

# W&B IP Newsletter



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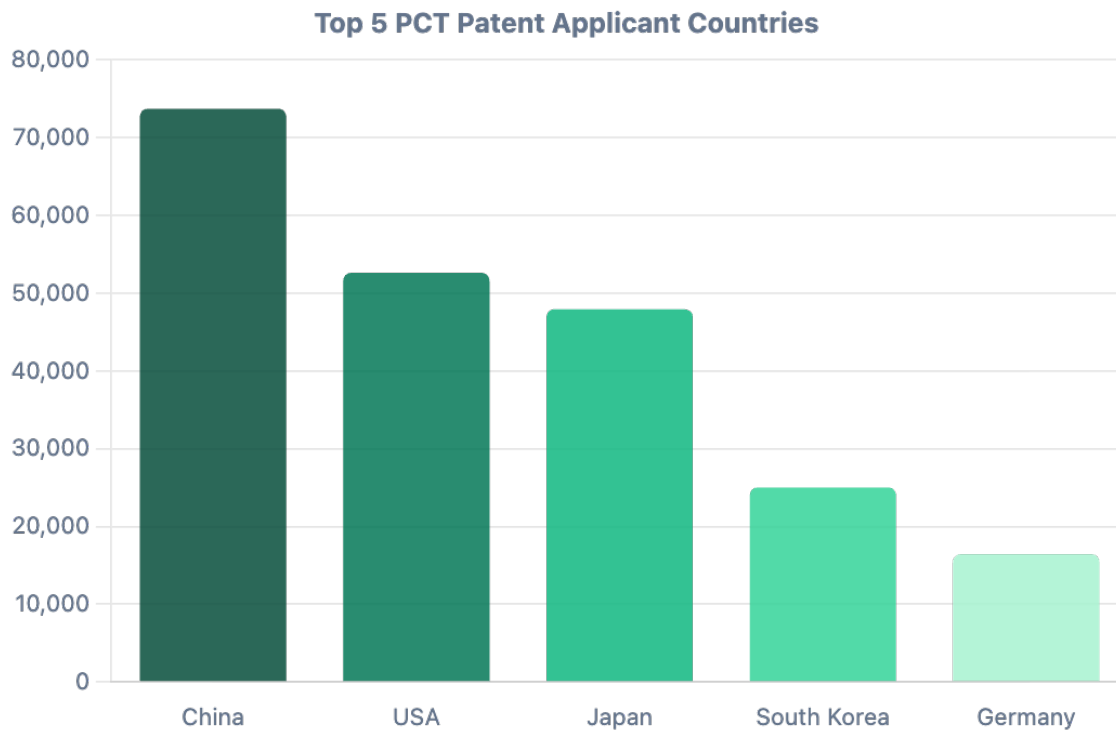
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# WIPO Releases 2025 PCT, Trademark, and Other IP Filing Data

## Digital Technology Drives the Global Innovation Landscape

### 1. Patent Applications (PCT): Driven by Digital Comm. & AI

In 2025, global PCT applications reached 275,900, marking a slight increase (+0.7%) for the second consecutive year. Digital communication (11.1%) and semiconductors (+6.1%) showed the strongest growth, highlighting the impact of AI and digital technologies. Nationally, China topped the list with 73,718 applications (+5.3%), South Korea continued its growth streak, while the US, Japan, and Germany saw slight declines. Corporately, Huawei led for the 8th year with 7,523 applications, followed by Samsung and Qualcomm.

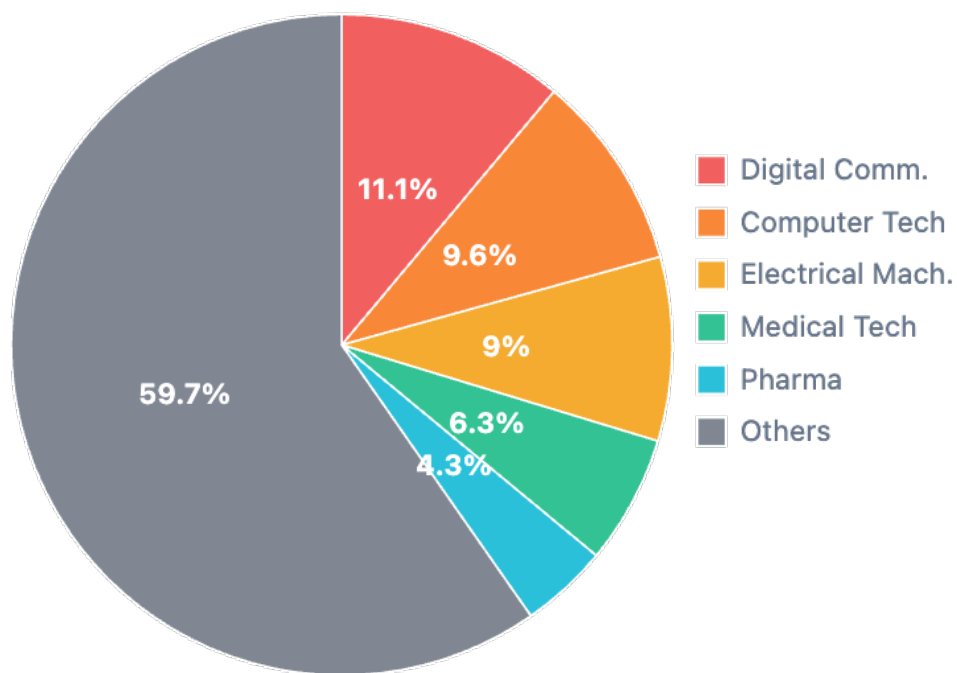


### 2. Tech Fields: Digital Info & Healthcare Take the Lead

Among published PCT applications, digital communication ranked first across all fields at 11.1% and was also the fastest-growing (+6.1%). Following closely were computer technology (9.6%), electrical machinery (9.0%), medical technology (6.3%), and pharmaceuticals (4.3%). These five core fields accounted for over 40% of the total applications. This high concentration confirms that digital technology and healthcare are the most critical underlying engines for global innovation and economic development today.

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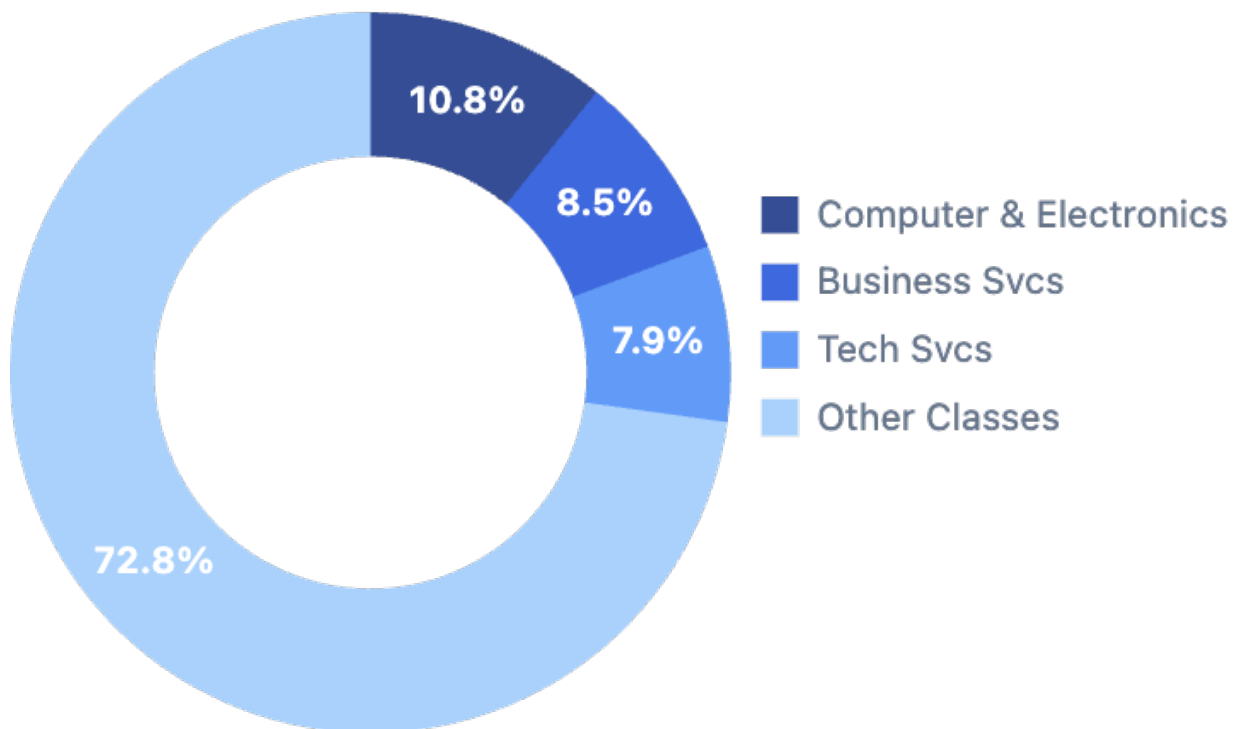
Share of Top PCT Tech Fields (%)



### 3. International Trademarks (Madrid): Tech & Electronics Favored

In 2025, Madrid trademark applications slightly dropped by 1.5% to 64,150. The US maintained its position as the top origin country with 10,997, followed by Germany and China. Notably, 7 of the top 10 origin countries experienced a decline. By industry, computer hardware/software and electronics took the largest share. Corporately, France's L'Oréal (274) topped the list for the 5th consecutive year, with US-based Light & Wonder jumping to second, and China's Huawei ranking fourth.

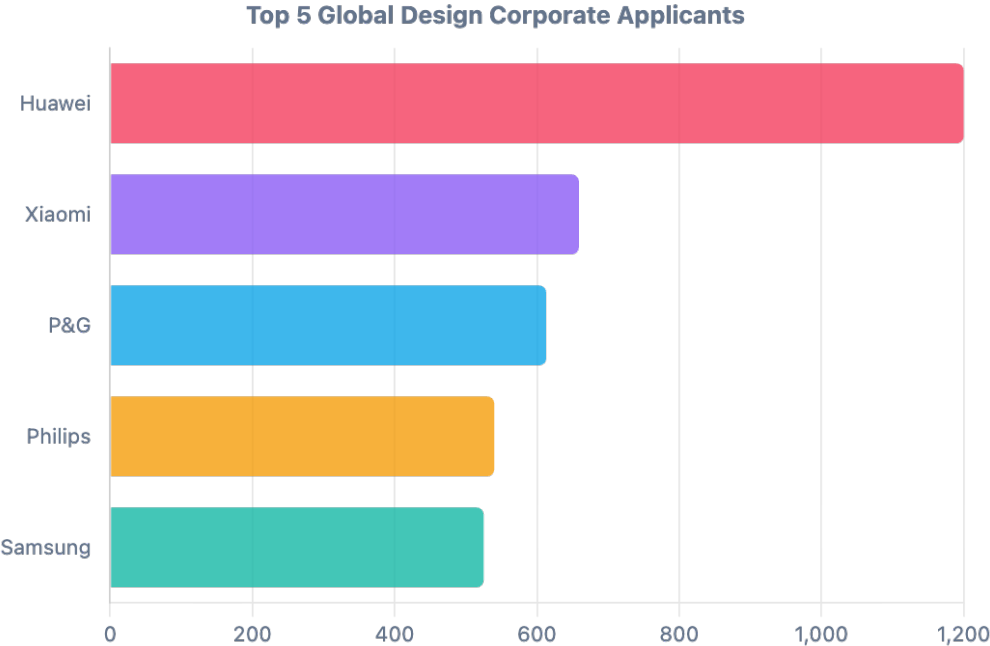
### Popular Madrid Designated Classes (%)



#### 4. Industrial Designs (Hague): Record Growth, China Surges to #1

The Hague system expanded for the 5th consecutive year, with design counts surging 5.2% to a record 28,588. Recording/communication equipment (13.2%) and transport (8.0%) were the core categories. Country rankings shifted significantly: China surged 21.4% (5,911 items) to overtake Germany for the global top spot, with the US trailing closely. The corporate list was dominated by consumer electronics giants, with Huawei (1,200) and Xiaomi (659) securing the top two spots globally.

# WIPO Releases 2025 PCT, Trademark, and Other IP Filing Data



## Special Feature

# Interpretation of the 2025 Amendments to the *Guidelines for Patent Examination* (Part VI): Plant Breeding — Unlocking Patent Space for Intermediate Materials

## 1. Amendment Rationale and Legal Foundation

The 2025 amendments directly address a "**regulatory vacuum**" in breeding innovation protection. Historically, Article 25 of the Patent Law categorically excluded "plant varieties" in their entirety, while the Regulations on the Protection of New Varieties of Plants covered only end products exhibiting uniformity and stability. This left a vast array of high-value **intermediate breeding materials**—such as CRISPR-edited lines not yet homozygous, or broad populations defined solely by specific functional genes—in limbo: unable to satisfy plant variety right registration requirements yet frequently misclassified as "plant varieties" and rejected in patent applications.

The amendments achieve a **dual calibration** by precisely delimiting "plant variety": harmonizing with the Seed Law and UPOV 1978, they establish **three statutory requirements**—"artificial breeding + trait uniformity + genetic stability." By adopting a **restrictive interpretation** of "plant variety," the amendments conversely **unlock patent space** for upstream innovations including genes, editing methods, and intermediate materials, thereby constructing a complementary dual-track system of "patents (technological layer) + variety rights (product layer)."

## 2. Evolution of Core Examination Standards: From "Blanket Exclusion" to "DUS Three-Tier Testing"

### (1). Rigidification of Subject Matter Boundaries

The new definition states: "**A plant variety is a plant population formed through artificial breeding or discovery followed by improvement, exhibiting uniform morphological characteristics and biological properties, with relatively stable hereditary traits.**"

The examination logic is reconstructed as a **three-tier test**:

① Was it artificially bred? → ② Do individuals within the population exhibit trait uniformity? → ③ Are hereditary characteristics stable across multiple generations of reproduction?

**If any element is absent**, the subject does not constitute a "plant variety" and may proceed to substantive patent examination.

## Special Feature

### (2). Broad Genotypic Populations Explicitly Patentable (Major Breakthrough)

The amendments introduce a critical adjudicatory rule: **"Broad plant populations defined solely by DNA sequences or functional protein sequences conferring certain traits... will not possess uniformity and stability in principal characteristics, and therefore do not constitute plant varieties."**

- **Paradigmatic Example:** "A drought-resistant rice plant containing an exogenous insertion gene as shown in SEQ ID NO:1." Because the claim does not encompass limitations on complete plant structural composition or comprehensive genomic information, the improvement gene applies to numerous plant populations or individual plants. These individuals, apart from the specified gene, **lack identical or highly similar genetic backgrounds** and therefore will not possess uniformity and stability in principal characteristics. **Not a plant variety.**

- **Examination Distinction:**

- Claim explicitly seeking protection for "a transgenic soybean variety" → **Constitutes a plant variety; non-patentable**
- Claim seeking protection for "a plant population containing a specific gene" → **Must proceed to substantive examination**

### (3). Clarification of Scientific Discovery Boundaries

The Guidelines explicitly state: **"Wild plants found in nature, unprocessed by technology, and existing naturally"** constitute scientific discoveries. However, **"when wild plants undergo artificial breeding or improvement and possess industrial utility value,"** they do not constitute scientific discoveries. This eliminates the erroneous presumption that "wild resources = natural products."

## 3. Practical Implications and Strategic Responses

### For Examiners:

A shift is required from "nomenclature-based exclusion" to "substantive examination." For claims explicitly referencing varieties (e.g., "a transgenic soybean variety"), directly apply Article 25. For claims directed to "plant populations containing specific genes," analyze whether the population characteristics satisfy DUS criteria.

### For Applicants and Patent Attorneys:

#### (1). Construct a "Dual-Track Layout"

- **Upstream:** Use patents to protect genes, editing methods, and intermediate lines (draft as "plants containing gene X" rather than "variety X")
- **Downstream:** Use variety rights to protect commercially stabilized varieties

## Special Feature

**(2). Subject Matter Defense Strategy:** When confronted with a "constitutes a plant variety" rejection, the **focal point of rebuttal** should be: "The protected population exhibits natural variation in genetic background and lacks the legally required DUS (uniformity and stability)," rather than making generalized arguments about "technical contribution."

**(3). Utilization of Wild Resources:** Specifications **must document** artificial breeding procedures (e.g., backcrossing, selection cycles) and industrial application data (e.g., yield improvement rates) to establish "non-scientific discovery" status. **If the applicant cannot provide sufficient evidence** demonstrating that the claimed plant population lacks trait uniformity and/or stability, the population will be deemed to constitute a plant variety.

### Concluding Observations

These amendments **bridge the protection gap** in the biological breeding innovation chain, rendering comprehensive intellectual property strategies spanning "**from gene to field**" operationally feasible. This regulatory evolution reflects a nuanced understanding of modern agricultural biotechnology and establishes China as a jurisdiction capable of sophisticated dual-layer protection frameworks for plant-related innovations.