KILPATRICK TOWNSEND

3 KEY TAKEAWAYS

International Seminar: Doing Business in China – Exploring Cross-Border Legal Issues

Intellectual Property Enforcement in China

Kilpatrick Townsend's Charles Gray, the Practice Head of Asia Area Patents who works from the firm's Shanghai office, and Fei Shen, an associate in the firm's San Diego office, recently presented at the Association of Corporate Counsel's (ACC) "International Seminar: Doing Business in China – Exploring Cross Border Legal Issues." The event was hosted by Kilpatrick Townsend's Atlanta office in partnership with the Georgia Chapter of the ACC. Mr. Gray and Mr. Shen spoke on the ever-evolving topic of "Intellectual Property Enforcement in China."

Three key takeaways from their presentation, include:

1

Relative to the US and Europe, patent litigation in China is quick (around six months with a one-to-two day trial) and inexpensive ($50K-$100K). While monetary damages are relatively low (mainly "break even"), permanent injunctions are granted 94% of the time when infringement is found.

Consider other non-litigation options:

- Investigations initiated by IP Offices (IPOs): IPOs tend to conduct on-site field investigations and are able to decide on patent infringement and injunctions, but cannot decide on damages.
- Customs enforcement: In practice, infringing goods are typically identified by patentee and reported to the customs office. This is particularly effective with design patent enforcement.

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File more utility model patents. They are easy to get, tough to invalidate.

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Related People



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