

W&B IP Newsletter



May of 2020, Vol. 37

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Supreme People's Court Releases the 2019 Status of Judicial Protection for IP Rights in China Courts

Recently the Supreme People's Court released the 2019 Status of Judicial Protection for IP Rights in China Courts. We sorted out and summarized the relevant data disclosed therein as follows for our readers' reference.

IP-related Civil Cases accepted and concluded At the Supreme People's Court and the Local People's Courts in 2019

	Cases Accepted	Growth Rate	Cases Concluded	Growth Rate
Supreme People's Court	2504	174.26% ↑	1976	260.07% ↑
Local People's Courts (First Instance)	399031	40.79% ↑	394521	44.02% ↑
Local People's Courts (Second Instance)	49704	79.95% ↑	48710	85.29% ↑

Note: the symbols “↑” and “↓” stand for increase and decrease respectively.

Types of Disputes Involved in Newly-accepted First Instance IP-related Civil Cases

Type of Dispute	Number	Growth Rate
Patent	22272	2.64% ↑
Trademark	65209	25.41% ↑
Copyright	293066	49.98% ↑
Technical Contract	3135	16.98% ↑
Competition	4128	1.25% ↓
Others	11221	49.95% ↑

Note: the symbols “↑” and “↓” stand for increase and decrease respectively.

IP-related Administrative Cases accepted and concluded At the Supreme People's Court and the Local People's Courts in 2019

	Cases Accepted	Growth Rate	Cases Concluded	Growth Rate
Supreme People's Court	1066	70.83% ↑	884	52.15% ↑
Local People's Courts (First Instance)	16134	19.11% ↑	17938	89.74% ↑
Local People's Courts (Second Instance)	7304	104.88% ↑	5942	84.71% ↑

Note: the symbols “↑” and “↓” stand for increase and decrease respectively.

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Types of Disputes Involved in Newly-accepted First Instance IP-related Administrative Cases

Type of Dispute Involved	Number	Growth Rate
Patent	1661	8.14% ↑
Trademark	14457	20.56% ↑
Copyright	16	---

Note: the symbols “↑” and “↓” stand for increase and decrease respectively.

IP-related Criminal Cases accepted and concluded At the Local People’s Courts in 2019

	Cases Accepted	Growth Rate	Cases Concluded	Growth Rate
First Instance	5242	21.37% ↑	5075	24.88% ↑
Second Instance	808	18.30% ↑	807	20.81% ↑

Note: the symbols “↑” and “↓” stand for increase and decrease respectively.

Types of Crimes Involved in Concluded First Instance IP-related Criminal Cases

Type of Crime Involved	Number	Growth Rate
Counterfeiting of registered trademark	2134	15.23% ↑
Sales of goods with counterfeit registered trademarks	2279	32.19% ↑
Illegal manufacturing of registered trademarks and sales of the same	423	38.69% ↑
Passing off patents	1	/
Infringement of copyrights	191	40.44% ↑
Sales of infringing duplicates	8	33.33 ↑
Infringement of trade secrets	39	---

Note: the symbols “↑” and “↓” stand for increase and decrease respectively.

(Source: Supreme People’s Court)

CNIPA Publishes Major Statistical Data for IP Rights (January – April, 2020)

Recently, National Intellectual Property Administration published on its official website the major statistical data for IP rights from January to April, 2020. We summarized said data in the following chart:

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	Filed	Compared with January to April, 2019	Granted/Registered	Compared with January to April, 2019	In Validity (as of April 2020)
Inventions	434682	4589 ↓	126479	32769 ↓	2753000
Utility Models	763964	102487 ↑	549851	43050 ↑	5596000
Designs	185273	29117 ↓	221138	54040 ↑	1908000
PCT	18467	3085 ↑	/	/	/
Trademarks	2470818	280502 ↑	1943332	552379 ↓	26860000
Trademark Oppositions (filed)	44210	8445 ↓	/	/	/
Trademark Oppositions (ruled)	44051	19911 ↑	/	/	/
Trademark Adjudication (filed)	96354	32817 ↓	/	/	/
Trademark Adjudication	103832	3563 ↑	/	/	/

Note: the symbols “↑” and “↓” stand for increase and decrease respectively.

(Source: National Intellectual Property Administration)

Monthly Report on Trademark Review and Adjudication Cases (Vol.3 2020)

Recently, the official website of the original Trademark Review and Adjudication Board of the National Intellectual Property Administration published the monthly report on trademark review and adjudication cases (dated February 16 to March 15, 2020). We summarize the statistical data therein as follows:

According to Mr. Shen, last year the protection for IP rights in China has been strengthened in various aspects.

- The number of IP Protection Centers and Fast Enforcement Centers has increased up to 46.
- 32,000 cases involving illegal conducts on trademarks and 7,000 cases involving counterfeiting of trademarks were investigated and penalized, reaching a total value of 510,000,000 RMB.
- 39,000 cases of administrative adjudication on patent infringement disputes were handled.
- 10,000 cases involving various conducts of unfair competition were investigated and penalized, reaching a total value of 3.16 billion RMB.
- Public security authorities across the nation docketed a total of 24,000 cases involving crimes of infringement upon IP rights and manufacturing and sales of counterfeit and substandard products; 16,000 cases were cleared up and 29,000 suspects were arrested; the total value involved in those cases reached 8.67 billion RMB.
- Customs across the nation seized a total of 51,000 batches of infringing import and export goods.

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- People's Courts across the nation accepted a total of 480,000 cases involving various types of IP rights and 475,000 cases were concluded.
- People's Procuratorates across the nation approved arrests of 7,430 suspects in 4,346 cases involving infringement upon IP rights, and prosecuted 5,433 cases involving 11,000 suspects.
- Social contentment regarding protection for IP rights rose up to 78.98.

(Source: National Intellectual Property Administration)

Judicial Protection for IP Rights in China Accomplishes New Progress

On the morning of April 26, the State Council Information Office held a press conference, at which the 2019 New Progress Report on IP Rights Protection and Business Environment in China was released.

It was said that in 2019 the People's Courts across the nation accepted a total of 480,000 cases involving various types of IP rights and over 470,000 cases were concluded, reaching an annual growth rate of above 40% and successfully accomplished the judicial trial task. In January 2019, the IP Tribunal of the Supreme People's Court was officially established and began to hear appellate cases involving technical IP rights nationwide; in addition, two IP Tribunals were established at local People's Courts, contributing to the total number of 21. Until then, the new IP trial framework, comprising the IP Trial Division and the IP Tribunal of the Supreme People's Court, the 32 Higher People's Courts, the 3 IP Courts and some Intermediate and local District Courts, was formed.

(Source: The People's Court Daily)