



# ROUSE

Protecting & Enforcing IP in China

[www.rouse.com](http://www.rouse.com)

# About Rouse

Rouse was established in the UK in 1990, and is recognised as a global intellectual property (IP) leader with more than 600 people working out of 16 offices in 12 countries.

We focus exclusively on IP, from patents and trade marks through to domain names, copyright, designs and geographical indications. And we're experts in providing services for each stage of their life cycle.

We have a deep understanding of all jurisdictions around the world and a strong focus on more challenging markets such as Africa, Asia, the Middle East and Russia.

Most importantly, we're passionate about IP and enjoy working with clients who share that passion.

We put clients at the heart of our business and build long standing relationships. From large multinationals that want our scale, quality and professionalism, to start ups that value our entrepreneurial spirit, the companies we work with come from a broad range of sectors with diverse business interests and needs.





## Rouse in China

We've been working in China for over 20 years and have a comprehensive network of operations that includes offices in the major commercial centres of Beijing, Shanghai, Guangzhou and Hong Kong.

We offer local expertise and knowledge combined with international scale to give domestic and multinational clients an all-round IP service.

We understand the challenges as well as the opportunities that China presents – its market is not only complex, but also hugely competitive and incredibly fast paced. To be successful here you need intimate knowledge and experience of the commercial environment to best leverage its IP system.

Our team in China comprises a total of more than 200 experts fluent in Chinese and English, all working exclusively in the field of intellectual property as lawyers, evidence specialists, patent and trade mark attorneys and other specialities. Many have worked in other countries and have in-house experience. They have the local knowledge but also understand how to operate on an international basis.

## Dealing with local authorities

Gaining support from the right body, at the right level and at the right time is essential for effective IP protection and enforcement in China.

Working closely with enforcement officials gives us a greater understanding of IP rights, which in turn leads to positive long-term results for our clients. So we work hard to develop strong relationships built on trust and mutual understanding.

We have extensive experience dealing with all relevant authorities, including the Trade Mark Office, the Administration for Industry and Commerce, the Fair Trade Bureau, the Technological Supervision Bureau, the State Food & Drug Administration and the Public Security Bureau and Customs.





## Our services

We are IP specialists and can provide services at every stage of the IP lifecycle.

Whatever you need, whether it is portfolio management, enforcement and litigation or even commercialisation and strategic advice around your IP, we can help.

A comprehensive and proactive IP strategy is critical in China. We can work with you to achieve this, tailoring our service to your needs and helping you balance your business objectives with the practical requirements of managing IP in China.

### IP Enforcement and Dispute Resolution

The growth of IP enforcement and dispute resolution in China in the last few years has been staggering. IP litigation alone has increased from 18,000 civil and administrative IP cases concluded in 2006, to over 100,000 in 2013.

For many foreign rights owners, however, a fog of uncertainty

still hangs over the process, with little meaningful data available to separate misconception from reality.

We are experts in planning, co-ordinating and executing actions to combat IP infringement and piracy in China both on and offline.

On any given day we could be working with customs to detain infringing goods, conducting investigations and raids against infringers both big and small, or bringing civil litigation and dispute actions in association with our Lusheng Law Firm partners. Our litigators undertake high-end, complicated work from civil litigation for patents, copyright, trade marks, trade secrets, unfair competition and online infringement cases, through to sophisticated lobbying.

We take a strategic approach to our work but are known for our practical and creative solutions. Many of our cases are listed by SPC and major courts as top cases. We have recently reached the milestone of 1,000 litigation cases in China since the launch of Lusheng in early 2006.

We can also provide an innovative IP litigation analysis service called CIELA. This tool, developed

by Rouse, is based on a deep statistical analysis of over 25,000 IP judgements, including patent, trade mark, copyright, and unfair competition cases since 2006, with data from 128 IP courts in 48 cities. Covering infringement and administrative appeal decisions, CIELA analysis enables understanding of the wider risks and trends of the landscape to support IP protection strategies.

### Patent Services

We're the 'go to' firm for patent work if you're looking for the stability and security of international experience combined with unrivalled local expertise in China.

Our patent experts in China are experienced, knowledgeable and widely respected in the industry. We understand the local environment and how to develop appropriate patenting strategies for you that will work for your business.

We liaise regularly with our clients' local and international business units to ensure that all foreseeable uses of the product in question are taken into account, and that all forms of available protection and enforcement are considered. We can cover the full range of patent services from





drafting, filing, prosecution and portfolio management through to dispute resolution and litigation.

Filings are on the rise, so it is important, when entering the Chinese market, to take reasonable care to ensure that you are not infringing another party's rights. Litigation is also increasing and our lawyers, who have been trained in top law schools in China and abroad, have been involved in a range of leading cases as recognised by the courts, and granted 'best case' awards by various IP institutions. Our patent team has a wide range of legal and practical experience in China and many are dual qualified as attorneys at law and patent agents. They also have strong real-world experience in their respective disciplines with many having worked in-house and internationally. Together they combine an aptitude for science and technology with an in-depth knowledge of patent law and a clear, commercial focus on business objectives.

## Trade Mark Services

Rouse has been active in managing trade mark portfolios as well as managing disputes and protecting and enforcing the rights of brand owners, for

more than 20 years. We currently work with clients in a broad range of sectors, from FMCG and luxury goods through to pharmaceuticals, technology, media and telecoms and manufacturing.

We are experts at protecting and managing trade marks in China. We can provide the full range of services from searching and watching through to registration, recording your trade marks with the Customs General Administration and portfolio management as well as advising on the commercialisation of your trade marks and how best to leverage value from them in this market.

We are passionate about trade marks and take an active part in industry-wide lobbying efforts to steer the development of China's trade mark laws towards international best practice.

## Enforcement & Litigation

Our team are also experts in infringement and can plan, co-ordinate and execute actions to combat IP infringement and piracy in China. Our services range from working with customs to detain infringing goods, conducting raids against infringers

or bringing civil litigation and dispute actions in association with our associated law firm, Lusheng, through to working with the police and public prosecutors in connection with criminal actions against infringers.

## Online Brand Prosecution

Online infringement of IP rights is already extensive and is growing rapidly. In 2012, for example, the Chinese marketplace, Taobao, processed 87 million infringing listings and over 23,000 IP owners filed complaints via its system.

Rouse provides brand protection services to help you prevent online brand abuse and erosion through areas such as counterfeiting, copyright infringement, false association and cyber-squatting.

We can monitor and where necessary, take down stand alone websites and listings on market places. We will also follow up with domain name dispute action, investigations into infringers and, if appropriate, further enforcement such as criminal prosecution or civil action against online infringers.



## Other IP Services

We provide a full range of services for all other types of IP rights, including designs, domain names, copyright and geographical indications.

Our services range from design clearance advice and registration through to the negotiation and drafting of design licences and other types of agreements and exploitations strategies.

Rouse is also experienced in managing the filing and exploitation of domain name portfolios, from worldwide registration and renewal through to ongoing, day to day management including surveillance and recovery.

Our copyright lawyers are experienced in all types of copyright work, from the highly technical, computer-related and internet technologies, to the world of arts and entertainment. Our expertise also includes advising on database rights.

We can plan strategies and carry out successful enforcement campaigns that protect your copyright through civil actions, pre-action injunction applications, customs actions, administrative enforcements, or criminal actions.

We have also been involved in lobbying relevant ministries and other governmental enforcement agencies to improve the overall environment for the protection and enforcement of copyright in China.

Rouse is also a recognised expert in geographical indications. We have experience in the drafting and prosecution of applications for registration and in taking action against their unlawful use.



## Strategic IP Solutions

Rouse is highly regarded for its expertise in strategic IP solutions and commercialisation of IP in China.

We are known for the commercial approach we take and our in-depth local market knowledge. This combination ensures our advice is relevant. This experience, combined with our scale and credibility as an international business and our track record of helping multinationals navigate complex markets, makes us uniquely placed to help clients achieve their goals in China.

The appetite of companies in the US, EU and Japan to effectively enter and invest heavily in China is considerable - and it's growing all the time. At the same time, of course, companies and the government in China aspire to achieve the technological advantages enjoyed by the Western market, to support their ability to expand internationally.

Rouse can work strategically with companies in both the Western and Chinese markets to help them leverage the opportunities each brings to the table, from consulting on innovation strategy through to providing the necessary commercial landscaping data. Crucially, of course, this is combined with the ability to provide on the ground execution.

## IP Commercialisation

Getting the most value out of your IP portfolio as an asset has a clear link to business success. We have experience working with clients to develop and implement IP asset management programmes, conduct IP audits and reviews and undertake due diligence, as well as to identify and negotiate strategic acquisitions and disposals.

We can draft all forms of intellectual property and related commercial agreements, including R&D, technology transfer, software development and licensing agreements. And we can advise on the IP aspects of more general commercial transactions and agreements, such as deal structuring and licensing, IP development as well as commission and cooperation agreements with institutes and universities.

We can also provide regulatory and competition advice, and give guidance on market access strategies, regulatory compliance and the creation of IP-driven business and R&D centres.

## Marketing, Advertising & Digital

We also provide a full legal service to support the marketing and sale of products and services in multiple jurisdictions around the world, both online and offline.

This ranges from campaign clearance and guidance on complex regulatory environments through to marketing agreements, data privacy and advice on the laws covering websites, apps and social media.

# Awards and accolades

Rouse has been widely recognised as a leading IP practice in China with awards from various organisations and publications. These acknowledge our growing China litigation team in particular, as a sophisticated and high achieving practice.

Awards and rankings received by Rouse China and its lawyers in recent years include:

- Foreign IP Firm of the Year in China – MIP Global Awards, 2009, 2010, 2012 and 2013
- International IP Law Firm of the Year in China – China Law & Practice Awards 2008, 2009, 2010, 2011 and 2013
- WTR 1000 Recommended foreign firm – World Trade Mark Review 2014
- IAM 1000 Recommended foreign firm – IAM 1000 2014
- ILO Client Choice Award China – International Law Office 2010
- Leading International IP Firms – Asian Legal Business 2010 and 2011



## Contact us

### Shanghai

Suite 2701, Park Place  
1601 Nanjing Road (West)  
Shanghai 200040  
China  
Tel. +86 21 3251 9966  
Fax +86 21 3251 8818  
Email [shanghai@rouse.com](mailto:shanghai@rouse.com)

### Hong Kong

18th Floor  
Golden Centre  
188 Des Voeux Road Central  
Hong Kong  
Tel. +852 2302 0832  
Fax +852 2736 6266  
Email [hongkong@rouse.com](mailto:hongkong@rouse.com)

### Beijing

Unit 1601, Central Tower  
China Overseas Plaza  
No. 8 GuanghauDongli  
Jianguomenwai Avenue  
Chaoyang District  
Beijing 100022  
China  
Tel. +86 10 6569 3030  
Fax +86 10 6569 3040  
Email [beijing@rouse.com](mailto:beijing@rouse.com)

### Guangzhou

Suite 1101  
Teem Tower  
No. 208 Tianhe Road  
Guangzhou City 510620  
China  
Tel. +86 20 8559 8098  
Fax +86 20 8559 8028  
Email [guangzhou@rouse.com](mailto:guangzhou@rouse.com)