

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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