

## **Regulations on the Protection of the World Exposition Symbols**

### **Article 1**

These Regulations are herewith formulated for the purposes of strengthening the protection of the World Exposition symbols, and safeguarding the legitimate rights and interests of the right-holders of the World Exposition symbols.

### **Article 2**

For the purposes of these Regulations, “the World Exposition symbols” refer to:

- (1) The name (including the full name, short name, translated name and abbreviations, hereinafter the same), emblem, or other symbols of the bidding organization of the World Exposition Shanghai China 2010;
- (2) The name, emblem or other symbols of the organizer of the World Exposition Shanghai China 2010;
- (3) The name, emblem, flag, mascot, anthem, thematic term, and slogan of the World Exposition Shanghai China 2010;
- (4) The flag of the International Bureau of Exhibitions.

### **Article 3**

For the purpose of these Regulations, “right-holders of the World Exposition symbols” refer to the organizer of the World Exposition Shanghai China 2010 and the International Bureau of Exhibition.

The organizer of the World Exposition Shanghai China 2010 is the right holder of the World Exposition symbols provided in Item 1, Item 2 and Item 3 of Article 2 of these Regulations. The division of the rights of the World Exposition symbols provided in Item 4 of Article 2 between the organizer of the World Exposition Shanghai China 2010 and the International Bureau of Exhibition will be determined in accordance with the Bid Documents, the Registration Documents of the World Exposition Shanghai China 2010 and the Regulations Concerning the Use of the International Exhibitions’ Flag.

### **Article 4**

The right-holders of the World Exposition symbols own the exclusive rights of the World Exposition symbols according to these Regulations.

No one may use the World Exposition symbols for commercial purposes (including potential commercial purposes, hereinafter the same) without the authorization of the right-holders of the World Exposition symbols.

#### **Article 5**

For the purposes of these Regulations, "use for commercial purposes" means the use of the World Exposition symbols for profit-making purposes in the following ways:

- (1) The use of the World Exposition symbols in goods, packaging or containers of goods or trade documents of goods;
- (2) The use of the World Exposition symbols in the service industry;
- (3) The use of the World Exposition symbols in advertising and publicizing, commercial exhibitions, profit-making performances and other commercial activities;
- (4) Selling, importing or exporting the goods bearing the World Exposition symbols;
- (5) Manufacturing or selling the World Exposition symbols;
- (6) Using the World Exposition symbols in trade name to apply for the registration of enterprise name, which may mislead or confuse the market;
- (7) Other acts of using the World Exposition symbols that might mislead people to infer license relationships between the doer of the act and the right-holders of the World Exposition symbols.

#### **Article 6**

The administrative department for industry and commerce under the State Council shall, in accordance with the provisions of these Regulations, be responsible for the protection of the World Exposition symbols throughout the country.

The administrative department for industry and commerce at or above the county level shall, in accordance with the provisions of these Regulations, be responsible for the protection of the World Exposition symbols within their respective administrative areas.

#### **Article 7**

The right-holders of the World Exposition symbols shall report their World Exposition symbols for the record to the administrative department for industry and commerce under the State Council, which shall make a public announcement therefor.

#### **Article 8**

The World Exposition symbols that have been lawfully used before the effective date of these Regulations may be continually used within the original limits.

### **Article 9**

Where a dispute arises from the arbitrary use of the World Exposition symbols for commercial purposes without the authorization of the right-holders of the World Exposition symbols, that is, from the infringement upon the exclusive rights of the World Exposition symbols, the matter may be settled through the consultation by the parties concerned; if the parties concerned are unwilling to consult or the consultation fails, the right-holders of the World Exposition symbols or the interested parties may institute legal proceedings in the people's court according to law or request the administrative department for industry and commerce to handle the case.

Upon the request of the parties concerned, the administrative department for industry and commerce may mediate on the amount of compensation for the loss caused by the infringement of the exclusive rights of the World Exposition symbols; if the mediation fails, any parties concerned may, in accordance with the relevant laws, institute legal proceedings in the people's court.

### **Article 10**

When an administrative department for industry and commerce, on the basis of the evidence or information, obtained for a suspected violation of law, conducts investigation into a suspected infringement upon the exclusive rights of the World Exposition symbols, it may exercise the following functions and powers:

- (1) Questioning the parties concerned to find out the facts regarding the infringement upon the exclusive rights of the World Exposition symbols;
- (2) Checking and reproducing the contracts, invoices, accounting books and other materials related to the infringement;
- (3) Conducting on-the-spot inspection of the premises where the suspected party carries out activities infringing upon the exclusive rights of the World Exposition symbols;
- (4) Inspecting articles involved in the infringement; sealing or seizing the articles that are proven to be used for infringing upon the exclusive rights of the World Exposition symbols.

When the administrative department for industry and commerce exercises the functions and powers provided for in the preceding paragraph in accordance with law, the parties shall assist and cooperate with it and may not refuse to do so or stand in its way.

### **Article 11**

Where the administrative department for industry and commerce determines that the fact of infringement is established, it shall order the infringer to cease the infringement, and it shall confiscate and destroy the goods involved and the special tools for manufacturing the infringing goods or for manufacturing the World Exposition symbols for commercial purposes without authorization; if there has been illegal proceeds, the administrative department for industry and commerce shall confiscate the illegal proceeds and may concurrently impose a fine of no more than five times of the illegal proceeds; if there is no illegal proceeds, a fine of no more than RMB 50,000 may be imposed concurrently.

Where a person uses the World Exposition symbols to conduct swindle or other illegal activities, he whose act constitutes a crime shall, in accordance with relevant laws, be investigated for criminal liabilities.

#### **Article 12**

The goods that infringe upon the exclusive rights of the World Exposition symbols shall be banned from being imported or exported. The provisions of the Regulations of the People's Republic of China on the Customs Protection of Intellectual Property Rights shall apply to the procedure of the Customs protection of the exclusive rights of the World Exposition symbols.

#### **Article 13**

The amount of compensation for the loss caused by the infringement of the exclusive rights of the World Exposition symbols shall be determined on the basis of the loss that the right holder has suffered from the infringement or the profit that the infringer has obtained through the infringement, including the reasonable expenses paid for investigating the infringement; where the loss suffered from the infringement or the profit obtained by the infringer are difficult to determine, the compensation shall be reasonably determined with reference to the licensing fees for using the World Exposition symbols.

Those who unknowingly sell goods infringing upon the exclusive rights of the World Exposition symbols and can prove that the goods were acquired lawfully and can identify the supplier shall not bear any compensation liability.

#### **Article 14**

Any entity or individual may report to the administrative department for industry and commerce or other administrative departments concerned against any act of the using of the World Exposition symbols in violation of the provisions of these Regulations.

#### **Article 15**

In addition to these Regulations, the World Exposition symbols are also protected by the provisions of other laws and administrative regulations such as the Copyright Law of the People's Republic of China, the Trademark Law of the People's Republic of China, the

Patent Law of the People's Republic of China, the Anti-unfair Competition Law of the People's Republic of China and the Regulations on Administration of Special Symbols.

**Article 16**

These Regulations shall enter into force as of December 1st, 2004.

(Source: Bureau of Shanghai World Expo Coordination)