

Table of Contents

CNIPA to Increase Fees for the International Phase of PCT Applications from July	1
SAMR issues Provisions on the Prohibition of Abuse of Intellectual Property Rights to Exclude and Restrict Competition .	1
China Sees Rapid Increase in Patent and Trademark Applications	2
CIPS Releases Report on IP Disputes of Chinese Enterprises in the US	2
Huawei Enters into First Licensing Deal with Latin American Inc Quality Tech	2
Huawei Demands Royalties from Roughly 30 Japanese Companies	2
AbbVie Sues BeiGene over Imbruvica Patent	3
Three Chinese Display Makers Join BOE to Invalidate Samsung OLED Patent	3
CNIPA Commissioner Meets EU Ambassador to China	3
CNIPA Deputy Commissioner Meets AIPPI President in Beijing	3
CNIPA Commissioner Leads Delegation to 16th IP5 Heads of Offices Meeting	4
Chinese Herbal Tea Maker JDB was Ordered to Pay 317 Million Yuan to its Rival GP	4
Chinese Firms Lead World Intellectual Property Awards	4
Chinese Regulators Published Rules Governing Generative AI	5
China Saw over 4.56 Million Valid Invention Patents and 44.23 Million Valid Registered Trademarks by the end of the First Half of 2023	5
AFD China was once again recommended by IAM Patent 1000	6

CNIPA to Increase Fees for the International Phase of PCT Applications from July

On June 25, the China National Intellectual Property Administration (CNIPA) issued a notice to increase fees in RMB for the international phase of PCT applications. According to the notice, international application documents of up to 30 pages will be charged 10,350 yuan (+7.59%), with 120 yuan added per exceeding page (+9.09%). Documents Submitted in PDF and XML formats can enjoy a reduction of 1,560 yuan (+7.59%) and 2,340 yuan (+7.83%), respectively. The commission charged by the International Bureau of WIPO was 1,560 yuan (+7.59 %). The new fee standard will be implemented from July 1, 2023.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12767>

SAMR issues Provisions on the Prohibition of Abuse of Intellectual Property Rights to Exclude and Restrict Competition

To implement the amended Anti-Monopoly Law of the People's Republic of China ("Anti-

Monopoly Law"), enhance and improve anti-monopoly law enforcement in the intellectual property field, and effectively prevent and curb abuse of intellectual property rights to exclude and restrict competition, China's State Administration for Market Regulation (SAMR) issued an order (SAMR Order No. 31) to amend the Provisions on the Prohibition of Abuse of Intellectual Property Rights to Exclude and Restrict Competition and released the new Provisions on June 29, 2023. The new Provisions will take effect on August 1, 2023 and at the same time the previous Provisions issued as Order No. 74 by the former State Administration for Industry and Commerce on April 7, 2015 will be abolished.

The new Provisions mainly involve the following three aspects: (1) enhancing anti-monopoly regulation and protecting intellectual property rights; (2) maintaining fair competition and promoting innovation development; and (3) protecting the development benefits of intellectual property right holders and exploiters.

See the following link for the original text of the new Provisions:

https://www.samr.gov.cn/zw/zfxxgk/fdzdgknr/fgs/art/2023/art_e155397f5c4c05ad3c1838c1322ad2.html

China Sees Rapid Increase in Patent and Trademark Applications

The CNIPA issued a white paper on 2022 IP protection last Friday. According to the white paper, China saw a rapid increase in applications of patents and trademarks. By the end of 2022, the number of valid invention patents in China was 4.212 million, up 17.1 percent year-on-year.; the number of valid utility model patents was 10.835 million, up 17.2 percent; and the number of valid design patents was 2.832 million, up 9.7 percent. The paper also said that the figure of valid trademarks had reached 42.67 million by the end of last year, up 14.6 percent.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12771>

CIPS Releases Report on IP Disputes of Chinese Enterprises in the US

On June 29, the China Intellectual Property Society (CIPS) released the 2022 Investigation Report on Intellectual Property Disputes of Chinese Enterprises in the United States. According to the report, a total of 986 new intellectual property lawsuits of Chinese enterprises were filed in the US in 2022, up 14.39 percent over the previous year. Chinese enterprises involved in 9,569 disputes in total, an increase of 75.06%, of which 98.16% of Chinese enterprises were the defendants. The litigation fields are relatively concentrated. Patent (44.25%) and trade secret litigation (72.22%) mainly involve the manufacturing industry, and trademark litigation (70.61%) mainly involves the wholesale and retail industries. From the result of the lawsuit, 63.39% of the patent litigation and 50% of trade secret litigation were settled, and 74.56% of the trademark defendants were defeated for absence.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12770>

Huawei Enters into First Licensing Deal with Latin American Inc Quality Tech

On Jun 28, Huawei announced on its official website that it has entered into a patent license agreement with Quality Tech S.R.L. The agreement grants a license on Huawei's patents relating to Optical Distribution Network (ODN) products to Quality Tech and its customers with reasonable royalties. Huawei said it is the first patent license agreement with a Latin American company. "Huawei owns a plurality of patents relating to fast ODN deployment, which can improve service provisioning efficiency and reduce the total cost of ownership (TCO) by 15–30% during ODN deployment," said Wu Zhijian, Huawei's Head of Americas Intellectual Property Rights Department.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12769>

Huawei Demands Royalties from Roughly 30 Japanese Companies

Huawei Technologies is seeking licensing fees from roughly 30 small to midsize Japanese companies for the use of patented technology, Nikkei said on June 18. A source at Huawei's Japan unit revealed that "talks are currently underway with about 30 Japanese telecom-related companies." Huawei is seeking fees from manufacturers and others that use components called wireless communication modules. Businesses as small as just a few employees to startups with over 100 workers have received requests from Huawei. Requested payment levels range from a fixed fee of 50 yen (2.52 RMB) or less per unit to 0.1% or less of the price of the system. The telecom manufacturer is also believed to be stepping up royalty collection in Southeast Asia.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12764>

AbbVie Sues BeiGene over Imbruvica Patent

On June 15, AbbVie filed a lawsuit against BeiGene, claiming that BeiGene's Brukinsa has infringed a patent on its blood cancer drug Imbruvica. The disputed patent, which relates to the "use of BTK inhibitors", was issued on June 13, just two days before AbbVie lodged the infringement suit. It is reported that in October last year, Brukinsa bested Imbruvica in a "head-to-head comparison trial". The "new overlord" of the BTK inhibitor track, which was approved in the United States for new indications in late January this year, is about to see a huge increase in sales.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12766>

Three Chinese Display Makers Join BOE to Invalidate Samsung OLED Patent

Chinese display makers CSOT, Tianma and Visionox have together joined BOE to file a trial for patent invalidation with the Patent Trial and Appeal Board (PTAB), according to news on June 18. The four Chinese display manufacturers are specifically attacking one patented technology--Organic Light Emitting Display (OLED) Device Pixel Circuit and Driving Method-- owned by Samsung Display. This is one of the patents Samsung Display included in its investigation with the US International Trade Commission(ITC) in December when the company fought against imports of OLED panels that infringe on its patents and technologies, the report said.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12765>

CNIPA Commissioner Meets EU Ambassador to China

Shen Changyu, Commissioner of the CNIPA met Jorge Toledo, Ambassador of the European Union (EU) to China in Beijing on June 6.

Shen said that the CNIPA has maintained good cooperative relationship with IP authorities of the EU and its member states for an extended period of time and achieved many pragmatic results. He hoped that the two sides will continue to deepen communication and cooperation in the IP field and boost the development of China-EU bilateral ties.

Toledo said that the cooperation in the IP field constitutes an important part of the China-EU relationship. The development of China's IP system is very impressive. He hoped that the two sides, through dialogues, will discuss issues of common concern in a profound manner and expand common ground.

The two sides also shared ideas on trademark protection, pharmaceutical patent protection, protection and cooperation in geographical indication, IPR protection in e-commerce and other issues. Principal officials from relevant CNIPA departments also attended the meeting.

http://english.cnipa.gov.cn/art/2023/6/20/art_1340_185805.html

CNIPA Deputy Commissioner Meets AIPPI President in Beijing

Lu Pengqi, Deputy Commissioner of the CNIPA recently met Shoichi Okuyama, President of the International Association for the Protection of Intellectual Property (AIPPI) in Beijing.

Lu said that the Chinese government has always attached great importance to IP work. The plan on reforming the institutions of the State Council this year has implemented major deployment on administration system for IPRs by adjusting the CNIPA into an institution directly under the State Council to upgrade IPR creation, utilization, protection, management and service in all aspects. Lu pointed out that the AIPPI, as an important non-governmental global organization specialized in the IPR field, has been playing an instrumental role in improving IPR system

and enhancing IPR protection. The CNIPA is looking forward to further strengthening the established friendly cooperation of the two sides in the future.

Okuyama introduced the preparatory work for both the 2023 AIPPI World Congress in Istanbul, Turkey and the 2024 Congress in Hangzhou, China.

The two sides also shared comments and ideas on the work of AIPPI's standing committees, bilateral cooperation and other issues. CNIPA principal officials responsible for the International Cooperation Department also attended the meeting.

http://english.cnipa.gov.cn/art/2023/7/11/art_1340_186206.html

CNIPA Commissioner Leads Delegation to 16th IP5 Heads of Offices Meeting

From June 12 to 15, the 16th IP5 Heads of Offices Meeting was held in the United States. Shen Changyu, Commissioner of the CNIPA headed a delegation to the event.

This year's event included Sustainable Innovation Dialogue, and IP5 Heads and IP5 Heads & Industry Meeting. The heads of the IP5 offices approved achieved results of the ongoing cooperation projects and the next work plans, and discussed the main focus of future cooperation. The meeting passed the IP5 Joint Statement, and updated the vision of IP5 cooperation by adding "building a sustainable future" into the cooperation objectives.

During the event, the Chinese delegation also held bilateral talks with the United States Patent and Trademark Office (USPTO), European Patent Office (EPO), Japan Patent Office (JPO) and the World Intellectual Property Organization (WIPO) and shared comments on issues of mutual concern. Shen stressed that the Chinese government has attached great attention to IP work and enhanced IP protection constantly. China is

willing to deepen communication and cooperation in the IP field with all partners, and enhance mutual exchanges in trade, economy, technology and culture to better serve IP users and advance innovation.

http://english.cnipa.gov.cn/art/2023/7/6/art_1340_186153.html

Chinese Herbal Tea Maker JDB was Ordered to Pay 317 Million Yuan to its Rival GP

On July 10, Chinese Herbal Tea maker Guangdong Jiaduobao Drink & Food Co. Ltd. (JDB) issued a statement saying that the Guangdong High People's Court ruled that JDB had infringed the trademark of its rival Guangzhou Pharmaceutical Holdings Ltd. (GP), awarding GP 317 million yuan in compensation. JDB said it would immediately file an appeal to the Supreme People's Court. In 2014, GP launched a trademark infringement lawsuit against JDB, who was ordered to pay 1.44 billion yuan to GP in 2018 by the Guangdong High People's Court. Both parties were discontent with the judgment and filed appeals. On June 17, 2019, the Supreme People's Court (SPC) ruled that the main evidence provided by GP was "of major defects in content and form and cannot be used as the basis for determining the facts of the case". SPC reversed the judgment and remanded it for a retrial.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12774>

Chinese Firms Lead World Intellectual Property Awards

On July 11, the second WIPO Global Awards ceremony was held in Geneva, Switzerland. Among the seven award-winning companies from around the world include two Chinese companies: Shanghai Westwell Technology, which develops multi-scenario smart and green logistics solutions, and Xi'an KissFuture

Network Technology, which provides digital solutions to cinemas and other kinds of entertainment firms. The other five winners are from France, Kenya, Mexico, Singapore and Slovenia. Launched in 2022, the WIPO Global Awards is mainly open to small and medium-sized enterprises. This year, WIPO received 548 applications from 58 countries, half of which were from China.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12776>

Chinese Regulators Published Rules Governing Generative AI

Chinese regulator Cyberspace Administration of China (CAC) published on Thursday interim rules governing generative artificial intelligence to ramp up oversight of the rapidly growing technology. The CAC said that it worked with several other regulators to come up with the new regulation. According to the interim rules, only providers who wanted to offer services to the public would need to submit security assessments, suggesting that firms working on enterprise-facing products would be given leeway. The rules are set to take effect on Aug. 15.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12777>

China Saw over 4.56 Million Valid Invention Patents and 44.23 Million Valid Registered Trademarks by the end of the First Half of 2023

The number of valid invention patents in China exceeded 4.56 million while the number of valid registered trademarks was about 44.24 million by the end of June, up 16.9% and 9.1% respectively, according to data released by CNIPA on Tuesday. In the first half of this year, China granted 433,000 invention patents, 1.1 million utility model patents and 344,000 design patents. During the same period, China saw 35,000

international applications filed under the WIPO's Patent Cooperation Treaty. In terms of trademark, about 2.02 million trademarks were registered, and 3,024 domestic applications for international trademark registration in Madrid were received.

<http://www.chinaipmagazine.com/en/news-show.asp?id=12780>

SUPPLEMENTARY ISSUE

AFD China was once again recommended by IAM Patent 1000

Recently, world-renowned IP business media platform Intellectual Asset Management (IAM) released the 2023 edition of IAM Patent 1000. AFD China was again recognized as a leading firm in the listing. Since 2016, this has been the seventh time AFD China was listed among the best IP law firms in China (silver band), and our president Ms. Xia Zheng was once again identified as a leading patent attorney.

IAM Patent 1000 conducts an evaluation of patent practitioners in various jurisdictions around the world each year, with a focus on the aspects of patent prosecution, patent litigation and patent commercialization. After several months of surveys and interviews, IAM identifies the leading patent firms and professionals based on a comprehensive evaluation of their client feedback, typical cases, service quality, business scopes, teams, understanding about industry development, recent development and growth momentum.

We can never make such good achievements in patent prosecution without our clients' encouragement or support over the years. Taking this opportunity, we would like to express our sincere gratitude to all of our clients.

These achievements not only show the client's recognition of our service attitude and service quality, but also strengthen our determination to keep providing timely and quality services for our clients, which is essential for the continuous development of our firm. We will continue to meet the changing needs of clients, enhance our professional capabilities, adapt to changes in the market and in the laws, thereby safeguarding the clients' intangible assets.

Our gratitude also goes to our colleagues who have been growing together with AFD China. We hope that we could continue to move hand in hand on the journey to the future.