

Table of Contents

AFD Ranked Again in IP Stars 2016.....	1
Anti-unfair Competition Law Soliciting Public Comments.....	1
SIPO PPH Pilot Programs Started and Extended as from March 1, 2016.....	1
SIPO, Peru to Cooperate on Patent Examinations.....	2
China to Establish Brand Value Assessments.....	2
Statistics Reflects Difference in Validity Determination Adopted by Examination Administrations and the Beijing IP Court.....	2
Principles on How to Handle Preemptive Trademark Registration.....	3
China Again Fastest-growing Origin for EPO Applications.....	3
Alibaba Signed MOU To Combat Online Counterfeiting.....	3

AFD Ranked Again in IP Stars 2016

AFD China has been ranked again among the Chinese and global experts by IP Stars 2016. Our name appears in the practice areas Patent Prosecution, Patent Contentious, and Trademark Prosecution.

The survey is annually organized by Managing Intellectual Property Magazine (MIP), a well-known globe source of IP related information.

<http://www.ipstars.com/countries/china/cn>

Anti-unfair Competition Law Soliciting Public Comments

The State Council Legislative Affairs Office released the draft to the Anti-unfair Competition for public comments.

Trade secrets, as used in this law, refers to technological information and business information that are not publicly known, have commercial value, and are subject to corresponding secrecy measures taken by the rights holder.

Activities such as obtaining rights holders' trade secrets by theft, enticement, intimidation, fraud, or other improper tactics; disclosing,

using, or allowing others to use a rights holders' trade secrets acquired by tactics provided for in the previous item; or disclosing, using, or allow others to use trade secrets in their possession, in violation of agreements or the rights holders' demands for preserving trade secrets, will be infringing on trade secrets.

The draft also makes clear burden of proof in trade secrets cases and increased the penalty of trade secrets violation.

The draft is open for public consultation until March 25, 2016.

<http://www.chinalaw.gov.cn/article/cazjgg/201602/20160200480277.shtml>

SIPO PPH Pilot Programs Started and Extended as from March 1, 2016

According to the Memorandum of Understanding on Patent Prosecution Highway (PPH) pilot program between State Intellectual Property Office of PRC (SIPO) and Hungarian Intellectual Property Office (HIPO), the SIPO-HIPO PPH pilot program was started on March 1, 2016, and expired on February 28, 2019.

The Sino-Korean pilot program will be extended with no time limits. Requirements and procedures to file a PPH request between SIPO and KIPO remain unchanged.

The Sino-Austrian pilot program will be extended for two years from March 1, 2016 to February 28, 2018, according to the decision made by SIPO and the Austrian Patent Office. Requirements and procedures to file a PPH request between SIPO and the Austrian Patent Office remain unchanged.

http://english.sipo.gov.cn/news/official/201603/t20160303_1246343.html

http://english.sipo.gov.cn/news/official/201603/t20160303_1246344.html

SIPO, Peru to Cooperate on Patent Examinations

The SIPO has signed a cooperation agreement with Peru's National Institute for the Defense of Free Competition and the Protection of Intellectual Property about patent examinations, making Peru the first user of SIPO's cloud patent examination system in South America. The two administrations started cooperation in 2012 and initiated a joint training program last year.

<http://www.chinaipr.gov.cn/article/centralgovernment/201603/1886882.html>

China to Establish Brand Value Assessments

Liu Junchen, deputy director of the State Administration for Industry and Commerce, announced last week that China will establish an official brand value assessment system

that will be "the most authoritative and impartial". The China Brand Research Institute, jointly set up by Renmin University of China and the China Trademark Association, will be responsible for compiling the system. An evaluation result is due to launch by the end of this year.

<http://www.chinaipr.gov.cn/article/centralgovernment/201603/1886883.html>

Statistics Reflects Difference in Validity Determination Adopted by Examination Administrations and the Beijing IP Court

The Beijing Intellectual Property Court, established on November 6, 2014, is the first special court for handling intellectual property related matters. This court has jurisdiction over all the civil and administrative lawsuits on intellectual property rights which were previously administered by the intermediate people's courts in Beijing.

Among the cases it accepted last year, 58 percent are trademark administrative cases, 13 percent are patent administrative cases, 14% are first instance civil cases and 15% are second instance civil cases.

About 11 percent of the decisions made by the Patent Reexamination Board have been revoked by the Beijing IP Court, while about 16 percent of the decisions made by the Trademark Review Board have been revoked.

For more information, please check <http://afdip.com/index.php?ac=article&at=read&did=2542>

Principles on How to Handle Preemptive Trademark Registration

A new provision was added to the new Trademark Law (under Article 15.2), effective as of May 1st 2014, providing for disapproval of registration of a mark that is identical or similar to another's mark in prior use, covering the same or similar goods, and under dispute by that other, where the applicant has unequivocal knowledge of the existence of such other's mark due to contract, business relationship, or other privities, other than as provided under the preceding paragraph.

The previous Article 15 only provides where an agent or representative, without authorization of the client, seeks to register in its own name the client's trademark and the client objects, the trademark shall not be registered and its use shall be prohibited.

The new provision allows protection for more circumstances on preemptive registration, such as trading, commissioned processing, franchising, investment, sponsorship, business investigation and negotiation.

We learned from recent seminars with the judges of Beijing Intellectual Property Court that the court has some principles when handling matters related to preemptive registration, please read our website for more information.

<http://afdip.com/index.php?ac=article&at=read&did=2549>

China Again Fastest-growing Origin for EPO Applications

According to an annual report released by the European Patent Office, the top five origins of EPO patent applications were the US, Germany, Japan, France and the Netherlands. China, ranked eighth on the list, filed 5,721 patent applications in 2015, an increase of 22.2 percent from 2014. Huawei, with 1,953 applications, moved from fifth place in 2014 to fourth last year, and was the highest-ranking company from China.

<http://www.chinaipmagazine.com/en/news-show.asp?id=8473>

Alibaba Signed MOU To Combat Online Counterfeiting

Chinese e-commerce tycoon the Alibaba Group signed a Memorandum of Understanding with The Amore Pacific Group in order to prevent online fake products.

The online distribution of fake products has been a serious social problem in China for a long time. The MOU also helps to create a better e-commerce environment for the benefit of Chinese consumers.

According to the agreement, counterfeit product information are to be removed, violators' information are to be disclosed and measures for recurrence prevention are to be taken on the e-commerce platforms of the Alibaba Group including Taobao and Tmall.

<http://www.chinaipmagazine.com/en/news-show.asp?id=8453>