

W&B IP Newsletter

April of 2020, Vol. 36

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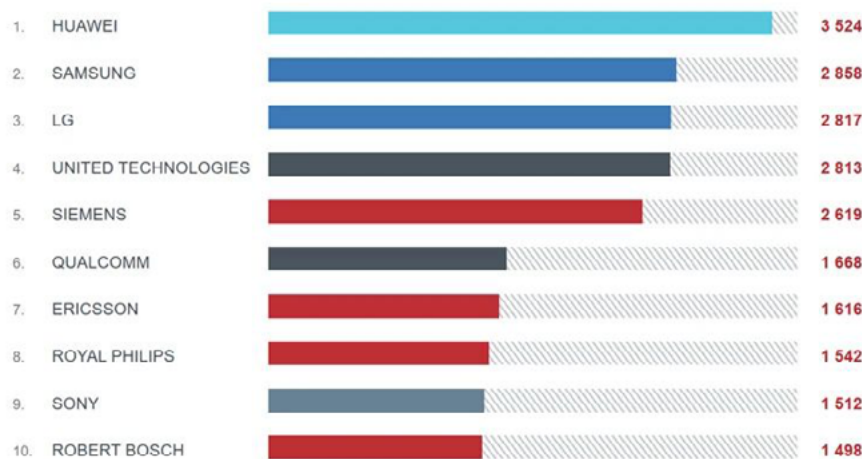
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Patents

EPO Publishes Patent Index 2019: Top 100 Patent Applicants Unveiled

Recently the European Patent Office (“EPO”) published its Patent Index 2019. The EPO received over 181,000 patent applications in 2019, reaching an annual growth rate of 4%. In terms of the applicant companies, China’s Huawei took the first place by a total number of 3524 on the EPO’s patent application ranking. Following Huawei were South Korea’s Samsung and LG, with the total numbers of 2858 and 2817 respectively. In addition, China’s OPPO, Alibaba, BOE, Xiaomi and Baidu all accomplished total numbers of above 200, taking the lead among other Chinese companies.

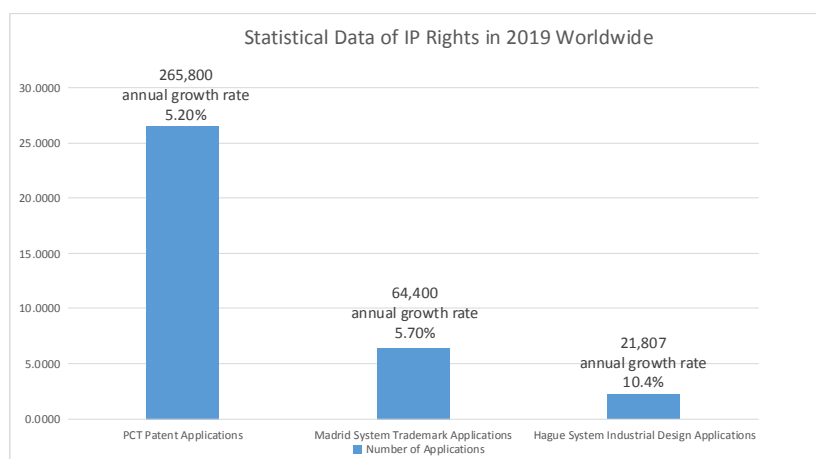


(Source: Global Enterprise Dynamics)

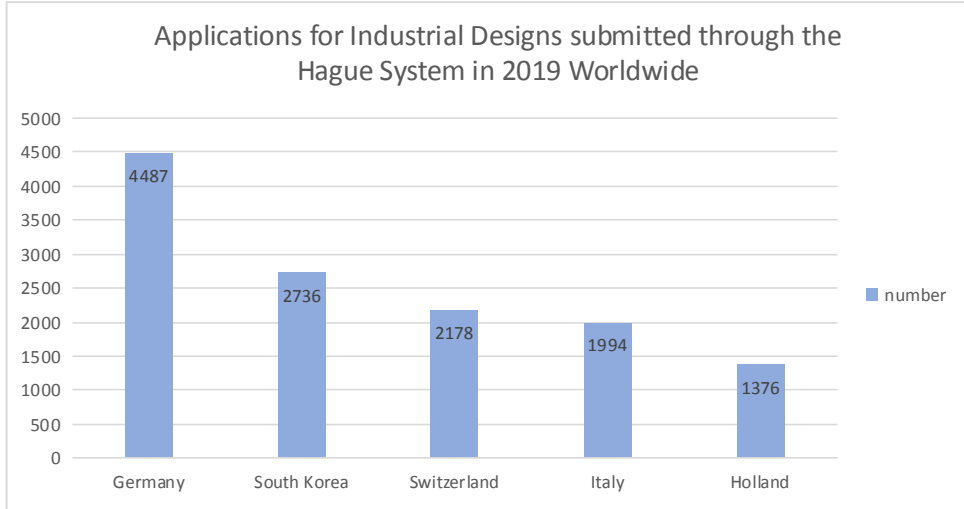
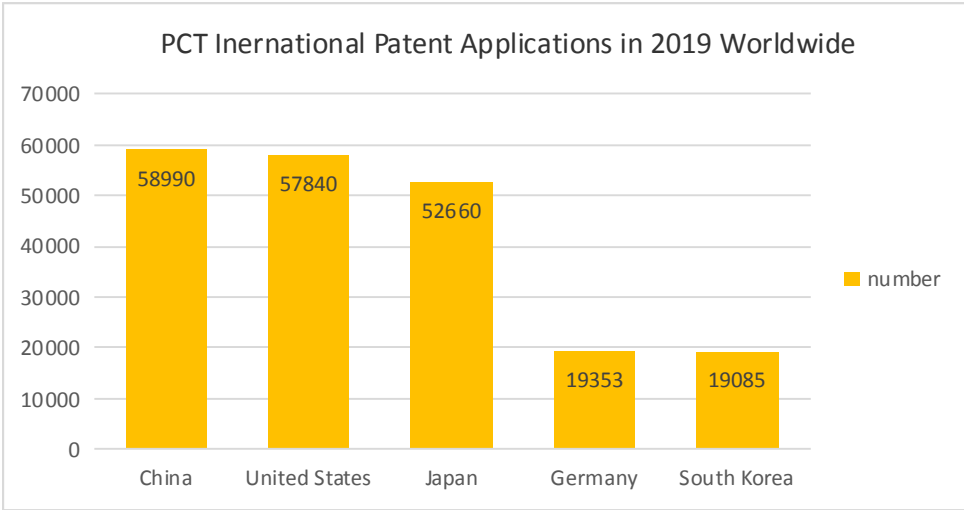
WIPO’s Latest Statistics: China’s PCT International Patent Applications Ranked Top 1 around the Globe

On April 7, the World Intellectual Property Organization (“WIPO”) held its press conference in Geneva, Switzerland and published the statistical data on international registrations of patents, trademarks and industrial designs. As revealed by said data, China submitted 58,990 patent applications through the WIPO’s PCT approach, ranking top 1 with a slight lead ahead of the United States (with 57,840 applications).

Also shown by the data, record-high figures were again accomplished in 2019 in terms of various IP rights, which are summarized as follows:



Patents

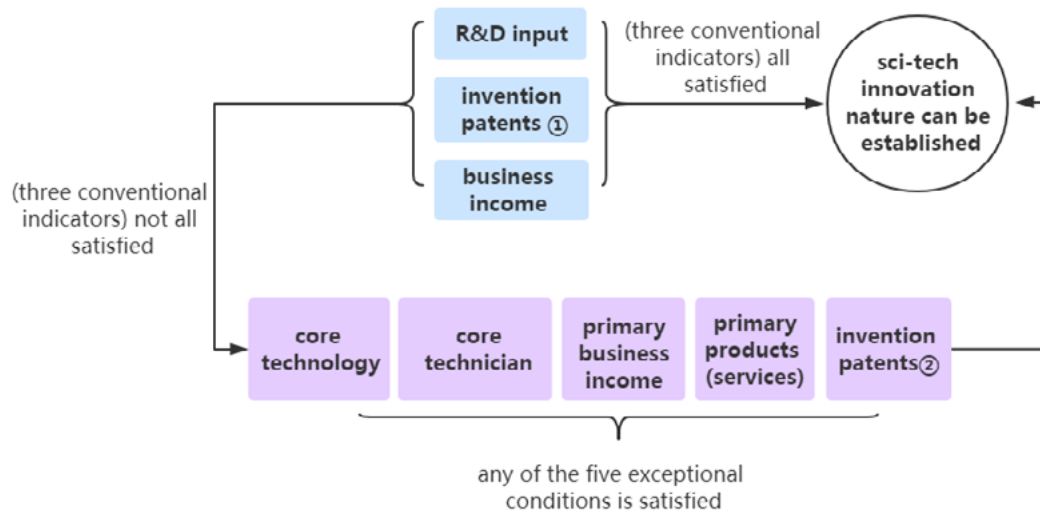


(Source: National Intellectual Property Administration)

Patents

CSRC: Invention Patents will be an Indicator for Evaluating the Sci-Tech Innovation Nature on the Sci-Tech Innovation Board

On March 20, China Securities Regulatory Commission (the “CSRC”) published the Guidance on Evaluation of Sci-Tech Innovation Nature (for Trial Implementation), in which a detailed system for evaluating the sci-tech innovation nature is provided. The system adopts the structure known as “three conventional indicators plus five exceptional conditions”.



Notes:

- ① having 5 or more invention patents that generate the primary business income
- ② having a total of 50 or more invention patents (including those related to national defense) that form the core technology and generate the primary business income

Judging from the said evaluation indicators system, the importance of invention patents is more than clear, whether talking about the three conventional indicators or the five exceptional conditions. Invention patents can be regarded as a golden criterion for identifying the sci-tech innovation nature.

(Source: National Intellectual Property Administration)

Trademarks

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:

Trademarks

		Year-on-Year Growth Rate	Month-on-Month Growth Rate
Various Types of Review and Adjudication Applications Received		46.94% ↓	38.35% ↓
Various Types of Review and Adjudication Cases Heard and Decisions Issued		10.24% ↓	/
Administration Litigation	First Instance (sued as defendant)	40.22% ↓	10.31% ↑
	Second Instance (sued as appellee)	2.48% ↑	40.43% ↑
	Retrial (sued as respondent)	208.70% ↑	3450.00% ↑

Note: The marks “↑” and “↓” stand for increase and decrease respectively.

(Source: the original Trademark Review and Adjudication Board under the National Intellectual Property Administration)

Intellectual Property

SPC Publishes Its 2020 Plan for Judicial Interpretations Projects: 9 Projects Relate to Intellectual Property

Recently the General Office of the Supreme People’s Court circulated the Notice on the Supreme People’s Court’s 2020 Plan for Judicial Interpretations Projects (the “Notice”). According to the Notice, 49 judicial interpretations projects will be carried out in 2020. The projects are further classified as: (1) Category 1: 38 projects to be completed by the end of 2020; and (2) Category 2: 11 projects to be completed by the first half of 2021.

Category 1

- Several Provisions on Evidence in Civil Actions Involving IP Rights
- Interpretations on Several Issues Concerning the Application of Law in the Trial of Administrative Cases Involving Granting and Confirmation of Patent Rights
- Interpretations on Several Issues Concerning the Application of Law in the Trial of Cases Involving Disputes over Trade Secrets
- Provisions on Several Issues Concerning the Application of Law in the Trial of Cases Involving Disputes over Pharmaceutical Patent Linkage (new project)
- Provisions on Several Issues Concerning the Application of Law in the Trial of Cases Involving Civil Disputes Arising from Monopolistic Conduct (new project)

Category 2

- Provisions on Several Issues Concerning the Specific Application of Law in the Trial of Cases Involving Disputes over National Defense Patents (new project)
- Interpretations on Several Issues Concerning the Application of Law in Determining Punitive Damages for Infringement of IP Rights
- Interpretations on Several Issues Concerning the Application of Law in the Trial of Civil Cases Involving Unfair Competition (new project)
- Provisions on Several Issues Concerning the Application of Law in the Trial of Cases Involving Disputes over New Varieties of Plants (new project)

(Source: Supreme People’s Court)

Intellectual Property

SAMR Publishes Its 2020 Legislation Plan: IP-related Legislation will Advance as Scheduled

On March 26, 2020, State Administration for Market Regulation published its 2020 Legislation Plan. According to the Plan, regulations of various ministries or administrations under Category 1 must submit their draft versions as well as the relevant materials for legal review before June 30, 2020 and try to complete the process by the end of 2020. The regulations under Category 2 and the laws and administrative regulations must ensure progress with high quality and efficiency and the draft versions must be submitted for review as scheduled.

According to the Plan, legislative work related to IP rights include:

Laws and Administrative Regulations

No.	Project Name	Drafted by
1	Anti-Monopoly Law of the P.R.C.	Anti-Monopoly Bureau
7	Implementing Regulations of the Patent Law of the P.R.C.	CNIPA

Regulations of Ministries or Administrations

Category 1		
No.	Project Name	Drafted by
10	Several Provisions on Prohibition of Infringement of Trade Secrets	Price Supervision and Competition Bureau
State Food and Drug Administration National Intellectual Property Administration (CNIPA)		
No.	Project Name	Drafted by
36	Measures for the Administration of Trademark Agency	CNIPA
37	Provisions on the Protection of Geographical Indication Products	CNIPA
38	Measures for the Protection of Official Marks	CNIPA
Category 2		
No.	Project Name	Drafted by
44	Several Regulations on the Prohibition of Unfair Competition by Means of Counterfeiting Unique Names, Packaging and Decorations of Well-known Commodities	Price Supervision and Competition Bureau
State Food and Drug Administration National Intellectual Property Administration (CNIPA)		
No.	Project Name	Drafted by
54	Provisions on the Identification and Protection of Well-known Trademarks	CNIPA
55	Measures for the Registration and Management of Collective Marks and Certification Marks	CNIPA

W&B IP Newsletter will keep on watch of said legislation progress and provide our readers with latest updates.

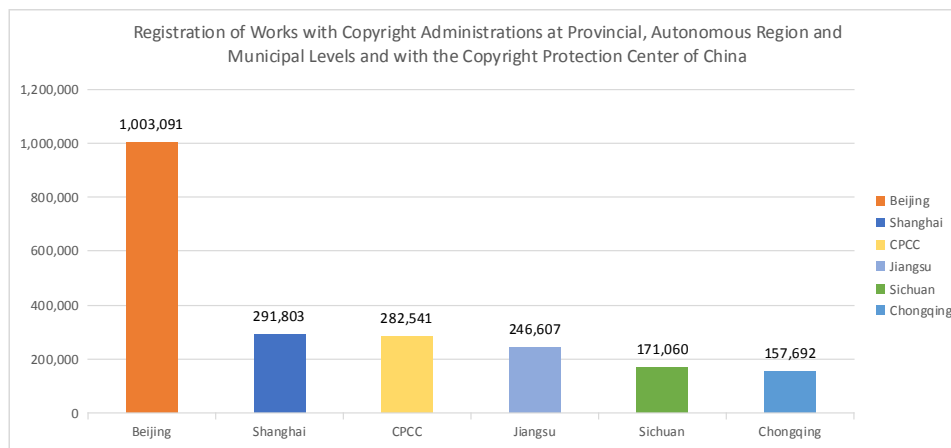
(Source: State Administration for Market Regulation)

Copyrights

National Copyright Registrations in 2019 Exceed 4.18 Million

On March 25, the National Copyright Administration published the Report on National Copyright Registrations in 2019, according to which the national copyright registrations in 2019 made new progress and reached a total number of 4,186,459. Compared with the 3,457,338 in 2018, an annual growth rate of 21.09% was realized.

As revealed in the Report, based on statistical data of works registered with copyrights administrations at provincial, autonomous region and municipal levels and with the Copyright Protection Center of China, a total of 2,701,564 works were registered nationwide in 2019, reaching an annual growth rate of 14.86%. The number of works registered nationwide presented a steady increase. We summarize the relevant data as follows:



In terms of the registrations of computer software copyrights, according to the information provided by the Copyright Protection Center of China, we summarize a table as follows:

Registration of Computer Software Copyrights in 2019		
	Number of Registrations	Year-on-Year Growth Rate
Registrations of Computer Software Copyrights	1.484448 million	34.36% ↑
Regional Distribution of the Registrations		
Eastern Region	Approx. 1.04 million	Accounting for 70.2% of the total number of registrations

In terms of the registrations of copyright pledge, also according to the information provided by the Copyright Protection Center of China, we summarize a table as follows:

Registration of Copyright Pledge in 2019		
		Year-on-Year Growth Rate
Registration of Copyright Pledge	537	1.83% ↓
Number of Contracts Involved	381	0.26% ↑
Number of Works Involved	1600	16.96% ↑
Amount of Principal Debts Involved	7.64312 billion RMB	4.0% ↓
Amount of Guarantee Involved	7.30088 billion RMB	12.74% ↓

Note: The marks “↑” and “↓” stand for increase and decrease respectively.

(Source: National Copyright Administration)