

Section 8 Measures on Complaints and Their Handling of Suspected IPRs Infringement

8.1 General provisions

Article 1 These Measures are formulated in accordance with the relevant national laws and administrative regulations to enhance the intellectual property rights (IPRs) protection during FPD China 2018 (“FPD”), maintain the normal transaction order, and safeguard the lawful rights and interests of the exhibitors and IPRs holders.

Article 2 These Measures are only applicable to the protection of the relevant IPRs during FPD.

Article 3 The exhibitors shall strictly perform their committed obligations of protecting the IPRs during FPD.

8.2 Complaint management

Article 4 The Reception Center for IPRs and Trade Dispute Complaints (“Complaint Center”) set up by the organizer is the sole institution that accepts complaints about IPRs. FPD has invited the IPRs-related administrative law-enforcement department of the local government to go to the exhibition for the work at Complaint Center.

Article 5 The Complaint Center only accepts complaints about suspected IPRs infringement (“suspected infringement”) arising inside the exhibition hall during the current FPD.

Article 6 Any IPRs dispute arising inside the exhibition hall during the current FPD shall be handled in accordance with the complaint procedure specified in these Measures. Any person, who fails to negotiate with the suspected infringing party directly through Complaint Center, and disturbs the order in exhibition hall, shall be treated as violation of the management provisions on exhibition order.

Article 7 If the exhibits, exhibits package, publicity materials or any other part of the booth of the exhibitors own proprietary IPRs, such enterprise shall participate with relevant ownership certificates for inspection when necessary.

Article 8 In the event that exhibitor breaches relevant agreement with the FPD, and disputes arise out of such breach of the IPRs of other enterprises on the exhibits, exhibits package, publicity materials or any other part of the booth on the exhibition, such exhibitor shall indemnify all expenses and loss to the party concerned.

Article 9 If the complainant files a complaint to FPD in accordance with these Measures, and requests FPD to handle such complaint against the respondent in accordance with these Measures, such complainant shall agree to pay relevant units of FPD the expenses incurred for handling such complaint and indemnify the respondent against any possible loss arising thereof.

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8.3 Complaint procedure

Article 10 Any person holding valid certificates to attend the current FPD, may lodge a complaint to the Complaint Center, in case of any suspected infringement spotted on the exhibits and publicity materials displayed in the booth or any part of the exhibits in the exhibition hall.

Article 11 Before filing a complaint, the complainant shall present the ownership certification to the personnel in Complaint Center. With respect to the same infringement case about patent or copyright complaint that has been handled by Complaint Center in the last FPD, which occurs in the current FPD, the complainant shall also present the follow-up legal documents through legal channels after the closing of last FPD. If the complainant fails to do so, the Complaint Center will not accept such complaint. The Complaint Center does not accept a repeated complaint about the same IPRs by the same complainant against the same respondent.

Article 12 After the above relevant documents are certified effective by personnel in the Complaint Center, the complainant shall fill in *Complaint Application form* as required. See Annex I for the format.

Article 13 The Complaint Center shall arrange staff to deal with the case upon the reception of the *Letter of Complaint*. The respondent shall cooperate with the Complaint Center to deal with the case as the exhibitor's representative specified in the official record of FPD.

Article 14 Inversion principle of burden of proof shall be applied to handle cases of infringement on patent and copyright. In the event that the respondent is accused of being suspected of infringing in his/her the exhibits, publicity materials or any other part of the booth, such respondent shall immediately prove his non-infringement by demonstrating relevant certificate of rights or other evidences to prove its possession of legitimate rights and interests for the items alleged. The respondent shall accordingly be required to examine the alleged items with staff from the Complaint Center.

Article 15 In the event that the respondent fails to effectively prove its non-infringement on site, the items alleged shall be temporarily detained by the Complaint Center. Meanwhile, the respondent shall sign on the *Letter of Commitment for Non-infringement on IPRs* to commit that it will not operate or exhibit the items alleged in case of its inability of providing effective evidences upon such complaint arises. The *Letter of Commitment for Non-infringement on IPRs* shall be made out in duplicates, with the respondent and the Complaint Center holding one copy respectively. See Annex II for the format,

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Article 16 In the event that the respondent disagrees with the result by the Complaint Center, it may provide supplementary evidences of non-infringement to the Complaint Center within one working day (based on the schedule of FPD). The temporarily detained items shall be immediately returned to the exhibitor and be allowed for further exhibition provided that the proof is effective; otherwise, those items shall be confiscated by FPD and forbidden in the exhibition.

Article 17 The complainant shall not to take any legal measures against the respondent in the exhibition hall prior to the close of the current FPD and subsequent to that the Complaint Center has settled the case in accordance with the provisions herein and that the outcomes have been accepted by the respondent.

Article 18 Subsequent to the closing of FPD, the Complaint Center shall keep the name list of the exhibitors suspected to have infringed on IPRs on the current FPD for record.

8.4 Punishment

Article 19 Responsibility for all infringement occurred in the booth shall be borne by the exhibitor who has entered into the Exhibition and been registered by FPD. The exhibitor shall accordingly accept the settlements finalized by FPD. The infringement committed by joint exhibitors shall be treated with reference to that of the exhibitor.

Article 20 Any complaint involving infringement on patent and copyright shall be resolved according to the procedures defined in these Measures by the Complaint Center. Exhibitors who fail to provide effective evidences of non-infringement shall be regarded as being “suspected of infringement” and the alleged exhibits will be forbidden in the exhibition, and be penalized in accordance with the provisions in these Measures.

Article 21 In the event that the exhibitor accused refuses to cooperate with the Complaint Center regarding any kinds of investigation and inspection, the Complaint Center shall be authorized to confiscate its badge, circulate a notice of criticism or cancel its qualification for next FPD subsequent to an invalid persuasion.

Article 22 Should the exhibitor be found to exhibit the same alleged exhibit in the same booth subsequent to an initial settlement has been performed by the Complaint Center, FPD may confiscate the badges of the aforesaid staff in such booth, and cancel its qualification for the current FPD.

Article 23 For the exhibitor suspected of infringement during one session of SMEINCON, the SEMINCON will keep it for record; for the exhibitor suspected of infringement on patent and copyright for two consecutive or accumulative sessions, such exhibitor shall be prohibited from participating in the FPD.

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Article 24 In the event that the exhibitor committed counterfeiting or imitating IPRs, or judged as infringing IPRs through administrative or judicial channels, the exhibitor continues to display such alleged items in FPD booth, such exhibitor shall be prohibited from participating in the FPD.

8.5 Interpretation of terminologies

Article 25 Intellectual Property Rights, in accordance with TRIPS (Agreement On Trade-Related Aspects of Intellectual Property Rights) of WTO, shall include the following:

- (a) Copyright and Related Rights
- (b) Trademark Right
- (c) Geographical Indications
- (d) Industrial Designs
- (e) Patents
- (f) Layout-Designs (Topographies) of Integrated Circuits
- (g) Protection of Undisclosed Information

Article 26 Exhibitor - the suspected infringing exhibitor referred to under these Measures is aligned with the name of the booth application enterprise (namely company marked on streamer). If the direct suspected infringer is exhibitor itself, a subsidiary company, an affiliated unit, goods supplying unit or cooperating unit, the punishment specified in Article 3 "Punishment" in these Measures, in addition to the above exhibitor, shall also be applicable to related suspected infringing enterprise with reference to the exhibitor.

Article 27 Documentary evidence— it refers to the ownership document of IPRs, including certification documents required by laws and regulations of the People's Republic of China and documents required by the Complaint Center for the complainant or the respondent as per actual situation.

8.6 Supplementary provisions

Article 28 No matter whether the Complaint Center has made settlement on the respondent, after the closing of the current session of FPD, if the Complainant intends to take further legal acts against the respondent, it shall be subject to administrative or judicial department of the place where it is located.

Article 29 Subsequent to the closing of SEMINCON, the Complaint Center will analyze related complaint data and report the name list of the exhibitors suspected to have infringed on IPRs to related departments.

Article 30 The right to interpretation of these Measures belongs to SEMI.

Article 31 These Measures comes into effect since the date of release. In case of any conflict between the previous relevant regulations of FPD and these Measures, the latter shall prevail.

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8.7 Annexes

Annex I

Letter of Complaint

To: FPD Compliant Center

I hereby officially lodge a complaint about the infringement in the exhibit named

_____ of the exhibitor _____ in

Booth No. _____ for suspected infringement of my (or representative of IPRs holder)

intellectual property rights (Patent No. _____, Type: _____) to FPD. With respect

to the above complaint, I commit and acknowledge the treatment by the Complaint Center in

accordance with provisions specified in *FPD China Measures on Complaints and their handling of*

Suspected Intellectual Property Rights (IPRs) Infringement, and agree to pay relevant units of

FPD the expenses incurred by handling such complaint and indemnify the respondent against any

possible loss arising out of improper complaint.

Holder of patent right: _____

Name of exhibitor: _____

Booth No.: _____

Authorized person: _____

Tel: _____

Date:

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Annex II

Letter of Commitment for Non-infringement on IPRs

I hereby commit to FPD China that:

1. The contents of presentation report are true and accurate;
2. The technical documents, patent certificate and information provided are true and reliable; and the technical achievements are existing for real; and
3. The IPRs in my patent are clear and complete, without stealing from any other's achievement, or infringing any other's IPRs or commercial secrets.

In case of any violation of the above commitment, I shall bear all legal liabilities.

Committed by: _____

Name of exhibitor: _____

Booth No.: _____

Tel: _____

Date: