



IP Challenges in China's E-Commerce: Case Studies of EU SMEs

案例分析：欧盟中小企业在中国电商领域知识产权挑战

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IP Challenges in China's E-Commerce 中国电商领域知识产权挑战



E-commerce related Issues 电商平台治理难题

- Sophistication of infringers and difficulties with market monitoring
侵权手段日趋复杂化与市场监管难度提升
- Notice and take-down procedures, and IP certificates
通知-删除机制与知识产权证书要求
- Insufficient support from the platforms to protect IPR holders
平台对知识产权权利人的保护支持不足



Enforcement related issues 执法维权执行困境

- Costly and time-consuming proceedings
诉讼程序成本高昂且耗时漫长
- Evidence collection is difficult and burdensome
证据收集困难且举证责任繁重
- Low damage awards issued by the courts
法院判赔金额普遍偏低
- Unable to obtain compensation regardless of a favourable judgement
即使胜诉也难以获得实际赔偿

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Case study 1: IP certificate and notice and take-down procedure 案例分析1：知识产权证书及通知-删除流程

Case background:

案件背景:

A Belgian company, patented new dental instrument as **design patent** in China, found infringing products on a major Chinese e-commerce platform.
比利时某公司在中国为其新型牙科器械注册外观设计专利后，发现中国某头部电商平台存在侵权产品。

Actions taken and results:

采取行动及结果:

- The SME contacted the e-commerce platform to remove the link.
该中小企业联系电商平台要求下架侵权链接
- The **patent registration certificate** alone would not suffice, and a **patent evaluation report** would be required.
平台认定仅凭**专利注册证书**不足采信，要求补充**专利评价报告**
- It took the SME 2.5 months to obtain the patent evaluation report.
企业耗时两个半月完成专利评价报告获取
- The e-commerce platform accepted the complaint and **removed the infringing link**.
平台受理投诉并最终**移除侵权商品链接**

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Case study 2: online copyright infringement 案例分析2：线上知识产权侵权

Case background:

案件背景:

An European artist found over 100 Chinese sellers on a major e-commerce platform in China, using his **art works** without his permission to sell various goods. The estimated loss was more than EUR 20 million.

某欧洲艺术家在中国某大型电商平台发现100余家商户擅自使用其**艺术作品**进行商品销售，预估经济损失逾2000万欧元。

Actions taken and results:

采取行动及结果:

- The artist decided to start a **civil litigation** in China against one of the malicious sellers.
该艺术家决定在中国对某恶意商家提起**民事诉讼**。
- **Evidence collection** has been very time and energy consuming.
证据收集过程耗时费力
- The court mediated the dispute with the agreement. The defendant promised to compensate for the loss of RMB 30,000 (approx. EURO 4,000).
经法院主持调解达成协议，被告同意赔偿人民币3万元（约合4000欧元）。

Questions?

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EVENT FEEDBACK FORM



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您的反馈对我们非常重要，
如能提供宝贵意见我们将不胜感激

