

**Table of Contents**

CNIPA Releases Major IP Statistics from January to July 2023 ..... 1  
 China Deals with 339 Monopoly Cases since its First Anti-monopoly Law..... 1  
 Tesla Wins ¥5 Million in Lawsuit against “Tesla Beer” Trademark Infringement Case ..... 1  
 Central Asia High-Level Intellectual Property Workshop Opens ..... 2  
 OPPO and Xiaomi Sued by Panasonic at UPC for Patent Infringement ..... 2  
 China Prosecutes 11,675 Suspects Involved in IPR Crimes in the First Half of 2023 ..... 2  
 Shein Gets Temporary Restraining Order against Temu ..... 3  
 H&M sues Shein for Substantial Copyright Infringement ..... 3  
 CNIPA Deputy Commissioner Meets Qualcomm Technology Licensing and Global Affairs President in Beijing..... 3  
 Chinese Drone Maker DJI sues Textron for Patent Infringement ..... 4  
 French Court invalidates two Nokia patents that are asserted against OPPO ..... 4  
 Huawei Accused of Infringing Omnitex’s Patented Smartwatch Technology ..... 4  
 SEMCORP Sues Its Rival Gellec, Claiming for 210 Million Yuan ..... 5  
 TikTok Sued in the U.S. by NPE for Patent Infringement ..... 5  
 The 24th China Patent Award was Released – AFD China’s Clients Won a Gold Award, a Silver Award and an Excellence Award ..... 6  
 Joint Statement of the First China-Central Asia Heads of Intellectual Property Office Meeting ..... 6

**CNIPA Releases Major IP Statistics from January to July 2023**

On August 15, the China National Intellectual Property Administration (CNIPA) released on its website the major IP statistics from January to July 2023. According to the statistics, from January to July 2023, the number of invention patents granted in China was 515,000, with a year-on-year growth of 9.49%; the number of utility model patents granted was 1.254 million, down 26.62%; and the number of design patents granted was 383,000, down 11.12%. By the end of July 2023, the number of valid invention patents, utility model patents and design patents was 4.641 million, 11.545 million, and 3.033 million, respectively. In terms of trademarks, from January to July 2023, the number of trademark applications in China was 4.105 million; with 2.396 million registered. By July 2023, the number of registered trademarks in China has reached 44.537 million.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12798>

**China Deals with 339 Monopoly Cases since its First Anti-monopoly Law**

China has dealt with 339 monopoly cases, fined and confiscated 37.9 billion Yuan and concluded 5,409 concentration cases since the country implemented its first Anti-monopoly Law in 2018, according to data revealed on August 11 at the Symposium on the 15th anniversary of the implementation of China’s Anti-monopoly Law, also the first anniversary of the implementation of its newly-revised Anti-monopoly Law. The Symposium points out that, since the implementation of China’s Anti-monopoly Law, the role of anti-monopoly in the overall economic and social development is more prominent, with a number of monopolistic acts of great repercussions severely punished and the market order for fair competition steadily improved.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12795>

**Tesla Wins ¥5 Million in Lawsuit against “Tesla Beer” Trademark Infringement Case**

Tesla has won its trademark infringement lawsuit against Sino Drinks Food Company, a Chinese food and beverage maker that was

selling "Tesla Beer" and "Tesla Soda". Tesla China said on Thursday. Sino Drinks Food Company has been selling the drink products with a logo that looks similar to the Tesla "T" trademark. The case against Sino was first filed last June in Shanghai. Tesla accused Sino of using its lawful trademarks and is requesting 5 million yuan in compensation. This week the Shanghai Court finally ruled in favor of Tesla, upholding the first-instance verdict that Sino should immediately cease infringing on the exclusive rights of Tesla's trademarks, stop unfair competition practices, compensate Tesla with ¥5 million, and make a public statement in newspapers to mitigate the repercussions.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12794>

### **Central Asia High-Level Intellectual Property Workshop Opens**

The Central Asia High-Level Intellectual Property Workshop opened in Urumuqi, Xinjiang on July 25. Lu Pengqi, Deputy Commissioner of the CNIPA attended the opening ceremony and delivered a keynote speech.

Lu said that the workshop introduced the Chinese IP system and the registration of Lisbon System, shared typical cases of Xinjiang's use of Geographical Indications (GIs) and green transition of energy as well as conducted field study trips to relevant enterprises and organizations. The workshop was rich in content and diverse in form, helping the participants better understand the Chinese IP system and learn about China's practical experience in the use of brands and GIs to promote rural revitalization, develop regional economy and facilitate green transition of energy, which would create an opportunity for China and Central Asian countries to deepen communication and cooperation.

The workshop is a concrete measure to implement the Joint Statement of the First China-Central Asia Heads of Intellectual

Property Office Meeting. Representatives from the CNIPA, People's Government of Xinjiang Uygur Autonomous Region and its relevant cities and prefectures and the World Intellectual Property Organization attended the workshop, as well as executives and representatives from the five Central Asian countries.

[https://english.cnipa.gov.cn/art/2023/8/4/art\\_1340\\_186735.html](https://english.cnipa.gov.cn/art/2023/8/4/art_1340_186735.html)

### **OPPO and Xiaomi Sued by Panasonic at UPC for Patent Infringement**

Panasonic has filed seven infringement claims at the Unified Patent Court (UPC) against OPPO and Xiaomi last week, marking the first major dispute over mobile communications and SEPs at the UPC since the court was launched on June, according to information revealed at the UPC website. The patents in disputes involve EP 2 584 854, EP 2 207 270, EP 2 568 724, and EP 3 096 315, four standard essential patents (SEPs) involving 4G technology. It is also reported that with these seven lawsuits, ten of approximately 25 infringement claims at the UPC now concern SEPs, the other three being Philips enforcing three patents against Belkin in the first few days after the court's launch.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12789>

### **China Prosecutes 11,675 Suspects Involved in IPR Crimes in the First Half of 2023**

China's procuratorial organs have prosecuted 11,675 individuals for intellectual property rights (IPR) infringement crimes, an increase of 36.1 percent year on year, according to news released on the website of the Supreme People's Procuratorate (SPP) on Friday. Trademark infringement crimes accounted for the highest proportion of 88.9 percent, with 10,384 individuals prosecuted, followed by copyright infringement crimes involving 1,122

individuals, up 1.9 times. In addition, 167 individuals, mostly internal staff, have been prosecuted for trade secret infringement crimes, up 89.8 percent. The SPP also concluded that new types of IPR infringement crimes, with increasing difficulty and complexity, have been emerging.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12787>

### **Shein Gets Temporary Restraining Order against Temu**

On Monday, the U.S. District Court for the Northern District of Illinois has granted fast fashion brand Shein's bid for a temporary restraining order ("TRO") against its rival Temu. The TRO will remain in effect until August 17. In a July 31 memorandum opinion and order, Judge Franklin Valderrama of the Court held that shein has proven that it will suffer irreparable harm if the court does not temporarily block Temu's allegedly infringing activity. In December 2022, Shein filed lawsuit against Temu, accusing its rival of willfully and flagrantly infringing trademark and copyright rights and engaging in a scheme to boost its own growth in the American market by impersonating the Shein brand on social media, using the well-known SHEIN trademarks to deceive consumers, and using copyrighted images owned by Shein to promote its own products.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12784>

### **H&M sues Shein for Substantial Copyright Infringement**

Swedish fashion brand H&M has filed a lawsuit against its fast-growing rival Shein in a Hong Kong court for substantial copyright infringement, according to an announcement made by the company on Tuesday.

H&M has asked for unspecified damages and an injunction to stop Shein from further infringing on its copyright and trademarks.

"We have an ongoing copyright infringement lawsuit towards Shein filed in Hong Kong," an H&M spokesperson said. "We believe that Shein in multiple cases has infringed on our designs."

According to relevant court filings, H&M has offered images of numerous goods such as swimwear and sweaters that H&M claimed provided proof that Shein had copied its designs. H&M also cited "the striking resemblance between the products showing they must have been copied" and the "sheer scale of (Shein's) unauthorised substantial reproduction of the copyright works."

The copyright infringement case was first heard in Hong Kong court last September and the next hearing is reportedly to be held on 31 July.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12782>

### **CNIPA Deputy Commissioner Meets Qualcomm Technology Licensing and Global Affairs President in Beijing**

Lu Pengqi, Deputy Commissioner of the CNIPA met Alex Rogers, President of Qualcomm Technology Licensing (QTL) and Global Affairs of Qualcomm Incorporated in Beijing on July 13.

Lu said that China has always attached great importance to IPR protection. For years, the CNIPA has been maintaining good cooperation and communication with U.S. IPR government agencies, non-governmental organizations (NGOs) and companies with a proactive and open attitude. He wished Qualcomm can voice more messages to the outside world to reflect a fair, objective, true and whole picture of the development of Chinese IPR system, allowing more U.S. companies and the public to grasp the latest

progress and advancement of IPR system in China.

Rogers appreciated the achievements China has made in the IPR field, introduced Qualcomm's work on standard-essential patents (SEPs) and expressed the willingness to strengthen communication on IPR policy-making between the two sides in the future.

CNIPA principals responsible for the International Cooperation Department, IP Protection Department and IP Utilization Promotion Department also attended the meeting.

[https://english.cnipa.gov.cn/art/2023/7/24/art\\_1340\\_186\\_512.html](https://english.cnipa.gov.cn/art/2023/7/24/art_1340_186_512.html)

### **Chinese Drone Maker DJI sues Textron for Patent Infringement**

On July 14, Chinese drone maker DJI Technology filed a patent infringement lawsuit against Textron in the US District Court for the Eastern District of Virginia, accusing Textron of infringing four of its US patents involving the control, communications and navigation of drones. On the same day, Textron also filed a counterclaim in the US District Court for the Northern District of Texas, seeking a judgment that it does not infringe any of DJI's patents. This is the second round of battle between the two sides in the United States after Textron won a patent lawsuit against DJI in April. A jury found then DJI had infringed two of Textron's US patents involving the automatic hovering function and data transmission technology. Textron won \$278.9 million in damages.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12781>

### **French Court invalidates two Nokia patents that are asserted against OPPO**

The Judicial Court of Paris invalidated two Nokia implementation patents (EP 1704731

and EP 1702486), finding they are both invalid for lack of novelty, a decision that stands in contrast to other decisions on the same patents in Europe, according to news by JUVE Patent on July 31. JUVE Patent said the Regional Court of Mannheim found EP 1704731 valid and infringed by OPPO in June 2022. It is also reported that Nokia asserted EP 2981103 and EP 3220562 against OPPO in four lawsuits. Both patents belong to the same patent family as EP 1704731.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12783>

### **Huawei Accused of Infringing Omnitek's Patented Smartwatch Technology**

Huawei Technologies USA Inc. has been accused by New York-based Omnitek Partners LLC of copying a key technology that lets smartwatches' internal components communicate with each other, according to news on August 8.

In a patent infringement complaint filed last Friday in the US District Court for the Northern District of Texas's Dallas division, Omnitek Partners LLC alleged that Huawei's smart watches incorporate ideas covered by US Patent No. 7,272,293 (hereinafter referred to as '293 Patent).

Omnitek said that patent was issued in late 2007, from an application filed in 2003, and discloses an electronic device with a communication bus as a portion of a casing.

Huawei "is not licensed to the '293 Patent in either an expressed or implied manner", Omnitek says in the complaint.

Omnitek is seeking reasonable royalties, an award of treble damages for willful infringement, and other relevant fees for compensation.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12791>

### **SEMCORP Sues Its Rival Gellec, Claiming for 210 Million Yuan**

Chinese lithium-ion isolation film supplier SEMCORP has filed a lawsuit at the Guangzhou Intellectual Property Court against its rival Hebei Gellec New Energy Science&Technology Joint Stock Co., Ltd (hereinafter referred to as Gellec), accusing Gellec of infringing two of its invention patents related to lithium-ion isolation film, according to an announcement by SEMCORP's parent company Yunnan Energy New Material Co Ltd on August 10. The patent numbers of the two disputed patents involved are ZL201380061102.8 and ZL201810710744.0. Yunnan Energy New Material Co Ltd requests the court to order the defendant to immediately stop infringing its invention patents, destroy the infringing products and parts, tools, molds, equipment and drawings specially used for the manufacture of the infringing products, and pay 210 million yuan in compensation for its economic losses and reasonable expenses.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12792>

### **TikTok Sued in the U.S. by NPE for Patent Infringement**

On August 11, TikTok was sued in the US District Court for the Northern District of Illinois by Virtual Creative Artists LLC (hereinafter referred to as "VCA"), an NPE based in Delaware.

VCA is accusing TikTok of infringing three of its patents related to electronic, multimedia content exchange.

The U.S Patent number of the disputed patents are No. 9,501,480, No. 9,477,665 and No. 10,339,576.

According to the complaint, TikTok operates an online platform that violates VCA's exclusive right to commercialize its patented process for fielding media submissions,

storing them in a computer, offering them to an audience for review, then rewarding end users for their submissions.

The Complaint also notes TikTok's "For You" feed as evidence of direct infringement.

VCA is seeking damages, interests and relevant costs incurred by the alleged infringement.

Relevant reports show that VCA has also used the above patents to file separate lawsuits against several social media giants including Meta, Twitter, LinkedIn and Google since March 2022.

In August 2022, Unified Patents, a member-based organization dedicated to reducing the number of non-practicing entity (NPE) assertions in specific technology areas, launched an invalidation challenge to the No. 10,339,576 patent at the Patent Trial and Appeal Board (PTAB).

The PTAB instituted a trial on March 22, 2023. The result is still pending.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12796>

## SUPPLEMENTARY ISSUE

### **The 24th China Patent Award was Released – AFD China’s Clients Won a Gold Award, a Silver Award and an Excellence Award**

On July 21, 2023, the winners of the 24th China Patent Award were announced by the CNIPA. The China Patent Award is co-organized by the China Intellectual Property Administration and the World Intellectual Property Organization, and the winners are decided according to the China Patent Award Evaluation Method.

The China Patent Award is intended to encourage inventions and creations, foster a culture of innovation, and improve the quality of patents. The awards given this year include 29 China Patent Gold Awards, 10 China Design Gold Awards, 60 China Patent Silver Awards, 15 China Design Silver Awards, 777 China Patent Excellence Awards, and 45 China Design Excellence Awards. The patents winning the gold awards relate to various technical fields, including pharmaceutical biology, digital communications, national defense science and technology, energy development, machinery applications, etc., which reflects the important role played by innovations in promoting the development of various industries and highlights China’s strength and determination in building an innovative nation.

This year, a Gold Award, a Silver Award and an Excellence Award were given to our client’s patents. We are honored to have assisted in the full course from drafting, filing to granting of the award-winning patents. Taking this opportunity, we would also like to thank our clients for their trust and support along the way.

Our sincere congratulations go to the award-winning clients. Here we also wish every client of AFD China can obtain more high-value patents and give full play to the role of the market to transform their innovations into productivity. We are also willing to work with you to contribute to the development of the intellectual property industry and the development of China’s economy.

### **Joint Statement of the First China-Central Asia Heads of Intellectual Property Office Meeting**

On July 24, 2023, Dr. Shen Changyu, Commissioner of the CNIPA of the People’s Republic of China, Ms. Sholpan Abdreyeva, Director of the Department for Intellectual Property Rights, Ministry of Justice of the Republic of Kazakhstan, Ms. Rakhat Kerimbaeva, Director of the State Agency for Intellectual Property and Innovation under the Cabinet of Ministers of the Kyrgyz Republic, Mr. Mirzo Ismoilzoda, Director of the National Center for Patents and Information of the Ministry of Economic Development and Trade of the Republic of Tajikistan, Mr. Ata Annaniyazov, Head of the State Service for Intellectual Property of Ministry of Finance and Economy of Turkmenistan, and Mr. Esemurat Kanyazov, Head of IP Office of the Ministry of Justice of the Republic of Uzbekistan (hereinafter collectively referred to as "Parties") jointly held the First China-Central Asia Heads of Intellectual Property Office Meeting in Urumqi.

The meeting was held in a warm, friendly and practical atmosphere. The Parties reviewed the friendly cooperative relations between China and Central Asian countries (hereinafter referred to as "C+C5 countries") in the field of intellectual property (IP) and summarized the achievements of past cooperation activities, and had in-depth discussions on further promoting their cooperation in the IP field, and made the following statement:

1. The Parties realize that the friendly cooperation between China and Central Asian countries is deeply rooted in history, has extensive practical needs, and is based on solid public opinion. The China-Central Asia Summit held in Xi'an, China in May 2023 has achieved a series of important outcomes, opened a new chapter of China-Central Asia cooperation, and pointed out a clear direction for strengthening cooperation in all areas among C+C5 countries and jointly building an even closer China-Central Asia community with a shared future.
2. The Parties realize the important role intellectual property has played in stimulating innovation and creation, and in facilitating the economic and cultural development of countries.
3. The Parties agree that promoting the China-Central Asia regional cooperation in IP and strengthening the exchanges and mutual learning among intellectual property offices will enhance the mutual knowledge and mutual understanding between the Parties, improve the IP ecosystem in the region, and have great significance in promoting the common prosperity of the region. Therefore, it is necessary to further promote closer, practical and win-win cooperation between the IP offices of China and Central Asian countries based on the current cooperation.
4. The Parties highly recognize the positive effect of the Belt and Road Intellectual Property Cooperation (BRIPC) since its inauguration in 2016 and are willing to jointly promote the development of the BRIPC cooperation mechanism and pragmatic cooperation.
5. The Parties announce the establishment of the China-Central Asia Heads of Intellectual Property Office Meeting mechanism, taking the opportunity of holding this meeting. The meeting will be held on a biennial basis to provide guidance for the continuous promotion of cooperation between China and Central Asian countries in the field of intellectual property.
6. The Parties are willing to strengthen cooperation in the following areas.
  - Exchanges in IP strategy and IP laws & policies.** The Parties are willing to share experiences in the formulation and implementation, plan and concept of national intellectual property strategy, and exchange information on the latest developments of IP laws and policies, to deepen mutual knowledge and understanding between China and Central Asian countries in the field of IP;
  - IPR protection and law enforcement.** The Parties agree to strengthen the exchange of experience and sharing of information in the area of IPR protection and law enforcement to jointly create a favorable environment for innovation and business in the region;
  - Promoting IP utilization.** The Parties will make joint efforts and enhance experience sharing to improve the ability of C+C5 countries to commercialize and utilize intellectual property, to promote the effective use of trademarks, and geographical indications to support economic development and rural revitalization, and to support the development of small and medium-sized enterprises;
  - Development of IP human resources.** The Parties will jointly enhance regional cooperation in the development of IP human resources to support the training of IP professionals in C+C5 countries and improve the capacity of C+C5 IP offices. China will invite officials of IP offices of C5 countries to participate in the Belt and Road Master Program on IP and the Belt and Road Training Workshop on IP and other training activities, and step up the exchange of experience with C5 countries in the training of IP professionals;
  - IP public services.** The Parties will enhance the exchange of experience in IP public services to improve the IP public service capacity of C+C5 IP offices. The Parties will exchange experience in the development and operation of Technology and Innovation Support Centers (TISCs);
  - Raising IP awareness.** The Parties will jointly conduct discussions and exchanges in raising public IP awareness to share experiences and best practices.

7. Recognizing the importance of the World Intellectual Property Organization (WIPO) and its essential role in global IP development, the Parties will make joint efforts to promote the better use of the global IP service systems administered by WIPO.

The Parties believe that deepening pragmatic cooperation in the field of IP by upholding the concept of mutual respect, solidarity and mutual benefit will help improve regional innovation capacity, stimulate market vitality and facilitate common economic prosperity in the region, and will contribute to the joint development of an even closer China-Central Asia community with shared future.

[https://english.cnipa.gov.cn/art/2023/8/3/art\\_1340\\_186715.html](https://english.cnipa.gov.cn/art/2023/8/3/art_1340_186715.html)