



Seminario sulla tutela dei marchi in Cina

In collaborazione con l'Amministrazione Statale per
il Commercio e l'Industria della Repubblica Popolare
Cinese (SAIC)



Il seminario è organizzato da IP Key Action della Commissione Europea e dell'Ufficio
Europeo per la Proprietà Intellettuale (EUIPO)

IPKey

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per la lotta alla contraffazione

PROVISIONAL PROGRAM

Milano
Fondazione Stelline
Centro Congressi
C. so Magenta 61

13 ottobre 2016

MATTINA

08:30 – 09:00 Registrazione dei partecipanti

09:00 – 09:15 Saluti iniziali

SAIC: Chen Zhuo, Vice Direttore Generale, Dipartimento Cooperazione Internazionale, SAIC

IP Key: Davide Follador, IP Key Beijing

INDICAM

09:15 – 12:30

Sessione 1 – esame delle domande di registrazione – cancellazione per non uso - IG

Moderata: Davide Follador, IP Key

09:15 – 10:00 Liang Sen, Direttore della Divisione Affari Generali, Ufficio Marchi della RPC

- Consigli e suggerimenti per la protezione dei marchi d'impresa in Cina – marchi internazionali v. nazionali
- e-Tools (TM Class, China's TM database);

10:00 – 10:10 Q&A

10:10 – 10:50 Jiang Ruibin, Direttore Generale, Dipartimento Esame Marchi, SAIC

- Protezione dei marchi in Cinese Mandarino
- Scegliere la classe corretta: classificazione cinese – domande multi-classe – prodotti/servizi non-standard

10:50 – 11:00 Q&A

11:00 – 11:15 Pausa caffè'/te'

11:15 – 12:00 Liang Sen, Direttore della Divisione, Affari Generali, Ufficio Marchi della RPC

- Onere probatorio nei procedimenti di cancellazione per non-uso
- I marchi di certificazione e la tutela delle Indicazioni Geografiche

12:00 – 12:30 Q&A

12:30 – 14:00 Pausa e pranzo-buffet per i partecipanti

POMERIGGIO

14:00 – 17:30

Sessione 2: tutela dei marchi notori e registrazioni "in malafede" – online enforcement

Moderata: Carlo Alberto Demichelis, INDICAM

15:00 – 15:30 Prof. Cesare Galli, Università di Parma/Studio Legale Galli IP Law

- Tutela del marchio notorio nella giurisprudenza italiana e cinese

15:30 – 15:40 Q&A

15:40 – 16:20 Ma Yanyan, Vice Direttore di Divisione, Affari Legali, SAIC

- Oposizioni e azioni di nullità fondate su diritti anteriori diversi dai marchi
- Opposizioni e azioni di nullità contro marchi registrati "in malafede"
- Prova d'uso e notorietà: uso del marchio all'estero/su internet e impatto sul mercato domestico
- Supervisione e enforcement sul mercato online

16:20 – 16:30 Q&A

16:30 – 16:40 Pausa caffè'/te'

16:40 – 17:10 Fabio Giacobello, HFG Law Firm Shanghai

- Marchi e malafede: esperienze italiane in Cina

17:10 – 17:20 Q&A

17:20 – 17:30 Conclusioni

SPEAKERS



Fabio Giacobello
Partner at HFG Law & Intellectual
Property

Fabio Giacobello is partner at HFG Law & Intellectual Property, a Chinese law firm and intellectual property agency. He has been widely recognized as one of the most valuable Intellectual Property practitioner in China. He is 'Winner of Client Choice Award' by ILO, 2013, he is a 2015 'IP Star' by Managing Intellectual Property 2015, 'Notable practitioner' by Chamber and Partners (trademark & patents), 'Lawyer of the Year –Intellectual Property – China' by Global 100, 'Expert in the trademark category' by Asia IP Expert 2014 and he is a 'Recommended lawyer' by Legal500.

Fabio is a member of the Internet Committee at INTA and Arbitrator at the Shanghai International Arbitration Center (SHIAC, former CIETAC Shanghai). He is author of several articles published by International and local publishing houses. Fabio often cooperates with education institutions and associations for giving lectures about Chinese IP System and/or European IP System (INTA, CIPA, Indicam, SMI, China-Italy Chamber of Commerce, etc.).

Fabio has substantive experience in trademark portfolio management, trademark disputes and litigations, and enforcement including anti-counterfeiting. Fabio's practice includes technology transfer, patent and trade secret litigations, arbitration in relation to disloyal behaviors of employees. He has also achieved brilliant results in commercial and corporate transactions on behalf of international companies.



Prof. Cesare Galli
University of Parma Galli Law Firm

Founder of IP Law Galli Law Firm, Cesare Galli deals with important IP litigations in Europe, in particular patents and trade secrets. He is full professor of IP Law at the Faculty of Law of the University of Parma. In 1999, together with Professor Vanzetti, he obtained the first Italian decision in the biotechnologies field with regard to biotech patents. In 2004 Professor Galli obtained the first Italian decision assessing the validity of a computer implemented invention patent. Likewise between 2004 and 2010 Professor Galli obtained one of the most relevant decisions concerning the protection of strategic patents both in the pharmaceutical and TMT fields. Since 2009 he has been also member of the OHIM European Observatory on Infringements of Intellectual Property Rights. Author of several books on IP Law, including the new Commentary on the Italian Intellectual Property Rights Code, (4,000 pages), Professor Galli regularly gives his contribution to Italian IP Law reviews and financial newspapers and, every year, he also coordinates successful Italian conferences on IP issues. In 2011 he was invited by the Italian Ministry of Economic Development to take part in the panel of Legal Experts of the National Anti-Counterfeiting Council (CNAC).



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Davide Follador
IP Key Action of the EC and
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Davide Follador is currently working for the EUIPO as Long-Term IP Expert at the IP Key Action of the European Union in China, focusing on policy dialogue and technical cooperation on Intellectual Property. He served as Commissioned Officer of Italian Police, subsequently obtained Masters in Law and practiced as IP lawyer at major law firms in EU and China for more than ten years. Qualified European Trademark and Design Attorney, admitted to Milan BAR. IP expert for the EU-CHINA/ASEAN IPR SME Helpdesk in several executive training and workshops for EU companies in China, Davide Follador specialises in EU-China IP protection issues and authors articles on IP policy and enforcement in China. Pro-bono research fellow at EU funded projects (renewable energy and green-tech), lecturer at IP Summer Institute of Beijing University and Istituto Marangoni Fashion School in Shanghai.



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Intellectual Property: A Key to Sustainable Competitiveness

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Ministero dello Sviluppo Economico