

The new development of intellectual property system in China (2014-2015)

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- **1. The basic situation of the protection of intellectual property rights in China**
- **1.1 Patent:**
 - In 2014, PCT accepted 214,500 patent applications in total, a year-on-year increase of 4.5%, among which , 25,539 were from China, representing 11.9 % of the total, a year-on-year increase of 18.7%, the number of applications ranked third, after the United States (61,492) and Japan (42,459). China's Huawei to 3,442 the number of applications ranked, Qualcomm (2,409) of U.S and ZTE Corporation (2,179) of China were ranked second and third respectively.

- In 2014, the European Patent Office (EPO) accepted Patent Application 274,174 in total, a year-on-year increase of 3.1%, among which ,the United States (71,745), Japan (48,657), Germany (31,647), China (26,472), Korea (16,358).
- In 2014, the United States Patent and Trademark Office (USPTO) accepted 364,706 patent applications in total, granted 326,182 patents, among which, the United States (US) 173,738 ; Japan (JP) 58,885 , China 23,068 pieces(including Taiwan (TW) 13,856, the Mainland (CN) 9,212).

- In 2014, SIPO accepted Patent Application 2.361 million in total, among which, 928,000 were invention patents, a year-on-year increase of 12.5%, ranking No.1 in the world for 4 consecutive years ; 801,000 invention patents applications were from home, representing 86.3% of the total ; 127,000 invention patents applications from abroad, representing 13.7% of the total. In total, 39.3% were invention patents applications, 36.8% were utility models.

- In 2014, SIPO granted 233,000 inventions patents, a year-on-year increase of 12.3%. Among which, 163,000 granted to domestic applications, representing 70.0% of the total; 70,000 granted to foreign applications, representing 30.0% of the total.
- By the end of 2014, there were of 663,000 Valid invention patents in total in China (excluding Hong Kong, Macao) .

•1.2 Trademarks :

- In 2014, SAIC accepted 2.2854 million trademark application , a year-on-year increase of 21.47%, exceeding 2 million, ranking No.1 in the world for 13 consecutive years. Trademark online application 1.384 million, representing 60.56% of the total. By the end of 2014, there were of 15.5267 million trademark applications, 10.0275 million registered trademarks, a total registration of cumulative trademarks , 8.39 million Valid registered trademarks in total in China, all ranking No.1 in the world continually.

- In 2014, SAIC accepted 20,309 foreign applications of Madrid international registration for trademarks , ranking No.1 in the world continually, there were an accumulative number of 208,900 Valid trademarks of Madrid international registration designating China for territorial extension. SAIC accepted 2,140 domestic applications of Madrid international registration for trademarks through TMO, ranking No.7, there were an accumulative number of 18,600.

- **1.3 Copyright:**
- In 2014, China for registration of 1.2113 million, a year-on-year increase of 19.97%. Among which, the work registered 992,034, an increase of 17.39%, the Computer Software Registration 218,783, an increase of 33.12%.

•1.4 New Varieties of Plant :

- In 2014, MOA accepted 1772 applications in total for new varieties of agricultural plants, a year-on-year increase of 33%, and completed a preliminary review of 1536, granted 827 ; 932 applications for domestic enterprises, an increase of 51%, 56 more than the amount of domestic scientific research units. There were of 13,483 applications and granted 4,845 in total for new varieties of agricultural plants.

- In 2014, SFA accepted 254 applications for new varieties of forestry plants, granted 169, There were of 1515 applications and granted 827 in total for new varieties of forestry plants.

- **1.5 Enforcement :**

- In 2014, People's Court received various intellectual property civil case 133,863 and concluded 127,129 ones, a year-on-year increase of 19.52% and 10.82 % respectively; among which, received and concluded first-instance intellectual property civil 95,522 and 94,501 ones, a year-on-year increase of 7.83 % and 7.04% respectively, among which, there were 9,648 patent cases, a year-on-year increase of 4.93% ; 21,362 trademark cases, a year-on-year increase of -8.21% ; 59,493 copyright cases, a year-on-year increase of 15.86% ; 1071 technology contract cases, a year-on-year increase of 12.86 %; 1422 Anti-Unfair Competition cases (among which, 86 monopoly civil cases), a year-on-year increase of 9.22% ; 2,526 other intellectual property cases, a year-on-year increase of 0.48%.

- **2. New Development of Chinese legal system of intellectual property**
- **2.1 Implementation of the new revision of the Trademark Law**
- On may 1, 2014,

- **2.2 Revision of the Copyright law**
- On June 6, 2014, the Legislative Affairs Office of the State Council promulgated the People's Republic of China, the Copyright Act (Draft Submitting for Approval the Revised Draft), to seek the views of various sectors of society.
- On September 2, 2014, the State Copyright Administration presided over the drafting of the Regulations on the protection of folklore to be right (Draft for Soliciting Opinions) published.
- **2.3 Revision of the Patent Law**
- On April 1, 2015, the draft revision of the Patent Law of the PRC (draft) public to seek the views of the community.

- **2.4 Revision of the Anti - Unfair Competition Law**
- **2.5 Promote the transformation of scientific and technological achievements**
- The transformation of scientific and technological achievements Promotion Act (as amended on August 29, 2015, Congress on October 1, 2015)
- **2.6 Revision of the Seed Law**
- Seed Law (adopted on July 8, 2000, August 28, 2004, the First Amendment, the second amendment on June 29, 2013, amended on November 4, 2015, January 1, 2016)

•2.7Service invention Protection Ordinance is enacted

•2.8< < patent agency Ordinance > >

•The Supreme People's Court on Several Provisions on the application of legal issues in the case of the trial of patent disputes

•Interpretation of the Supreme People's Court on Several Issues concerning the application of law in the trial of cases of infringement of patent rights disputes (two) > (public opinion draft) (August 2014)

- **3.New development of Chinese intellectual property law enforcement**
- **3.1 the establishment of the intellectual property court**

- **3.2 intellectual property judicial reform**
- 3.2.1, the establishment of technical investigation officer system
- 3.2.2, perfect intellectual property litigation evidence system
- 3.2.3, strengthening behavior preservation measures
- 3.2.4, cross regional jurisdiction of the people's line of "second instance"
- 3.2.5, the reform of the judicial committee system
- 3.2.6, a clear judge of the trial responsibility for life system

- Thank you

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