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Useful information for exhibitors

Koelnmesse Co., Ltd. (hereinafter referred to as “Koelnmesse”), as a professional organizer for international exhibition, respects and expects our exhibitors to respect the lawful rights of the owners of intellectual property rights (hereinafter referred to as “IPR”). For the purpose of protecting the lawful rights of the owners of intellectual property rights and facilitating the handling of intellectual property infringement complaints (hereinafter referred to as “Complaint”) at the exhibition held by Koelnmesse, Koelnmesse hereby sets out the intellectual property protection rules (“Rules”) to be complied with at the exhibition as follows according to the relevant PRC laws and regulations.

In these Rules the following expressions shall have the following meaning respectively:

“Exhibition” shall mean **China International Baby Articles Fair 2017 (China Kids Expo)**

“Exhibition Items” shall mean any goods or products, exhibition boards and relevant promotion materials to be exhibited, used, distributed, sold or provided at or in relation to the Exhibition.

“Relevant Activities” shall mean the display, promotion, advertising, reproduction, publication, distribution, circulation, use, and offer to sell, sale and provision of the Exhibition Items, either individually or collectively.

“Complaint Office” shall mean the office designated in the exhibition venue and composed of staffs of Koelnmesse, the competent administration authorities of the Exhibition and the local intellectual property authorities (hereinafter referred to as “Local IP authorities”).

1. Exhibitor’s representation and warranty

a) The exhibitor who participate in the Exhibition (hereinafter referred to as “Exhibitor”) represents and warrants that its Exhibition Items and activities during the Exhibition do not and shall not:

(1) Infringe any intellectual property right or any other right of a third party including but not limited to any other exhibitors at the Exhibition; or

(2) Violate any Law.

b) The Exhibitor shall undertake to indemnify and hold Koelnmesse and other exhibitors harmless against all claims of third parties in connection with the improper use of the IPR of the Exhibition Items displayed and Relevant Activities performed by the Exhibitor which are not in accordance with the stipulations of this Rules or the Law.

c) The Exhibitor agrees that Koelnmesse shall not be responsible or liable for any actual or alleged infringement of any of its intellectual property rights arising from or in connection with Exhibition Items of any other exhibitor at the Exhibition. In addition, the Exhibitor agrees that Koelnmesse shall not be responsible or liable for any and all liabilities arising from or in connection with any decision made, or any action taken or omitted, or any advice, recommendation or statement provided, by or on behalf of Koelnmesse pursuant to, or in relation to, the Complaint and/or this Rules.

2. Procedures for handling Infringement Complaints

a) In the case that an Exhibitor receives a Complaint

In the event you receive an Infringement Complaint, please refer the complainant directly to Koelnmesse and/or the Complaint Office, at the designated office located in the exhibition venue.

Koelnmesse and/or the Complaint Office shall then handle the Complaint in accordance with the procedure set out in item 2 lit d) below.

b) If an IPR owner has a Complaint against any Exhibitor(s), it may contact Koelnmesse and/or the Complaint Office at the designated office located in the exhibition venue or contact the competent local IP administrative authorities directly.

c) When lodging a complaint, the complainant shall provide the following materials:

(1) Valid Certificate of the IPR in disputes:

(a) In case of patents, this shall be the patent registration certificate, the patent publication documents, the identification certification of the patent right owner, the legal status certification of the patent.

(b) In case of trademarks, this shall be the trademark registration certification affixed with the seal of the complainant and the identification certification of the trademark right owner.

(c) In case of copyrights, this shall be the certification of the copyright and the identification of the copyright owner.

(d) In case of any other types of IPR, we shall have the right to determine what shall constitute appropriate evidence of ownership.

(e) In case that the registrant in an IPR registration certificate is different from the complainant, the complainant shall provide supporting documents proving that the ownership of the IPR has been assigned to the Complainant or the Complainant has been appointed by the IPR owner to handle the Complaint.

(2) Basic information of the complainant, such as name, address, contact person of the complainant and the products or photos of the products which are claimed to be infringed if possible, etc.;

(3) Basic information of the suspected infringement and infringers, such as the name of the suspected infringer, exhibition counter of the Exhibition Items in question, photos, samples, brochures etc. of the Exhibition Items in question, etc.;

(4) Reasons and evidence of the suspected infringement, e.g. the copy of the suspected Items;

(5) Power of Attorney in the event that the complaint was filed by any one who is entrusted by the owner of the IPR.

d) Upon receiving an Infringement Complaint, Koelnmesse and/or the Complaint Office may require the complainant to provide us with the relevant identity certificate and complete a complaint form. Koelnmesse and/or the Complaint Office will then check completeness of the complaint materials and act as follows:

(1) If the complaint materials are complete, Koelnmesse and/or the Complaint Office will inform the Exhibitor in question and forward the complaint to the relevant local IP administrative authorities within 24 hours after we have received the complaint.

The Exhibitor in question will be required to provide Koelnmesse and/or the Complaint Office with either one of the following:

(a) A written undertaking declaring that it has already removed or intends to remove the Exhibition Items in question, has stopped or intends to stop Relevant Activities and that it shall stop conducting any further infringing activities in connection with the Exhibition Items in questions. The exact date when the Exhibition Items in questions are removed or will be removed and when the Relevant Activities are stopped or will be stopped shall be clearly stated in such written undertaking.

In this case, Koelnmesse and/or the Complaint Office shall have the right to forward a copy of such undertaking to the relevant local IP administrative authorities and the complainant.

(b) A written declaration together with supporting documents claiming that the Complaint is unjustified and Koelnmesse and/or the Complaint Office will, at our own discretion, review the declaration.

If Koelnmesse and/or the Complaint Office believe the declaration is not satisfactory and sufficient to prove that the Complaint is unjustified, the Exhibitor in question will be required to remove the Exhibition Items in question and stop Relevant Activities immediately. Koelnmesse and/or the Complaint Office will further require the Exhibitor in question to sign a

written undertaking stating that it shall stop conducting any further infringing activities in connection with the Exhibition Items in questions. Koelnmesse and/or the Complaint Office shall have the right to forward a copy of such undertaking to the relevant local IP administrative authorities and the complainant.

(2) If the complaint materials are not complete, Koelnmesse and/or the Complaint Office will require the complainant to provide us with the supplementary materials and the complaint will not be accepted if the supplementary materials are not provided.

(3) In case of repeated Complaints, if the repeated Complaint is against the same Exhibition Items of a previous exhibition organized by Koelnmesse Ltd., Koelnmesse and/or the Complaint Office reserve the right to reject the Complaint if it was rejected under reasonable grounds and the repeated Complaint does not provide supplementary document to support its statement.

e) Timetable

Due to the time limit of the Exhibition, the following schedule shall be complied with in order to facilitate the timely handling of any Complaint and Koelnmesse and/or the Complaint Office reserve the rights to adjust the schedule when necessary.

(1) Any Complaint shall be provided to Koelnmesse and/or the Complaint Office one day before the Exhibition is closed;

(2) Koelnmesse and/or the Complaint Office will have at least half a day during the term of the Exhibition to review the completeness of the complaint materials of any Complaint and to require and receive supplementary materials from a complainant;

(3) The Exhibitor in question will have at least half a day during the term of the Exhibition to provide the undertaking and declaration mentioned in the above item 2 lit d) (1);

(4) Koelnmesse and/or the Complaint Office will inform the complainant of the response from the Exhibitor in question and the status or outcome of the Complaint either before or after the end of the Exhibition.

Koelnmesse, as the organizer of the Exhibition, reserves the right to reject, or to suspend or stop the handling of any Complaint, if the above schedules are not complied with or if Koelnmesse, at its own discretion, is of the opinion that there is insufficient time for us to complete the handling of the Complaint. In such case, Koelnmesse shall not be liable or responsible for such rejection, suspension or stop.

3. Cooperation of Exhibitors

- a) During the Exhibition, for the purpose of investigating the Complaint, Koelnmesse and/or the Complaint Office shall have the right to take samples or photos of the Exhibition Items in question.
- b) Both the complainant and the Exhibitor in question shall cooperate and assist Koelnmesse and/or the Complaint Office and relevant local IP authorities for the purpose of investigation of any Complaint.
- c) Upon request by Koelnmesse and/or the Complaint Office both before and during the Exhibition, the Exhibitor shall provide us with the documentations and evidence which can prove the proper use of the IPR of the Exhibition Items or can be used to against any actual or potential Complaint.

4. Non Compliance by Exhibitors

In case that the Exhibitors of the Exhibition Items of any alleged infringements refuse to cooperate, assist or provide any necessary information upon request or refuse to comply with the above item 3 lit c), Koelnmesse and/or the Complaint Office shall have the right to:

- a) Refuse to allow Relevant Activities of the Exhibition Items in question or remove the Exhibition Items in question and take appropriate measures to prevent the commencement or continuance of all Relevant Activities;
- b) Suspend or even terminate the right of the Exhibitor to participate in the current exhibition without refunding any payment that has already been made by such Exhibitor;
- c) Prohibit the Exhibitor concerned from participating in future exhibitions organized by us or our affiliates.

Should any exhibitor want to rise complaints, please go to Complaint Office with the following materials:

- Patent registration Certificate
- Patent Publication Documents
- Identification Certification of the Patent Right Owner
- Legal Status Certification of the Patent
- Trademark Registration Certificate
- Identification Certification of the Trademark Right Owner
- Certification of Copyright
- Identification Certification of the Copyright Owner
- Power of Attorney if the complaint is filed by any one who is entrusted by the owner of the intellectual property rights
- Patent/Trademark/Copyright License Agreement