

CORRESPONDENCE ON THE PROTECTION OF INTELLECTUAL PROPERTY IN CHINA

Volume No.1 of 2023

CCPIT Commercial and Legal Service Center

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Part I

Domestic Laws and Policies

CNIPA Revised the *Interim Measures for the Handling of Relevant Affairs After China's Accession to the Hague Agreement*

On February 5, 2022, with the State Council's approval, China acceded to the *Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (1999)* (hereinafter referred to as the "Hague Agreement"), which came into effect in China on May 5, 2022. To earnestly promote the smooth implementation of the Hague Agreement after its entry into force in China and set forth the revised Detailed Rules for the Implementation of the Patent Law and the business rules for the transitional period prior to the entry into effect of the Guidelines for Patent Examination, CNIPA prepared the *Interim Measures for the Handling of Relevant Affairs after China's Accession to*

the Hague Agreement (hereinafter referred to as the "Measures").

This year, for the purpose of further guaranteeing the smooth implementation of the Hague Agreement in China and responding to the urgent needs of innovators from home and abroad for examinations, CNIPA has revised the Measures and made them issued. The Measures came into force on January 11, 2023 and in the meantime abolished the *Interim Measures for the Handling of Relevant Affairs after China's Accession to the Hague Agreement* (Announcement No.481 of the China National Intellectual Property Administration) which came into effect on May 5, 2022.

The full text of the revised Measures in Chinese is available at the following website: https://www.cnipa.gov.cn/art/2023/1/5/art_74_181249.html

The Specification for Intellectual Property Protection of Commodity Trading Markets Came into Effect

The *Specification for Intellectual Property Protection of Commodity Trading Markets*, the recommended national standard that for the first time provided for the intellectual property protection and management of commodity trading markets in China, came into effect on July 1, 2023. Considering the development reality on intellectual property protection of commodity trading markets in China, this standard is formulated and formed on the basis of full lessons drawn from the existing experience in the construction of standardized intellectual property protection markets. It does not only take into account the reality of intellectual property protection in different types of markets such as physical markets and e-commerce platforms, but also actively responds to the new requirements from the complex changes in the global governance system for intellectual property protection in commodity trading markets, with a positive and far-reaching impact on intellectual property protection in China's market field.

The *Specification for Intellectual Property*

Protection of Commodity Trading Markets national standard consists of 8 chapters: Scope, Normative References, Terms and Definitions, Management Duties, Operation Management, Handling of Intellectual Property Infringement, Resource Guarantee, and Evaluation and Improvement, and applies to the parties active in commodity trading markets. In addition, the *Specification for Intellectual Property Protection of Commodity Trading Markets* sets forth refined rules in terms of promoting the establishment of intellectual property dispute resolution mechanism and rights protection assistance mechanism in commodity trading markets, and the operators and managers of commodity trading markets should establish a multi-resolution mechanism for intellectual property disputes: consultation and settlement, and requesting consumer organizations, industry associations or other mediation organizations established according to laws to mediate; Solving disputes by reporting complaints to relevant departments, submitting to arbitration, or bringing lawsuits; For complex intellectual property disputes, introducing third-party professional institutions to participate in dispute review; and Establishing an intellectual property information management system, assisting in handling reports and complaints about intellectual property violations, and assist in solving intellectual property disputes.

The full text of the Specification in Chinese is available at the following website: <https://std.samr.gov.cn/gb/search/gbDetailed?id=F159DFC2A99247EFE05397BE0A0AF334>

SAMR Revised and Issued the *Provisions on Prohibiting the Abuse of Intellectual Property Rights to Exclude or Restrict Competition*

In order to encourage innovation, maintain the market order of fair competition in the intellectual property field, and help the construction of a unified national market and a strong intellectual property country, considering the new patterns, new conditions and new problems in anti-monopoly supervision and enforcement in recent years, SAMR revised and issued the *Provisions on Prohibiting the Abuse of Intellectual Property Rights to Exclude or Restrict Competition*, which came into effect on August 1, 2023.

The *Provisions on Prohibiting the Abuse of Intellectual Property Rights to Exclude or Restrict Competition* particularly balances the protection of intellectual property rights and the maintenance of fair competition orders,

emphasizes the important and difficult issues of anti-monopoly in the intellectual property field, strengthens the guidance by rules, and promotes fair competition and innovative development. Compared with the *Provisions on Prohibiting the Abuse of Intellectual Property Rights to Exclude or Restrict Competition* issued in 2015, the Provisions have been revised and improved in the following aspects:

Firstly, the connotation of the “Abuse of Intellectual Property Rights to Exclude or Restrict Competition” is expanded. Three types of monopolistic behaviors, i.e. exercise of intellectual property right to reach a monopoly agreement, abuse its dominant market position, and commit a concentration between undertakings with the effect or potential effect of excluding or restricting competition, are included in the scope of regulation.

Secondly, the rules for determining the monopolistic conduct carried out by exercising intellectual property rights are perfected. Subject to the Anti-monopoly Law revised in 2022, based on the characteristics and actual supervision of intellectual property rights, the definition of relevant markets, the determination and presumption of market dominance, the determination of monopolistic conduct, the considerations in the examination of the concentration between undertakings and the

specific types of additional restrictive conditions are improved and refined to enhance the guidance and operability of the rules.

Thirdly, the regulation of typical and special monopolistic conduct in the intellectual property field is enhanced. For example, perfect the provisions concerning a patent pool and prohibit a patent pool entity or member from committing any monopolistic conduct through a patent pool; Strengthen the regulation of monopolistic conduct in the development and implementation of standards and prohibit an undertaking with a dominant market position from committing “Patent Holdup” by use of a standard-essential patent.

The full text of the Provisions in Chinese is available at the following website: https://www.samr.gov.cn/zw/zfxxgk/fdzdgknr/fgs/art/2023/art_e155397fbc5c4c05ad3c1838c1322ad2.html

Chongqing Printed and Issued the *Measures for the Selection and Reward of Patent Awards in Chongqing* (with effect on and from March 31, 2023)

To thoroughly implement the Outline for

Building an Intellectual Property Powerhouse (2021-2035), accelerate the construction of a strong intellectual property city, commend the advanced, encourage innovations, and actively promote the high-quality intellectual property development in Chongqing, on March 31, 2023, the Chongqing Intellectual Property Office and the Chongqing Administration of Labor and Social Security jointly issued the *Measures for the Selection and Reward of Patent Awards in Chongqing*, providing for the selection and reward of Chongqing Patent Awards, from award setting, application conditions, selection criteria and procedures, through commendation and reward.

The full text of the Measures in Chinese is available at the following website: http://zscqj.cq.gov.cn/zwgk_232/zcwj/gfxwj/202304/t20230420_11895212_wap.html

Hubei Province Printed and Issued the *Implementation Measures for the Administration on Intellectual Property Credit Management*

On May 19, 2023, to strengthen the construction of intellectual property credit system and

standardize the administration on intellectual property credit management, Hubei Intellectual Property Bureau and Hubei Market Supervision Administration jointly issued the *Implementation Measures for the Administration on Intellectual Property Credit Management in Hubei Province (for Trial Implementation)* (hereinafter referred to as the *Measures*) with effect on and from the date of issuing.

The *Measures* clarify the duties and responsibilities of the provincial administration for market supervision (intellectual property) and their branches in the cities of the province concerning the administration on intellectual property credit management, and provide for the identification and disposal procedures and management measures of dishonesty, credit evaluation, supervision and commitment. As proposed in the *Measures*, firstly, the provincial administration for market supervision (intellectual property) and their branches in the cities of the province will organize the preparation and timely publication of the lists of dishonest persons of their own jurisdictions, organize the implementation of management according to the lists, and implement joint punishments for those clearly listed as key controlled persons subject to laws and regulations; secondly, they will establish a dynamic adjustment mechanism of risk evaluation indicators associated to

intellectual property credit, build a new credit-based supervision mechanism, strengthen the application of credit risk scoring, classification and rating results, emphasize the percentage and frequency of dynamic adjustment spot check, and implement differentiated supervision; and thirdly, they will advocate the credit commitment system in intellectual property work, encourage and support social organizations, such as industry associations and credit evaluation institutions, to include the intellectual property credit information in the intellectual property credit rating evaluation, and meet the multi-level, diversified and professional credit service needs of the whole society.

The full text of the Measures in Chinese is available at the following website: https://zscqj.hubei.gov.cn/fbjd/zc/gfxwj/202306/t20230605_4695909.shtml

Beijing Issued the Measures of Beijing Municipality for the Administration of the Registration of Intellectual Property in Data (for Trial Implementation)

For the purposes of putting into effect the *Opinions of the CPC Central Committee and the*

State Council on Establishing a Database System to Maximize a Better Role of Data Elements and the *Outline for Building an Intellectual Property Powerhouse (2021-2035)*, and following the requirements of the China National Intellectual Property Administration on pilot work on intellectual property in data, Beijing launched a pilot project on intellectual property in data. On May 30, 2023, at the “Global Forum on Intellectual Property Protection and Innovation” under ZGC Forum, Beijing Municipal Intellectual Property Office, Beijing Municipal Bureau of Economy and Information Technology, Beijing Municipal Commerce Bureau, and People’s Procuratorate of Beijing Municipality jointly issued the *Measures of Beijing Municipality for the Administration of the Registration of Intellectual Property in Data (for Trial Implementation)* (hereinafter referred to as the *Measures*). The Measures shall be implemented on a trial basis on June 19, 2023 for a period of three years.

The *Measures* consist of 25 articles under five parts: General Provisions, Registration Content, Registration Procedures, Administration and Regulation, and Supplemental Provisions, and provide for main matters, such as the registration objects, registration subjects and registration procedures of intellectual property in data. Beijing Municipal Intellectual Property Office

will build a citywide unified registration platform for intellectual property in data, and carry out the work on the registration of intellectual property in data within the administrative region of this Municipality. The departments in charge of intellectual property in data will encourage the promotion of registration certificates to facilitate the innovative development, dissemination and utilization of data and the realization of its value, actively advance the use of registration certificates in administrative law enforcement, judicial trials, and legal supervision, maximize the evidential effect of registration certificates, strengthen the protection of intellectual property in data, and effectively protect the lawful rights and interests of data processors.

At the meeting, Beijing Municipal Intellectual Property Office, Beijing Internet Court and Beijing International Data Exchange signed a framework agreement on intellectual property in data cooperation to carry out the pilot work of registration of intellectual property in data and jointly realize mutual recognition and trust. The three parties will carry out relevant cooperation in the fields of registration of intellectual property in data, transaction circulation, dispute resolution, platform construction, personnel training and business discussion, jointly promote the exploration and establishment of data title system in the market-oriented

allocation of data elements in Beijing, ensure the safety, compliance and circulation of data, and standardize the market development of data elements.

The full text of the Measures in Chinese is available at the following website: <http://zscqj.beijing.gov.cn/zscqj/zwgk/tzgg/326121372/index.html>

Jiangsu Province Printed and Issued the *Several Policy Measures for High-standard Promoting the Construction of A Strong Intellectual Property Province*

To take full advantage of the supporting and serving role played by intellectual property in building a new development pattern and promoting high-quality development, high-standard promote the construction of a strong intellectual property province, and strive to build an industrial science and technology innovation

center with global influence, on June 29, 2023, the Government of Jiangsu Province printed and issued the *Several Policy Measures for High-standard Promoting the Construction of A Strong Intellectual Property Province*.

There are 21 measures including but not limited to: carry out the cultivation of high-value patents, implement patent-navigated industrial projects, speed up the acquisition of innovative technology patents, improve the mechanism on transformation and operation of intellectual property, make administrative enforcement and judicial protection of intellectual property strict, promote the popularization and application of innovative products, strengthen financial support for intellectual property, innovate the use of intellectual property, and expand intellectual property-intensive industries.

The full text of the Measures in Chinese is available at the following website: http://www.jiangsu.gov.cn/art/2023/7/12/art_46143_10948852.html



Part II

Domestic Events and International Exchanges

The Supreme People's Court Issued the *Judicial Protection of Intellectual Property Rights in Chinese Courts (2022)*

On April 20, 2023, the Supreme People's Court held a press conference to release the *Judicial Protection of Intellectual Property Rights in Chinese Courts (2022)* and the Top Ten Intellectual Property Cases and Fifty Model Intellectual Property Cases Tried by Chinese Courts in 2022, and also launched the "Judicial Protection of Intellectual Property Rights in Beijing Event". Tao Kaiyuan, Vice President of the Supreme People's Court, Kou Fang, President of Beijing High People's Court, Lin Guanghai, President of the Third Civil Division of the Supreme People's Court, and He Zhonglin, Vice President of the Intellectual Property Court of the Supreme People's Court, attended the conference and answered questions

from reporters. The conference was hosted by Li Guangyu, Spokesperson of the Supreme People's Court.

At the conference, Kou Fang, President of Beijing High People's Court, introduced the judicial protection of intellectual property rights in Beijing courts in 2022. In 2022, Beijing courts followed the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era and fully learned and implemented Xi Jinping Thought on the Rule of Law, and with the correct guidance of the Supreme People's Court and the powerful leadership of the Beijing Municipal Committee of the CPC, Beijing courts strengthened judicial protection of intellectual property rights in accordance with laws, continuously improved the intellectual property trial skills, gave full play to the role played by intellectual property trials in encouraging independent innovation, maintaining fair competition order and other

aspects, and effectively served and ensured the high-quality development of Beijing.

As next step, Beijing courts will continue to follow the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era and fully learn and implement Xi Jinping Thought on the Rule of Law, and they will also continuously improve the judicial protection of intellectual property rights and provide better judicial services and strong judicial guarantee for Beijing to take the lead in substantially realizing socialist modernization.

The full text of this officially released document in Chinese is available at the following website:
<https://www.court.gov.cn/zixun/xiangqing/397082.html>

The Supreme People's Procuratorate Published Typical Cases Involving Protection of Intellectual Property Rights

On April 26, the Supreme People's Procuratorate published the Model Cases of Procuratorial Organs' Protection of Intellectual Property Rights to Serve and Guarantee Innovation-Driven Development. There are 10 cases,

including 4 criminal cases concerning trademark infringement, 3 criminal cases concerning trade secret infringement, 2 criminal cases concerning copyright infringement and 1 administrative public interest case.

The full text of this officially released document in Chinese is available at the following website:
https://www.spp.gov.cn/zdgz/202304/t20230426_612582.shtml

Chinese President Xi Jinping Sent A Congratulatory Letter to A Commemorative Event Marking the 50th Anniversary of Cooperation Between China and the World Intellectual Property Organization (WIPO) and Main Publicity Week Activity

Xi noted that, over the past 50 years, China has been firmly committed to upholding the multilateral system of international intellectual property rights (IPR), and the country's cooperation with the WIPO has been expanded and deepened with fruitful results. China has always attached great importance to IPR protection, and exerted efforts to make the country strong in intellectual property.

China has strengthened the legal protection of IPR, improved the IPR management system, strengthened IPR full-chain protection, and continued to improve the innovation and business environment, Xi stressed in the letter. China is willing to further deepen the friendly cooperation with the WIPO, and work together to make the global intellectual property governance system fairer and more equitable and better improve the well-being of humankind, said Xi.

The Commemorative Event Marking the 50th Anniversary of Cooperation Between China and the World Intellectual Property Organization and Main Publicity Week Activity was held in Beijing on the event day and sponsored by the Organizing Committee of the National Intellectual Property Publicity Week. The theme of the event is “strengthening the legal protection of intellectual property rights and strongly supporting all-round innovation”.

The full text of this officially released document in Chinese is available at the following website: https://www.gov.cn/yaowen/2023-04/26/content_5753235.htm

Vice Premier Ding Xuexiang, a member of the Standing Committee of the Political Bureau of the CPC Central Committee, attended and made a speech Commemorative Event Marking the 50th Anniversary of Cooperation Between China and the World Intellectual Property Organization (WIPO) and Main Publicity Week Activity

The Commemorative Event Marking the 50th Anniversary of Cooperation Between China and the World Intellectual Property Organization (WIPO) and Main Publicity Week Activity was held in Beijing on April 26. Vice Premier Ding Xuexiang, a member of the Standing Committee of the Political Bureau of the CPC Central Committee, attended the event, and he conveyed President Xi Jinping’s letter and made a speech.

China will comprehensively strengthen the protection of intellectual property rights, accelerate

the construction of a strong intellectual property country, stimulate the innovative vitality of the whole society, promote the construction of a new development pattern, and strive to achieve high-quality development, Ding Xuexiang stressed. China will further strengthen the construction of intellectual property system, speed up the improvement of legal intellectual property system, improve the mechanism on the distribution of intellectual property rights and interests, promote the patent and trademark review and other policies, and give better play to the guarantee role played by IPs in stimulating innovation, Ding emphasized. China will protect intellectual property rights in strict accordance with laws, improve the administrative protection system, improve the judicial protection system, strengthen the whole-chain protection of intellectual property rights, and create a fair competition market environment; efforts will be made to promote the transfer and transformation of intellectual property rights, cultivate and develop the market of intellectual property elements, encourage the creation and application of intellectual property rights, and support the innovation and development of the real economy; China will continue to optimize public intellectual property services, improve their accessibility and inclusiveness, and promote innovation to better benefit the people; and China will act for in-depth publicity of the

intellectual property culture concept, enhance public awareness of the intellectual property culture, and cultivate a humanistic and social environment for innovation and development, Ding said.

Ding Xuexiang noted that China is willing to establish closer cooperation with the WIPO, work together to promote international intellectual property cooperation and make new contributions to the prosperity and progress of mankind. He raised three points of suggestion: Firstly, jointly improve the global governance of intellectual property rights, firmly safeguard the WIPO-core and multilateral system of intellectual property rights, and promote the development of the global intellectual property governance system toward a more just and reasonable direction. Secondly, jointly promote the efficient creation and application of intellectual property rights, adhere to the principles of openness, inclusiveness and balancing, promote international exchanges and cooperation in intellectual property rights, and make innovations better benefit mankind. Thirdly, jointly promote international cooperation in the protection of intellectual property rights, severely crack down on all kinds of intellectual property infringement according to laws, promote equal protection of intellectual property rights, and carry out technical

exchanges and cooperation on the basis of the principle of market practice and rule of law.

The full text of this officially released document in Chinese is available at the following website: https://www.gov.cn/yaowen/2023-04/26/content_5753277.htm

“Improve Quality with Strong Ability”-the 2nd Annual Activity of Building Professional Ethics in Intellectual Property Agency Industry Started

The opening ceremony of “Improve Quality with Strong Ability”-the 2nd Annual Activity of Building Professional Ethics in Intellectual Property Agency Industry was held in Beijing on May 9. LuPengqi, Deputy Commissioner of the China National Intellectual Property Administration (CNIPA), attended it and made a speech.

LuPengqi noted that intellectual property agency service that runs through the whole chain of intellectual property system is an important support to promote high-quality creation, high-

efficiency application, high-standard protection and high-level management of intellectual property, and an important force to promote the construction of a strong intellectual property country. He emphasized on accelerating the transformation of intellectual property agency service from pursuing quantity to pursuing quality, establishing a sense of responsibility of “Quality First, Quality Priority”, regarding high quality as the overarching theme and hard task of developing intellectual property agency in the new era, further deepening implementation to achieve effective results, persistently and continuously strengthening service capabilities for better service quality.

Relevant officers of CNIPAPatent Office also attended the event. The event was directed by the Intellectual Property Application Promotion Department, jointly organized by China Trademark Association and All-China Patent Attorneys Association, and attended by representatives from local associations and from the intellectual property agency industry.

The full text of this officially released document in Chinese is available at the following website: https://www.cnipa.gov.cn/art/2023/5/10/art_53_185012.html

CNIPA Held 2023 National Intellectual Property Publicity Week Summary Exchange Meeting

Recently, CNIPA held a summary exchange meeting of the 2023 National Intellectual Property Publicity Week in Beijing. Hu Wenhui, Deputy Commissioner of the CNIPA, attended the meeting and delivered a speech.

Hu Wenhui noted that the CPC Central Committee and the State Council attached great importance to intellectual property work, and this year's Publicity Week coincided with the 50th anniversary of cooperation between China and the WIPO, so the internal affair and the foreign affair were brought together. Hu Wenhui emphasized that the Publicity Week had been successfully held for 15 consecutive sessions, and it had become an intellectual property publicity brand connecting all ministries and commissions, departments within the Administration, all parts of the country and all fields of the society; this year's Publicity Week had a clear theme, rich content, outstanding highlights, extensive coverage of participants and far-reaching influence; and all departments worked together to ensure the success of the Publicity Week.

The officers of relevant departments and units

of the Administration attended the meeting and made exchange speeches.

The full text of this officially released document in Chinese is available at the following website: https://www.cnipa.gov.cn/art/2023/6/6/art_53_185580.html

The 16th IP5 Heads of Offices Meeting Was Held in the United States

From June 12 to 15 (local time), the 16th IP5 Heads of Offices Meeting was held in the United States. Shen Changyu, Commissioner of the China National Intellectual Property Administration (CNIPA) headed a delegation to the event.

This year's event included Sustainable Innovation Dialogue, and IP5 Heads and IP5 Heads & Industry Meeting. The heads of the IP5 offices approved achieved results of the ongoing cooperation projects and the next work plans, and discussed the main focus of future cooperation. The meeting passed the IP5 Joint Statement, and updated the vision of IP5 cooperation by adding "building a sustainable future" into the cooperation objectives.

During the event, the Chinese delegation also held bilateral talks with the United States Patent and Trademark Office (USPTO), European Patent Office (EPO), Japan Patent Office (JPO) and the World Intellectual Property Organization (WIPO) and shared comments on issues of mutual concern. Shen stressed that the Chinese government has attached great attention to IP work and enhanced IP protection constantly. China is willing to deepen communication and cooperation in the IP field with all partners, and enhance mutual exchanges in trade, economy, technology and culture to better serve IP users and advance innovation.

The full text of this officially released document in Chinese is available at the following website: https://www.cnipa.gov.cn/art/2023/6/22/art_53_185836.html

CNIPA Issued 2022 White Paper on Intellectual Property Protection in China

On June 30, China National Intellectual Property Administration (CNIPA) held a press conference to release the White Paper “Intellectual Property Protection in China in 2022”. The White Paper introduces the progress of intellectual property

protection in China in 2022 from five aspects: protection effect, system construction, approval and registration, cultural construction and international cooperation. The White Paper shows, in 2022, China’s social satisfaction to intellectual property protection was further improved, with a satisfaction score of 81.25 (of 100, and Hong Kong, Macao and Taiwan were excluded from the scoring), and the overall situation entered a good stage.

Zhang Zhicheng, Spokesperson and Head of IP Protection Department of China National Intellectual Property Administration, said that compared with the initial period of the Thirteenth Five-Year Plan, the satisfaction of the public had increased the most among the three types of respondents: intellectual property rights holders, the public and professionals, indicating that intellectual property protection had been recognized more and more widely; and the satisfaction of all kinds of enterprises had been greatly improved, showing that intellectual property protection was playing a positive role in creating a good business environment and expanding high-level opening up.

In the past year, China has further consolidated the foundation of the rule of law in intellectual property rights, deepened the reform of intellectual property protection system and mechanism,

continuously strengthened the protection of the entire chain of intellectual property rights, built a security barrier in the field of intellectual property rights, and extensively carried out publicity and training on intellectual property protection. All work has made positive progress and contributed to building a socialist modern country in an all-round way.

The full text of this officially released document in Chinese is available at the following website: https://www.cnipa.gov.cn/art/2023/6/30/art_91_186011.html

Shen Changyu Headed Delegation to The 64th WIPO Assemblies and Made General Statement

The 64th Series of Meetings of the Assemblies of the Member States of the World Intellectual Property Organization (WIPO) took place in Geneva, Switzerland on July 6. Shen Changyu, Commissioner of the China National Intellectual Property Administration (CNIPA) led a delegation of the Chinese government to the event and made a general statement. Zhang Jianchun, Vice Minister of the Publicity Department of the Communist Party of China (CPC) Central Committee, David Fuk Loi Wong, Director

of the Intellectual Property Department of the Government of the Hong Kong Special Administrative Region (HKIPD), Chan Tze Wai, Deputy Director of the Economic and Technological Development Bureau (DSED) of the Macao Special Administrative Region also attended.

Shen said that the Chinese government has always attached great importance to IP work, advanced the construction of an IP powerhouse, intensified legal protection of IPR, improved the IPR management system, strengthened IPR full-chain protection, and continued to improve the innovation and business environment.

Regarding the issues discussed under the framework of WIPO, Shen made four proposals: First, calling upon countries to keep advancing the 2030 Sustainable Development Goals of the United Nations; Second, absolutely upholding the smooth operation of the IP multilateral system with the WIPO at core; Third, further improving the WIPO global IP service systems; Fourth, further improving the oversight and governance system of the WIPO.

The Chinese government delegation comprises members from the CNIPA, Ministry of Foreign Affairs, National Copyright Administration, Permanent Mission of China to the United

Nations Office at Geneva and other International Organizations in Switzerland, HKIPD and DSED of Macao.

The full text of this officially released document in Chinese is available at the following website: https://www.cnipa.gov.cn/art/2023/7/7/art_53_186193.html

BRICS Heads of IP Offices Held Informal Meeting in Geneva, Switzerland

On July 7, during the 64th Series of Meetings of the Assemblies of the Member States of the World Intellectual Property Organization (WIPO), BRICS heads of IP offices held an informal meeting. The meeting was chaired by Rory Voller, Commissioner of the Companies and Intellectual Property Commission (CIPC) of South Africa and participated by Shen Changyu, Commissioner of the China National Intellectual Property Administration (CNIPA), Júlio Moreira, President of the National Institute of Intellectual Property (INPI) of Brazil, Yury Zubov, Head of the Federal Service for Intellectual Property (Rospatent) of Russia, and Unnat P. Pandit,

Controller General of Office of the Controller General of Patents, Designs and Trademarks (CGPDTM).

Shen stated that the BRICS mechanism, since its establishment 17 years ago, has been upholding the BRICS spirit of openness, inclusiveness and win-win cooperation, maintaining close communication, deepening cooperation, and enhancing mutual trust with a series of important fruits reaped. Since last year, marked progress has been made in all aspects of IP cooperation among the BRICS countries. Further deepening of communication, mutual learning and pragmatic cooperation is expected to enhance the influence of the BRICS IP cooperation.

During the meeting, the offices discussed and reached consensus on issues including progress of the BRICS cooperation roadmap project, BRICS general statements during the WIPO Assemblies, future information communication mechanism and preparatory work for the 15th BRICS Heads of IP Offices Meeting.

The full text of this officially released document in Chinese is available at the following website: https://www.cnipa.gov.cn/art/2023/7/13/art_53_186276.html

Shen Changyu Headed Delegation to EU, French Authorities for Working Meetings

Shen Changyu, Commissioner of the China National Intellectual Property Administration (CNIPA) recently led a delegation to visit relevant authorities of the European Union and France, had work meetings with authorities including the Directorate-General for Agriculture and Rural Development of the European Commission (DG AGRI) and the Ministry of Agriculture and Food Sovereignty of the French Republic, and held the 34th Meeting of China-France Mixed Committee on IPRs with the National Institute of Industrial Property (INPI) of France.

During the visit to EU, the delegation and the DG AGRI, in a bid to execute Chinese President Xi Jinping's instructions on enhancing international cooperation of IPR protection and implement the effective China-EU and China-France agreements on geographical indications (GIs), shared comments on the latest progress of GI legislation and had profound discussions on the execution of the China-EU GI agreement, especially dispute coordination and technical examination work over its second list of GI products. The two sides agreed to draft user guidelines of the official symbols to help Chinese and European companies use them properly.

The full text of this officially released document in Chinese is available at the following website: https://www.cnipa.gov.cn/art/2023/7/14/art_53_186315.html



CNIPA Issued the Patent Classification System for Green and Low-carbon Technologies

To thoroughly implement the spirit of the 20th National Congress of the CPC on accelerating the green transformation of development mode and actively and steadily promoting emission peak and carbon neutrality, and implement major strategic decisions such as the *Working Guidance of the Central Committee of the Communist Party of China and the State Council for Carbon Dioxide Peaking and Carbon Neutrality in Full and Faithful Implementation of the New Development Philosophy* and the *Notice by the State Council of the Action Plan for Carbon Dioxide Peaking Before 2030*, the Classification System is hereby formulated according to the deployment requirements in the *Notice by the State Council of Issuing the National Intellectual Property Protection and Use Plan for the 14th*

Five-Year Plan Period (GF [2021] No.20), around the goal of “double carbon”, to clear the basis for statistical monitoring of green and low-carbon technology patents, promote international exchange and transfer of green and low-carbon technology patents, and promote green and low-carbon technology innovation and patent industrialization.

The full text of the System in Chinese is available at the following website: https://www.cnipa.gov.cn/art/2023/3/7/art_88_182577.html

CNIPA Issued the Reference Table of Core Digital Economy Industry Classification and International Patent Classification (2023)

To implement the deployment requirements

of the 20th National Congress of the CPC on accelerating the development of digital economy, strengthen the statistical monitoring of the scale, structure and quality of patents in the core digital economy industries, and support the innovative development of digital economy, this Reference Table is specially formulated. This Reference Table applies to macro-statistical monitoring of the development of patents in the core digital economy industries, and also applies where relevant local departments and all walks of life carry out statistical analysis of relevant industry patents in light of actual needs.

In line with the *Digital Economy and Statistical Classification of Its Core Industries* (2021), the core digital economy industries refer to all kinds of economic activities that provide digital technology, products, services, infrastructure and solutions for the digital development of the industries, and completely rely on digital technology and data elements, including 01 digital product manufacturing, 02 digital product service, 03 digital technology application and 04 digital element driving. This Reference Table establishes a referential relationship with the international patent classification for 86 subcategories in 15 categories under the four classes of core digital economy industries, involving 8 divisions, 54 categories, 154 subcategories, 266 groups and 8367 subgroups in

the international patent classification table.

The full text of the Reference Table in Chinese is available at the following website: https://www.cnipa.gov.cn/module/download/down.jsp?i_ID=183113&colID=88

The Supreme People's Court Issued the *Annual Report of the Intellectual Property Court* (2022)

In 2022, people's courts at all levels followed the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, fully learned and implemented the spirit of the 20th National Congress of the CPC, and fully implemented Xi Jinping Thought on the Rule of Law. They deeply understood the decisive significance of the "two establishments", strengthened the "four consciousnesses", insisted the "four self-confidences" and achieved the "two maintenances", deeply learned a series of major theoretical achievements and major decision-making arrangements put forward by the 20th National Congress of the CPC, gave full play to the role of judicial function and comprehensively strengthened the judicial protection of intellectual property rights from

the perspective of national strategies and the requirements of entering a new stage of development, so as to provide powerful judicial services and guarantees for promoting high-quality development and meeting people's needs for a better life. This Annual Report sorts out 43 issues on application of law from intellectual property cases concluded in the Supreme People's Court in 2022.

The full text of the Annual Report in Chinese is available at the following website: <https://www.court.gov.cn/zixun-xiangqing-397462.html>

The Supreme People's Court Issued the *Summary of the Judgment Digests of the Intellectual Property Court of the Supreme People's Court (2022)*

In order to intensively demonstrate the judicial philosophy, trial ideas, and adjudication methods of the Intellectual Property Court ("IPC") of the Supreme People's Court ("SPC") in the trial of technology-related IP cases and monopoly cases, the Intellectual Property Court selected 61 typical cases from 3,468 cases concluded by the IPC in 2022, summarized 75 pieces of key points of judgment, and formed the *Summary*

of Judgment Digests of the Intellectual Property Court of the Supreme People's Court (2022), which are hereby issued for research and reference to all sectors of the society.

The full text of the Summary in Chinese is available at the following website: <https://www.court.gov.cn/zixun-xiangqing-394832.html>

The Supreme People's Court Issued the *Judicial Protection of Intellectual Property Rights in Chinese Courts (2022)*

In the Report to the 20th National Congress of the Communist Party of China, it was emphasized that pursuing high-quality development is one of the essential requirements of the Chinese path to modernization; it was clearly defined that innovation will remain at the heart of China's modernization drive; and special deployment was made to strengthen the legal protection of intellectual property rights. In 2022, Chinese courts adhered to Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, put the guiding principles from the 20th National Congress into action, and fully implemented Xi Jinping Thought on the Rule of Law, while keeping in

mind the top priorities of the country. In order to make the people feel justice has been served in each and every judicial case, Chinese courts enhanced the sense of responsibility and mission in improving the trial of intellectual property cases in the new era and continued to improve judicial protection of IP rights.

The full text of the Judicial Protection in Chinese is available at the following website: <https://www.court.gov.cn/zixun-xiangqing-397082.html>

The Supreme People's Court Published Top Ten Intellectual Property Cases and Fifty Model Intellectual Property Cases Tried by Chinese Courts in 2022

The Supreme People's Court held a press conference in Beijing Intellectual Property Court on April 20 to publish Top Ten Intellectual Property Cases and Fifty Model Intellectual Property Cases Tried by Chinese Courts in 2022.

The Top Ten Intellectual Property Cases consist of 8 civil cases, 1 administrative case and 1 criminal case. The Fifty Model Intellectual Property Cases consist of 41 civil cases (involving patents, trademarks, copyrights,

unfair competition and disputes over new plant varieties), 6 administrative cases and 3 criminal cases.

The cases and the case names are available at the following website: <https://www.court.gov.cn/zixun-xiangqing-397162.html>

The Office of the National Leading Group on Coordinated Implementation of Building a Quality-powered Nation Issued the *Annual Report on China's Combating of IPR Infringement and Counterfeiting (2022)*

Intellectual property rights (IPR) protection ignites the motivation for innovation. The fight against infringement and counterfeiting matters greatly to the building of a new development pattern, the promotion of high-quality development, and the achievement of high-level opening up. Hence, the Chinese government has always attached great importance to the efforts in this regard, taking them as those concerning the long-term interests in the development of the country. It has made a series of important deployments and adopted a series of practical measures, yielding remarkable positive results.

Looking back on 2022, momentous changes not seen in a century accelerated across the world. Changes in the world, times, and history unfolded in an unprecedented way. In the face of a complex environment and arduous tasks, the 20th National Congress of the Communist Party of China (CPC) was held. It drew a grand blueprint for comprehensively promoting the great rejuvenation of the Chinese nation through Chinese modernization, set the direction and provided fundamental guidelines for the fight against IPR infringement and counterfeiting.

Looking back on 2022, aiming at achieving Chinese modernization, the Chinese government accelerated its pace of boosting China's strength in IPR, further refined its top-level design, improved laws and regulations, strengthened law enforcement and justice, expanded the reach of publicity and educational campaigns, and deepened international cooperation. These efforts effectively stimulated the enthusiasm of the whole society for innovation and entrepreneurship, and strongly supported the creation of a world-class business environment. The *Global Innovation Index 2022* released by the World Intellectual Property Organization (WIPO) showed that China continued its elevation in ranking and climbed to 11th place in the Index.

The full text of the Report in Chinese is available at the following website: https://www.gov.cn/lianbo/2023-04/27/content_5753402.htm

CNIPA Issued *Main IP Statistics for Jan.-Jun. 2023 (IP Statistics Bulletin No.8 of 2023)*

In the period from January to June 2023, China granted 433,000 invention patents, 1.104 million utility model patents and 344,000 design patents. In the period from January to June 2023, China received 3.485 million trademark applications and completed 2.018 million trademark registrations. As of June 2023, China has 44.235 million trademarks in force.

In the period from January to June 2023, China approved 3 products of geographical indications, accepted 97 geographical indications registered as collective marks and certification marks, and permitted 3,509 market players approved to use the special marks of the geographical indications. As of June 2023, on an aggregated basis, China approved 2,498 products of geographical indications, accepted 7,173 geographical indications registered as collective marks and certification marks, and permitted 25,219 market players approved to use the

special marks of the geographical indications.

In the period from January to June 2023, China received 5,555 applications for registration of layout designs of integrated circuit and issued 4,861 certificates.

The full text of the Bulletin in Chinese is available at the following website: https://www.cnipa.gov.cn/module/download/down.jsp?i_ID=186425&colID=88

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