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China to Coordinate the Linkage between Patent and Drug Registration

The Food and Drug Administration of China (CFDA) recently published the draft of Regulations on Promoting Innovation of Drug and Medical Devices and Protecting Rights of the Innovators, to solicit public comments.

The draft includes some important information:

- The applicant for a drug registration should submit a declaration of non-infringement to the relevant patent rights and notify the corresponding patentees within 20 days. If the patentee thinks the drug registration is infringing his patent right, he should bring a lawsuit and inform the CFDA within 20 days after notification.
- The applicant for a drug registration can file a request for data protection for the submitted experimental data in the application. A protection term of 1.5 to 10 years can be granted based on the type of drugs.

Shortened data protection application periods will apply, if the application in China is filed later than one year after the drug has obtained approval by the European, the

United States or Japanese authorities, but the protection term will be no less than 1.5 years.

Any comment on the draft should be submitted by June 11 to the CFDA at yhzcszhc@cfda.gov.cn.

http://www.gov.cn/xinwen/2017-05/12/content_5193269.htm

SIPO Reports Faster Processing of Patent Applications

China's intellectual property authority is making an effort to shorten the examination time for patent applications.

According to Shen Changyu, head of the State Intellectual Property Office (SIPO), last year the average examination time for a patent application in China was reduced to about 22 months, faster than the United States and the European Patent Office, and slightly slower than Japan and South Korea. The goal is to further shorten the examination time to 20.2 months by the 2020.

In addition, expedited handling is available for patent applications related to State interests and core technology. Those applications can be reviewed in eight months.

http://english.sipo.gov.cn/news/iprspecial/201704/t20170426_1310389.html

Review of SPC Judicial Interpretation regarding Trial of Patent Disputes and Infringement

We have recently reviewed the judicial interpretations of Supreme People's Court regarding patent dispute and infringement. To explain the relevant practices, we wrote the following articles:

- Concerning the Application of Law in the Trial of Disputes over Infringement of Patent Rights (II) (2016.4.1)
<http://afdip.com/index.php?ac=article&at=read&did=2599>

- Concerning Issues concerning the Application of Law in the Trial of Cases on Patent Disputes (2015.2.1)
<http://afdip.com/index.php?ac=article&at=read&did=747>

- Concerning the Application of Law in the Trial of Patent Infringement Dispute Cases (2010.1.1)
<http://afdip.com/index.php?ac=article&at=read&did=757>

China Improves IPR Protection

China has taken steps to better protect intellectual property rights (IPR) as part of larger effort to create a more innovative economy.

In 2016, Chinese police solved 17,000 cases involving IPR infringement worth 4.6 billion yuan (\$670 million).

Customs authorities seized more than 17,000 shipments of goods suspected of IPR

infringement, involving about 42 million individual units.

Chinese courts heard 136,500 IPR cases in 2016, a 24.8 percent increase. A total of 3,797 people were arrested and 7,059 were prosecuted.

Industry and commerce regulators solved nearly 50,000 IPR cases worth about 560 million yuan, and transferred 293 cases worth 160 million yuan to courts.

The copyright watchdog has instigated 5,578 cases involving Internet IPR infringement and shut down 3,079 websites, with total fines of 20.5 million yuan, since 2005.
http://english.sipo.gov.cn/news/iprspecial/201704/t20170427_1310546.html

SAIC Revealed Trademark Applications in Q1 Increased by 13.9%

The General Office of the State Administration for Industry & Commerce of China (SAIC) recently gave an update of trademark applications of the first quarter (Q1) of 2017.

Brand awareness of market entities was improved and trademark registrations increased. In Q1, national trademark applications were 837,000, an increase of 13.9%. Registrations reached 636,000, up 35.2%. As of the end of March, national valid registrations recorded 12,937,000.

<http://www.chinaipr.gov.cn/article/centralgovernment/01704/1904683.html>

Chinese Customs Takes Firm Hand on IPR Infringements

In 2016, customs authorities streamlined the procedures for file for IPR and suspended charges, resulting in 8,844 IPR filings last year, up 55% year-on-year.

Chinese companies are becoming more aware of IPR protection and had filed 27,873 IPR with the General Administration of Customs (GAC) by the end of last year, accounting for 52.51% of all IPR on record.

In the meantime, Chinese companies are also victims of IPR infringements. Customs seized 7.58 million pieces of goods suspected of infringing the IPR of Chinese companies in 2016, up 13.2% from the previous year. The GAC took measures on 12 IPR protection cases in which IPR of Chinese companies were infringed upon in 2016, up from 4 cases in 2015.

http://english.sipo.gov.cn/news/iprspecial/201704/t20170427_1310551.html

Chinese People Show Growing Satisfaction to IPR Protection in 2016

Chinese people were more satisfied with intellectual property rights protection in 2016, according to a recent report issued by the Patent Protection Association of China, China Trademark Association and Copyright Society of China to mark the World Intellectual Property Day.

Surveying 12,600 people including IPR holders, the public and professionals, the

report said satisfaction to IPR protection rated 72.38 (out of 100).

An official with the SIPO said that result of the survey will assist the revision of the Patent Law.

http://english.sipo.gov.cn/news/iprspecial/201704/t20170428_1310655.html

China Embarks a New Journey on IP International Standard

The Guideline on Innovative IP Management, the first proposal on IP management new international standard offered by China is approved to be a project of Innovation Management Standardization Technical Committee under International Organization for Standardization (ISO/TC279).

ISO/TC279 is reported to be found in May 2013, and is in charge of drafting and amending ISO international standard with the aim of "developing, maintaining and improving innovation management". ISO/TC279 is the only standardization organization in current international innovation field.

China's involvement in drafting the Guideline is a milestone in the history of participating drafting international standard in IP field for China. Drafting the Guideline is not only crucial for China to adapt to globalization innovation development, but also prompted by the internal need to build IP strength.

http://english.sipo.gov.cn/news/iprspecial/201704/t20170426_1310385.html