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**CNIPA Extends PPH Pilot Programs with ISIPO and EGYPO again Respectively**

In a bid to continue providing applicants with efficient and convenient Patent Prosecution Highway (PPH) services, the China National Intellectual Property Administration (CNIPA) has agreed with the Icelandic Intellectual Property Office (ISIPO) and the Egyptian Patent Office (EGYPO) to extend their PPH pilot programs respectively for another five years, from July 1, 2024, to June 30, 2029. The updated address of the ISIPO's headquarter has been incorporated into the CNIPA-ISIPO PPH guidelines, while the rest of the content remains unchanged and will continue applying to the CNIPA-ISIPO PPH pilot program. The requirements and procedures for the CNIPA-EGYPO PPH pilot program will continue following the CNIPA-EGYPO PPH guidelines.

The extension of these two PPH pilot programs will benefit innovators by enabling faster patent examination, thereby better serving technological innovation and economic development. The extension will also further promote IP exchanges and cooperation between the CNIPA and the ISIPO, as well as the CNIPA and the EGYPO.

[http://english.cnipa.gov.cn/art/2024/7/4/art\\_1340\\_193557.html](http://english.cnipa.gov.cn/art/2024/7/4/art_1340_193557.html)

**CNIPA and EUIPO Hold Bilateral Talks and Sign 2024-2025 Work Plan**

On the afternoon of July 9, during the Sixty-Fifth Series of Meetings of the Assemblies of the Member States of the World Intellectual Property Organization (WIPO), Shen Changyu, Commissioner of the CNIPA, held bilateral talks with João Negrão, Executive Director of the European Union Intellectual Property Office (EUIPO). The two sides exchanged views on the latest progress in China-EU IP work and cooperation between the two offices, and signed the 2024-2025 bilateral work plan.

Shen noted that the CNIPA and the EUIPO are significant strategic partners. Through joint efforts, various bilateral cooperation projects have been carried out in an orderly manner, and relationship between the two offices has been continuously deepening within the framework of TM5 and ID5 cooperation. He wished that the two sides would further expand the areas of cooperation and optimize the content of cooperation, enabling Chinese, European and global IP users to benefit from the cooperation.

João Negrão acknowledged the remarkable achievements China has made in the field of IP in recent years and highlighted the fruitful results of China-EU IP cooperation. He expressed hope that both sides would continue to strengthen their strategic partnership, and promote mutual benefit and

win-win results to better serve the China-EU innovators.

The work plan signed during the meeting aims to further deepen and expand pragmatic cooperation in areas including legal policies, information technology, examination operations, training, protection, and services.

[http://english.cnipa.gov.cn/art/2024/7/18/art\\_1340\\_193809.html](http://english.cnipa.gov.cn/art/2024/7/18/art_1340_193809.html)

### **Advanced PCT Roving Seminars Held in China**

The Advanced Roving Seminars on Patent Cooperation Treaty (PCT), co-hosted by the CNIPA and the WIPO, were held successively in Tianjin and Hubei.

At the seminars, experts from the CNIPA and WIPO gave detailed presentations on the latest progress and practical uses of the PCT system. They also addressed questions raised by attendees, aiming to enhance the understanding of the PCT system among innovators and service agencies, boost their capacity to effectively utilize the PCT system, and improve their practical skills in PCT application processes.

Approximately 300 representatives from related enterprises, universities, IP service agencies, the Patent Examination Cooperation Hubei Center and Tianjin Center of the CNIPA's Patent Office, and various local IP administrations participated in the seminars.

Following the seminars, the attending experts paid research visits to relevant enterprises and research institutions.

[http://english.cnipa.gov.cn/art/2024/6/28/art\\_1340\\_193429.html](http://english.cnipa.gov.cn/art/2024/6/28/art_1340_193429.html)

### **Shen Changyu Heads Delegation for 17th IP5 Heads of Office Meeting**

From June 18 to 20, the 17th IP5 Heads of Office Meeting was held in the Republic of Korea (ROK). Shen Changyu, Commissioner of the CNIPA, led the Chinese delegation to attend the event.

At an international conference on intellectual property (IP) protection, the heads of the IP5 offices and a deputy director general of the WIPO discussed the challenges and opportunities presented by artificial intelligence (AI) and digital innovation to the IP system. Shen pointed out that the CNIPA has been paying close attention to the impact of artificial intelligence and digital transformation on the IP system. On one hand, it continually updates the patent examination standards for new technologies and fields such as AI and big data. On the other hand, it actively uses AI technology to enhance the quality and efficiency of patent examination, advance the digital and intelligent transformation of examination processes, and explore the application of big model technology in IP areas including improvement of examination quality and efficiency, protection, utilization, and services.

At the IP5 Heads & Industry Meeting as well as Heads of Office Meeting, in-depth discussions were made on promoting the growth of small and medium-sized enterprises (SMEs) through IP. The IP5 offices briefed on the progress of IP5's cooperation activities and discussed future collaborations with the industry. The heads of IP5 offices also approved achieved result report of the cooperation projects in the past year and discussed specific measures to implement the new vision of IP5 cooperation.

Following the meetings, the heads of IP5 offices signed a joint statement, emphasizing the need to further strengthen cooperation, establish an inclusive IP system, and promote sustainable development.

During the meetings, the Chinese delegation also held bilateral talks with the Japan Patent Office (JPO), exchanging views on topics including the latest statistical data, projects related to cooperation mechanism, and implementation of a joint statement on a 10 year vision for trilateral IP cooperation among China, Japan and the ROK.

[http://english.cnipa.gov.cn/art/2024/6/27/art\\_1340\\_193404.html](http://english.cnipa.gov.cn/art/2024/6/27/art_1340_193404.html)

### **China releases Annual Report on China's Anti-Monopoly Enforcement (2023)**

On June 18, China's anti-monopoly authority, the State Administration for Market Regulation (SAMR), released the "Annual Report on China's Anti-Monopoly Enforcement (2023)". The report shows that in 2023, 27 cases involving monopoly agreements and abuse of market dominance were penalized, with total fines and confiscations of 2.163 billion yuan. Additionally, 797 cases of business concentration were concluded, with 782 cases (over 98%) approved unconditionally. Notably, the pharmaceutical sector faced significant penalties, with fines and confiscations totaling about 1.772 billion yuan, which is around 82% of the annual total. Specifically, two monopoly agreement cases in this sector resulted in fines and confiscations of 69.7 million yuan, while five cases of abuse of market dominance led to fines and confiscations of 1.702 billion yuan.

<https://www.chinaipmagazine.com/en/news-show.asp?id=12907>

### **China Boosts Patent System with Focus on Expertise and Efficiency**

China's intellectual property regulator is ramping up efforts to support innovation by promoting patent attorney services and improving patent review standards.

Officials from the CNIPA see patent attorneys as a crucial link between inventors and the administrative process. "They play a vital role in transforming innovative ideas into patents,"

said Wang Peizhang, head of CNIPA's IP Utilization Promotion Department.

Wang spoke at a forum hosted by the All-China Patent Attorneys Association, highlighting the growth of the industry. "China now has over 76,000 qualified patent attorneys, with more than 34,000 actively practicing," he said, representing a 70 percent increase since 2019.

Wang urged attorneys to prioritize high-quality patent applications, emphasizing the importance of clear technical descriptions. This focus, he believes, will drive the industry towards excellence.

Another CNIPA official, Wei Baozhi, emphasized the equal importance of patent examiners in fostering innovation and safeguarding intellectual property rights. "China has continuously strived to improve the efficiency of patent review," Wei noted, "achieving an average processing time of 16 months last year, ranking among the world's fastest."

With over 16,000 examiners, China granted a record number of patents in 2023: 921,000 invention patents, 2.09 million utility model patents, and 638,000 design patents.

Recognizing the rise of emerging industries, Wei stated that CNIPA prioritized enhancing patent examination standards in fields like big data, artificial intelligence, and gene technology throughout 2023.

"By continuously refining both efficiency and standards," Wei concluded, "We aim to empower China's innovation-driven growth and solidify its position as a global intellectual property leader."

<http://chinaipr.mofcom.gov.cn/article/centralgovernment/202406/1986350.html>

**Baosteel and POSCO Invalidate Key Patents, Easing Barriers for Chinese and Korean Steelmakers in Hot Stamping Sector**

In a pivotal development for the steel industry, Baosteel and POSCO have successfully invalidated critical patents held by ArcelorMittal and Nippon Steel, significantly reducing patent barriers for Chinese and Korean steelmakers in the hot stamping sector in China.

In May 2024, the Supreme People's Court (SPC) upheld a decision to invalidate ArcelorMittal's hot stamping patent, ZL200680056246.4, dismissing the company's appeal to the Beijing Intellectual Property Court's ruling.

This ruling affirmed the 2021 decision by the CNIPA, which had invalidated the patent due to discrepancies between the patent claims and the specification, especially concerning the cooling rate during stamping.

A key point of contention was Claim 1's reference to a cooling rate of "at least 50°C/s," while the specification described rates "exceeding 50°C/s," thereby excluding the 50°C/s endpoint.

Both the Beijing Intellectual Property Court and the Supreme People's Court ruled that patent claims must be supported by the description. In this case, they found that the claim language did not align with the specification, leading to the patent's invalidation.

This patent was reportedly crucial in the hot stamping sector and had been used by ArcelorMittal to dominate the market and frequently sue Chinese companies for infringement.

Baosteel, Shougang Group, POSCO and Easyforming jointly challenged the patent's validity. The Beijing Intellectual Property Court dismissed ArcelorMittal's appeal of CNIPA's invalidation decision in 2023, and the

Supreme People's Court upheld this ruling this May.

Following this, on July 3, the CNIPA declared Nippon Steel's patent, ZL201280016850.X, invalid due to a lack of innovation.

This patent is related to high-strength, corrosion-resistant hot-pressed components. The invalidation challenge was initiated by Baosteel, POSCO, Lingyun Industrial Corporation Limited, and Easyforming, similar to the previous effort against ArcelorMittal.

Baosteel and Lingyun Industrial Corporation Limited played a crucial role in this case by providing 'public use' evidence. This included the notarized purchase and disassembly of a Fiat 500 in Italy, which proved essential in demonstrating prior use and invalidating the patent.

The invalidation of these patents is significant as it alleviates major patent barriers for Chinese and Korean steelmakers in the competitive hot stamping sector. Additionally, the success in these cases also highlights the importance of precise patent drafting and robust evidence in challenging patents.

As patent barriers fall, Chinese and Korean companies can now more freely innovate and compete in the global steel industry, reducing dependency on technologies previously dominated by ArcelorMittal and Nippon Steel.

<https://www.chinaipmagazine.com/en/news-show.asp?id=12914>

## SUPPLEMENTARY ISSUE

### **AFD China was once again recommended by IAM Patent 1000**

Recently, the 2024 edition of IAM Patent 1000 was released by the world-renowned IP business media platform Intellectual Asset Management (IAM). AFD China was again listed as a recommended firm. Since 2016, this has been the eighth time AFD China was listed among the best IP law firms in China, and our founder Ms. Xia Zheng was once again identified as a leading patent attorney and was especially recommended.

The listing of IAM Patent 1000 is one of the most authoritative and influential rankings in the global intellectual property field. The listing aims to commend law firms and agencies that have performed well in patent protection, management and commercialization, which is of great significance for evaluating the competition pattern of the global intellectual property service market.

AFD China has been committed to providing high-quality and comprehensive patent services to its clients. It boasts an experienced and skilled team of patent practitioners that are capable of offering clients a full range of services, from patent mining, filing, examination, maintenance to commercial operation. Additionally, AFD China actively collaborates with international intellectual property organizations to continuously expand its international business, thereby providing strong support for clients' global protection of their innovative achievements.

This renewed inclusion in the listing of IAM Patent 1000 is a testament to AFD China's patent service capabilities and service standards. We will continue to uphold the service philosophy of "Professionalism, Efficiency, Innovation, and Win-Win Cooperation", constantly enhancing our service quality and core competitiveness to create greater value for our clients. This award not only acknowledges our past efforts but also holds high expectations for our future development. AFD China will remain true to its original aspiration, keep making progress, and provide even more high-quality and professional intellectual property services to clients worldwide.

Here, we would like to express our heartfelt gratitude to all our clients who have accompanied and trusted us all along. We are also deeply thankful to our colleagues who have grown with the firm. This honor does not solely belong to AFD China but to all of us. We look forward to continuing our journey together, growing side by side, and jointly embracing a bright and promising future.

### **Chinese Lithium Battery Startup Carku Secures Three Consecutive Wins in Section 337 Cases**

Chinese lithium battery startup Carku has secured its third win against its US rival NOCO in a recent ITC Section 337 case, as announced on Monday.

An ITC judge issued an initial decision last Friday, ruling that Carku didn't violate Section 337 of the Tariff Act of 1930.

"Carku expresses gratitude to the ITC for making another fair ruling. We will firmly resist any abuse of patent litigation rights and counterattack through legal means to protect the interests of our company and our customers," Carku announced in a statement.

Founded in 2011, Shenzhen-based Carku specializes in the R&D, production, and sales of lithium battery technology application products. The company revealed in a recent statement that it has filed 947 patent applications globally, with 657 granted.

NOCO, an American multinational corporation founded in 1914, designs and creates consumer battery chargers, jump starters, and batteries, as well as a wide range of accessories.

Disputes between the two sides date back to January 2021, when NOCO first accused Carku and several other companies of patent infringement with the US ITC.

On April 29, 2022, an ITC judge issued a preliminary ruling that NOCO's 10,604,024 patent did not meet domestic technical industry requirements and that Carku did not infringe on the patent.

In August 2022, the ITC made a final ruling, determining that Carku did not infringe NOCO's patent.

NOCO didn't appeal this decision. However, the company filed another 337 investigation with the ITC on February 13, 2023, claiming that Carku and several other companies' portable jump starters imported and sold in the US infringed its intellectual property.

The ITC split this investigation into two cases: 337-TA-1360, which focuses on NOCO's claims of trade dress infringement, false advertising, and unfair competition, and 337-TA-1359, which addresses NOCO's claims of patent infringement.

On May 17, 2024, case number 337-TA-1360 resulted in a preliminary ruling in favor of Carku.

On July 6, 2024, case number 337-TA-1359 received another favourable ruling that Carku did not violate Section 337 of the 1930 Tariff Act, confirming that Carku's products did not infringe on NOCO's six patents.

Reports indicate ongoing disputes between Carku and NOCO in multiple jurisdictions including Germany, the UK, Canada, and China, amidst intensifying competition between the two rivals.

<https://www.chinaipmagazine.com/en/news-show.asp?id=12912>

### **Shen Changyu Leads Delegation to Sixty-Fifth Series of Meetings of Assemblies of Member States of WIPO and Delivers a General Statement**

The Sixty-Fifth Series of Meetings of the Assemblies of the Member States of the WIPO took place on July 9, 2024, in Geneva, Switzerland. Shen Changyu, Commissioner of the CNIPA, led the Chinese government delegation to the meetings and delivered a general statement.

Shen introduced the latest progress in China's IP undertakings, noting that the Chinese government has attached great importance to IP work, and stepped up efforts to the building of an IP powerhouse, continuous strengthening of IP legal protection, improvement of IP management system, enhancement of IP full-chain protection, and promotion of IP commercialization and utilization, which support its high-quality development. In 2023, the commemorative events marking the 50th anniversary of the cooperation between China and the WIPO were successfully held to further deepen bilateral cooperation.

Shen expressed appreciation for the WIPO's achievements over the past year, and congratulated on the successful conclusion of WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge. He called for the WIPO to continue playing a central role in

setting international IP norms and urged further progress in advancing the United Nations (UN) 2030 Agenda for Sustainable Development, improving the WIPO's Global IP Services, and including Chinese and other official languages of the UN in the Madrid System for trademarks and the Hague System for industrial designs to better meet global innovators' needs.

The Chinese delegation comprised representatives from the CNIPA, the National Copyright Administration, the State Administration for Market Regulation, the Permanent Mission of China to the UN at Geneva, and the Intellectual Property Department of the Government of the Hong Kong Special Administrative Region of China. The All-China Patent Attorneys Association and the China Council for the Promotion of International Trade attended the meetings as observers.

[http://english.cnipa.gov.cn/art/2024/7/12/art\\_1340\\_193728.html](http://english.cnipa.gov.cn/art/2024/7/12/art_1340_193728.html)