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**CNIPA and DPMA Extend PPH Pilot Program**

The China National Intellectual Property Administration (CNIPA) and the German Patent and Trade Mark Office (DPMA) have jointly decided to extend their Patent Prosecution Highway (PPH) pilot program for another three years from January 23, 2024 to January 22, 2027. The established Procedures to file a request to the DPMA for PPH Pilot Program between the DPMA and the SIPO remains controlling the pertinent requirements and procedures governing applicants' PPH requests at the two offices.

The extension of the CNIPA-DPMA PPH pilot program will continuously advance China-Germany communication and cooperation in IP, serve both Chinese and German innovators by accelerating the patent examination process and deepen the two offices' cooperation in patent examination.

[http://english.cnipa.gov.cn/art/2024/1/24/art\\_1340\\_190000.html](http://english.cnipa.gov.cn/art/2024/1/24/art_1340_190000.html)

**Theme of World Intellectual Property Day 2024 Announced**

The World Intellectual Property Organization (WIPO) recently announced the theme of World Intellectual Property Day 2024 - IP and

the SDGs: Building our common future with innovation and creativity. The theme aims to explore how IP encourages and can amplify the innovative and creative solutions that are so crucial to building our common future.

According to the WIPO, change makers around the world are driving the innovation and creativity needed to achieve the Sustainable Development Goals (SDGs) and build a better and more sustainable future for everyone. IP is central to addressing the global challenges the human beings face and is a powerful catalyst for growth and development and, as such, has a key role to play in improving livelihoods, and safeguarding the planet. World Intellectual Property Day 2024 is an opportunity to showcase the central role that IP, innovation and creativity play in achieving the SDGs for the benefit of everyone.

The coming April 26 is the 24th World Intellectual Property Day, offering a unique opportunity to join with others around the globe to consider how IP helps the global arts scene to flourish and enables the technological innovation that drives human progress.

[http://english.cnipa.gov.cn/art/2024/1/29/art\\_1340\\_190047.html](http://english.cnipa.gov.cn/art/2024/1/29/art_1340_190047.html)

### **China Handles 12,496 Unfair Competition Cases and Imposes Fines of 582 Million Yuan in 2023**

China has made new achievements in price supervision inspection and anti-unfair competition in 2023, according to statistics released at the National Symposium on Price Supervision Inspection and Anti-Unfair Competition Work held on Feb 1. Throughout the year, market supervision departments at all levels inspected 79,000 units involved in charging fees for enterprises, imposing fines of 430 million yuan and returning 2.16 billion yuan to enterprises. These supervision departments also handled 12,496 unfair competition cases, imposing penalties totaling 582 million yuan. These efforts make positive contributions to maintaining the order of fair competition in the market, stimulating the vitality of market entities, and promoting the recovery and improvement of the economy.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12861>

### **OPPO and Nokia Sign 5G Patent Cross-License Agreement**

OPPO today announced that it has signed a global patent cross-license agreement with Nokia covering standard-essential patents in 5G and other cellular communication technologies. Under the agreement, both sides will resolve pending litigation in all jurisdictions. The specific terms of the agreement remain confidential.

Feng Ying, Chief Intellectual Property Officer at OPPO, said: "We are pleased to have reached this global patent cross-license agreement with Nokia, which includes cross-licensing for 5G standard-essential patents. This agreement reflects the mutual recognition and respect for each other's intellectual property and lays the foundation for future collaboration between OPPO and Nokia. OPPO continues to advocate for reasonable royalty fees and a long-term approach to intellectual property that supports

the resolution of disputes through amicable negotiations and mutual respect for the value of all intellectual property."

Jenni Lukander, President of Nokia Technologies, said: "We are delighted to have reached a cross-license agreement with OPPO that reflects the mutual respect for each other's intellectual property and Nokia's investments in R&D and contributions to open standards. OPPO is one of the leading companies in the global smartphone market and we look forward to working together to bring further innovation to their users around the world. The new agreement – along with the other major smartphone agreements we have concluded over the past year – will provide long-term financial stability to our licensing business."

<http://www.chinaipmagazine.com/en/news-show.asp?id=12858>

### **China's Valid Invention Patents Surpass Four Million**

China had more than 4.015 million valid invention patents by the end of 2023 (excluding Hong Kong, Macao, and Taiwan), said Hu Wenhui, deputy director of the CNIPA, at a press conference held on January 16. This marks a 22.4% year-on-year increase and makes China the first country in the world to surpass four million valid domestic invention patents. Hu mentioned that it took 31 years to reach the first million, but only a year and a half to reach the fourth million. Of the four million patents, over 40% are considered high-value inventions. Statistics also show that in 2023, China granted 921,000 invention patents, 2.09 million utility model patents, and 638,000 design patents.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12856>

### **China Takes Global Lead in Solar Cell Patent Applications**

According to news released on January 6, the latest data from the CNIPA reveals that China currently leads the world in the number of patent applications for solar cells, with a total of 126,400 applications. This accomplishment underscores China's robust innovation capabilities in the field. It is reported that in recent years, China's photovoltaic industry has experienced rapid development, forming the most comprehensive global photovoltaic industry chain. Simultaneously, the industry has continuously achieved breakthroughs in technological innovation. According to data from the CNIPA, the annual growth rate of patent applications in China's photovoltaic industry has reached 23.1%, and the quality of patents is steadily improving. Chinese enterprises have already emerged as global leaders in the photovoltaic conversion efficiency of solar cells.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12854>

### **SPC Awards ACT over 15.39 Million Yuan in OPPO Patent Dispute, Rejecting its 342 Million Yuan Claim**

China's Supreme People's Court (SPC) recently made a second-instance judgment on six voice standard essential patents (SEP) related cases brought by Advanced Codec Technologies LLC (hereinafter referred to as "ACT") against OPPO, according to news released on January 15.

The SPC partially upheld the lower court's decision and ordered OPPO to pay a licensing fee of 15,390,527 Yuan to ACT, an amount significantly lower than the 342 million Yuan claimed by ACT for infringement.

The SPC also sets the licensing fee for the six patents involved as \$0.008 per unit, with an

average licensing fee of around \$0.0013 per unit for each patent, providing an important reference for the licensing and litigation practices of audio and video-related patents.

The dispute between the two sides dates back to November 2018, when US-based ACT filed six separate lawsuits against OPPO at the Nanjing Intermediate People's Court. ACT alleged that OPPO intentionally delayed the licensing negotiations for its six Chinese SEPs with numbers 99813601.8, 00815854.1, 99813602.6, 99813640.9, 01803954.5 and 99813641.7.

ACT sought a total compensation of 342 million Yuan and requested the Nanjing Court to order OPPO to cease manufacturing, selling, or promising to sell 44 accused infringing mobile products violating patents with numbers 00815854.1 and 01803954.5.

OPPO contested all claims, asserting that ACT violated the Fair, Reasonable, and Non-Discriminatory (FRAND) licensing negotiation obligations during the negotiation process with OPPO.

The Nanjing Intermediate People's Court delivered the first-instance judgment in November 2021, ordering OPPO to pay an undisclosed licensing fee to ACT.

Both OPPO and ACT appealed this decision to the SPC.

On December 22, 2023, the SPC ruled that OPPO must pay a licensing fee of 15,390,527 Yuan to ACT. Additionally, the court established the licensing fee for the six patents at \$0.008 per unit, averaging around \$0.0013 per unit for each patent.

Reports suggested that ACT had initiated separate lawsuits against Xiaomi and vivo in the Intermediate People's Court of Nanjing, and against TCL in the Shanghai Intellectual Property Court. In 2019, ACT settled with Xiaomi, receiving licensing fees ranging between \$5 million and \$9 million. ACT also has a history of litigation and settlements with various companies, including Apple, Motorola,

Sony, Samsung, LG Electronics, ZTE, and Huawei.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12855>

**China's Patent-intensive Industries Achieve Remarkable Growth: Added Value Surpasses 15 Trillion Yuan in 2022, Marking a 7.1% Increase**

The added value of China's national patent-intensive industries in 2022 amounted to 15.3176 trillion yuan, reflecting a 7.1 percent increase compared to the previous year (excluding price factors, as mentioned below), as announced recently by the CNIPA and the National Bureau of Statistics. The contribution of this sector to GDP rose to 12.71 percent, marking a 0.27 percent increase from the preceding year.

Internally, the new equipment manufacturing industry emerged as the largest, generating an added value of 4.1643 trillion yuan, constituting 27.2 percent of the overall added value in patent-intensive industries. Following closely is the information and communication technology services industry, contributing 3.3888 trillion yuan and accounting for 22.1 percent. The information and communication technology manufacturing industry followed suit with an added value of 3.1818 trillion yuan, representing 20.8 percent of the total.

In terms of growth rates, the new materials manufacturing industry demonstrated the highest growth at 12.8 percent, trailed by the information and communication technology manufacturing industry at 11.5 percent. Furthermore, the information and communication technology services industry and the new equipment manufacturing industry also experienced substantial growth, with growth rates of 10.6 percent and 8.3 percent, respectively.

Notably, the pharmaceutical and medical industry saw a decline of 16.8 percent, largely influenced by an exceptionally high baseline in 2021. Nevertheless, when considering a

two-year average growth rate in comparison to 2020, the industry maintained positive momentum with an 8.3 percent increase.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12853>

**Baidu Hit with 64.5 Million Yuan Verdict for Infringing NavInfo's Copyright**

The Beijing High People's Court upheld a lower court's ruling demanding Baidu to pay 64.5 million Yuan to NavInfo for copyright infringement and unfair competition, as announced by NavInfo on January 9.

The dispute between the two sides originated from a 2009 cooperation agreement where NavInfo allowed Baidu to use its electronic maps until the agreement expired in 2016.

NavInfo claimed that Baidu and its affiliates continued using NavInfo's maps without consent.

NavInfo initiated a lawsuit in 2017 against Baidu at the Beijing IP Court, seeking 100 million yuan in compensation.

In 2020, the Beijing IP Court ordered Baidu to cease infringement, issue public apologies, and compensate NavInfo with 64.5 million yuan, plus additional costs. NavInfo appealed this decision to the Beijing High People's Court.

On December 28, the Beijing High People's Court upheld the initial judgment against Baidu.

Responding to the latest ruling, Baidu stated that after terminating the contract in 2016, Baidu used internally sourced data in its maps, not NavInfo's. Baidu plans to appeal to the SPC to safeguard its interests.

Baidu reportedly counter-sued NavInfo in 2020, alleging copyright infringement and unfair competition and seeking 90 million yuan in compensation. The case remains pending.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12852>

## SUPPLEMENTARY ISSUE

### **In January 2024, AFD China and China Changjiang River Charity Foundation Joined Hands Again to "Let the Swan Fly"**

AFD China has been participating in the charity object "Let the Swan Fly" to provide financial support for children in Yanjing Little Swan Public Welfare School and thus improve their learning and living conditions. By providing funds, we help the School purchase sufficient teaching aids, cultural and sports equipment, learning supplies, daily necessities, etc., to ensure that the children have sufficient educational resources.

In 2023, following the pandemic, how was the teaching situation at the School? The School resumed normal operations in spring 2023, with steady progress in educational activities throughout the year. In June of the year, the sixth-grade students successfully graduated from elementary school and actively participated in entrance exams for junior high schools in nearby counties and cities. As a result, several students who were unable to return to their hometowns for attending junior high schools managed to study in junior high schools around Beijing. Other graduating students returned to their hometowns to continue their junior high education. In comparison to 2022, the School engaged in more activities organized by volunteer groups in 2023. These activities broadened the students' perspectives and expanded their thinking.

The School continued its programming outreach activities in rural areas of Henan Province. The activities were carried out in rural schools situated within villages, rather than in the relatively well-equipped county schools. In the "National Youth Information Literacy Competition" held in June 2023, nine rural students they taught made it to the national finals, with eight receiving awards - two first prizes, three second prizes, and three third prizes. Teachers from the School brought relatively high-quality educational resources to children in those under-resourced rural schools, offering them a chance to compete alongside urban children and thus uncovering and showcasing their talents and abilities.

In January 2024, AFD China continued to support the School by providing funds for purchasing necessary supplies. The funds will be used for purchasing textbooks, books, learning materials, teaching aids, sports equipment, food supplies, and covering travel expenses for volunteer teachers during winter and summer breaks. It is hoped that these provisions will enable children to study diligently without any concerns.

When the youth are strong, the country is strong. Young people are the future of our country, and schools are where they are educated and nurtured, serving as crucial places for fostering hope for our country. We hope that through our efforts, these children can have more opportunities, better conditions, and enriching experiences to nurture their minds fully. Our aim is to make them possess healthy spirits, abundant knowledge, and the ability to tackle life's challenges in the future.

Our contributions may seem minimal, perhaps insignificant compared to the dedication of teachers, but we firmly believe that every effort deserves respect, and every bit of assistance should be acknowledged. All efforts collectively weave the wings for the children, ensuring that kindness and love endure perpetually. We are delighted to have everyone's support and companionship in charity activities and eagerly anticipate journeying together with all of you in the future.

### **A Patent Drafted by AFD China is Honored as One of China's Exemplary Invention Patent Drafting Cases in 2023**

In 2023, in order to deeply implement the "Outline of the Construction of a Strong Intellectual Property Power (2021-2035)" and the "National Intellectual Property Protection and Utilization Plan for the 14th Five-Year Plan", earnestly implement the requirements of the "Action Plan for Promoting High-Quality Development of Patent Agency Industry (2022-2025)", promote high-quality development of the patent agency industry, constantly improve the level of drafting of patent application documents, and lay a solid foundation for the comprehensive improvement of patent agency services, the All-China Patent Agents Association (hereinafter referred to as the "Association") launched a national recommendation activity for exemplary invention patent drafting cases.

One of the patent cases we submitted was honored as one of the national exemplary invention patent drafting cases in 2023. This recognition demonstrates AFD China's outstanding capabilities and professional competence in the field of patent drafting. During the initial stage of drafting, based on a thorough understanding of the technical disclosure of the invention and the background technology, we communicated extensively with the client, delved deep into the disclosure, extracted the core improvements as independent claims, and developed multiple dependent claims at different levels of protection. Additionally, we supplemented several specific examples in the specification to fully support the claims. The case was granted within less than 3 months from the issuance of the first office action. Our efforts in handling this case were highly appreciated by our client.

AFD China has always been committed to providing our clients with comprehensive and one-stop intellectual property solutions. With an experienced and highly professional team, we are able to offer a full range of services, including patent prosecution, strategic planning, and rights protection litigation. We consistently strive to provide timely and high-quality agency services to our clients, aiming to assist them in safeguarding their intangible assets effectively.

This recognition marks another significant milestone for AFD China in the field of invention patent drafting. We will continue to uphold the principles of professionalism, integrity, and efficiency, working hand in hand with our clients to create a better future together.

### **In February 2024, AFD China Continued to Fund Rehabilitation of Children with Cerebral Palsy through the Phoenix Public Welfare Program**

In 2023, the first year when the epidemic gradually receded, people were no longer irritated by frequent home stays, and life gradually returned to normal. However, various disinfecting daily necessities such as masks and alcohol wipes seem to have become essential for us. Hopefully, this kind of peace and tranquility can continue indefinitely.

In 2023, we sponsored a child named Little Guang. Born in Shanxi Province in 2014, Little Guang is an orphan. At over 2 years old, he still couldn't sit, crawl, or eat, and always cried, causing great concern. His nun aunt, seeing that the child lacked basic motor skills, was very anxious and hoped to help him. With everyone's assistance, Little Guang came to ChenGuang Rehabilitation Center. After four months of rehabilitation training, he learned to sit and crawl. At the eighth month in the rehabilitation center, he learned to stand, and at the 10th month, he took his first step in life, and by the eighteenth month, he was able to walk independently! Unfortunately, due to welfare policies, Little Guang had to return to the welfare institution at his hometown. Due to the long-term cessation of rehabilitation training, his muscle tone increased, his balance ability

decreased, and he exhibited abnormal postures. At the age of 9, he urgently needed to continue rehabilitation training. So, after one year of training, how has Little Guang's recovery progressed? Let's hear what President Zhang of the rehabilitation center has to say.

After seven months of rehabilitation training, Little Guang's calf triceps muscle tone has been adjusted to level II, his iliac muscle strength is at level III, and his quadriceps muscle strength is also at level III. His standing and walking postures have been corrected, and he can now run and jump. His best functional ability is running. In terms of learning, he can concentrate for a longer period of time and recognize over a hundred characters, and his logical thinking ability has improved. In daily life, he can feed himself, dress and undress independently, and only needs a little help when bathing, indicating a decrease in dependency. He can also provide simple assistance to classmates who need help and perform simple tasks such as wiping tables. In addition to his progress in rehabilitation, Little Guang also actively participates in art and music classes. On the National Disability Day, he participated in the center's environmental protection art exhibition activity, making plastic flower lanterns from plastic bottles to decorate the environment and make his own contribution to environmental protection!

The word "Guang" (which means light) represents hope, implies expectations for the future, and is bright and uplifting. Little Guang, whose name embodies these qualities, is also an optimistic child. He is like a lonely warrior, braving the difficulties life throws at him and stubbornly fighting against them, strong and resilient like a cattail.

Unfortunately, due to policy reasons, Little Guang had to return to the welfare institution at his hometown. This year, we have continued to sponsor Little Zhuang Zhuang, whom we have helped for many years, for rehabilitation training to integrate him into normal social and educational life as soon as possible. A total of 86 caring colleagues from our firm donated funds for Little Zhuang Zhuang, which will be used for his rehabilitation, care, accommodation, and other expenses in 2024.

The human heart is tender, warm, and inherently good. It is our ability to empathize with others that enables us to reach out to strangers and become the wings that uplift others. This is the power of love, the power of kindness.

Here, we would like to express our special gratitude to all the caring colleagues who have been supporting the Phoenix Public Welfare Program. It is because of your generous support that these children have the opportunity to recover and the ability to look forward to the future. We believe that they will cherish this gratitude and kindness in their hearts and pass it on when they have the ability to do so, allowing more people to experience kindness and goodness.

We also hope to have everyone accompany us on the philanthropic journey, walking together side by side.