

中国知財ニュース IP NEWS in CHINA

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情報元：[中国法総合オンラインサービス〈Westlaw China〉](#)

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- [1] The Draft Regulations on Service Inventions (Draft for Review) solicited public comments

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- [1] SPC issued the whitepaper of the Judicial Protection Status of Intellectual Property Rights of Chinese Courts (2013)
- [2] SPC announced the typical IP cases
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- [1] SAIC specified issues on revised Trademark Law
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Proposed Legislation

[1] SPC issued the whitepaper of the Judicial Protection Status of Intellectual Property Rights of Chinese Courts (2013)

[Chinacourt.org]

...Recently, the State Intellectual Property Office issued a notice to solicit public comments on the Draft Regulations on Service Inventions (Draft for Review), and issued about 10 documents for use in legislation, including the drafts at several important milestones and relevant public opinions, argumentation and main issues, seminars and research reports, etc.

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Courts and Cases

[1] Beijing court pronounces first trial of infringement case of Zhongqingwen V. Baidu

[National Energy Administration]

...The Supreme People's Court on April 21 issued the whitepaper of the Judicial Protection Status of Intellectual Property Rights of Chinese Courts (2013), which disclosed that in 2013, the people's courts at all levels concluded a total of 100,399 IP first instance cases, including 88,286 civil first instance cases, 2,901 administrative first instance cases and 9,212 criminal first instance cases, up 5.29 %, 0.07% and down 28% respectively.

ent uses. Baidu's attorney said that Baidu is likely to file a reputation lawsuit against Zhongqingwen.

[2] SPC announced the typical IP cases

[Supreme People's Court]

...On April 21, the Supreme People's Court (SPC) announced the top ten intellectual property cases of Chinese courts in 2013, the top ten cases of innovative intellectual property cases and 50 typical cases of intellectual property rights.

[3] SPC issued the whitepaper of Intellectual Property Rights Judicial Protection Status of Chinese Courts (2013)

[Chinacourt.org]

...Recently, the Supreme People's Court issued the whitepaper of Intellectual Property Rights Judicial Protection Status of Chinese Courts (2013), which pointed out that in 2013, the people's courts tried the IP cases in an impartial, efficient and legitimate way, prevent, punish and crack down IP infringement acts. The role of judiciary in protecting IPR is further strengthened. There are totally 114,075 IP cases nationwide are settled. SPC received 457 IPR civil cases, and concluded 417 cases, an increase of 92.82% and 69.51% respectively. 117 cases of IP administrative complaints are received and 114 cases are settled, an increase of 19.38% and 6.12% respectively.

[4] Beijing High Court issued the top ten typical intellectual property cases and the top ten innovation cases of 2013

[Chinacourt.org]

...Recently, the Beijing High Court issued the top ten typical intellectual property cases of 2013, involving the hot sectors of letter copyright, performing arts contracts, generic names etc. The court also issued the top ten innovation cases of 2013, involving IP leading edge issues of web cache, etc.

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Adopted Legislation

[1] SAIC specified issues on revised Trademark Law

[State Administration for Industry and Commerce]

...On April 15, the Notice of the State Administration for Industry and Commerce on Issues concerning the Revised Trademark Law of the People's Republic of China was issued. The Notice specified the issues concerning the trademark registration, trademark review and trademark supervision and management.

As to the application filed to the trademark offices prior to May 1, 2014, such as trademark registration, dispute, change, transfer, renewal, revocation, cancellation, license record filing etc., the administration decision made by the trademark offices after May 1, 2014 shall be subject to the revised Trademark Law but the review of the qualification of opponent and the cause of dispute under the dispute application shall be subject to the pre-revised Trademark Law. With respect to the application for trademark registration, dispute and revocation filed to the trademark offices prior to May 1, 2014, the review term shall be calculated from May 1, 2014, provided however the review term shall be calculated from the expiry of the announcement if there is less than three months between the date of the preliminary review announcement and May 1, 2014.

As to the reexamination application filed by the parties on the trademark application dismissal decision made by the trademark offices prior to May 1, 2014, the revised Trademark Law shall apply if the case is examined by the Trademark Review and Adjudication Board after May 1. The Notice also specified other circumstances to which the pre-revised or revised Trademark Law shall apply.

[2] New version of the Trademark Registration Certificate and the Trademark Gazette will be used

[State Administration for Industry and Commerce]

...According to the news of the Trademark Office of the State Administration for Industry and Commerce on April 28, for the implementation of the revised Trademark Law of the People's Republic of China, since May 1, 2014, the new version of the Trademark Registration Certificate and the Trademark Gazette will be used.

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