

# W&B IP Newsletter



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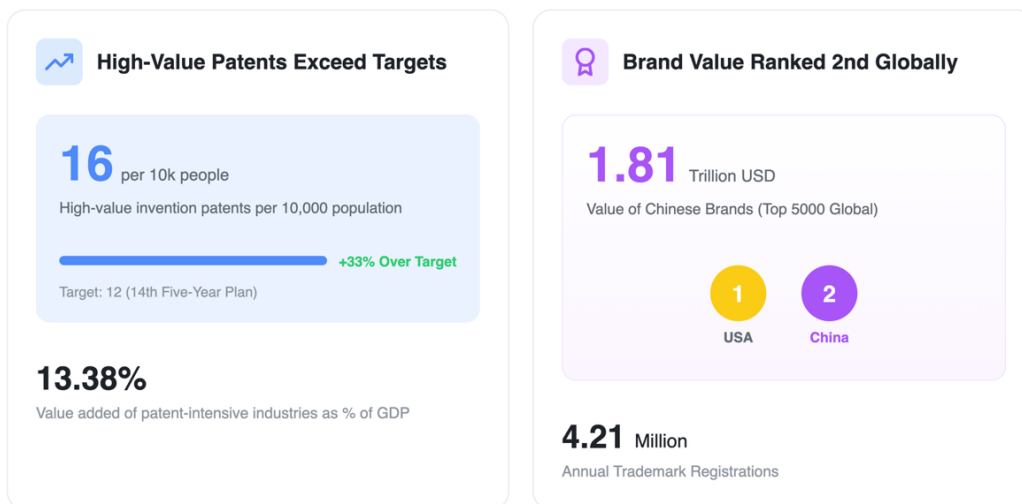
## 2025 IP Special Edition

# Interpretation of the 2025 Amendments to the Guidelines for Patent Examination (Part III)

## Part I: Foreword — 2025 Performance Review and 2026 Strategic Outlook

On January 23, 2026, the State Council Information Office (SCIO) held a press conference to officially release the "Report Card" on China's intellectual property work in 2025 and outline strategic deployments for 2026. Over the past year, guided by the policy of "**improving quality while controlling quantity**," China's IP sector has delivered a performance of exceptionally high value.

### I. 2025 Achievements: Four Key Breakthroughs



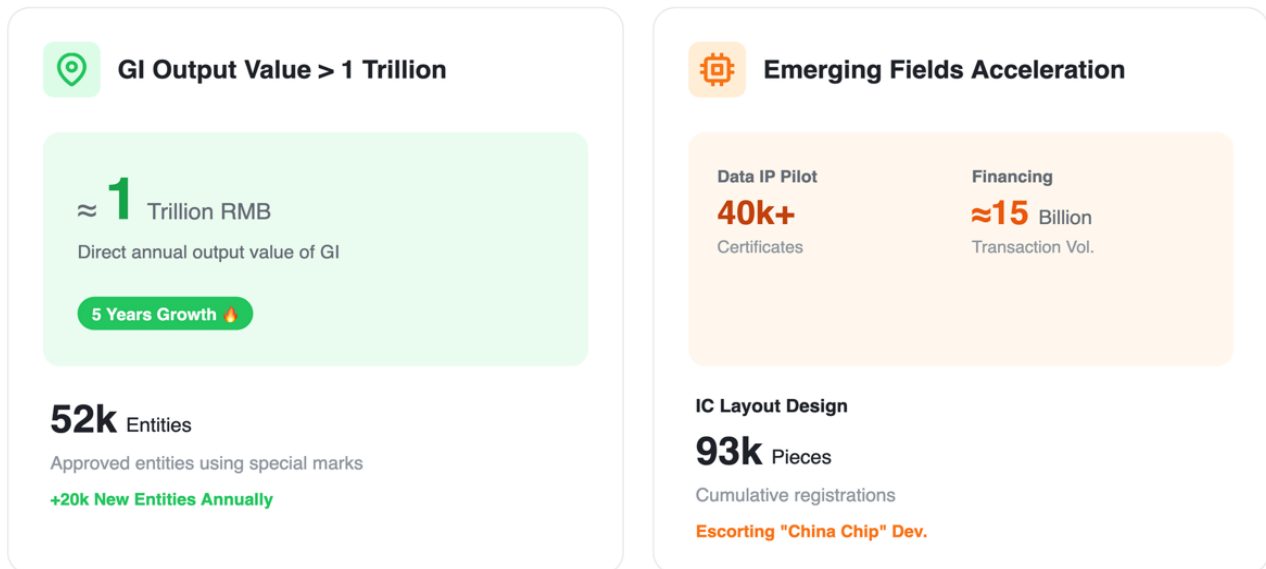
#### 1. Significant Leap in Patent Quality, Exceeding "14th Five-Year Plan" Targets

By the end of 2025, China's ownership of high-value invention patents reached **16 per 10,000 people**, surpassing the target of 12 set in the 14th Five-Year Plan. The added value of patent-intensive industries rose to **13.38% of GDP**, demonstrating a steady increase in their contribution to national economic growth.

#### 2. Global Leadership in Brand Value

A total of **4.206 million trademarks** were registered throughout the year. Among the world's top 5,000 brands, the total value of Chinese brands reached **USD 1.81 trillion**, ranking second globally. This statistic highlights the formidable international competitiveness of Chinese brands.

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### 3. Geographical Indication (GI) Output Surpasses One Trillion Yuan

The direct annual output value of Geographical Indications approached **RMB 1 trillion**, marking five consecutive years of growth. Over 20,000 market entities were approved to use special GI marks during the year, bringing the cumulative total to over 52,000. GIs have effectively become a "gold standard" driving regional economic development.

### 4. Initial Success in Protecting Emerging Fields

**Data Intellectual Property** pilots were deepened, with pilot regions issuing over 40,000 registration certificates and facilitating nearly **RMB 15 billion** in financing and transactions. Concurrently, the cumulative issuance of certificates for **Integrated Circuit Layout-Designs** reached 93,000, safeguarding the development of China's semiconductor industry ("China Chip").

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### II. 2026 Work Plan: Seven Key Priorities



Source: CNIPA 2026 Work Deployment

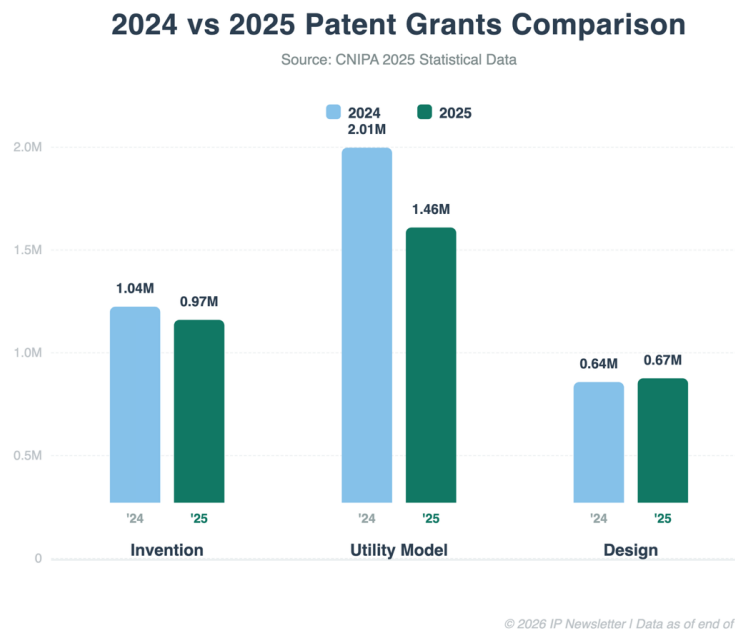
Looking ahead to 2026, the China National Intellectual Property Administration (CNIPA) has defined seven key tasks, led by the formulation of the 15th Five-Year Plan, signaling a strong commitment to the rule of law and high-quality development:

- **Top-Level Design:** High-quality formulation of the "15th Five-Year Plan" for Intellectual Property.
- **Legal Safeguards:** Accelerate amendments to the Trademark Law and the Regulations on the Protection of Layout-Designs of Integrated Circuits; strengthen research on specialized legislation for Geographical Indications; and refine protection rules for Artificial Intelligence and Data IP.
- **Quality Focus:** Execute precise crackdowns on irregular (abnormal) patent applications and bad-faith trademark registrations; conduct deep regulatory rectification of the patent agency industry.
- **Commercialization & Utilization:** Revitalize "dormant" patents held by universities and establish patent pools in key industries to facilitate technology transfer.
- **Public Services:** Expand the application scenarios for "AI + IP Services" to enhance accessibility and efficiency.
- **Collaborative Governance & Openness:** Strengthen the prevention and control of foreign-related IP risks and participate deeply in global IP governance frameworks.

## Part II: In-Depth Perspective — 2024 vs. 2025 Comparative Data Analysis

To provide a more intuitive understanding of the logic behind the "Report Card" mentioned above, we have conducted a visual comparative analysis of core data from 2024 and 2025. Overall, 2025 exhibits distinct characteristics: "optimization of patent structure, rational regression in trademark activity, explosive growth in Geographical Indications (GIs), and steady progress in integrated circuits."

### 1. Patents: Structural Adjustment and Significant Compression of Utility Models



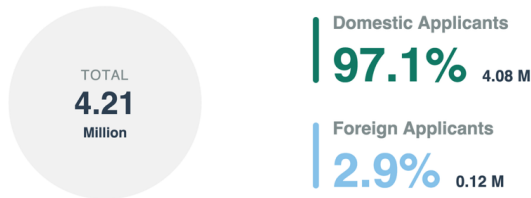
- **Chart Interpretation:** In the total number of patents granted in 2025, the proportion of Invention Patents (972,000 grants) increased, while Utility Models (1.461 million grants) saw a sharp year-on-year decline of approximately 27.3%.

- **Deep Analysis:** This divergence—a rise in inventions and a fall in utility models—validates the "quality orientation" emphasized in the foreword. By severely cracking down on abnormal patent applications and raising examination standards, the state has effectively "squeezed the water" out of patent numbers. Enterprises and research institutions are shifting from merely pursuing quantity to cultivating high-value patents, resulting in innovation with stronger "Hard Tech" attributes.

### 2. Trademarks: Absolute Dominance of Domestic Entities

### Distribution of Trademark Registrations (2025)

Domestic entities maintain absolute dominance



Source: CNIPA 2025 Statistical Data

• **Chart Interpretation:** Although trademark registrations in 2025 adjusted back to 4.206 million, domestic applicants accounted for a staggering 97.1% of the total.

• **Deep Analysis:** The adjustment in trademark registration volume indicates a return to market rationality and demonstrates significant success in curbing bad-faith trademark hoarding and squatting. The massive proportion of domestic registrations reflects the vitality of the domestic consumer market, while the achievement of ranking "second globally in brand value" illustrates that Chinese enterprises are successfully leaping from selling "products" to building "brands."

### 3.Geographical Indications (GIs): Multiplied Industrial Benefits

#### Market Entities Using GI Special Marks

2024 vs 2025 | Industrial Benefits Doubled



Source: CNIPA 2025 Statistical Data

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- **Chart Interpretation:** This was the fastest-growing sector in this year's data. The number of market entities authorized to use special GI marks **doubled**.

- **Deep Analysis:** The surge in authorized users directly drove the trillion-yuan output value. This indicates that GI work has shifted from simple "product certification" to deep "industrial application." This shift is genuinely benefiting a wider range of farmers and enterprises, serving as a powerful pillar for the national **Rural Revitalization Strategy**.

### 4. Integrated Circuits: Steady R&D Pace

#### Integrated Circuit Layout Design Registrations

2024 vs 2025 | Strategic Resilience & Steady Progress



Source: CNIPA 2025 Statistical Data

- **Chart Interpretation:** Applications for layout-designs remained around 11,500, with issuances stabilizing at over 10,000. The statistical curve remains nearly horizontal.

- **Deep Analysis:** Against the backdrop of intense global technological competition, China's IP layout in the semiconductor sector has maintained high **strategic resolve**. The stable output suggests that research into core technologies is proceeding in an orderly manner, undisturbed by external interference, accumulating strength for future technological breakthroughs.

#### Conclusion:

Judging by the 2025 data, China's intellectual property sector has officially entered a new cycle of "deep quality improvement." For market participants, the opportunities in 2026 will belong to those innovators who possess high-value patent reserves, renowned brand assets, and a strong awareness of compliance.

## Special Feature

# Interpretation of the 2025 Amendments to the *Guidelines for Patent Examination* (Part II)

## Bitstream Technology — Establishing End-to-End Protection for Streaming Media Technologies

### 1. Amendment Rationale and Legal Foundation

The streaming media industry accounts for approximately 80% of internet traffic, with video encoding and decoding technologies serving as its foundational technical infrastructure. Yet the sector has long suffered from a critical **"protection gap"**: the core product—the **bitstream itself**—has not been recognized as patentable subject matter. This limitation confined rights holders to protecting upstream "encoding methods" while leaving them unable to enforce rights against downstream storage and transmission activities. The 2025 amendments systematically address this deficiency through the addition of a dedicated chapter.

The **doctrinal breakthrough** lies in a paradigm shift from **"isolated subject matter examination"** to **"technology-process-bound examination."** Rather than asking "Is the bitstream itself a technical solution?" the inquiry now becomes: "Is this bitstream generated through a specific technical process and utilized to achieve resource optimization?" This reframing extends patent protection from the encoding stage to storage and transmission stages, achieving **comprehensive chain coverage**.

### 2. Evolution of Core Examination Standards: From "Absolute Prohibition" to "Conditional Permission"

#### Establishing "Standalone Bitstreams" as a Prohibited Zone

The Guidelines now **explicitly state** for the first time that bitstreams defined solely by syntax elements (e.g., "A bitstream comprising syntax elements A and B") constitute **"rules and methods for mental activities"** under Article 25(1)(2) of the Patent Law and are **non-patentable**. This clarification definitively resolves longstanding ambiguities by categorically severing data entities from technical solutions.

#### Opening an Authorization Pathway Through "Dynamic Binding"

The newly added Section 7 establishes the **"technical coupling" principle**: bitstreams may be granted patent protection **only when** they form an inseparable functional relationship with the specific video encoding method that generates them. This is operationalized through two claim types:

**Method Claims:** Methods for storing or transmitting bitstreams must **explicitly include** the step of "executing the encoding method to generate the bitstream."

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- **Drafting Template:** "A method for storing a bitstream, characterized by: executing the video encoding method of claim 1 to generate a bitstream; and storing said bitstream."

- **Critical Element:** The step of executing the video encoding method constitutes the technical foundation for achieving efficient resource allocation in bitstream storage and transmission, and represents an indispensable component of the storage/transmission technical solution. This must be distinguished from solutions that merely store or transmit bitstreams without substantively employing the video encoding method.

**Product Claims:** Computer-readable storage media must satisfy a "four-element unity" model: medium + program/instructions + bitstream + processor execution of program to implement encoding method.

- **Drafting Template:** "A computer-readable storage medium having stored thereon a computer program/instructions and a bitstream, characterized in that, when the computer program/instructions are executed by a processor, the video encoding method of claim 1 is implemented to generate said bitstream."

This framework essentially uses the **technical process as a nexus** to confer indirect patentability upon data carriers, achieving **three-dimensional protection** spanning "encoding method → storage method → transmission method → storage medium."

### 3. Practical Implications and Strategic Responses

#### For Examiners

The focal point of subject matter examination shifts to "**binding integrity**." Any claims lacking generation steps or program logic shall be directly rejected under Article 25.

#### For Applicants and Patent Attorneys

##### 1. Construct Comprehensive Claim Combinations

Avoid single-point protection vulnerabilities. For video encoding patents (e.g., H.266/VVC), application strategies should expand from standalone "encoding methods" to **complete combinations** encompassing "method for storing bitstream → method for transmitting bitstream → storage medium containing bitstream."

##### 2. Prioritize Product Claims Strategically

Storage media containing encoded bitstreams (e.g., H.266-encoded video optical discs) can **directly constitute infringement** without requiring proof of the encoding act itself, thereby **dramatically reducing evidentiary burdens** in enforcement actions. This holds extraordinary commercial value for streaming media enterprises.

##### 3. Strictly Adhere to Drafting Templates

The verb "generate" in claims **cannot be omitted**. The step of "executing the encoding method" **must be explicitly written** into claims to avoid falling into the subject matter exclusion zone due to formal defects.

## Special Feature

### Concluding Observations

By addressing the critical protection bottleneck in streaming media technological innovation with **minimal institutional cost**, these amendments mark a pivotal step forward in China's examination framework for "**data-technology**" **fusion subject matter**. This evolution signals a sophisticated regulatory understanding of modern digital technologies and their commercial architectures.