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Law on Promotion of Transformation of Science and Technology Achievements comes into effect

On October 1, the new Law on Promotion of Transformation of Science and Technology Achievements has taken effects.

This Law was first established in 1996, enacted for the purpose of promoting the transformation of scientific and technological achievements into real productive forces, standardizing such transformation, hastening scientific and technological progress and facilitating economic and social development.

The Law now allows state-owned research institutes and universities to transfer or license the use of their discoveries or invest in them. In the absence of an agreement or contract between the parties who make the discoveries, at least half of the value of the invention would be paid to the contributing persons. In the past, any gains would have gone to the Chinese treasury.

These provisions may be important reference to the Service Invention Regulations which were made available for public comment earlier this year but not mentioned in the 2015

State Council legislative plan on intellectual property.

Other laws and regulations that the State Council has listed in its 2015 legislative plan are: Regulations on Patent Agents, Patent Law, Anti-unfair Competition Law, Antitrust Law, Regulations on Science and Technology Rewards, Copyright Law Implementing Regulations, Regulations on Protection of Olympic Symbol, Platform for Innovation in National Defense Regulations, Management of Military Engineering and Science Research, National Defense Patent Regulation.

http://news.xinhuanet.com/2015-08/30/c_1116414719.htm

China to Cut Trademark Registration and Software Copyright Applications Fees

Effective from Oct. 15th, 12 administrative charges including fees for property transfers, trademark registration and software copyright applications will be lowered, according to the National Development and Reform Commission (NDRC). In addition, the NDRC will double the exemption period for patent maintenance fees to 6 years, effective in 2016.

<http://www.chinaipr.gov.cn/article/centralgovernment/201510/1881740.html>

Protecting Trademark Rights under Coexistence

In some parts of the world, use of the trademark coexistence doctrine is commonplace. In China it is also gradually becoming more accepted over the past a few years. We wrote an article to explain the matter. This article is published in Vol.7 Issue 7 of Asia IP (August 2015).

Full-text can be read at our website:

<http://afdip.com/index.php?ac=article&at=read&did=2480>

China's Patent Applications Surge 22%

China's State Intellectual Property Office (SIPO) received 1.88 million patent applications in the first three quarters of 2015, up 22% from a year ago.

The data showed that patent applications for inventions surged 21.7% to 709,000, of which 99,000 were from abroad, up 5.1% year on year.

In Jan.-Sept. this year, the office authorized 1.18 million patents, up 25.8% year on year, and patents granted for inventions soared 46 percent to 248,000, according to the office.

http://english.sipo.gov.cn/news/iprspecial/201510/t20151019_1190098.html

China Ranks 4th in Patent Filings to European Office

Patent applications from China now rank fourth among all filings with the European Patent Office. The annual filings from China

increased tenfold at EPO over the past decade and maintain robust growth momentum. Chinese telecommunications giants Huawei Technologies and ZTE are again among the top 10 filers in Europe.

In 2014 alone, Chinese filers contributed 9 percent of some 270,000 applications filed with EPO. In the same year, SIPO received nearly 1 million invention patent applications, including some 127,000 from abroad.

The top three areas where China presented the most patent applications to the EPO were digital communication, computer technology and telecommunications. In contrast, European filings covered a variety of sectors in China, including agriculture, transportation and luxury goods.

http://english.sipo.gov.cn/news/iprspecial/201510/t20151014_1187819.html

Hearings of IP Disputes Exceed Expectations at IP Courts

By Aug 20, the newly launched IP courts in Beijing, Shanghai and Guangdong province had heard 10,795 cases, of which 4,160 had been concluded, according to statistics released by the top court.

The courts, established at the end of last year, are the enforcement arm of judicial reform put forward by China's top leaders in 2013, aiming to improve the professionalism of case hearings and boost the quality of trials.

To handle the rapidly increasing number of cases, the three IP courts are also taking action to alleviate problems as soon as possible. For example, the Beijing IP court is setting up a database of technological experts who can act as a think tank for judges. The IP court in Shanghai has also launched a website in English to publish IP verdicts for foreigners.

http://english.sipo.gov.cn/news/iprspecial/201510/t20151008_1185231.html

China Further Strengthen IP Use and Protection to Assist Innovation

The SIPO, Ministry of Finance, Ministry of Human Resources and Social Security, All-China Federation of Trade Unions, the Central Committee of Communist Youth League jointly issued Opinion on the Further Strengthening of Intellectual Property Use and Protection of Boosting Innovation and Entrepreneurship (the Opinions).

The Opinions proposed 14 concrete measures in 7 aspects to further strengthen IP use and protection to stimulate enthusiasm of innovation and entrepreneurship as well as to protect the results of innovation and entrepreneurship.

The Opinions also look for ways to help startups with the protection of their intellectual property. More channels will be explored and provided to realize the value of intellectual property, such as providing financial services and products for asset securitization and

patent insurance. Banks and institutional investors will be expected to provide loans for qualified startups.

http://english.sipo.gov.cn/news/official/201510/t20151021_1191706.html

China Issues Action Plan for Big Data Development

In a bid to accelerate the development of big data industry, the State Council issued the Outline of National Action for Facilitating Big Data Industry Development. China also issued the Several Opinions of the General Office of the State Council on Strengthening the Services and Supervision over Market Entities by Means of Big Data Analysis in 2015. These favorable policies have become a new impetus for the utilization of patent information by means of big data.

In the recent Patent Information Annual Conference of China 2015, Mr. Shen Changyu, commissioner of the SIPO said the SIPO is trying to make full use of the rich patent reservoir to energize the mass entrepreneurship and innovation. He also added "as many international organizations have lowered their expectations of global economic growth amid sluggish economy worldwide, China is advancing an innovation-driven strategy as a new engine for development, which has created 'golden opportunities' for the patent information service sector".

http://english.sipo.gov.cn/news/official/201509/t20150924_1179776.html