



China IPR SME Helpdesk – an initiative of the European Commission

Project Introduction

Project Introduction

关于我们

- Launched through European Union funding in 2008 and currently implemented by DEVELOPMENT Solutions, SD policies, University of Alicante and the European Union Chamber of Commerce in China.

欧盟2008年成立了中国知识产权中小企业项目，目前该项目由“发展方案”，“SD政策”，“阿利坎特大学”及

“中国欧盟商会”协同执行。

- Raising awareness and preparing SMEs for IPR issues in Mainland China, Hong Kong, Macao and Taiwan:
“know before you go”

提升欧盟中小企业在中国大陆及港澳台有关知识产权的认知 – “有备而来”

It is challenging but possible to deal with IPR in China and minimise risks for SMEs!

Project Introduction

关于我们

- **Free of charge** resource and services for European SMEs
为欧盟中小企业提供**免费**信息及服务
- **Business-focused and practical** first-line advice
以商务导向、务实为核心的第一手建议
- Delivering **IPR business tools** and **self-help solutions** (guides, E-learning)
提供知识产权业务相关的工具及自主学习方案（指南、线上学习模块）
- Enabling EU SMEs to make informed IPR decisions (protection, enforcement, IP management)
协助欧盟中小企业在行使其知识产权利或进行产权保护时做出明智选择。

虽然不容易，但中小企业仍有可能处理好在中国的知识产权事宜，并将风险最小化！

Helpdesk Free Services

免费的支持

Enquiry Helpline
咨询热线



question@china-iprhelpdesk.eu

Training Workshops
多样培训



Webinars
线上研讨会



Website & Blog
网站自媒体



www.china-iprhelpdesk.eu

Guides & Factsheets
指南资料



**CHINA IPR
SME HELPDESK**



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Guide

1. Introduction
2. Keep It Secret, Keep It Safe
3. Don't Forget Your Employees
4. Dealing with Third Parties
5. What to Do When Your Secret Is Out
6. Take-Away Messages and Trade Secrets Checklist
7. SME Case Study
8. Additional Links and Resources

European Commission

Compliance with Cyber Security Law and its impact on IP protection

CHINA IPR SME HELPDESK

For free, confidential, business-focused IP advice within three working days E-mail: query@chinaipr.org/helpdesk

2 Compliance with Cyber Security Law and its impact on IP protection

1 Introduction

The Cyber Security Law of the People's Republic of China (CSL) entered into force on the 1st of June 2017. The CSL is the last of a trio of laws dealing with cybersecurity, including National Security Law (1st of July 2015) and Anti-Spionage Law (1st of January 2016). It has significant implications with regards to data privacy and data transfer for EU SMEs doing business in China.

The CSL is rather wide in scope, targeting topics such as the internet security and the protection of private and sensitive information. The legal framework of the CSL is not very detailed and it is combined with provisions developed in various laws and regulations. To implement the CSL, multiple implementation regulations were released and further regulations are still pending. As the CSL evolves fast through amendments, you should keep yourself up to date with the latest regulations, to ensure compliance.

Adoption of the CSL can be seen as a reflection of the industrial policy evolution in China, in particular along with the recent encouragement towards domestic innovation and development of domestic digital ecosystem as well as reduction of dependency on foreign technology when critical infrastructures are involved.

From the IP protection perspective, the CSL, on one hand serves as adding measures relating to network security and trade secret protection, but on the other hand, the obligations the CSL poses on EU SMEs have implications on the use of data, particularly in R&D collaborations.

This guide provides you with an overview of the CSL, its implications to data privacy and IP protection and offers SMEs tips on how to effectively protect their IP.

2 Does the CSL apply to your business in China?

The CSL is applicable to Chinese companies as well as to any international entities doing business in China. In case you qualify either as a "network operator" or a "critical information infrastructure operator", you must comply with the obligations imposed by the CSL, since according to the law, network operators and critical information infrastructure operators are required to fulfil certain technical security measures and procedures to protect networks.

Network operators and Critical Information Infrastructure operators

The CSL differentiates two types of entities: "network operators" and "critical information infrastructure (CII) operators".

Network operators

Network operators are the owners or administrators of a network, as well as the providers of any network services. The definition is so wide that even if the law clearly targets IT companies, this category could be applicable to any business who operates a website in China. So, if you have a website in China you must comply with the CSL. Network Operators are required to fulfil certain technical security measures and procedures to protect networks, which will be explained below.

Critical information infrastructure (CII) operators

Critical information infrastructure (CII) operators are also network operators, but with an infrastructure "that, in the event of damage, loss of function, or data leakage, might seriously endanger national security, national welfare or the livelihood of the people, or the public interest". The majority of CII Operators belong to the public sector (energy, transportation, water conservancy, finance, government, public services etc.) with some belonging to the private sector, in particular:

- Companies providing telecom and information services (for example, providing telecommunications networks, radio and television networks, the Internet as well as providing cloud computing, big data services etc.).
- Companies engaged in research and production in areas such as national defense, chemistry, food and drugs, and other key industries, etc.

In case you can identify your company in this category, more stringent regulations will apply to your business.

If you operate a website in China, you can be considered a network operator and must comply with the obligations of the Cyber Security Law.

Overview of Phase V

第五期回顾

Phase V (11 September 2018 to 11 September 2020)

A graphic for a webinar featuring the word "WEBINAR" in white capital letters on a dark, textured background. Each letter is on a separate white square tile.

WEBINAR

35

Webinars
线上活动



75

Trainings/workshops
培训/研讨会

62

Trade fairs
展会



49

Awareness
rising events
市场活动



Enquiry Helpline Overview

咨询热线

Phase V (11 September 2018 to 11 September 2020)

1,258
83%

In Phase V, China IPR SME Helpdesk received 1,258 enquires from EU /COSME entities, 83% of which were from SMEs.

中国知识产权中小企业项目第五期解答了1,258知识产权问题，其中83%的提问来自中小企业。

18
1

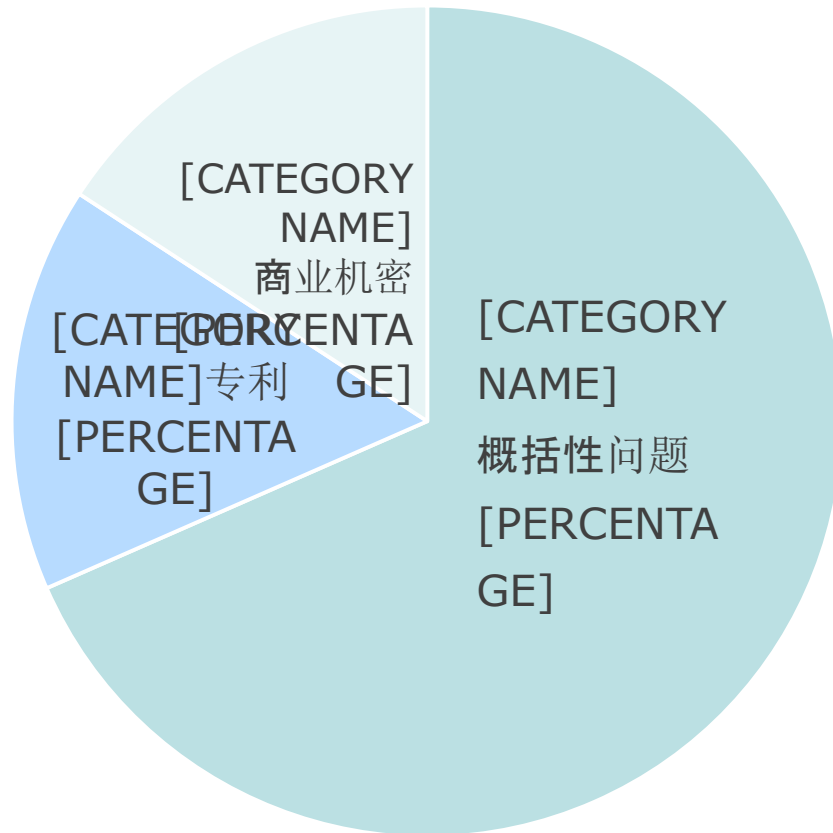
Out of all enquires, 19 were asked by University & Research institution. The majority enquiries 18 were about prevention and only 1 enquiry concerned IP enforcement.

在我们解答的问题中，19个咨询来自大学及研究机构，其中18个是就支持产权防患于未然的咨询，1个属维权范围。

Enquiry Helpline Overview

咨询热线

Phase V (11 September 2018 to 11 September 2020)



Most frequently questions 常见问题:

- ? 26% general IP Strategy
支持产权一般策略
- ? 21% about technology transfer
技术转让
- ? 16% Registration\IP Application
注册申请

In terms of type of IP 咨询的知识产权类型分析

Stay Connected

The **China IPR SME Helpdesk** provides **free, confidential, business-focused advice** to European Small and Medium Enterprises (SMEs) relating to **IPR** in China.

For more information about our services and how the China IPR SME Helpdesk can add value to EU SMEs:

Follow us on
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SME HELPDESK

Enquiry Helpline:

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Online Services:

www.china-iprhelpdesk.eu

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