

## 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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### Adopted Legislation

#### [1] **NPC Standing Committee decides to establish IP courts in Beijing, Shanghai, Guangzhou**

[NPC.gov.cn]

...The Decision of the Standing Committee of the National People's Congress on Establishment of Intellectual Property Courts in Beijing, Shanghai, and Guangzhou was released on August 31 and came into force on the date of release. The formation of the trial divisions of IP Courts is determined by the Supreme People's Court according to type and number of IP cases. IP courts have jurisdiction over first instance IP civil and administrative cases related to patents, new plant varieties, integrated circuit design, technology secrets and other strong professional technologies. The IP Courts have cross-jurisdiction over the above cases. Within three years of establishment of the IP Courts, the cross-jurisdiction may be imposed in the provinces where such courts domicile. The first-instance administrative cases of IP right authorization and right determination filed for the reason of refusal to accept the decision or award of the administrative departments of the State Council shall be fallen under the jurisdiction of Beijing IP Court. The IP Courts will be responsible for appeal cases of the first-instance IP civil and administrative award or decisions made by the primary courts of the cities where such IP Courts domicile. The appeal cases of the first-instance judgment and decision made by the IP courts shall be tried by the higher people's courts of the cities where such IP Courts domicile.

## **[2] The Measures of Guangzhou for Patent Administrative Law Enforcement issued**

[Guangzhou Municipal People's Government ]

...On August 25, the Measures of Guangzhou for Patent Administrative Law Enforcement was issued. The 32-article measures shall take effect on October 1, 2014. The Measures of Guangzhou for Patent Dispute Resolution and the Implementing Measures of Guangzhou for Penalizing the Acts of Passing off and Counterfeiting Patents of Others shall be repealed simultaneously. The Measures specified the legislative purpose of patent administrative law enforcement, applicable scope, jurisdiction principle, avoidance, procedures and time limit of patent infringement dispute settlement and punishment of acts of counterfeiting others' patents, matters to be noted during investigation and evidence collection, legal liabilities, etc.

The Measures clarified the patent administrative departments at the levels of municipality, district and county shall be in charge of patent administrative law enforcement and determined their respective power. The patent infringement dispute case shall be rendered decision within 4 months after the case is accepted; and the case of counterfeiting others' patents shall be rendered decision within 3 months after the case is accepted. If the case is especially complex, upon the approval of the person in charge of the relevant department, the time limit could be prolonged to the maximum of 3 months.

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## **Government Policies**

### **[1] Yan Xiaohong said most copyright problems could be solved through agreement and contract**

[National Copyright Administration]

...On August 28 Yan Xiaohong, deputy director of the State Administration of Press, Publication, Radio, Film and Television delivered a speech, pointing out that the problem of copyright fails to be well solved although its importance has been recognized, which mainly lies in the slow growth of income from copyright business during the integrated development of traditional media. Yan emphasized that, from macro level, good copyright environment shall be created to solve the problem. From individual side, most copyright problems could be solved through agreement and contract, so whether for traditional media or new media, to obtain good relationship with authors, the enterprises should get the value of the works to the greatest extent to achieve the maximum benefit.

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## **Statistics**

### **[1] 2013 National Intellectual Property Development Status Report released**

[State Intellectual Property Office ]

...Recently, the 2013 National Intellectual Property Development Status Report was released. According to the report, in 2013, the national IP comprehensive development index keeps stable with slight increase and the four development indexes of creation, use, protection and environment keeps stable. The IP comprehensive development indexes of Guangdong, Beijing, Zhejiang, Shanghai and

Jiangsu take the lead. From 2007 to 2013, the top five provinces with highest annual growth rate of IP comprehensive development index include: Jiangsu (7.17%), Anhui (6.99%), Hubei (6.85%), Shaanxi (6.71%) and Liaoning (6.18%), and the top five provinces with fastest growth rate of IP comprehensive development index are: Jiangsu, Zhejiang, Anhui, Hubei and Fujian.

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