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The Third Revision of Patent Law

The third revision of Patent Law is effective since October 1, 2009. We have prepared highlights here for your reference:

Highlights on the Third Revision:

http://www.afdip.com/article_patent_highlights.htm

Outline of the third revised Chinese Patent System:

http://www.afdip.com/article_patent_new.htm

New Implementing Regulations of the third revised Patent Law is still not open to the public. We will update the related information when the regulations are available.

Liu Binjie: China Copyright Protection Level Enhanced

The Director-General of General Administration of Press and Publication and the Director of State Copyright Office Liu Binjie expressed on October 24 in Beijing that, since the 30 years' reform and opening, the level of China's copyright protection was continuously enhanced, which has reached the international standard, and China was actively charged with corresponding international responsibilities.

Liu indicated at the second China International Copyright Expo that, China will further strengthen copyright protection, consummate copyright law system, and put emphasis on solving the new problems of copyright protection brought by digital technologies and internet development. China will always implement IP protection, fulfill international promises, build up the good and healthy images for Chinese government, and create favorable conditions for international economic and trade communication and deepening international cooperation on economic and trade.

(Source: IPR in China)

About 80 Grass-root Courts Nationally Could Hear IP Cases

On October 23, Jiangsu provincial higher people's court held a trial experience exchanging conference on intellectual property cases in grass-root people's courts in the whole province, and the presiding judge for No.3 civil tribunal of the Supreme People's Court Kong Xiangjun was present. The trial work for the grass-root people's courts on intellectual property cases is just at the preliminary stage for the moment, and it is anticipated that with the further development of the innovative economy,

the intellectual property cases will increase ceaselessly, so we need to reinforce the basic construction of the trial system for IP cases so as to bring the grass-root people's courts into better effects, said Kong.

The current economic situation puts forward higher requirements and anticipation for the IP cases' trial work, and we have to strengthen the judicial protection for intellectual property rights. Courts at all levels should improve the awareness on risks, hardship, and overall situation, and exert their special functions in the IP cases trial.

At present, there are almost 80 grass-root courts nationally who could hear IP cases, and most of the IP cases were solved at the grass root, according to Kong. But it should be noticed at the same time that, IP cases arouse concerns from home and abroad; although some of them were heard by the grass-root court, they also got a wide attention from the society. We should accumulate experiences for the trial and enhance the quality and efficiency of the case hearing.

(Source: IPR in China)

China Accepts 139,900 Pieces of Applications for Territorial Extension of International Registration of Marks

Up to September 30, 2009, the accumulated number of international registration of trademarks accepted by China hit 139,900 pieces and China took the first position among the members of Madrid International Trademark

Registration League in annual amount of the applications for territorial extension for four consecutive years, released by Fu Shuangjian, Deputy Director of the State Administration for Industry and Commerce (SAIC) at the 20th Anniversary Symposium for China's Entering Madrid System for the International Registration of Trademarks on October 18, 2009.

Fu Shuangjian denoted that, during the past twenty years, China basically set up comparatively well-rounded mechanism for Madrid international registration of trademarks, cultivated a skillful talent team who mastered Madrid international registration of trademarks, popularized the knowledge of Madrid international registration of trademarks and made notable achievements.

Fu Shuangjian expressed that, SAIC will positively promote the implementation of trademark strategy, efficiently utilize Madrid system, effectively enhance the international protection of trademarks, create China's famous trademarks in the world, and strive to develop China into a strong country in trademarks so as to boost China's economy and society to develop fast and well.

(Source: IPR in China)

Central Government to Subsidize Foreign Patent Applications

The Ministry of Finance (MOF) recently established a special fund to subsidize foreign patent applications, offering a maximum of 100,000 yuan per patent application. On October

12, the State Intellectual Property Office (SIPO) held a meeting to formulate specific measures to implement the subsidy offered by the MOF for foreign patent applications made by small and medium-sized domestic enterprises, and public and scientific research institutions.

China joined the Patent Cooperation Treaty (PCT) on January 1, 1994. Under the international cooperation provisions of the PCT, patent applicants who have submitted a patent application according to the treaty are entitled to request PCT member countries protect their invention. Chinese citizens just need to submit their patent application to the SIPO for it to take effect in all PCT member countries across the world.

On September 27, the MOF released "provisional measures on the administration of special funds subsidizing foreign patent applications". According to the measures, eligible beneficiaries of the subsidy are domestic applicants including small and medium-sized enterprises, and public and scientific research institutions. The subsidy for domestic applicants submitting a patent application to the SIPO in line with the PCT will cover the official fees of relevant review and approval organs in the course of the patent application and up to three years after patent rights are granted, as well as patent retrieval organ and agency service fees.

Reporters learned that to qualify for the subsidy, foreign patent application projects must either help exert China's industrial advantage and be

internationally competitive; be expected to explore the international market or expand its international market share; or have patented products with an expected large capacity in the international market and good market prospects.

The special fund will focus on subsidizing foreign patent applications, the type of patent protection of which is the same as that of Chinese invention patents. Each patent application subsidy project will support applications in not more than five countries or regions with up to 100,000 yuan, except for major innovation projects.

(Source: IPR in China)

China PCT Filings up 19% in H1

According to Francis Gurry, Director General of the World Intellectual Property Organization (WIPO) on September 18, PCT applications grew 19% in the first half. The DG also predicts the total number of PCT applications for 2009 is on track to fall 5%.

Evidently hit by the financial crisis, applications from the U.S. dropped 14%.

Also shown on the latest WIPO report, there were 163,600 PCT applications in 2008, up 2.3%. The growth rate gives up to 3.7% in 2007 and 5.2% in 2006.

Applications of Chinese origin climbed 11.9% to 6,089 in the same year, ranking No.6 in the world, following U.S. (53,521), Japan (28,774), Germany (18,427), Republic of Korea (7,908) and France (6,867).

(Source: IPR in China)

Chinese Industrial Design Applications Account 43.1% in the World

In 2007, the global patent applications reached 1,850,000, which were 3.7% more than that in 2006, much lower than the increase rate of 5.2% in 2006, comparing with 2005. It is anticipated that the number of patent applications in 2008 would also increase slowly. The number of patent applications in 2007 for China, Japan and the U.S. accounted 59.2% in the world.

The global trademark application in 2007 reached 3.3 million, 1.6% more than that in 2006. The number in 2008 would be decreased. And in 2007, over one fifth trademark applications come from China, followed by the U.S., Japan and South Korea.

Since 2005, the increase rate of the industrial design applications has been between 10% and 100%; in 2007, the number reached 621,000, which was 15.3% more than that in 2006. Such fast increase rate was mainly due to the increase of patent applications by China. As for the global industrial design application, Chinese application accounts 43.1%.

(Source: IPR in China)

GAPP Expresses to Combat Piracy in New Media Field

Days ago, President of General Administration of Press and Publication (GAPP) and Director of National Copyright Bureau Liu Binjie met with Director General of World Intellectual Property

Organization (WIPO) Francis Gurry and Vice Director General Wang Binying who were in Beijing for the Global Think Tank Summit 2009.

Liu Binjie firstly welcomed Gurry and told him that China made headway in IP work in recent years and all the related departments were actively fulfilling National IP Strategy Outline. In fact, the National Copyright Bureau has been keeping good and stable cooperative relationship with WIPO since the year 1980 when China joined WIPO. WIPO gave China much help in constituting Copyright Law, exploring international market and training copyright professionals, especially in recent years, the National Copyright Bureau and WIPO developed many important cooperative projects and achieved good results. Liu Binjie expressed his hope that the cooperation between China and WIPO will be more pleasing. Moreover, Liu stressed that, China is not only a big country in copyright creation, but one that is brave in taking commitment and responsibilities. In allusion to the new piracy issues in the new media field, China will vigorously take measures to rectify such actions.

Gurry figured out that, China is a big country in IPRs and plays a key role in copyright field in the world. The emerging issues related to IP protection needs the effort of all the countries including China.

(Source: IPR in China)

**Examined Trademark Registration
Applications Outnumber 1 mln in China in
2009**

Till five p.m. of September 15, in 2009, the examined trademark registration applications in China outnumbered 1 million, reaching 1.005 million. Thus, the amounts of trademark registration applications, the examined applications and valid registered trademarks all ranked the first in the world and China became the nation which owned the most trademarks in the world.

It is learnt that the Trademark Bureau of the State Administration for Industry and Commerce (SAIC) spent 8 and a half months of the year 2009 in finishing the workload of trademark examinations that needed three years and three months in the past, up 153%. Over 98% of the examined trademark registration applications met the standard.

Director of the Trademark Bureau Li Jianchang explained that, that the amount of examined trademark registration applications in a year exceeded 1 million indicates that China's ability in trademark examination was increased by times and can meet the requirements of trademark registration during the development of economy and the society.

(Source: IPR in China)