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Supreme Court Releases New Judicial Interpretation of Patent Disputes

Supreme People's Court recently released a judicial Interpretation concerning the application of Law in the trial of disputes over infringement of patent rights.

It is the second time that the Supreme Court released judicial interpretation of Patent Law since 2009, which concerned the judging criteria for patent infringement. A total of 31 articles has been implemented since April 1, 2016, covering key issues in patent judicial practices such as the interpretation of patent claim, indirect infringement, standard implementation defense, proof of legal origin, ceasing the acts of infringement, calculation of the amount of compensation, the influence of invalid patent on infringement proceeding, etc

Full-text English translation can be found at <http://afdip.com/index.php?ac=article&at=read&did=2563>

SIPO Issues Notice on Deepening Collaborative Mechanism of Patent Law Enforcement in E-commerce

The State Intellectual Property Office (SIPO) issued the Notice on Deepening Collaborative

Mechanism of Patent Law Enforcement in E-commerce.

The Notice makes it clear that SIPO will deepen the collaborative mechanism of patent law enforcement in e-commerce, and establish a collaborative center in Zhejiang province responsible for collaborating with law enforcement organizations in cases of patent protection complaints among e-commerce platforms in Zhejiang.

The Notice emphasizes that local IP offices and IP aid centers should clarify their responsibilities and make full use of their advantages in professionals and information resources in areas regarding law and technology, so as to enhance the effectiveness of collaboration in patent law enforcement in e-commerce.

http://english.sipo.gov.cn/news/official/201603/t20160323_1254396.html

Beijing Issues Guideline for Handling IP Disputes in Cyberspace

In April, Beijing Higher People's Court issued the Guideline for Handling IP Disputes in Cyberspace following a rapid in such cases in the capital.

The chief judge of the IP tribunal said that the guideline was based on two years of research and study and covered online copyright and brands.

Last year alone, Beijing courts filed 13,939 IP cases, up 24.1 percent year-on-year, according to the High People's Court's figures. More than 10,000 of the disputes took place online.

Of the cases, 10,935 related to copyright, 506 were about patents and 1,210 were caused by brand infringement, the court said.

http://english.sipo.gov.cn/news/localip/201604/t20160414_1261673.html

Beijing: High-Profile IP Cases to Be Published in English

Beijing High People's Court recently announced that high-profile IP cases and their hearings and/or documents which were filed with the local judiciary will now be published in English for the convenience of foreign litigants.

In recent year, IP cases involving foreign litigants have been on the rise in Beijing. The new movement will help both Chinese and foreign parties of a case to understand the IP case hearings so that work transparency can be delivered.

http://english.sipo.gov.cn/news/localip/201604/t20160414_1261673.html

China's IP Filings Maintain Robust Growth

As intellectual property filings fell flat worldwide, China maintained robust growth in

international applications for patents and trademarks, according to the World Intellectual Property Organization's latest report.

The WIPO report released in Geneva shows that nearly 30,000 international patent applications filed through the Patent Cooperation Treaty came from China in 2015, a 16.8-percent rise from a year earlier and allowing the country to hold onto its No 3 world ranking for the third consecutive year, after the United States and Japan.

In the report, Chinese companies showcased tremendous R&D strength, with four of them ranking among the top 20 PCT filers in the global business community.

Telecommunications giant Huawei topped the chart and ZTE was third. Both have ranked among the top three in the global PCT chart since 2013. Semiconductor developer and manufacturer BOE ranked 14th and Tencent, 20th.

In the report's university PCT rankings, Tsinghua University was eighth and Peking University, 11th. Both are headquartered in Beijing.

China is emerging as an originator of patents in 3D printing, nanotechnology and robotics, the report found. Since 2015, Chinese applicants have contributed more than a quarter of first filings worldwide in 3D printing and robotics - the highest among all countries

- and close to 15 percent of nanotechnology patent filings worldwide, ranking third. While robotics patents from China accounted for only 1 percent of the global total in 2000, that percentage rose to 25 percent in 2011.

In the sphere of international trademarks, China contributed more than 2,400 applications filed through the Madrid system in 2015 and ranked seventh worldwide, the highest mark since the country joined the system in 1989.

<http://www.chinaipr.gov.cn/article/centralgovernment/201603/1887786.html>

China's Patent Subsidies to Boost R&D

China has an extensive and generous system of subsidies for patent filers. We wrote an article explaining how the system works.

Please refer to

<http://afdip.com/index.php?ac=article&at=read&did=2557>

The 1st China Intellectual Property Summit Held in Beijing

The 1st China Intellectual Property Summit, themed as "Protecting Intellectual Property to Promote Entrepreneurship and Innovation", opened in Beijing on April 9. Commissioner of SIPO, Mr. Shen Changyu, attended the opening ceremony and delivered a speech. SIPO Deputy Commissioner Liao Tao also attended the summit.

During the two-day summit, representatives from the National Development and Reform Commission, the Ministry of Agriculture, the Ministry of Commerce, the General Administration of Customs, the State Administration for Industry and Commerce, the State Administration of Press, Publication, Radio, Film and Television, SIPO, the judicial system, the World Intellectual Property Organization Office in China (WOC), universities, research institutions, famous domestic and overseas enterprises, intellectual property service providers, and some officials from the local intellectual property offices (IPO) attended the summit and delivered keynote speeches.

Representatives and officials elaborated on topics such as the intellectual property protection work of patent, trademark, etc., reached broad consensus, and explored new ways to strengthen the protection of intellectual property rights (IPR) under the current situation.

The 1st China Intellectual Property Summit aimed to create a high-level discussion platform for the IPR protection in China, hence promoting the society's awareness of IPR, creating a better environment for entrepreneurship and innovation, and supporting the implementation of the innovation-driven development strategy.

http://english.sipo.gov.cn/news/official/201604/t20160418_1262905.html