectual property registered in the following region and country? [多选题] *

- ☐ China
- ☐ EU
- ☐ US

Your experience of IP environment in China

8. Does your company sell IP-protected products in China? [单选题] *

☐ Yes

☐ No (请跳至第 10 题)

9. Which e-commerce platforms in China does your company sell products on? [多选题] *

☐ Taobao/Tmall

☐ Jingdong

☐ Suning

☐ Pinduoduo

☐ RED (Xiao Hong Shu)

☐ NetEase Kaola

☐ Other – please list _____ *

10. What types of IP does your company have registered in China? [多选题] *

☐ Copyright

☐ Patent

☐ Trademark

☐ Layout-Designs of Integrated Circuits

☐ New Varieties of Plants

☐ Domain Name

☐ Other – please list _____

11. How long has your company maintained IPR in China? [单选题] *

☐ <1 year

☐ 1-3 years

☐ 3-5 years

☐ 5-10 years

☐ >10 years

12. In recent years, how do you think the IP rights protection environment on e-commerce platforms in China is changing? [单选题] *

☐ Worsening

☐ 不满意

☐ 一般

☐ 满意

☐ Improving

13. Are you aware of China's new E-commerce Law (enacted on January 1st, 2019)? [单选题]

☐ Yes

☐ No

14. To what extent has the 2019 E-commerce Law impacted your company's business operations? [单选题] *

☐ Not at all

☐ 不满意

☐ 一般

☐ 满意

☐ Significantly

15. In which ways has the 2019 E-commerce Law impacted your company's business operations? [多选题] *

☐ Easier to process take-down requests

☐ Take-down process faster than before

☐ Take-down success rate change better

☐ More seller restrictions imposed by Internet Platforms

☐ Less repeat infringers

☐ Other – please list _____ *

16. How do you manage your IP in China? [多选题] *

☐ Dedicated department

☐ Dedicated employee

☐ Consulting company

☐ Other – please list _____ *

17. Have you experienced difficulties enforcing IPR in China ? [单选题] *

☐ Yes

☐ No

18. At what stage(s) of the IP enforcement process have you found difficulties? [多选题] *

☐ Notice and take-down on platforms

☐ State Administration for Market Regulation procedure

☐ Customs procedure

☐ Other administration
including Public Security Bureau and Procuratorate

☐ Lawsuit procedure in court

☐ Other – please list _____ *

19. Which specific stage would you suggest has provided the most difficulties? [单选题] *

☐ Notice and take-down on platforms

☐ State Administration for Market Regulation procedure

☐ Customs procedure

☐ Other administration _____ *

☐ Lawsuit procedure in court

☐ Other – please list _____ *

20. Has your company taken an IPR case to court in China? [单选题] *

☐ Yes

☐ No

21. How successful was(were) the outcome(s) of your court case(s)? [单选题] *

- ☐ Failure ☐ 不满意 ☐ 一般 ☐ 满意 ☐ Very successful

22. How much does your company spend on IPR enforcement per year? [单选题]

- ☐ < €25,000
☐ €25,000 - €64,999
☐ €65,000 -€99,999
☐ €100,000-€299,999
☐ €300,000-€599,999
☐ €600,000-€999,999
☐ €1,000,000-€1,499,999
☐ > €1,500,000

23. Do you think there is enough cooperation and communication between right's holders and e-commerce platforms in China? [单选题] *

- ☐ Not enough ☐ 不满意 ☐ 一般 ☐ 满意 ☐ Enough

Your experience of IP environment in the EU

24. Does your company sell IP-protected products in the EU? [单选题] *

- ☐ Yes
☐ No

25. Which e-commerce platforms in the EU does your company sell products on? [多选题] *

- ☐ Amazon
☐ Ebay

☐ Other – please list _____ *

26. What types of IP does your company have registered in the EU? [多选题] *

☐ Copyright

☐ Patent, Utility Model

☐ Industrial Design

☐ Trademark

☐ Layout-Designs of Integrated Circuits

☐ New Varieties of Plants

☐ Domain Name

☐ Other – please list _____ *

27. How long has your company maintained IPR in the EU? [单选题] *

☐ <1 year

☐ 1-3 years

☐ 3-5 years

☐ 5-10 years

☐ >10 years

28. In recent years, how do you think the IP rights protection environment on e-commerce platforms in the EU is changing? [单选题] *

☐ Worsening

☐ 不满意

☐ 一般

☐ 满意

☐ Improving

29. Are you aware of the MoU between rights holders, e-commerce platforms and government in the EU? [单选题] *

☐ Yes

☐ No

30. Has your company signed the MoU? [单选题] *

☐ Yes

☐ No

31. To what extent has the MoU impacted your company's business operations? [单选题] *

☐ Not at all

☐ 不满意

☐ 一般

☐ 满意

☐ Significantly

32. In which ways has the MoU impacted your company's business operations? [多选题] *

☐ Easier to process take-down requests

☐ Take-down process faster than before

☐ Take-down success rate change better

☐ More seller restrictions imposed by Internet Platforms

☐ Less repeat infringers

☐ Other – please list _____ *

33. How do you manage your IP in the EU? [多选题] *

☐ Dedicated department

☐ Dedicated employee

☐ Consulting company

☐ Other – please list _____ *

34. Have you experienced difficulties enforcing IPR in the EU? [单选题] *

☐ Yes

☐ No

35. At what stage(s) of the enforcement process have you found difficulties? [多选题] *

- ☐ Notice and take-down on platforms
- ☐ Customs procedure
- ☐ Administration procedure
- ☐ Lawsuit procedure in court
- ☐ Other – please list _____ *

36. Which specific stage would you suggest has provided the most difficulties?

[单选题] *

- ☐ Notice and take-down on platforms
- ☐ Customs procedure
- ☐ Administration procedure
- ☐ Lawsuit procedure in court _____ *
- ☐ Other – please list

37. Has your company taken an IPR case to court in EU? [单选题] *

- ☐ Yes
- ☐ No

38. How successful was(were) the outcome(s) of your court case(s)? [单选题] *

- ☐ Failure
- ☐ 不满意
- ☐ 一般
- ☐ 满意
- ☐ Very successful

39. How much does your company spend on IPR enforcement per year? [单选题]

- ☐ < €25,000
- ☐ €25,000 - €64,999
- ☐ €65,000 -€99,999
- ☐ €100,000-€299,999
- ☐ €300,000-€599,999
- ☐ €600,000-€999,999

☐ €1,000,000-€1,499,999

☐ > €1,500,000

40. Are you more or less likely to recommend the EU to other companies as a good IP environment after the introduction of the MoU? [单选题] *

☐ Less likely

☐ 不满意

☐ 一般

☐ 满意

☐ More likely

41. Do you think there is enough cooperation and communication between right's holders and e-commerce platforms in the EU? [单选题] *

☐ Not enough

☐ 不满意

☐ 一般

☐ 满意

☐ Enough

42. For the following aspects of the IP environment, please select whether you believe the EU or China provides a better experience? [矩阵单选题]

| | China | EU |
|--------------------------------------|-----------------------|-----------------------|
| Better effectiveness of enforcement | <input type="radio"/> | <input type="radio"/> |
| Less costs of enforcement | <input type="radio"/> | <input type="radio"/> |
| More alternative dispute resolutions | <input type="radio"/> | <input type="radio"/> |

| | | |
|--------------------------------------|-----------------------|-----------------------|
| Better overall environm ent | <input type="radio"/> | <input type="radio"/> |
|--------------------------------------|-----------------------|-----------------------|

43. Do you think China would benefit from the introduction of an MoU similar to that of the EU? [单选题] *

☐Yes

☐No

44. Why? [填空题] *

45. If you have anything else you would like to share regarding the e-commerce IP environment in either/or/both the EU and China, please write here: [填空题]

46. If you have any feedback for this survey, please write here: [填空题]

VI. Agenda for the 2019 China-EU Conference on IPR Protection Online & Innovation 2019 中欧互联网知识产权保护与创新大会议程

***China-EU Conference on IPR Protection Online and Innovation
Co-hosted by CAASA and EU IPKey China***

Haikou, November 20-22, 2019

Location: *Hilton Hotel, Haikou. 109-9 Binhai Avenue, Haikou, 570105, China*
Simultaneous English-Chinese interpretation and coffee break all day

November 20th

19:30-21:00 VIP dinner

November 21st

(all-day tea/coffee break)

08:00-09:00 Registration

09:10-12:00

开幕式 Opening ceremony of 2019 China-EU IPR Protection Online and Innovation

Chaired by

- CAASA and IP Key China

09:00-09:50 Opening Remarks

(Moderator: HONG Yunfeng, President of CAASA/ 主持人: CAASA 理事长洪云峰)

- Hainan Government (海南省人民政府)
- Ruben Schellingerhout, European Union Delegation to China (知识产权参赞 - 欧洲联盟驻华代表团)
- State Administration for Market Regulation (国家市场监督管理总局/全国双打办)
- Ministry of Commerce (商务部条法司)
- WANG Chuang, Supreme People's Court (最高法知识产权法庭副庭长)
-

09:50-10:05 [Tea-coffee break]

10:05-10:40 Keynote Speech I

(Moderator: James Thorpe IP Key China/主持人: IP Key 中国 James Thorpe)

- Gunther Marten, EU Intellectual Property Office IP attaché at the European Union Delegation to China (欧盟知识产权局驻华知识产权专员/欧洲联盟驻华代表团公参)
- TIAN Lipu, President of China Intellectual Property Society (中国知识产权研究会理事长田力普)
- Hannah Ryder, IP Key China Study (IPKey 中国研究专家芮婉洁)

10:40-12:00 Keynote Speech II

(Moderator: CHAI Haitao, China Center for International Economic Exchanges/主持人: 中国国际经济交流中心理事、知识产权资深专家 柴海涛)

- GENG Hong, President of China Appraisal Society (中国资产评估协会会长耿虹)
- LIN Xiuqin, Professor of Xiamen University (厦门大学法学院教授林秀芹)
- LI Xihan, Head of IP Department, Alibaba (阿里巴巴集团平台治理部 IP 事务负责人)
- HONG Yunfeng, President of CAASA (《知识产权的社会共治与立体保护》发布)
-

12:00-13:30 Buffet Lunch, Hilton Hotel (自助午餐)

November 21st

13:30-17:30 PM (A, B will run in parallel)

Forum A – IPR Protection in Hainan Free Trade Zone (论坛 A-海南自贸区的知识产权保护)

Free Trade Zones can provide economic growth, create jobs and encourage foreign investment. They can also create challenges to the enforcement of intellectual property rights. This forum will discuss the efforts of the Hainan authorities to ensure the administrative and judicial system keeps up with international and domestic investment and trade.

Moderator:

- WANG Bo, CAASA (主持人: CAASA 副秘书长王博)
-

Speakers:

- RONG Yansong, Hainan Commerce Department (海南省商务厅副厅长)

- XIAO Chao, Hainan Intellectual Property Office (海南省知识产权局局长)
- HUANG Jianhua, China General Administration of Customs (海关总署综合业务司)
- ZHU Li, Supreme People's Court (最高法知识产权法庭审判长朱理)
- SONG Xinzhe, Hainan University (海南大学法学院知识产权研究专家)
- SHENG Daofeng, Secretary-general of CAASA (CAASA 秘书长盛道凤)

The presentations will be followed by Q&A respectively.

Forum B – Lessons from the EU experience with Memoranda of Understanding in tackling online sales of counterfeit goods 《关于打击互联网销售仿冒商品备忘录》的欧盟经验分享与讨论

IP Key China will present the findings of its new study on Memoranda of Understanding (MoU). The study takes a comparative approach to the experience of MoUs in the European Union, examining how this approach could be applied to anti-counterfeiting responses in China. After the presentations, a roundtable featuring several signatories of IP related MoUs will discuss the findings and recommendations of the IP Key China study.

IP Key 中国将介绍对该备忘录 (MoU) 的最新研究成果。该研究对欧盟备忘录的经验进行了比较，研究了如何将这种方法应用于中国的防伪对策中。演讲结束后，由知识产权相关备忘录的签署者组成的圆桌会议将对 IP Key 中国的研究成果和建议进行讨论。

Moderator: (主持人)

- Ruben Schellingerhout, European Union Delegation to China
- (欧洲联盟驻华代表团知识产权参赞，何林豪)

Speakers: (发言人)

- Hannah Ryder – *IP Key China Study Team - Lessons from the EU experience with Memoranda of Understanding in tackling online sales of counterfeit goods* (芮婉洁 - IP Key 中国研究团队-《关于打击互联网销售仿冒商品备忘录》的欧盟经验分享与讨论)
- Peter Szyszko, WhiteBullet - *2018 MoU on online advertising and IPR* (英国 White Bullet - 2018 在线广告和知识产权保护的备忘录)
- Francesca D'Agostino, Nike - *2018 MoU on the sale of counterfeit goods via the internet (via video conference)* 耐克 - 2018 年关于通过互联网销售假冒商品的备忘录 (通过视频会议)

- Nora Zhang, China-Britain Business Council – *Strategic Cooperation Agreement on IP Protection with JD.com* (英中贸易协会-关于与京东达成的知识产权保护战略合作协议)
- WANG Xuming, Brand Cooperation Department, Alibaba (阿里巴巴集团, 品牌合作部)
- WU Huanbin, Tencent (腾讯集团)
- Sean Xie, DH Gate (敦煌网法务部)

The presentations will be followed by a roundtable discussion with open Q&A.
演讲后, 将进行圆桌讨论和公开问答环节。

19:00-20:30 Appreciation Dinner (200 guests with invitation only) 答谢晚宴 (定向邀请 200 位嘉宾)

Location: Haihang Hall, Hilton Hotel

November 22nd

(all-day tea/coffee break)

09:00-12:00 (C and D will run in parallel)

Forum C – Combating counterfeiting and piracy in the F&B and Pharmaceutical industries

互联网假冒侵权食品药品打击研讨会

In a market where consumer demand continues to accelerate and diversify, the IPR challenges for food, beverage and pharmaceutical companies in China have become more complex. Imitation products can pose a serious threat to the health of the general public, which creates important questions for enforcement authorities. As well as these topics, the importance of legislative projects such as the Food Safety Law, which will take effect in December 2019, will be discussed in this forum.

Moderator:

- Andrea Caballe, IP Key China; 主持人: 安德雅, IP Key 中国

Speakers:

- Gunther Marten, EU Intellectual Property Office IP attaché at the European Union Delegation to China (欧盟知识产权局知识产权专员/欧洲联盟驻华代表团公参)
- Victor Shao, Sanofi (赛诺菲中国产品安全项目负责人)
- Carol Wang, Lusheng Law Firm (路盛律师事务所)

- WU Daoxia, People's Public Security University of China, (中国人民公安大学)
- ZHU Jianfeng, Shanghai Pinwei IPR (上海品维知识产权)

The presentations will be followed by a roundtable discussion with open Q&A.

Forum D – New technical tools to combat online counterfeiting and piracy 高新技术在打击互联网侵权盗版和知识产权保护中的应用

The rapid expansion of the online shopping market has sparked new challenges for anti-counterfeiting and piracy enforcement drives, whilst technological advances such as blockchain and big data have facilitated new approaches to the protection of IPRs. Meanwhile, the uptake of social media networks has prompted the need for technologically robust solutions to challenges ranging from asset valuation to digital storage techniques. This panel will examine the difficulties as well as the improvements that have resulted from new and emerging technologies.

Moderator:

- CONG Fang, CAASA IPR Protection Institute (CAASA 知识产权保护研究院院长丛芳)

Speakers:

- JD.com (京东集团法务部)
- HAO Han, Anne Copyright Blockchain (安妮版权区块链)
- XIE Hao, National Anti-counterfeiting and Traceability Platform (全国产品防伪溯源验证公平服务平台)
- Leo Yan, Pointer Brand Protection (APAC 品牌保护执行总裁)
- HAO Xuejiang, CAASA IPR Protection Institute (CAASA 知识产权保护研究院)
- SUN Jianmin, Tainjian Xingye Asset Appraisal (天健兴业资产评估)

The presentations will be followed by a roundtable discussion with open Q&A.

12:00-13:30 Buffet Lunch

13:30-17:00 (E and F will run in parallel)

Forum E– New legislative tools to combat online counterfeiting and piracy

打击互联网销售仿冒盗版商品的司法手段

In this forum, the efficacy of new legislative projects will be examined. Amongst these, the China E-Commerce Law, which took effect on 1 January 2019, has led to important debates around the liability of online platforms in markets ranging from consumer goods to music streaming. The development of Internet Courts, which have processed tens of thousands of cases in China to date, will also be discussed from multiple sides of the enforcement equation.

Moderator:

- XUE Shulan, CAASA (CAASA 顾问 薛淑兰)

Speakers P6 :

- Hainan Court (海南法院)
- SAMR (国家市场监督管理总局执法稽查局)
- Herbt Feng, Corteva (科迪华农业科技)
- Michael, Pinduoduo (拼多多)
- Daniel De Prado, HFG (恒方律师事务所)
- XU Zhiwen, SEBE (拾贝知识产权)
- Hangzhou Notary Service (杭州互联网公证处)

The presentations will be followed by a roundtable discussion with open Q&A.

Forum F – The online enforcement experience in the EU and China 中欧互联网知识产权保护与执法经验交流会

The panel of speakers will share their experiences in balancing the online protection of their IPR with offline investigations and enforcement. Although the online market has expanded exponentially in recent years, an online-to-offline approach is essential for brands and authorities because counterfeiting is an increasingly sophisticated and international operation.

The presentations will be followed by a roundtable discussion with open Q&A.

Moderator:

- Andrea Caballe, IP Key China; 主持人: 安德雅, IP Key 中国

Speakers:

- Reinout van Malenstein, Marques (欧洲商标权人协会中国区秘书长)
- ZHANG Jun, Alibaba Group (阿里巴巴安全运营专家)
- Julie Yu, Nike (耐克)
- Alessandro Nencini, Italian Embassy (意大利驻华大使馆经济与金融警察顾问)

The presentations will be followed by a roundtable discussion with open Q&A.