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SIPO Announces Two New Patent Prosecution Highway Partnerships

At the end of 2012, State Intellectual Property Office of China (SIPO) announced the January 1, 2013 launch of new Patent Prosecution Highway (PPH) with the patent offices of the Denmark and Finland. The expedited examination in each office will allow applicants to obtain corresponding patents faster and more efficiently in each country.

http://www.sipo.gov.cn/ztl/ywzt/pph/zxd/201212/t20121228_781870.html

China Grants More Patents in 2012

The SIPO granted 1.26 million patents in 2012 to domestic and overseas applicants, up 31.25 percent from a year earlier. Now, China had 435,000 legitimate invention patents, which represent an average of 3.23 invention patents for every 10,000 Chinese.

The government aims to have an average of 3.3 legitimate invention patents per 10,000 people by 2015.

http://www.chinaipr.gov.cn/newsarticle/news/governme nt/201301/1721423_1.html

SIPO Vows to Cultivate IP Healthy Markets

The SIPO plans to cultivate a batch of markets featuring in sound intellectual property (IP) protection by strengthening the crackdown upon IP infringement and counterfeiting in specialized markets, which is part of the Office's wider national campaign to improve IP protection in those markets this year.

The initiatives will include a series of measures of IP offices at all levels, such as mapping the distribution of specialized markets and their current extent of IP protection, carrying out regular enforcement actions and investigations and formulating a complaint mechanism to protect right holders. To publish official efforts in a timely manner, guide industrial associations to solve IP disputes and strike a balanced approach between administrative and judicial protection, are also in the agenda.

http://www.chinaipr.gov.cn/newsarticle/news/governme nt/201301/1722394_1.html

China's Utility Model Patents Enjoy Good Stability

According to the newly-released Development of China's Utility Model Patent System by the SIPO, the Patent Reexamination Board of SIPO received 10,044 requests for invalidation of utility model patents between 2010 and 2011. In the same time, the number of granted utility model patents was 1,667,000. The requests for invalidation of utility model patents only took 0.60% of the total granted utility model patents. Among 9,532 requests for invalidation of utility model patents closed from 2002 to 2011, complete invalidations and partial invalidations accounted for 35.60% and 11.80% respectively. The invalid utility model patents were only 0.27% of the total granted utility model patents in the same time period. This showed clearly that China's utility model patents have good quality and stability.

http://english.sipo.gov.cn/news/official/201301/t20130105_782325.html

Big Increase in Administrative Patent Infringement Cases in 2012

The SIPO has seen a large increase in disputes received by the office. Notably, there were a total of 2510 cases of patent disputes (including 2232 cases of patent infringement disputes, 278 cases of other patent disputes), 6512 cases of counterfeit patent cases, for a total of 9022 cases handled by SIPO in 2012, more than twice the caseload of 2011.

SIPO has also achieved remarkable results in its intellectual property rights protection and enforcement system. In 2012, SIPO continued to make improvements through a variety of special actions designed to better conditions, local coordination, and infrastructure for patent protection and enforcement.

<http://scitech.people.com.cn/GB/n/2013/0110/c1057-20149795.html>

Chinese Quality Watchdog Cracked Down on 6.13 Billion Yuan Counterfeits in 2012

Chinese administrations for quality supervision, inspection and quarantine at all levels have dispatched enforcement officials for 2.46 million person-times to investigate 161 thousand illegal cases involving a total of 6.13 billion Yuan in 2012.

The administrations conducted enforcement campaigns in major sectors including food, agricultural materials, building materials, car accessories, and cosmetics. It is also organized to involve nine provinces in participating in a unified fight against fake fertilizers and three provinces in tackling substandard pesticides.

As many as 9,243 illicit lairs producing shoddy commodities were destroyed and 2,084 major and serious cases were handled with 1,687 being transferred to public security organs.

http://www.chinaipr.gov.cn/newsarticle/news/government/201301/1720719_1.html

**The Draft of Trademark Law Amendment:
Malicious Infringement of Trademarks to
be Penalized with 1 Million Yuan**

The Draft of Trademark Law Amendment was first submitted to NPC Standing Committee for consideration on December 24, 2012.

The Draft adds punitive compensation rules and increases the amount of compensation for infringement. It provides “the amount of compensation for the infringement of rights to exclusive use of a trademark is based on the actual losses suffered by right holders or the profits obtained by infringers, or based on the licensing fees of the registered trademark. For malicious infringement of rights to exclusive use of a trademark in serious cases, the compensation can be not less than one time and not more than three times the above fixed amount.

The Draft also provides “providing the above mentioned actual losses suffered by right holders, the profits obtained by infringers or the licensing fees of registered trademarks are difficult to be fixed, the people’s courts can determine a compensation of no more than 1 million Yuan according to the material circumstances of the case.”

http://www.chinaipr.gov.cn/policyarticle/policy/iprsic/2012/1718632_1.html

**New Appraisal Committee at the
International Copyright Exchange**

A recently founded committee at the International Copyright Exchange will provide evaluation services to banks for copyrights used in trading, collateral and financing. It will evaluate movies and TV dramas, artwork, literature, music and software, as well as provide legal consulting on copyright protection. The committee will first start with movies and TV dramas because the industry is mature and already has close ties with financial institutions.

http://english.sipo.gov.cn/news/localip/201212/t20121225_781358.html

**Baochi Pays 2 Million Yuan to BMW in
Compensation**

The Beijing Supreme people's Court recently sealed a trademark dispute between German car maker BMW, individual surname Li and Beijing Baochi Company. After the judgment of first instance, BMW got some compensation of 530,000 Yuan. As the company held that it is so difficult to ascertain the profit gained by the defendant, it still claimed a compensation of 2 million Yuan, which was accepted by Beijing Supreme People's Court.

http://english.sipo.gov.cn/news/iprspecial/201301/t20130115_783120.html