

Practical Considerations in Enforcing IP rights in China

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Along with the rapid development of Chinese economy, there has been an increasing concern among the investors and businessmen from various countries about their interest in investment as well as in the procurement and protection of intellectual property rights in China. Recently the investment from Korea into China has been steadily increased and the trade between the two countries has been developed, leading to more concern about the protection and conflicts of IP rights. This article is intended to present practical considerations and suggestive steps for enforcing IP rights in China for reference of Korean enterprises and individuals.

1. Discovery of Infringement

The first step of enforcing IP rights in China is discovery of infringement. Years of practical experience have shown that the earlier and timely discovery is conducted, the better enforcement would be. As to how to effectively and timely discover infringement, some ways and methods are introduced for enterprises to discover for themselves potential or current infringement:

a) Market Investigation

One of the primary goals of IP infringers in China to manufacture and sell counterfeits is for the market within China except for a small amount for export, and consequently most infringing activities and products would understandably happen and appear in the domestic markets of China. Thus a market investigation, i.e. close watch on or supervision of the commodities markets in larger and middle-sized cities of China is crucially important for discovering infringement, and in light of the experience in the past years, market investigation very often



proved to be timely and effective in discovering infringement.

The ways of the markets investigation could vary, but a general market survey is one strongly suggested way. It could be regular (e.g. every three or four months) tour of inspection of shopping malls / super markets, bazaar markets, peddling markets in large or middle sized cities in China where the infringers' products are most likely to be distributed or retailed, and when necessary, some suspicious products should be bought as samples for further study and analysis.

As the large-scale of market survey would be a considerable cost on the part of IP right owners, it is recommended that markets to be surveyed be limited to a number which would both provide meaningful information in relation to infringement and reduce the cost to acceptable level. Selection of the specific markets should be made by reference to the purchasing levels and preference towards certain products of the consumers in the target cities. Generally coastal cities of China like Shanghai, Guangzhou etc. are more economically developed than those in inland China and consuming level would be correspondingly higher and preference for certain products (e.g. high quality foreign cosmetics) could be apparent, and the years of economic development of China have been gradually developing the geographical concentration of certain classified commodities of whole sale markets, such as cosmetics, box /luggage and electrical appliances distributing markets etc. With these on minds, the to-the-point selection of markets would best achieve the first-hand and timely information about the potentialities and /or existence of infringement.

Foreign trade fairs, such as international trade fairs or exhibitions, would be another important place of market watch. Many actual cases have had evidences or clues originated from the international trade fairs. Information of such international trade fairs could be obtained from foreign trade authorities or organs such as Chamber of Commerce etc. or even your Chinese local agents.



b) Acquisition of Industrial and Commercial Business Information

Besides the market survey, acquisition of industrial and commercial business information presents another aspect of significance in enforcing IP rights in China. Practically the acquisition process includes four aspects of information collection: firstly, collection of name list of the enterprises which manufacture and sell the products or commodities identical or similar to that of IP owners (with the emphasis on the identity of the registered names and practical names used in business), and their geographical allocation of the distribution of the products and the types and amount of products as sold out; secondly, collection of names of distribution enterprises (e.g. distributors, whole sellers and detailers etc. of the products in question), including geographical distribution, types of products and the annual sales; thirdly, collection of foreign trade-related enterprises information including names, preferences of certain products, seaports names as ordinarily used for import and export etc., and fourthly, collection of overseas investment enterprises information as the experience in the past show that some case of infringement were involved with such enterprises.

Acquisition or collection of such enterprises information would help analyze and determine IP infringement, such as possible geographical location of infringers, names of the enterprises and types of products etc. Such acquisition would be conducted with multimedia means, publications (marketable books on statistics of Chinese enterprises), browse of relevant sites on internet, and if necessary application for registered information concerning target enterprises etc. Again local Chinese agents would as well provide the services at request.

c) Watch on distribution /sales channels/ networks

Concurrent with the transit from planned economy to marketable economy of China, the China markets have been formed into a certain market operational format which should be clearly known of and watched on by IP owners, since the watch on the distribution channels or networks



is the most direct and quickest means to watch on the infringement. The watch shall include acquaintance of the ways of distribution and sales in China and the market operational practice. The watch similar to the above requires much funds, time and manpower, but once the watch system is established, it would be of great significance in understanding of infringement in China. One way of watch could be assigning it to the salesmen of the IP owners or employing other institutions.

d) Watch on particular or potential competitors

After the above survey or watch, some potential target infringers would appear and should be put onto a watch list. This watch could, in addition to including the above means and methods, patent and trademark search and watch on their advertisement etc. For those current infringers that are dug out by the above survey and watch, a particular infringement investigation would be conducted.

2. Infringement Investigation

With the above discovery of infringement in China, most of infringers would be targeted and locked. However without reliable and acceptable evidences of the infringement, it would be hard to expect to have a case in connection with the targeted infringer placed on file at the Chinese courts or competent administrative authorities and to predict the outcome of the case. Therefore further investigation, i.e. infringement investigation as to the details of infringing activities, the extent of economic loss sustained by the right owner in connection with the infringing activities as well as the compensable ability on the part of infringer very often proved to be crucial in China. Hereunder are some types of investigators, ways for such investigation and relevant provisions concerned are contemplated.

a) Investigators

There are several types of investigators in China: professional



investigation companies and firms, intellectual property agency law offices and overseas investigation institutes etc. Generally each of the types has their own respective merits and advantages: professional investigation companies, in particular, the professional IP investigation companies would be more experienced in investigating technically related issues in relation to patent disputes and professional investigation firms would be appropriate for market survey investigation, etc. IP agency law offices' ability in the investigation largely depends up their personnel' experience and the sizes of the offices and need be carefully selected. Overseas investigation firms could also be one choice as they have been long established with more investigation experience and even some have their branch offices set up in mainland China.

Ordinarily, specific selection of particular investigators would be suggested to be decided through consultation with your legal counsel in your country or even Chinese agent in China if you have been in constant contacts with them via the legal counsel based on the nature of the case, i.e. if it is concerned with patent or trademark or others, and whether sample infringing products or paper documents would be needed or not etc. Certainly if your own company has been well established in China, having your own investigation connections and anti-counterfeiting team, you may as well conduct the investigation by yourselves.

b) Ways of investigation

The ways of investigation in China could be varied: commonly used methods include: direct purchase of sample infringing products with purchase invoices from infringers on markets, ordering directly with the manufacturers for relevant infringing products or requesting for product catalogues in the name of disguised customer, recording of advertisement on newsmidia, e.g. on TV or radio broadcasting, audio /video or phone call recording of orders with the infringers, setting up companies specifically for investigation, buying over of infringers' employees, placing of informants into the infringers' premises, making copies of



relevant documents with administrative authorities, etc. Selection of methods depends upon the specific targets and particular individual cases.

While usually the method could be selected by your investigators, it should be particularly noted that any means of investigation and collection of evidences shall be in conformity with the laws and regulations in connection with investigation in China. Any evidences, even if they are of very strong proof of infringement, may not be accepted in China if they are collected by means of illegal approaches.

c) Some provisions and issues of investigation (evidence collection)

In accordance with the laws, regulations and notifications etc. of China, if the facts, acts or documents as investigated are notarized, they would be accepted as the basis for determining the relevant case (ref: *Art. 67 of the “Civil Procedural Law of the Peoples’ Republic of China”, and “Provisions of Evidences in Civil Litigation Procedures by the Supreme Court of China”*). Generally notary public of China would conduct notarization at request and even could be invited to appear at spot of investigation. Therefore when conducting investigations by right owners themselves, such provisions shall be taken into account accordingly.

As for those evidences which are formed outside of territory of China, they shall, according to the *“Provisions of Evidences in Civil Litigation Procedures by the Supreme Court of China”*, be notarized by the local notary public and legalized by the Chinese embassy or consulate to that country, or they would not be accepted by Chinese courts. The provisions should also deserve an appropriate note in conducting investigations.

Different from other countries, Chinese courts would conduct investigation themselves at either party’s request or as it deems necessary. Such investigation rarely happens in the field of IP litigation, but it could be a way in case the plaintiff could not find any other means for investigation, e.g. in case of infringement of process patent in China.

As for the issue of “investigation by trap”, Chinese courts of



provincial and intermediate levels have taken different approaches in accordance with a recent case tried and determined by courts: the court of the first instance decided that plaintiff's method of investigation by setting up a company to trap the defendant to be accepted as legal while the court of second instance reversed the decision by determining that the way of the investigation by "trap" is "generally not accepted" (ref: *Beida Fangzheng Eletronics Co. Ltd. Vs Beijing Gaoshutianli Science and Technology Co. Ltd. And Beijing Gaoshu Science and Technology Co. – Beijing Higher People's Court*). Consequently since a court of China rejected the trap investigation as saying "generally not accepted", such way of investigation shall be carefully chosen though the investigation has not yet completely been overruled.

3. Infringement Analysis

The further next step of preparation for action against IP infringement in China is suggested to be infringement analysis. With the analysis, right owner would have clearer idea of possible existence of patent infringement and feasibility of actions.

a) Analysts

The analysis of the intellectual property infringement needs to be done by professionals having special technical backgrounds and experience and better command of knowledge and understanding of relevant laws and regulations. Ordinarily they may include such categories of professionals: patent/trademark agents, lawyers, researchers of laws as well as law professors in colleges and law institutions in China. Currently those that are available for such entrustment with the analysis would be law agents firms or lawyers' offices. Besides, some institutions of appraisal comprising patent attorneys, lawyers or relevant personnel may also be invited to present their opinions, which may be accessed to or recommended with help of local legal counsels based on their knowledge of the ability of the Chinese patent or trademark agents.

It should be clearly understood that such analysis is aimed at obtaining better and comprehensive understanding of the infringement and is not something procedurally provided for in the process, and the results of the analysis would be something different from the possible future judgment of court and analysts would not be liable for any possibly indirect or direct affects caused by the analysis.

b) Approaches and means for the analysis

Similar to the court trial, the analysis should be done by the above personnel by comparing the patents or registered trademarks with the suspicious processes or products or trademarks and applying the laws and theories as currently applied in judicial or administrative practices in China so as to reach a conclusion as to whether there is existence of infringement. Generally in the area of patent, the theories or doctrines as being adopted in analyzing and determining the existence of infringement include among others: all elements rule, i.e. infringement should be established once all the technical features as patented have read on the accused products; doctrine of equivalents, i.e. infringement shall still be determined if the different features, if any, between those as claimed in the patent and that of the suspected products achieve the substantially same results, perform the substantially same functions and adopt the substantially the same means or methods, and the principles of redundant designation and file wrapper estoppel etc. For trademarks, analysis would normally directed to the comparison between the suspected trademarks and the registered in their literals (characters), devices or colors or their combinations which constitute major elements of the trademarks to see if there is any confusion among the consumers.

It is entirely appropriate to say that the above principles or approaches as applied for the analysis in China largely resemble to those as practiced in other countries, and usually they would be specifically adopted by the analysts who would provide in their reports of analysis for right owners the way of analysis, the approaches adopted and reasoning



therefore.

c) Relevant provisions

In analyzing IP, especially patent infringement, some provisions or rules issued by Chinese courts are worth note. Recently Chinese courts have issued some criteria – “*Views on Some Issues in Connection with Determination of Patent Infringement (for test application)*” - for determining patent infringement, which puts forward some specific viewing and analyzing principles and methods, and function as practical and operable rules. In addition, under Art. 57 of the Patent Law of China, in patent litigation relating to utility model, courts or patent administrative authorities may require the patentee, i.e. plaintiff, to submit a formal search report issued by the Patent Office of China, which would primarily function as an analysis report and may be referenced as an important evidence in dealing with patent infringement.

4. Considerations of Enforcement Strategies

After the above investigation and analysis, it would not be ripe for legal actions yet. There is need on the part of patent owners or trademark registrants to consider overall expedience , feasibility, manner and extent, primary and final goal of legal actions and pecuniary justification of possible legal actions in China against infringement etc., Consequently the next further step is considerations of enforcement strategies or action planning. The considerations would primarily comprise, among others, goal selection, adoption of ways of enforcement and appointment of Chinese agents, etc. and would be made by reference to, in addition to other economic and commercial factors, status quo of legal system of China, Chinese national characters and concepts, etc.

a) Goal selection – deterrence –punishment –profit

As to what extent the considered action against the infringement would be intended, i.e. the goal of the action, is something that needs

clear, practical contemplation.

The purposes of dealing with IP infringement in China would range from the most mild to the severest: the mild would be mere deterrence of infringement while the severest would be imprisonment of infringers.

Fundamentally legal action against IP infringement is aimed at maintaining a good business environment so as to pave the way for better business development. Consequently the goals of the legal action as considered would concentrate on selection of the three types: deterrence, economic punishment or licensing.

Very often the selection of goals of legal action in China suggest a question of emotion instead of a business decision. For the purposes of clearing relevant market for the business development of the IP owner in China, deterrence to infringement would be basically sufficient. However, experience in the past proved that IP owners very often wished more than that out of preventative consideration and emotional concern: they wanted to sufficiently punish the infringer instead of merely curbing the infringement, which actually exercised much more educational function. Comparatively among the two, the first one, i.e. deterrence to infringement, is recommendable as it is more feasible, actionable and practical in consideration of current situations of China and Chinese national characters. The punishment the second goal would appear less suggestive since in practice punishment has rarely been executed and would not sometimes justify the cost of action which is very often judicial one.

Practically the third goal of licensing would be more actionable as they are of several advantages: profitable as licensing would be the quickest to get the monetary return back for the IP investment, more enforceable because of the local licensees' assistance and more practical.

While the above three goals are suggestive, it may not be deemed that other choices would be completely excluded from considerations. As stated above, it largely depends upon the overall strategic business



arrangement of the IP owners and many other factors.

b) Enforcement selection – negotiation – administrative /judicial settlement

The ways of enforcement, i.e. types of actions, mainly include negotiation, administrative settlement and judicial judgment, wherein negotiation would further comprise mediation and license etc. Similarly the way of enforcement depends upon the goal of the legal action, type of infringement(patent or trademark), extent and scope and affect of infringement as well as emotional factors etc.

In light of past experience, the negotiation would be appropriate for settling the infringement disputes with larger foreign related businesses, such as foreign trade enterprises in China. Actually there have been less successful examples of turning the negotiation of settlement into licensing.

Practically and mostly in China, administrative and judicial enforcement have been most choices by the foreign IP owners. Generally since there are more trademark infringement cases than patent infringement and settlement of such disputes needs efficiency in terms of cost and time, administrative route of enforcement has been very often suggested to and adopted by the foreign IP owners. However, although the administrative enforcement is efficient, effective and relatively inexpensive, there has been a defect of recurrence of infringement. Therefore judicial enforcement of rights in China have also often been recommended, especially in case of patents which often require technical professionals for consultative and experts opinions and even appraisal comments from appraisal organizations. Comparatively the cost and time of court action would be much higher and longer, but it is the final means of enforcement and can achieve better results in the last analysis.

In one word, key issue in adoption of route of enforcement lies in the types of the IP rights, and based on the experience in the past,

administrative settlement is preferable for the trademark infringement, while the judicial enforcement is recommended for patent or copyright cases. Customs enforcement would be appropriate for all types of IP rights.

c) Designation of Agent

Because of cultural and historic elements as well as languages involved in the IP enforcement, it is recommended that local Chinese lawyers or patent / trademark agents be appointed in taking judicial or administrative actions in China, since they are well acquainted with laws and regulations, manner and practice of relevant administrative authorities or courts of law of China, having better communication with the relevant organs.

Currently in China, those that could be appointed as IP law agents are generally classified into the following categories: professional lawyers from judicial institutions, e.g. agents or lawyers who used to serve as judges in court of law, lawyers or patent / trademark agents from semi-judicial organs such as Patent Office, Trademark Office or Copyright Administration, patent attorneys or trademark agents who used to belong to large foreign related law agency and now setting up their own firms, patent attorneys and trademark agents who have been working in that capacity for quite some years with domestic law firms or as faculty member of colleges or universities etc.

Because of the different experience and backgrounds, the above agents or attorneys have different advantages and merits, which may be taken into account in appointing them in tackling IP enforcement issues in China.

5. Administrative Enforcement

Once all the above steps have been taken and there has been assurance that there is existence of infringement, IP owner may now, as the last step of enforcement, take legal actions for deterrence to and



punishment of IP infringement. As it is clear from the above that there are two ways of enforcement of IP rights in China - administrative and judicial enforcement. Hereunder the two means of enforcement would be separately introduced as to the time and procedures etc.

a) Administrative Authorities

The administrative authorities that are entitled to handling IP enforcement matters include: State or provincial as well as local Administration for Industry and Commerce (AICs), Technology Supervision Bureau (TSB), Intellectual Property Offices (IPO), Copyright Administrations and Customs etc. wherein AICs and TSBs are competent authorities for handling trademark related infringements. Among the two, TSBs are concentrated on administrating and enforcing trademark infringement matters within industrial and commercial enterprises and AICs would be responsible for policing trademark related matters on markets, and intellectual property offices established across the country have the authorities for handling patent matters and disputes, while the Copyright administration has been assigned by law to handle copyright matters including licensing, infringement, computer registration etc. Customs is empowered by law to supervise and enforce nationwide border protection of intellectual property rights.

b) Administrative Enforcement Procedures and Time

Generally the administrative enforcement would be initiated by petitioner's (usually IP owners) submitting a written request with claims such as cease and desist of infringement, public apology, elimination of adverse affects, destroy of infringing tools and administrative fines etc. and some evidences to support the claims in the request. Once the authorities receive the request and the evidences, they would examine them immediately and would normally go to the premises of the respondent for the official check-up on spot or even raid action. The determination of existence of infringement would be made during the procedure of on spot check-up or examination of the request and the



evidences prior to the raid action. Usually sealing or detaining of the suspected infringing products would be done once authorities believed that there had been existence of infringement based on prima facie evidences, and a notification to the respondent would be made requesting for his or its response or explanation within a set time limit.

Normally enforcement through administrative routes would be completed within one or more months (not including the possible judicial procedures that may follow if one party is not satisfied with the administrative decision), and the cost on the part of the petitioner, i.e. right owner, would be only as much as one to several tens percent of those would be spent in connection with that of judicial procedures. Procedurally, open session attended by both parties would ordinarily not be held by the authorities for handling the infringement cases except for extremely particular cases that were deemed necessary by the authorities. If one party is not satisfied with the decision made by the authorities, he or it would bring it as a case of administrative nature to the court of law.

Comparatively Customs protection of intellectual property rights, boarder enforcement of IP rights in China, exercised more effective curb on the IP infringement. Actually the Chinese Customs have handled many foreign related IP infringement cases, forcefully and effectively protecting foreign IP right owners' legal rights in China. It is therefore strongly suggested that Customs protection measures be adopted whenever there is or even before any discovery of infringement in China.

c) Results of Administrative Actions

Usually the results of administrative actions would be the same to what has been requested in the Request as stated above, but the decision made by the administrative authorities would normally not include the compensation for damages caused by the infringing activities. Nevertheless, as seen from the years of practice in China, since the administrative route of enforcement is quick in action, less in cost and immediate in effect, it effects in practice satisfactory results in enforcing



the rights of IP right owners. Though the administrative authorities have no power over imposing compensation for damages to the respondents involved, the decisions made by the authorities would be very often taken as reliable evidences of infringement in the possible later lawsuit at court for claiming damages.

6. Judicial Enforcement

a) Jurisdiction

There is no particular IP court in China, and all the IP infringement cases would be tried at IP chambers (in the name of Civil chamber No. 3 or No. 5 etc.) or other chambers of ordinary courts. The Chinese courts are divided into four levels: Supreme Court, Higher Courts (provincial level), District intermediate Courts (prefecture level) and Basic Courts (county level). The trademark cases will be tried for the first instance at local district intermediate courts (in some particular district e.g. Beijing city, some basic courts of county level have been assigned with the authorities to try trademark cases), and the patent cases of first instance would be tried only at the intermediate courts located at the capital cities of the provinces and at some other intermediate courts designated by the Supreme Courts. The system that the trial of the second instance is the final has been applied in China except for in extremely particular situations. For those appeal cases in connection with patent reexamination / invalidation or trademark opposition, Beijing No. 1 intermediate court has the jurisdiction, which is designated by the Supreme Court of China.

b) Procedures and Time limit

When infringement is discovered and evidences have been collected, judicial action, once decided to be taken, shall be initiated at the court of the place where the infringer is located or its manufacturing or operational premises are located. The documents necessary for the lawsuit include: Bill of complaint, Power of Attorney, evidence certifying



the ownership of the right, infringing evidences as well as other materials requested by court. If the action is started by the IP owner in the capacity of enterprise, relevant certifying materials issued by the enterprise registration authorities of the country to which the right owner belongs shall be submitted, which includes among others a copy of the license of business registration and certification of identity of the legal representative of the right owner. The above license copy and the certification as well as the POA shall be notarized by the local notary public and legalized by the Chinese consulate, and the evidence certifying the ownership of the right shall be the letter of patent (a copy would be fine), a copy of patent registration gazette or patent annuity payment. If the patent in question relates to a utility model, then a search report issued by the Chinese Patent Office shall be needed for placing the file at the court. Other evidences shall also include registration certificate of trademark, a copy of registration (or of computer software) etc. The infringing evidences may include: infringing sample products, sales invoices or other material or document evidences certifying sales, manufacture of the patented products or use of patented methods, and infringer's identification evidence which may include infringer's registration certificate issued by the Chinese Industrial and Commercial Administrative authorities etc.

A litigation fee is needed for instituting legal proceedings at the Chinese court, which is computed in proportion to the amount of pecuniary compensation for damages sustained normally by the plaintiff. The rate of the proportion becomes less along with the increase of the total amount of compensation for damages as claimed.

Ordinarily the court would inform the defendant that a response to the complaint and relevant evidences shall be submitted within a set time limit. The court would set a time limit for submitting supplementary evidences for both parties beyond which no evidence would not be accepted, and hold evidences exchange for both parties prior to formal



trial session. The court of second instance would normally not accept new evidences unless the judge believes that the new evidences mean significantly and reasonably obtained beyond the evidence-submitting time limit.

As for patent litigation, according to the experience in the past, almost 100% cases would have invalidation requests involved with the China Patent Reexamination Board. Consequently, the defendant would submit to the court some evidence certifying that a request for invalidation of the patent in question has been filed with the Patent Office of China (normally a copy of notification of acceptance of the request for invalidation issued by the Patent Reexamination Board).

Once both parties cross-examined their respective evidences, for infringement case of patent for invention, court would not suspend the trial procedure, while in case of patent for utility model or design, courts would normally suspend the court procedure till a decision of the Reexamination Board is made.

During the court session, a plaintiff may have two lawyers sit on besides him, while other people are permitted to sit on audience benches. The court session is, usually held open to the public, started by checking up the identities of the parties and their attorneys and trial rules. Ordinarily court would first ask the plaintiff to read his bill of complaint and request the defendant to respond, and thereafter, both parties again would have evidences cross examined, which would conduct from three aspects: truthfulness, relevance and legality. The court would have the final say on the acceptance of any evidences. Court argument would be started after the cross evidences and both parties would have two chances to present their views (often by their attorneys) during which judge may question either party whenever he deems that something unclear. After the argument, court would adjourn the trial. For an ordinary case, no second session would be held. The court would notify both parties as to when a judgment would be made and issued.



As for the time of trial of first instance, it would be some 6 months, and it would be some three months for the trial of second instance. If one party is foreigner, the time limit for trials would not be subject to the 6 or 3-month provisions.

The trial of second instance is largely similar to that of the first instance. The court of the second instance does not totally expel any “new evidence”, i.e. the court of second instance is not completely directed to “question of law”. As long as it deems necessary or there is a need, it would review also question of facts.

c) execution of court judgment

After the judgment of court becomes effective, the judgment of the court would be automatically executed by both parties. If the defendant refuses to execute the judgment as the case frequently happens, the plaintiff would request with the court of the first instance for compulsory execution which may comprise sealing up or distraining of property, freezing or transferring of the losing party’s deposit at bank or auctioning of the losing party’s property etc.

However, in practice once a party lost a case, there would very often be removal of property. Consequently it is suggested that once the right owner has been assured of existence of infringement, an order for preliminary injunction measures or property preservation be requested with court at the time initiating the legal proceedings, so as to avoid any possible situation wherein no property would be executed.

7. Conclusion

As may be seen from above, the enforcement of IP rights in China is a large scale combat and engineering project which requires much more care, attendance, persistence and strong will and needs comprehensive, thoughtful consideration and balancing in overall strategy and planning, and not only the way of enforcement but also the market accessibility to



China shall also be taken into account. A mental preparation for a long-term war against counterfeiting or infringement shall be made and it may not be expected that one or twice actions would eliminate infringing activities in China. Resulting potentialities of legal actions for better access to the immense Chinese market would frequently justify the cost of the legal actions against the many returns of infringements, as a Chinese saying goes: “Throw a long line to catch a big fish” which means “adopt a long-term plan to secure something big”.

The above suggestions and introduction could hopefully be of some useful reference to IP owners in their consideration and preparation of legal actions against infringement in China.

