

W&B IP Newsletter

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Intellectual Property

WIPO China Releases *Enterprising Ideas: A Guide to Intellectual Property*

How do startups that often rely on a single idea successfully take their innovation to market? A new introductory guide provides a road map for the role of the intellectual property system in this journey. Through step-by-step counsel, useful case studies and simple checklists, the latest *Enterprising Ideas: A Guide to Intellectual Property for Startups* (the “Guide”) released by WIPO illustrates how small businesses can use IP to remain competitive and manage risks.

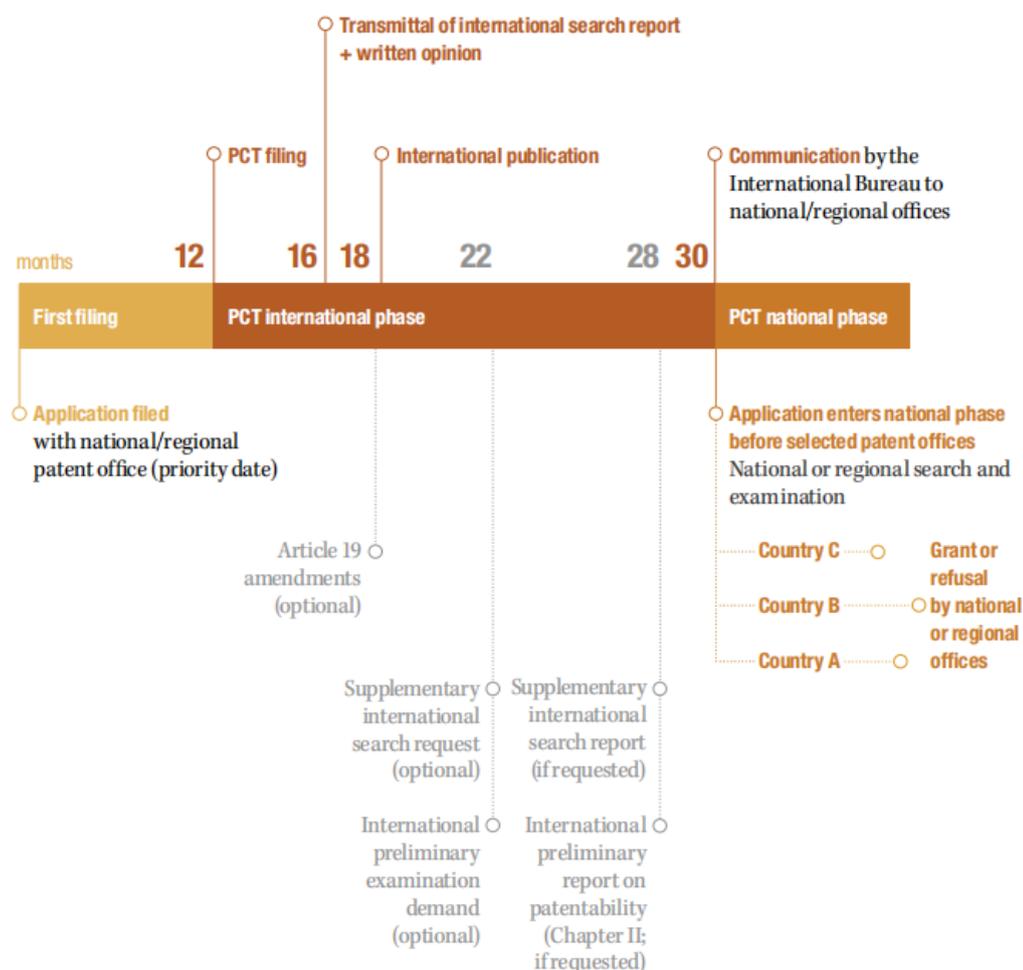
This publication introduces startups to IP, written for startups bringing an innovative technology-based solution to market, the guide will be useful to any entrepreneur wanting to get to grips with the IP system.

Only English edition is available online at present, for more details, please click the link below:

<https://www.wipo.int/publications/zh/details.jsp?id=4545>

As per introduction of the Guide, below are excerpts reflecting how the PCT system, the Madrid System and the Hague System works for patents, trademarks and industrial designs:

Fig.1 International Patent System – the Patent Cooperation Treaty procedure

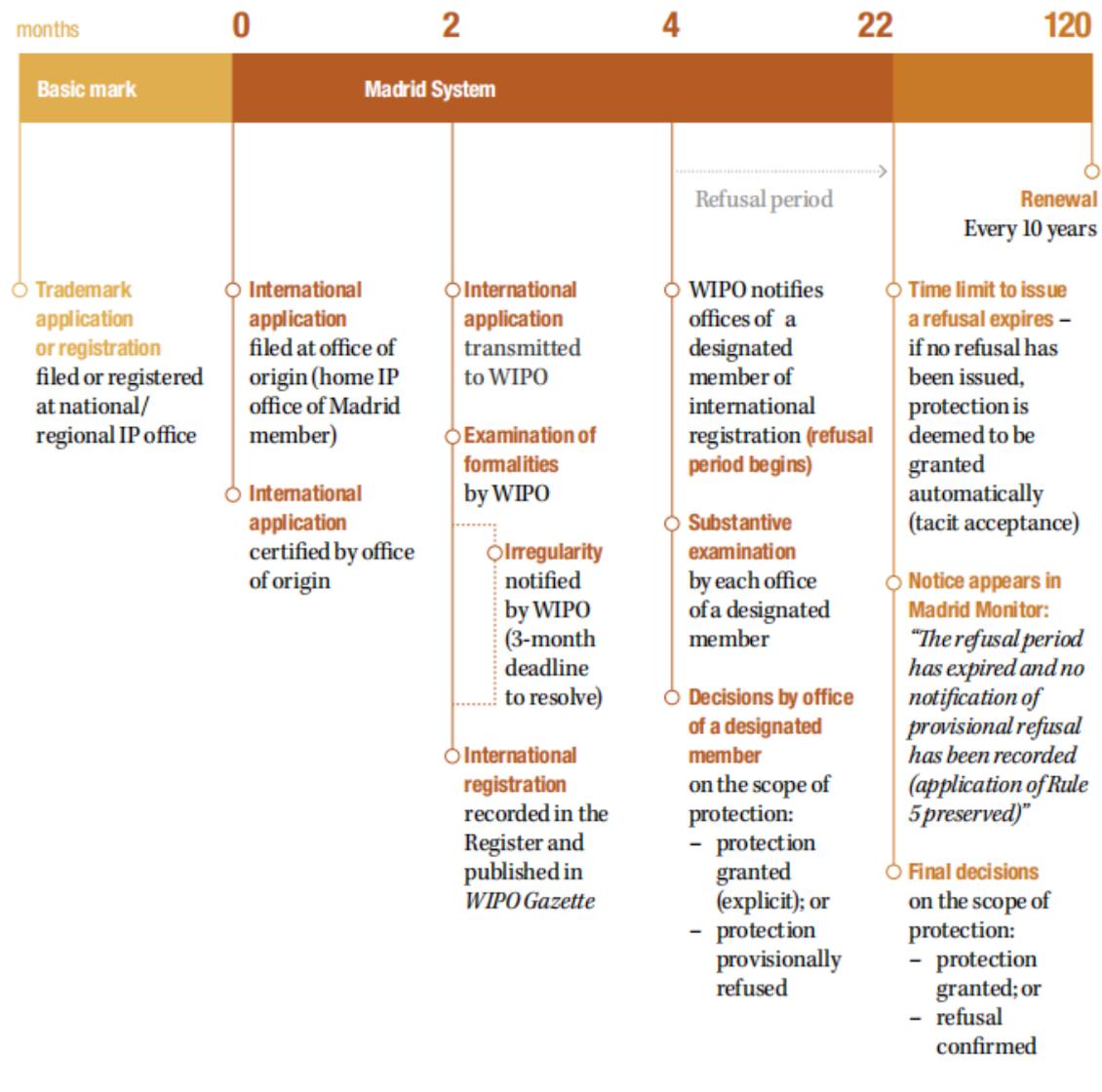


Benefits

- One PCT application with legal effect in all PCT Contracting States
- Harmonized formal requirements
- Receive patentability information to support strategic decision-making
- Postpone significant costs for national processing by 18 months

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Fig.2 International Trademark System – the Madrid System procedure

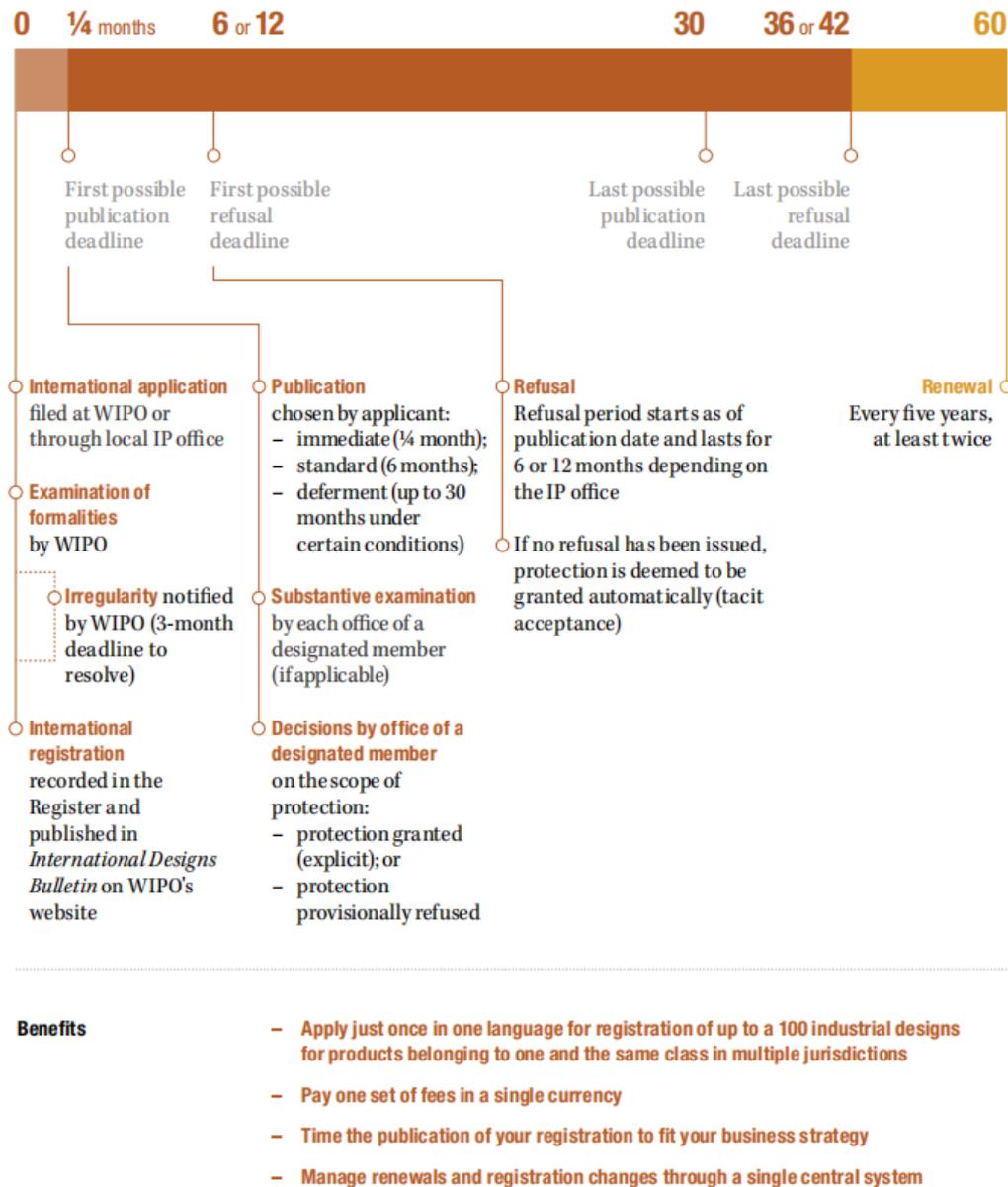


Benefits

- Apply just once in one language for registration in up to 116 countries
- Pay one set of fees in a single currency
- Manage renewals and changes through a single central system
- Expand your trademark to other countries through subsequent designation

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Fig.3 International Design System – the Hague System procedure



Patent

CNIPA: Administrative Adjudication of Patent Infringement Disputes Proceeds Steadily during January to June 2021

In the first half of 2021, Intellectual Property Administrations nationwide steadily proceeded with administrative adjudication of patent infringement disputes, focused on key areas online to offline and paid special attention to significant durations like the May Day holidays and the Dragon Boat Festival. The joint efforts on patent infringement governance have accomplished desired effects. A total of 13,800 administrative adjudication cases involving patent infringement disputes were docketed at local intellectual property administrations, with Zhejiang, Jiangsu, Guangdong, Shanghai, Sichuan, Fujian, Hebei, Beijing, Shandong and Henan being the Top 10 provinces or cities in terms of the total number of cases docketed during the period.

(Source: China National Intellectual Property Administration)

Patent

SPC: Determination on Infringement Involving Amendment of Claims by Means of Further Definition during the Administrative Proceedings

Recently, IP Tribunal of the Supreme People's Court concluded a patent infringement case involving amendment of claims by means of further definition during the administrative proceedings.

The Supreme People's Court held after trial: where the patentee amended the original claims by "further defining the claims" during the patent rights confirmation procedure, although the technical solution defined by the amended claims no longer falls into the scope of protection of the original dependent claims, it still falls into the scope of protection of the original independent claim. Where CNIPA sustains the patent rights based on the amended claims, any unauthorized exploitation of the technical solution defined by the amended claims shall also constitute infringement upon the disputed patent, for which the infringing party shall pay damages in accordance with the law. Nevertheless, since the technical solution defined by the amended claims did not appear in the original claims, in consideration of a balance between the protection for patent rights and the public reliance interest, compensation for infringement occurring before the date on which the administrative decision sustaining validity of the disputed patent is granted can be reduced in accordance with the circumstance.

Court's File Reference: (2019) SPC IP Civil Final No.369

(Source: IP Tribunal of the Supreme People's Court)

The First Four Intellectual Property Protection Centers in China Launch Pilot Multi-model Trial for Patent Reexamination and Invalidation Cases

Recently, CNIPA launched pilot multi-model trial for patent reexamination and invalidation cases to consolidate the expansion of quick patent rights confirmation services.

The four Intellectual Property Protection Centers, namely Beijing, Pudong (Shanghai), Nanjing and Zhejiang, undertaking the one-year pilot project, will carry out and launch the priority review paths, conduct remote video trials of patent invalidation cases, and thus push forward work such as joint trial of patent rights confirmation cases and administrative adjudication cases.

(Source: China National Intellectual Property Administration)