

中国知財ニュース IP NEWS in CHINA

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Courts and Cases

[1] Intellectual property protection by Chinese courts in 2012 released

[Intellectual Property Protection in China]

...On April 22, the Supreme People's Court held a press conference in Suzhou City, Jiangsu Province, to release the Intellectual Property Protection by Chinese Courts in 2012 ("White Paper") which publishes the top 10 IP judicial protection cases and 50 typical cases tried by Chinese courts in 2012 and publishes for the first time the top 10 IP judicial protection innovative cases tried by Chinese courts in 2012. These cases are screened out from 148 cases submitted by all high people's courts and 366 IP cases concluded by the Supreme People's Court in 2012.

[2] SPC releases annual report on IP cases in 2012

[Supreme People's Court]

...The Supreme People's Court (SPC) released the Annual Report of the Supreme People's Court on Intellectual Property Cases (2012) on April 24. The Report selects 34 typical cases from IP and competition cases concluded by the SPC in 2012, sums up 37 law application issues with universal guiding significance and concentrated reflection of trial standards, judging methods and judicial policy orientation for the SPC to deal with new types, difficult, and complex IP and competition cases.

The Report points out that the Intellectual Property Division of the SPC accepted 359 IP cases in 2012, down 14.52% compared with 2011. Among them, there were a total of 138 patent and other technical cases, 121 trademark cases, 37 copyright cases, 4 trade secret cases, 9 other unfair competition cases, 24 IP contract cases, and 26 other cases (mainly related to determination of jurisdiction over IP cases).

There were a total of 404 pending cases tried by the SPC in 2012 (including 45 pending cases in 2011). In 2012, the SPC concluded a total of 366 IP cases, including 9 second instance cases, 284 retrial petition cases, 44 habeas corpus cases, and 29 instruction request cases.

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Adopted Legislation

[1] The Plan of the Ministry of Industry and Information Technology to Promote the Intellectual Property released

[Ministry of Industry and Information Technology]

...Recently, the Ministry of Industry and Information Technology released the Plan of the Ministry of Industry and Information Technology to Promote the Intellectual Property, which mainly includes the following content: 1. Fully implementing the national intellectual property plan and tasks; 2. Implementing the industry intellectual property risk evaluation and pre-warning project; 3. Implementing the project of developing the ability of industries and enterprises to use intellectual property rights; 4. Exploring and setting up the mechanism in response to the hot issues of intellectual property rights; and 5. Building the comprehensive data service platform for industry intellectual property rights.

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Statistics

[1] 2012 National Patent Strength Status Report released

[State Intellectual Property Office]

...On April 26, 2013, the State Intellectual Property Office released the 2012 National Patent Strength Status Report. The report monitors, analyzes and evaluates the patent development in 31 provinces, autonomous regions and municipalities directly under the Central Government from five aspects of patent creation, use, protection, administration, and service.

The report shows that China's patent strength continued to improve in 2012. From a national perspective, Guangdong, Beijing, Jiangsu, Zhejiang, Shanghai, Sichuan, Shandong, Hunan, Fujian, and Hubei ranked the top ten in patent comprehensive strength. From the perspective of economic regions, Guangdong, Beijing and Jiangsu ranked the top three in the eastern region; Hunan, Hubei and Anhui ranked the top three among the central and northeastern regions, while Sichuan, Chongqing and Shaanxi ranked among the top three in the western region.

[2] The Annual Development Report for China's Trademark Strategy released

[State Administration for Industry and Commerce]

...The Annual Development Report for China's Trademark Strategy prepared by the Trademark Office and the Trademark Review and Adjudication Board of the State Administration for Industry and Commerce was released recently. The report has 14 chapters. Starting from introducing the implementation of the trademark strategy, it gives a systematic account of the achievements made by the industry and commerce authorities in 2012 in the aspects of trademark application and registration, trademark administrative law enforcement, determination and protection of geographical indication and agricultural product trademarks, and well-known and famous trademarks, review and adjudication of trademarks, trademarks legal system, trademark agencies, local trademark works, international registration and overseas right protection etc., summarizes the major events occurred in trademark fields and makes statistical analysis on trademark data.

[3] MOC releases the Annual Report on China's Web Music Market in 2012

[Ministry of Culture]

...The Ministry of Culture (MOC) recently released the Annual Report on China's Web Music Market in 2012 (hereinafter referred to as the "Report").

The Report shows that in 2012, China's web music enterprises grew step by step on the basis of steady increase of user number, the total number of web music enterprises reached 575, up 27.2% year on year, and the overall market scale reached RMB 4.54 bn. Among them, the growth of online music market was the most prominent, its market scale reached RMB 1.82 bn (calculated base on total revenue of online music service providers, including online music performance income), up 379% year on year; wireless music market reached RMB 2.72 bn (calculated base on total revenue of content providers), up 13.3% year on year. The online music market and wireless music market had 430 mn and 750 mn users respectively, and saw a good development trend.

The Report points out that on the web music market in 2012, it was difficult to eliminate piracy and break through profit model, enterprises' financing channels were too narrow, the efficient distribution and coordination mechanism in the industry had much room for improvement, and the pricing and payment system remained be optimized. The Report states that the web music industry should continue to strengthen supervision, establish an asset evaluation system, optimize the profit model, and form a rational pricing mechanism in the future.

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News

[1] New interfaces in five languages of Chinese patent query system launched

[State Intellectual Property Office]

...In addition to Chinese, English, and Spanish interfaces, Chinese patent query system launched five new interfaces in Japanese, Korean, German, French, and Russian on April 26, 2013, the World Intellectual Property Day. So far, the interfaces in eight languages of the Chinese patent query system have all been launched and put into operation, almost covering the languages used by the world's leading innovation bodies and the countries and regions with main volume of patent applications in China.

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Government Policies

[1] Shanghai funds the registration of computer software copyright

[NIPSO.cn]

...The Administrative Measures of Shanghai for Funding Computer Software Copyright Registration were issued by Shanghai Copyright Bureau recently, according to which fund will be provided to the legal persons and other organizations registered at Shanghai and natural persons holding Household Registers or Residence Permits of Shanghai who have completed the software copyright registration at Copyright Protection Center of China. The fund has been included in the annual budget of the Shanghai Software and IC Special Fund.

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