

## 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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### Proposed Legislation

#### [1] The 10th session of the 12th NPC Standing Committee to be held on Aug 25-31

[Chinacourt.org]

...The 27th chairman meeting of the 12th NPC Standing Committee was held on Aug 18. The meeting decided that the 10th session of the 12th NPC Standing Committee will be held in Beijing on Aug 25-31. The chairman meeting proposed that, the 10th session of the 12th NPC Standing Committee will continue to deliberate the revised draft of the Budget Law, the revised draft of the Production Safety Law, the revised draft of the Administrative Procedure Law, and deliberate the motion on the revised draft of the Legislation Law, the motion on revised draft of the Advertisement Law, the motion on revised draft of the Insurance Law and other four laws, and the motion on the draft decision on establishment of IP courts at Beijing, Shanghai and Guangzhou.

## **[2] The Notice of the Office of the State Intellectual Property Office on Collecting the Projects of Formulating and Revising State Standards in the Field of Intellectual Property in 2014 issued**

[State Intellectual Property Office ]

...On August 8, the Notice of the Office of the State Intellectual Property Office on Collecting the Projects of Formulating and Revising State Standards in the Field of Intellectual Property in 2014 was issued. The State Intellectual Property Office (SIPO) will collect projects of formulating and revising state standards in the field of intellectual property in 2014, such as basic common standards in the field of intellectual property; intellectual property management system standards of enterprises, research institutes, universities and other organizations; intellectual property acquisition, maintenance, use, protection and other business process standards; patent information utilization, patent analysis, intellectual property agents, mortgage financing, patent transaction, value analysis, patent licensing and other business or service standards; literature and information standards and other intellectual property rights. The deadline for submissions is September 10, 2014.

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## **Government Policies**

### **[1] MOFCOM holds regular press conference on Aug 18**

[Ministry of Commerce]

...On Aug 18, 2014, the Ministry of Commerce (MOFCOM) held the press conference. Shen Danyang, spokesman of MOFCOM briefed the commercial operation from January to July of 2014 and answered questions raised by reporters.

In the first seven months of 2014, 13,249 new foreign invested enterprises were approved to be established in China, up 1.6% year on year; and the actually utilized foreign capital amounted to USD 71.14bn (about RMB 438.1bn), down 0.35% year on year (excluding the data of banking, securities and insurance sectors, sic passim). In July alone, 2,276 new foreign invested enterprises were approved to be established in China, up 14.03% year on year; the actually utilized foreign capital reached USD 7.81bn, down 16.95% year on year.

From January to July 2014, China's domestic investors made direct investment in 3,701 overseas enterprises in a total of 149 countries and regions globally, realizing USD 52.55bn (about RMB 322.74 bn) of outbound direct investment in non-financial sector, up 4% year on year, the first positive growth since this February. In July, USD 9.21bn (about RMB 56.56 bn) was realized in the outbound direct investment in non-financial sector, up 84.9% year on year; and by the end of July, the accumulative outbound direct investment in non-financial sector amounted to USD 578.2bn (about RMB 3.56 trn).

Shen emphasized that the investigation of monopolistic behavior is international practice. In China, an enterprise, whether it is a Chinese funded enterprise or foreign-invested enterprise, will be penalized and bear corresponding legal liabilities if violating the law. In the six years after the Anti-monopoly Law took effect, the enterprises subject to anti-monopoly investigation involved both Chinese enterprises and foreign enterprises.

Shen said, in the next step, MOFCOM and relevant departments will ensure the works in two aspects for promoting the steady growth of foreign trade: 1. promote the institutionalization of measures for keeping steady growth, resolve the practical difficulties faced by foreign trade enterprises and further enhance trade facilitation level. On the other hand, continue to take effective measures to vigorously promote regional layout of foreign trade market structure, optimize business entities, commodity structure, trade platform and international marketing network, study and formulate polices and

measures to foster new competitive advantages in foreign trade and accelerate the development of foreign trade new competition advantage centered on technology, brand, quality and service.

In recent years, China's E-commerce developed rapidly. Meanwhile, e-commerce IPR infringement and sales of counterfeit and shoddy goods are also on the rise and in various new forms, with the characters of virtualization and intelligentization. The National Leading Group of Combating Infringement and Counterfeiting put the working priorities to combating the online infringement and counterfeit and will launch a special campaign for a term of half year in next half year of 2014. There are four focus points in this campaign: first, select key commodities and issues drawn domestic and international attention to make breakthrough; 2 strengthen inter-departmental and cross-region law enforcement cooperation to form joint forces; 3. dig deep into the source of counterfeiting; and 4 resolutely investigate a number of typical cases, close down a batch of illegal sites, and destroy a number of counterfeiting production sites. The characteristics of the online infringement and counterfeiting shall also be found out to study and formulate effective regulatory measures and policies and earnestly safeguard the legitimate rights and interests of consumers.

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## **Adopted Legislation**

### **[1] Announcement of the Trademark Bureau of State Administration for Industry and Commerce on Notes to Partitioning Trademark Registration Application and Related Application Matters released**

[State Administration for Industry and Commerce ]

...On August 20, the Announcement of the Trademark Bureau of State Administration for Industry and Commerce on Notes to Partitioning Trademark Registration Application and Related Application Matters was released. According to the Announcement, when the Trademark Bureau issues the Notice on Rejection of Partial Trademark Registration Application, it should attach the Partitioned Application for Trademark Registration. The applicant or the agent thereof should, upon receipt of the Partitioned Application for Trademark Registration attached to the Notice on Rejection of Partial Trademark Registration Application, submit the original copy of the partitioned application within 15 days or mail it back to the Trademark Bureau. If it does not apply for the partitioned application, no submission should be made. One registration application should at most be partitioned once, which should only apply to the rejection procedure of Trademark Bureau for designated commodities or services regarding one trademark registration application, and will not apply to other procedures. The Partitioned Application for Trademark Registration submitted by the applicant should be the original copy issued by the Trademark Bureau, and obliteration should be allowed, or it should be deemed as disagreeing to partition. The applicant should complete the Partitioned Application for Trademark Registration in strict accordance with the requirements and affix its seal thereto. Failure to do so as required should be deemed as disagreeing to partition. The applicant should submit the partitioned application within the statutory period. The partitioned partition once submitted cannot be withdrawn.

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