During the recent annual meeting of the International Trademark Association in Hong Kong, Johnny Chan caught up with INTA president Mei-lan Stark about the organization’s present and future, as well as her perspective on China’s trademark developments.

Asia IP: Why did INTA choose Hong Kong as its first Asian destination?
Mei-lan Stark: Hong Kong has been a centre of east and west, and there are now many booming economies in Asia. We have had many Asian members and in all past years, they have come to North America [and] Europe, so it’s now our turn to go to them. For that, we [had to] find a place that is an economic hub within the region that has world-class convention facilities and can accommodate 8,500 people – it is not that easy to find such a city.

Also, there is a dynamic market in Hong Kong, and the market in China is moving from a manufacturing economy into a consumer economy, so it is the perfect time to come to Hong Kong.

AIP: After Hong Kong, does INTA have plans for future annual meetings in Asia?
MS: We have held most meetings in North America traditionally because the majority of our corporate members are from there. That’s starting to change, though. We now have 12 corporate members in India and more corporate members from different Asian countries are joining. Our goal is to try holding two meetings in North America and one outside, so we would be rotating.

While we are not sure, yet, we are hoping to be back in Asia by 2020 – possibly in Singapore or Tokyo. Before hitting Asia, the next two years’ meetings will be held in San Diego and Orlando in the US, and Vienna, Austria.

AIP: How do existing INTA members perceive the new Asian
Meeting the President

**Meeting the President**

**Focus?**
**MS:** They are excited about it. This is a great opportunity for them. We have all this programming that is devoted to China and Asia, so especially for brands that are trying to have a greater presence in Asia, they get to hear directly from the government officials, practitioners and brand owners in Asia and to learn how to succeed in these markets. This INTA annual meeting has representatives from more than 30 different IP offices and government agencies, which gives western brand owners an incredible opportunity to interact.

**AIP:** How is attendance this year?
**MS:** We had thought that we would receive more of a drop-off from people of North America coming to Hong Kong, but we only saw a little bit of that. We even have 140 people coming from North America to their first INTA meeting ever.

**AIP:** Many lawyers have expressed their concerns on weaker legal protection for foreign parties in China’s courts. Do you agree?
**MS:** That is not unique to China. People are always sensitive to the issue of whether there are any advantages to the local parties.

INTA has a lot of interaction with courts and judges and is advocating for strong protection for both local and international parties. China – and other Asian countries – want to have foreign brands there and be really successful. It is important for their economic viability, as well as to have their own brands, which are exported worldwide, receiving the same level of legal protection. Chinese companies need to be able to enforce abroad but reciprocally, they need to protect foreign companies’ interests in China. That’s what we advocate.

**AIP:** But is it very difficult to promote that view in China, especially in more remote provinces?
**MS:** It is, in culture and everything else, but meanwhile, it is such an interesting period of time in China with the new government and commitment.

We have been having wonderful meetings with a leading national group, and are working with them again in October on some special programming around IP infringement and anti-counterfeiting. You will soon see some great efforts around that.

We are already seeing some terrific practices by Chinese customs all over the country. They have a practice that’s not typical all around the world: they don’t just pay attention to things that are coming into China, but things that are leaving as well, and that’s really great because with e-commerce nowadays, counterfeits can be hidden in small consignments, a pack of 10 items, instead of big ships and crates.

INTA will also advocate for stronger harmonization in cross-

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**Signing Ceremony**

**Memorandum of Understanding**

**Monday, May 12, 2014**

During INTA’s annual meeting in Hong Kong, INTA president Mei-lan Stark, right, signed two separate agreements aimed at strengthening relationships with key organizations in Asia, including a Memorandum of Understanding with Hong Kong Intellectual Property Department director Peter Cheung, left. INTA also signed a Cooperation Agreement with the Quality Brands Protection Committee (QBPC) that will serve to deepen collaboration between the two organizations.
Meeting the President

MS: Yes, health and safety issues resonate deeply for everybody. I am not against people purchasing less expensive goods. I am against people copying others’ IPRs without authorization, because investors put all their resources into their creations and they deserve to make a profit. I do understand that there should be goods at all levels of the economic market, but they should be legitimate in their own brands and styles.

Manufacturing of counterfeit goods is often controlled by terrorist groups, organized crime groups and people that exploit child labour, etc. If consumers don’t want to promulgate those activities, they shouldn’t put money into those criminals’ pockets.

AIP: What advice would you give China to become the next IP hub in Asia?

MS: The more China can engage with INTA, foreign IP offices and brand owners to really listen and understand the concerns raised and to adapt their systems to foster greater economic activity, that would be great for everybody, as that would translate to stronger protection for famous marks, longer response time, etc. Currently, some of the response time is too narrow, which does not necessarily leave enough time for brand owners to collect required evidence to prove their rights. We appreciate that the trademark office is trying to be more efficient, but there has to be a balance.

AIP: Because it’s not only brand owners who want strong protection. Consumers want to be able to make reliable purchasing decisions, too. They want to know what they are getting, and brands help them know.

AIP: Do you agree that China relies on administrative instead of criminal measures? Does that create a smaller deterrent effect for repeat violators?

MS: That is a balance that every country struggles with – where should the remedies be and what’s the most efficient for their culture. With the explosion of e-commerce and the small consignments that we discussed, I do think that it is better for countries to attach criminal liability at a smaller level of offence because it proves to be a good deterrent, so that you see less and less counterfeiting behaviour. That’s really when you are winning the battle – we would push for that!

AIP: Unlike eBay, Chinese e-commerce websites such as Alibaba are not perceived by many practitioners as having the same level of reputation for enforcement. Why?

MS: Sites such as eBay have been around for a long time. The way eBay, for example, has developed, is by having taken lots of input from and listening to brand owners. Lots of big brand owners explicitly expressed their concerns by saying “we need this,” “this is our concern,” “this would be helpful to us,” “could you do this instead of that,” etc, to eBay, so reaching out is important. It needs to be a collaborative effort, though. You will see the Chinese sites develop; it’s just a matter of time.

For Alibaba, I know some of the lawyers there and they are eager to have that kind of input from brand owners. They don’t believe that it benefits them to have counterfeit products on their site. They have a special dedicated team for development and even have a group of police that is embedded within the company to help reduce counterfeits on their listings. To give them credit, Alibaba took down several million counterfeits from its site in 2013.

AIP: As e-commerce is growing, do you expect to see a growth of individual counterfeiters selling small consignments online?

MS: Both individual and organized counterfeiters are growing persistent and are difficult to deal with.

AIP: Is there enough public education about intellectual property in China?

MS: We need to do more. INTA just did a programme in March on online counterfeiting, and we are trying to repeat that in October. Education is extremely important because IP protection is not just about the governments – it’s ultimately about people not wanting to buy fakes, as there will always be people selling it.

Another thing we are doing here for Hong Kong students is to launch our “Unreal” programme, which is a programme that INTA does about educating teens on the harms of counterfeiting, why it can be harmful, how to spot counterfeits, what really goes on behind the scenes, etc. It is not only about getting a bad quality phone case. Counterfeit products could involve child labour, organized crime or even health and safety issues, if you buy fake food products. We have had a very successful experience in the US, and we are hoping for the same everywhere else.

AIP: Do you think that consumers would care more about getting counterfeit drugs than fake handbags?

Mel-lan Stark kicks off the International Trademark Association’s first-ever meeting in Asia at the INTA Gala.