Two years after entering into force of the amended Patent Law and its Implementing regulations

Recent Development of Patent Protection in China

State Intellectual Property Office of P.R.China

Nov. 2011
Ever since the enactment and implementation of the Patent Law from 1985, it has played a significant role in encouraging the inventions and creations, protecting the achievements made thereby, promoting the scientific and technological innovation, and boosting the overall economic and social development of China.
1991-2010 Total Application Volume of 3 Kinds of Patents
1991-2010 Total Volume of 3 Kinds Of Patents Granted
The Increase of Invention Patent Applications during 2001-2010
1991-2010 Domestic vs. Foreign Invention Patent Applications
2010 Foreign Invention Patent Application Distribution

- Japan: 35%
- US: 25%
- Germany: 10%
- South Korea: 7%
- France: 4%
- Other: 19%
2001-2010 Invention Patent Applications through PCT Route
1994-2010 PCT Applications Received
SIPO—State Intellectual Property Office

- Formulating and revising the Patent Law and related rules and regulations;
- Receiving, examining, granting and re-examining invention, utility model and design patent applications;
- Receiving and examining layout designs of integrated circuits;
- Macro-administration on patent at national level;
- Comprehensive coordination of foreign-related IPR issues;
- Guiding administrative enforcement on patent in local areas.
SIPO Staff Distribution (2011)

SIPO Staff Distribution (Total: 7,842)

- SIPO Functional Departments: 88 1%
- Patent Office: 3,177 40%
- China Patent Technology Development Center: 439 6% (affiliated to Patent Office)
- Patent Reexamination Board: 276 4%
- Other Subordinate Units Under the Office: 3,892 49%
Patent Office Staff Distribution (2011)

- Substantive Examination: 2,141 67%
- Utility Model & Design: 270 9%
- Preliminary Examination and Flow Management: 298 9%
- Supporting Departments: 285 9%
- General Administration: 183 6%
Recent Development of SIPO

- Large-scale recruitment of new examiners
- Establishing a scientific training system
- Establishing an examination quality evaluation and management system
- Enhancing examination affairs administration
  - Formulating the examination practice instructions
  - Directive committee on examination affairs
2001-2010 Invention Patents Entering into substantive Examination, First Office Actions and Concluded Cases
2001-2010 Invention Patent Examination Period
2001-2010 Utility Model and Design Applications and Concluded Cases
Judicial Enforcement

Patent jurisdiction

• Court of first instance: 76 Intermediate People’s Courts around China;

• Court of second Instance: High People’s Courts

• The Supreme People’s Court
Judicial Enforcement

Remedies for patent infringement

• Injunction
• Compensation for damage
  – the losses suffered by the patentee
  – the profits which the infringer has earned
  – the appropriate multiple of the royalty fee
  – the reasonable expense to stop the infringing act
  – the statutory damages
2002-2010 First-Instance Patent Civil Cases Received

Year:
- 2002: 2080
- 2003: 2110
- 2004: 2549
- 2005: 2947
- 2006: 3196
- 2007: 4041
- 2008: 4074
- 2009: 4422
- 2010: 5785

Number of Cases:
- 2002: 2080
- 2003: 2110
- 2004: 2549
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- 2006: 3196
- 2007: 4041
- 2008: 4074
- 2009: 4422
- 2010: 5785
Patent Administrative Enforcement

- The local IP offices
  - Handling patent infringement disputes
  - Mediating the compensation for the damage caused by patent infringement
  - Handling patent passing off
2001-2010 Patent Administrative Enforcement
Patent Administrative Enforcement

- Combination of routine management and supervision with special crackdown campaigns
  - “Thunderstorm” IP enforcement campaign
    - Combating IP violations in particular malicious, group and repeated infringement, faking identity and faking other’s IP
  - “skynet” IP enforcement campaign
    - Striking frauds relating to patent
IP Protection

- “12330” hotline for IPR complaints
- 71 National IP Enforcement Aid and Complaint Centers nationwide
IP Publicity

- **Fostering a Culture of IPRs**
  - SIPO official portal (daily hits 10 million)
  - China Intellectual Property News
  - Wealth of Knowledge (TV program)
  - China Inventions and Patents Magazine
  - From “the World IP Day” to “IP Week”
  - Open Day of SIPO
  - Media Joint Action—Protect IP, we are in action
  - CCTV Innovation Gala
  - Chinese Patent Information Dissemination Platform
  - IP training courses on different themes
谢谢！