

IP protection at Trade Fairs in Hong Kong

To International Associates and Clients

Every year, numerous trade fairs are organized by the Hong Kong Trade Development Council (HKTDC) and held at the Hong Kong Convention and Exhibition Centre (HKCEC).

Exhibitors from all over the world (the trade fairs are especially popular with Chinese participants) participate in these fairs. Some unscrupulous exhibitors put on display and solicit orders for products which are copies of or otherwise infringe the rights of other Intellectual Property proprietors. In this respect we have assisted clients in tackling such situation by taking swift actions outlined below:

1. Filing on-the-spot complaint, with the HKTDC the Fair Organiser, for immediate removal of infringing products from display during the time of the Fair; and
2. Serving cease and desist letters on the exhibitors under complaint at the Fair and take post-fair follow up actions to press for compliance by the exhibitors (which may include execution of undertakings, disclosure of suppliers/manufacturers/past infringing dealings, delivery up of infringing goods and where possible payment of damages and costs)

Action (1) is particularly important because infringers will be precluded from displaying the products during the Fair when substantive orders for the infringing products may be placed by customers from all over the world.

Action (2) is useful in sending a strong message to the infringers to cease all activities which infringe the rights of the Intellectual Property holder, and in appropriate cases, to seek compensation.

The upcoming Fairs for 2010/2011 are:

Date	Event
12-14 Aug 2010	Hong Kong International Tea Fair
12-16 Aug 2010	International Conference & Exhibition of the Modernization of Chinese Medicine & Health Products
12-16 Aug 2010	HKTDC Food Expo
6-10 Sept 2010	HKTDC Hong Kong Watch & Clock Fair
13-16 Oct 2010	HKTDC Hong Kong Electronics Fair (Autumn Edition)
13-16 Oct 2010	ElectronicAsia
27-30 Oct 2010	HKTDC Hong Kong International Lighting Fair (Autumn Edition)
27-29 Oct 2010	Sports Source Asia
27-30 Oct 2010	HKTDC Hong Kong International Building and Decoration Materials & Hardware Fair

Date	Event
3-5 Nov 2010	HKTDC Hong Kong Optical Fair
3-6 Nov 2010	Eco Expo Asia - International Trade Fair on Environmental Protection
4-6 Nov 2010	HKTDC Hong Kong International Wine & Spirits Fair
2-4 Dec 2010	HKTDC World SME Expo
2-4 Dec 2010	HKTDC Inno Design Tech Expo
10-12 Jan 2011	HKTDC Hong Kong International Licensing Show
10-13 Jan 2011	HKTDC Hong Kong Toys & Games Fair
10-13 Jan 2011	Hong Kong International Stationery Fair
10-13 Jan 2011	HKTDC Hong Kong Baby Products Fair
17-20 Jan 2011	HKTDC Hong Kong Fashion Week for Fall/Winter
17-20 Jan 2011	HKTDC World Boutique, Hong Kong
17-20 Feb 2011	HKTDC Education & Careers Expo
4-8 March 2011	HKTDC Hong Kong International Jewellery Show
21-24 March 2011	Hong Kong International Film & TV Market (FILMART)
13-16 April 2011	HKTDC Hong Kong Electronics Fair (Spring Edition)
13-16 April 2011	HKTDC International ICT Expo
13-16 April 2011	HKTDC Hong Kong International Lighting Fair (Spring Edition)
20-23 April 2011	HKTDC Hong Kong International Home Textiles Fair
20-23 April 2011	HKTDC Hong Kong Houseware Fair
27-30 April 2011	HKTDC Hong Kong Gifts & Premium Fair
27-30 April 2011	Hong Kong International Printing & Packaging Fair

For your information, to enforce the IP rights of your client, the HKTDC will be prepared to accept infringement complaints on the basis of one of the following covering the goods under complaint:

1. Copy(ies) of Certificate(s) of Registration of Trade Mark(s) in Hong Kong
2. Copy(ies) of Certificate(s) of Registration of Design(s) in Hong Kong
3. Copy(ies) of Certificate(s) of Grant(s) of Patent in Hong Kong, together with a written opinion from us that the relevant Hong Kong patent(s) is/are valid and infringed by display of the Exhibitor's product(s) at the Fair.
4. Proof of subsistence and ownership of Copyright by the complainant, or an affidavit of copyright ownership under Section 121 of the Copyright Ordinance (Cap 528), Laws of Hong Kong (we can provide a draft).

AND a duly signed Power of Attorney in favour of this firm.

If your clients are interested in protecting their intellectual property rights at any of these Fairs, we shall be pleased to elaborate further on the procedure and tactics (e.g. if the client does not have personnel on the ground to look out for possible infringements, professional private investigators may be engaged and briefed to walk through the fairs in the morning of the first day of the Fair, and provide an urgent report), and the costs involved. We look forward to working with you on any of this.

Please note we have taken action for clients dealing with electrical appliances (patent), toys (patent), personal healthcare product (copyright) in the past, all with positive results.