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China's top legislature adopts the amended Copyright Law

The Standing Committee of the National People's Congress (NPC), China's top legislature, concluded its three-day session on February 26, Friday, after approving an amendment to the Copyright Law. President Hu Jintao signed decrees to publish the amendment to the Copyright Law, which will take effect on April 1, 2010.

http://news.xinhuanet.com/english2010/china/2010-02/27/c_13189696.htm

State Council Revises Patent Law Implementing Regulations

Chinese Premier Wen Jiabao signed the No. 569 Decree recently, announcing the State Council's Determination on revising the Implementing Regulations of Patent Law in China. The new implementing regulations were effective on February 1, 2010.

The Regulations consist of 123 articles in 11 chapters, which include general provisions, patent application, patent examination and approval, re-examination and invalidation of patent right, compulsory licensing for exploitation of the patent, reward and remuneration of inventors or creators of service inventions, patent protection, registration and gazette, special regulations for PCT.

<http://www.chinaipr.gov.cn/news/government/607408.shtml>

Rating Jurisdiction Standards for IP Civil Cases to Be Adjusted

In order to better implementing the national IP strategy, the Supreme People's Court issued the Notice on Adjusting the Jurisdiction of Courts across China in Intellectual Property Civil Cases and revised the jurisdiction standard. Supreme People's Court will implement the newly adjusted rating jurisdiction standard in intellectual property (IP) related civil cases starting February 1, 2010.

Based on the Notice, the IP related civil cases with the litigation object greater than 0.2 billion yuan, the litigation object greater than 0.1 billion and one party of the case outside the jurisdiction of the court, or any foreign related, Hong Kong related or Macao related civil cases are under the jurisdiction of the high courts. Any IP related civil cases with lower litigation object belong to the intermediate people's court ...

http://www.sipo.gov.cn/sipo_English/news/iprspecial/201002/t20100201_489166.html

Customs investigate over 65,000 IP-related cases

Based on the preliminary statistics from the General Administration of Customs, in 2009, the customs departments detained 65,192 batches of goods suspected of IPR infringement, adding up to 181,000,000 pieces with a value of 370,000,000 yuan.

From June 1, 2009 to December 31, 2009, the customs departments in the nation launched special campaigns on IPR protection in mail delivery and express tunnels. During the special campaigns, customs officials captured 37,784 batches of infringing goods, amounting to 2,619,600 pieces valuing at 61,945,000 yuan.

<http://www.chinaipr.gov.cn/news/government/608261.shtml>

Supreme Court Issued Judicial Interpretation to Strengthen Patent Protection

On December 28, 2009, the Supreme Court of the People's Republic of China issued the Judicial Interpretation of The Supreme People's Court on Application of Law in Adjudicating Patent Infringement Cases with a total of 20 articles.

The judicial interpretation covered major issues occurred in current patent infringement trials which are applicable as guidelines to interpret the definition of the protection on patent right of invention, the utility models and judging rules on infringement, judging rules on industrial design patent infringement, the counterplea on current technology, the application of the right of prior use derangement, and the acceptance of the lawsuit of the identification of non-infringement.

<http://www.chinaipr.gov.cn/Frontier/598089.shtml>
<http://www.afdip.com/practices%20areas/judicial.htm>

Chinese Customs Seized 40 Million Infringing Cargos in 2009

The General Administrations of Customs (GAC) has stepped up IPR protection in an effort to maintain China's foreign trade order and help domestic company to explore international market. In 2009, the Customs nationwide seized 181 million pieces of infringing goods in 65,192 cargoes worth of 370 million yuan, among which 47.071 million pieces in 482 cargoes were IPR infringing goods, involving a total value of 40.923 million yuan.

<http://www.chinaipr.gov.cn/news/government/616426.shtml>

China Filed 1 Million Patent Applications in IT Field

As informed at the Ministry of Industry and Information Technology (MIIT) conference, 980,000 patent applications were filed in IT area as of September 30, 2009, increased by 22% (180,000) comparing to the number of last year.

Computer and automation, measuring and testing, and radar navigation are among the 9 categories in IT area with the fastest growth in patent filings. In addition, companies in China engaging in communication, PC, battery and household appliance are susceptible to innovation awareness and harvest many patents accordingly.

<http://www.chinaipr.gov.cn/news/headlines/583138.shtml>

11th Chinese Patent Awards issued

On February 1, the 11th Chinese Patent Award was unveiled in Beijing. 15 gold prizes and 170 outstanding prizes found their owners. Commissioner of the State Intellectual Property Office (SIPO) Tian Lipu issued certificates to the winners.

Chinese Patent Gold Prizes were jointly issued by the SIPO and World Intellectual Property Organization (WIPO) and Chinese Patent Outstanding Prizes were promulgated by the SIPO. According to related principal of the SIPO, most of the rewarded projects were from such places with strong innovative capability and good IPR management as Beijing, Guangdong and Zhejiang; and a lot of rewarded projects were from communication and information industries and were well protected in intellectual property rights.

<http://www.chinaipr.gov.cn/news/government/608195.shtml>
<http://www.afdip.com/newsletter/2010/news-11th.htm>

SAIC Determines 386 New Well-known Marks

The State Administrations for Industry and Commerce (SAIC) revealed the 386 newly-determined well-known marks, among which, 293 and 21 of which were determined by the Trademark Office under SAIC in their proceedings of trademark administration, opposition or dispute respectively, 72 of which were determined by the Trademark Review and Adjudication Board.

Among the 386 well-known marks, 32 are service marks, including 雅虎 YAHOO! registered under Class 42, 前程无忧 and its figure registered under Class 35, Hunan TV's figurative mark under Class 38, 慈济 and its

figure under Class 36, 康辉, 雍和宫 YONGHEGONG and its figure under Class 39 and 小南国 Xiao Nan Guo and 锦江之星 under Class 43 and so on.

Baoding Tianwei Company's unregistered trademark 天威 TIAN WEI under Class 9 was also determined by the Trademark Office.

<http://www.chinaipr.gov.cn/news/government/607437.shtml>

China registers and examines 771 Geographical Indications

It is learnt from the Trademark Office of State Administration for Industry and Commerce (SAIC) that, up to December 31, 2009, China has registered and preliminarily examined 771 Geographical Indications (GI).

Geographical Indication is the mark to show that certain commodity is from certain region, and the given quality, reputation or other characteristics of the commodity are mainly determined by the natural factors or human factors of the region. GI products have the characteristic of non-replacement, and similar products produced outside the area will not have these characteristics.

According to the statistics of Trademark Office of SAIC, the GI registration and preliminary examination amount reached 470 in recent two years, and is 1.56 times over the past 14 years.

<http://www.chinaipr.gov.cn/news/government/601453.shtml>

New Regulations Concerning Information Protection in Service Outsourcing Business

Ministry of Commerce and Ministry of Industry and Information Technology jointly issued "Regulations Concerning Information Protection of Domestic Enterprises in Service Outsourcing Business", which requires Chinese domestic enterprises undertaking service outsourcing business to properly protect confidential information and maintain equal competitive environment. The Regulations was implemented from February 1, 2010.

<http://www.chinaipr.gov.cn/news/government/608271.shtml>

WIPO Indicators Report: China's Growing Influence of IPR in the World

WIPO recently published an authoritative report which showed that China's intellectual property cause had played an ever increasing role in the international arena. From 1995 to 2007, China's State Intellectual Property Office saw an average annual growth rate of 23.9% on invention patent applications, much higher than its European and the United States' counterparts; 2007 witnessed 20.6% of the trade mark applications around the globe owing to China; global design patent applications' rapid growth was primarily due to the surge of applications in China.

At the same time, the report also showed that there was still a huge gap between China and developed countries' R & D capabilities in biotechnology, pharmaceuticals, transportation and other major fields.

<http://www.chinaipr.gov.cn/news/chinaworld/591223.shtml>

Patent E-filing Soars in 2009

According to the latest statistics, SIPO received 64,809 patent e-filings in 2009, accounting for 7% of the total, tripling from 14,288 in 2008.

Patent e-filing system, which would be the major way of filing a patent application in the near future, went live in 2004. Numerous efforts have been made by SIPO to improve the e-filing efficiency. SIPO aims to provide more convenient service for the public by using the up-to-date technologies.

<http://www.chinaipr.gov.cn/policy/statistics/600203.shtml>

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