Preface

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As its title indicates, this book sets out to deal with intellectual property rights and their protection in China. It does so in the light of China's entry into the World Trade Organization (WTO), which meant that the TRIPs Agreement was extended to China. The book offers both Chinese and European perspectives on the issues surrounding the development of intellectual property norms and their enforcement.

The academics that conceived the project that eventually resulted in this book have been working together for quite some time now. The links between East China University of Politics and Law in Shanghai and the University of Ghent go back a couple of decades. What started with a series of visits by members of staff of both faculties to Shanghai and Ghent, respectively, was gradually broadened into staff training and teaching exchanges. Gradually the idea of a joint research programme in the area of intellectual property was conceived. This project further took shape when the University of Nottingham joined, because one of the members of its Law School started teaching and researching at the Faculty of Law in Ghent too.

The project started to focus on the rapid changes that were taking place in China's intellectual property rights legislation and practice. The issue of TRIPs compliance took centre stage in the context of China's accession to the WTO and gradually the issues surrounding the enforcement of intellectual property rights in China took centre stage jointly with those surrounding the further development of Chinese intellectual property legislation.

It was felt that a first milestone in the project that was now at cruising speed would be the presentation of the outcome of this first phase in the research at an international conference. The result became known as the 'Shanghai

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Conference on Intellectual Property Rights and WTO compliance: Chinese and European Perspectives', and took place at the magnificent campus of East China University of Politics and Law in Shanghai on 24 November 2004. On that occasion the academic team was joined by senior judges of the Supreme People's Court, the then Director of Directorate General Trade at the European Commission and by a Minister of the Flemish Regional Government, who was in China as part of a Belgian trade mission. This reinforced the political and judicial angle on the topic, which blended in very nicely with the academic emphasis of the research project.

This book should be seen as the second milestone of our research project. Various speakers at the conference have developed their topics further in the light of the debates at the conference and several contributions have been written specifically for this book. All contributions also take account of the developments that have taken place since the date of the conference in this rapidly changing area of law. Especially in a dynamic and rapidly developing Chinese economy, the protection and enforcement of intellectual property rights is not only an essential element and tool, but also a constantly moving target that develops new aspects in symbiosis with the economic development. We hope that this book will allow the readers to develop an insight in these issues and that it may contribute to the continuing debate on these topics, not only inside China, but also at a global level amongst right holders and users in all of China's trading partners. A better mutual understanding and in-depth and comparative knowledge of all the factors and issues involved is essential if the intellectual property system and its enforcement, in China and around the world, is to be able to live up to the challenges of a rapidly changing global economy.

It is our aim to continue our research cooperation and to expand it to other legal issues. There is a running programme of staff exchanges and we plan to organize more international conferences. That research will no doubt result in further publications and this book may become the first in a series of publications on Chinese and European law.

It is appropriate at this stage to record our thanks to the various people and institutions without the continuing support of whom this project would not have been possible. East China University of Politics and Law hosted the conference in its grand conference hall. We are very grateful to the President of East China University of Politics and Law, Professor He Qinhua, for making this facility available to us and for encouraging the project, and the excellent practical organization of the conference in Shanghai by Professor Liu Xiaohong and her team. The Hon. Cao Jianming, Grand Justice and Executive Vice President of the Supreme People's Court, generously offered his guidance to bring the project to fruition.

Thanks are also due to the then Rector of the University of Ghent, Professor André De Leenheer, for his support for the project and his presence in

Shanghai. The Faculty of Law and the Department of Private International Law of the University of Ghent have been nurturing the link with East China University of Politics and Law for many years, which enabled us to develop this project.

We received generous financial support from the provincial authorities in East Flanders in Belgium. They did not only sponsor us from Ghent, but the province's then acting Governor, Mr Marc De Buck, also joined us for the conference. We are especially grateful for their continuing commitment to support our joint research activities.

The University of Nottingham, its School of Law and its China Policy Institute also offered financial and practical support. In Shanghai, they were represented by Richard Pascoe, the Director of the China Policy Institute, and they were instrumental in the translation and the editing of the various contributions that make up this book. Special thanks are in this respect due to our young Nottingham colleague Ping Wang for his efforts in translating the contributions that were originally written in Chinese.

The Shanghai Bar Association and the Belgian–Chinese Economic and Commercial Council also supported the conference we held in Shanghai. Our project is and remains, however, in the first place an academic endeavour. It would never have seen the light of day without the tireless efforts of Professor Johan Erauw of the Department of Private International Law of the Faculty of Law at the University of Ghent.

At East China University of Politics and Law the scientific part of the project was headed by Professor Hailing Shan, whilst, from a joint University of Nottingham–University of Ghent perspective, Professor Paul Torremans coordinated efforts.

We hope that readers will enjoy the outcome of our research project and that they will find the various contributions to this book informative, useful and challenging at the same time.

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