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AFD China Recognized as the 3rd Largest PCT Filing Firm in the World

AFD China Intellectual Property has been once again recognized as top firm for Patent Cooperation Treaty (PCT) filings in the world.

In the year of 2012, AFD China has moved up considerably in the worldwide rankings, from the seventh to the third. With a 101.8% increase, we were also listed the fifth fastest growing firm in the world.

As to the regional ranking, AFD China holds a leading position among over 800 Chinese IP firms with ranking as the second largest PCT filer in China.

China Strengthen IP Protection via Judicial Construction

According to the Annual Report on China's Rule of Law, IP protection has progressed via the nation's efforts to improve the legal system and upgrade law enforcement.

By the end of 2011, the average number of invention patents held per every ten thousand people had reached 2.37, an increase of 40% over last year, as China maintains its first

place world ranking for trademark registrations for a tenth consecutive year.

According to the report, the government has carried out special operations to combat IP infringements through the production and sale of counterfeits. Meanwhile, people's courts at all levels will improve their ability to conduct IP cases, and also strive to accelerate the healthy development of cultural industry.

http://ipr.chinadaily.com.cn/2012-10/31/content_15861459.htm

China IP Protection: Rise in Prosecutions

Prosecutors across the nation approved the arrest of more than 12,700 suspects in nearly 7,000 cases involving intellectual property rights in the first nine months of the year, according to the Supreme People's Procuratorate.

Over the same period, they filed charges against 18,696 suspects in 10,693 cases, increases of 150 percent and 168 percent respectively.

<http://www.chinaipmagazine.com/en/news-show.asp?id=5394>

China's Patent Application Jump 20% in 2012

The number of patent application for invention made in China grew more than 20 percent this year.

In the year of 2011, China received 526,000 patent applications, accounting for a quarter of the world's applications. In 2001, the number had been 40,000, representing a twentieth of the global total.

http://english.sipo.gov.cn/news/iprspecial/201211/t20121114_770467.html

China's Quality Regulator Combats Fake Products

China's quality authorities handled 54,200 cases concerning infringements of intellectual property rights as well as production and sale of fake products in the first nine months of the year. The value of the products involved was worth 3.14 billion yuan (498.41 million U.S. dollars); while 731 cases had been transferred to public security organs.

During the period, the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) checked more than 4.3 million batches of exports worth 278.33 billion U.S. dollars. Of these, 9,047 batches worth 2.62 billion U.S. dollars were found to be substandard.

http://english.sipo.gov.cn/news/iprspecial/201211/t20121102_766870.html

Domestic Invention Patent Filings Soar in the First Three Quarters

According to the latest statistics from SIPO, patent filing and grants are still on the fast track in the first three quarters. SIPO received 423,000 invention patent applications, up 22.3%. 336,000 are from home, up 26.3% and representing 79.4% of the total. 87,000 are from abroad, up 8.8% and representing 20.6% of the total.

Numbers also show that SIPO received a total number of 13,860 international applications under PCT, up 13.8%. As the end of September, each 10,000 civilians hold 3.02 invention patents, up 27.0% over those in the end of last year.

According to the statistics, SIPO received a total number of 1.399 million patent applications in the first three quarters, up 28.6%. However, it is noticed that the growth rate slowed down and dropped 10.0% which also reflects filers attend more to patent quality right now.

http://english.sipo.gov.cn/news/official/201211/t20121107_768347.html

China's Civil Procedure System Benefits from Reforms Made in IP Civil Litigation

This is the third time that the Civil Procedure Law has been amended since it was first enacted in 1991. The new law will go into effect on January 1, 2013. Some of the

amendments may have mixed impacts on IPR-related litigation.

For example, the CPL attempts to alter the relationship between litigation and mediation by seeking a coordinated approach with the mediation law (People's Mediation Law, issued in 08/28/2010, NPC). According to Article 122 of the CPL, the parties must first try to mediate before filing an action with the courts.

The CPL also strengthens the role of the Procuratorate in supervising civil adjudication, including enforcement of judgments. The Procuratorate can also recommend that an appellate court retry a case if it believes a judgment or mediation is false.

The full scope of the impact of the CPL on IP will need to be judged in conjunction with pending changes to the trademark, copyright and patent laws. In the meantime, new IPR laws under consideration are expected to provide more extensive discovery-type procedures, including mandatory exchange of relevant evidentiary documents.

<http://chinaipr.com/2012/11/08/crossing-the-river-by-feeling-the-ip-stones-how-chinas-civil-procedure-system-benefits-from-reforms-made-in-ip-civil-litigation/>

Court Legally Protects Foreign Enterprises' Name and Trademarks

French Hennessy, a well-known brandy manufacturer, recently prevails in a trademark dispute. Shanghai No.1 Intermediate People's Court rules that the co-defendants, Hebei Changli Jinhai Wine Company, Shanghai Guangli Trade Company, Li Guofei, Guo Ziruo, commit infringement and unfair competition.

In 1995, French Hennessy set up an office in Beijing and started business in China with its registered trademarks Hennessy (both in Chinese and English), axe-shape and flat gourd shape bottle. In April 2011, Hennessy discovered that Jinhai, etc used Hennessypt as trademark on their products and claimed that the brandy inside was made by French Hennessy Hongkong Company. Hennessy then brought Jinhai, etc to the court on the ground of trademark infringement and unfair competition.

The court held that the accused company had their hands on the manufacturing and sales of the counterfeits and should assume liability and the above decision was made.

http://english.sipo.gov.cn/news/iprspecial/201211/t20121107_768341.html