

## **Joint Minutes**

### **6<sup>th</sup> EU-CHINA IP WORKING GROUP MEETING, 16 September 2009**

The sixth session of the EU-China IP Working Group took place on 16 September 2009 in Beijing.

EU and China discussed issues related to trademarks and geographical indications, including enforcement aspects. They first concentrated on the ongoing revision of the Chinese Trademark Law and addressed specific problems such as: trademark applications, examination and management, as well as the protection of well-known trademarks. On geographical indications, they discussed the followings topics: GI protection in China; definition and characteristics of GIs; registration procedure; and effects of GI protection. They also exchanged views on the future EU-China agreement on geographical indications. With regard to enforcement, they focused on counterfeiting in retail and wholesale markets, counterfeit products sold on the internet, issues of judiciary enforcement and practice of trademark and GI enforcement. They finally addressed technical co-operation under the IPR2 programme.

Both sides agreed on a number of follow-up initiatives and actions:

- 1) A workshop will be organised on trademark quality regrouping trademark examiners and the industry;
- 2) EU side will submit a paper on EU trademark examination system for further consideration by Chinese side;
- 3) Further joint reflection will be conducted on a platform to be developed under IPR2 that would enable European and Chinese GI producers to get information and report on their problems in China and EU;
- 4) Both sides agreed to pursue their co-operation on GIs and to include Chinese relevant government agencies, GI stakeholders and users in activities such as a possible study tour in Europe;
- 5) Bilateral meetings will be held on the basis of the EU answers to the Chinese questions on the feasibility study in order to define steps until the launch of the negotiations for a bilateral agreement on GIs;
- 6) Both sides agreed to support and intensify police co-operation to combat counterfeiting such as through bilateral meetings at technical level;

7) Joint meetings will be held on counterfeiting in retail and wholesale markets with relevant government agencies, including joint efforts to address the situation in the Silk Market;

8) A roundtable with SAIC and other stakeholders will be organised under IPR2 on the issue of counterfeit products sold on the internet, including the usefulness of an effective notification system;

9) A comparative study will be carried out under IPR2 on formality requirements for Power of Attorney and legalisation and notarisation requirements for evidence used in enforcement procedures, including expert recommendations for further action;

10) EU side will provide further details in writing on cases related to trademarks and GIs that were raised during the Working Group for further consideration by the Chinese side;

11) Both sides expressed satisfaction with the various activities undertaken so far under IPR2 and agreed to intensify their co-operation under this programme.

Both sides agreed that the next session of the EU-China IP Working Group would take place in Beijing in June 2010 with special focus on patent issues.

Done in Beijing on 16 September 2009,

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