

W&B IP Newsletter

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Patent

CNIPA Publishes 2021 China Patent Survey Report

Recently, China National Intellectual Property Administration published the 2021 China Patent Survey Report (hereinafter the “Report”). According to statistics in the Report, currently patent transfer and transformation in China stays active, industrialization rate of valid invention patents keeps on rising, industry-university- research cooperation realized an obvious innovative effect, and protection for IP rights in China presents steady and healthy development.

1. The industrialization rate of valid invention patents in China keeps on rising.

In 2021, the industrialization rate of invention patents in China reached 35.4% at the annual growth rate of 0.7%. Said rate kept on rising in the past three years and ranged over 30% in the past five years. In terms of the innovation entities, the industrialization rate of valid invention patents of enterprises reached 46.8% at the annual growth rate of 1.9%. In terms of the enterprise scale, the industrialization rates of invention patents of large, medium and small enterprises were 47.1%, 54.6% and 47.7% respectively, all accomplishing increases to some extent with respect to the preceding year.

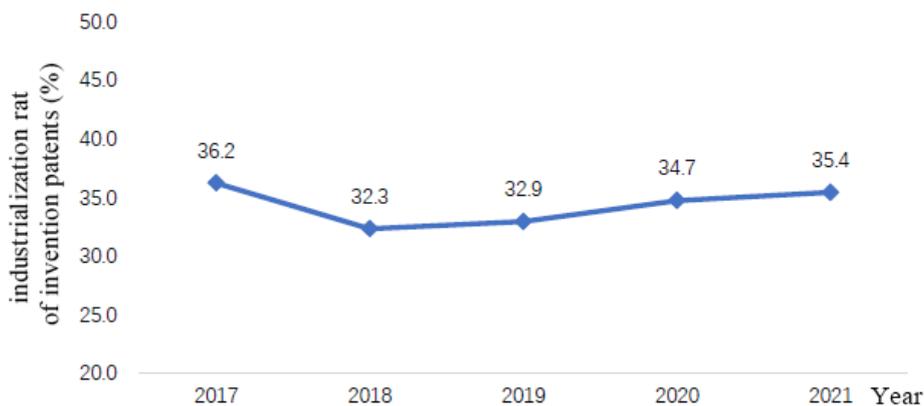


Fig 1 Industrialization Rate of Invention Patents (2017-2021)

Table 3 Industrialization Rate of Invention Patents of Different-Scale Enterprises (%)					
	Large Enterprises	Medium Enterprises	Small Enterprises	Micro Enterprises	Overall
Invention Patents	47.1	54.6	47.7	26.6	46.8

Note: out of the valid data for this survey question, the numbers of valid invention patents of the large, medium, small and micro enterprises are 11317, 5324, 6228 and 3030 respectively, adding to a total of 25,899.

In addition, statistics show that the licensing rate of invention patents in China reached 10.4% at the annual growth rate of 2.5%, and 3.4% with respect to the rate of 2017. On the whole the patent licensing rate in China kept on rising from 2018 to 2021.

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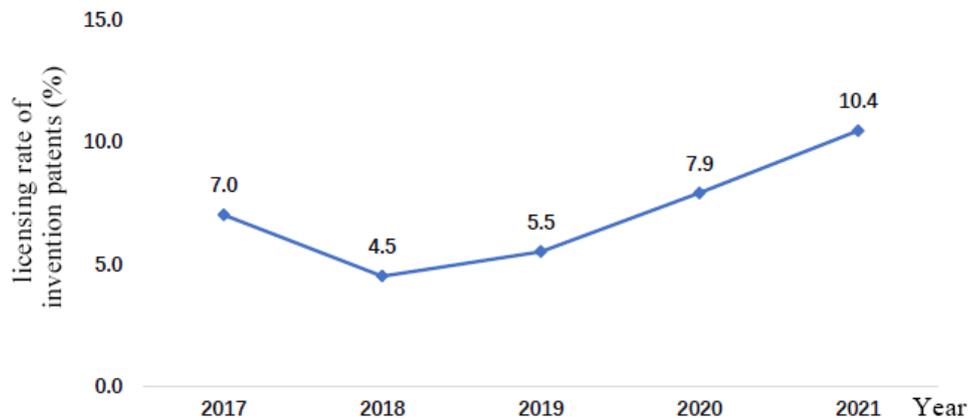


Fig 26 Licensing Rate of Invention Patents (2017-2021)

2. Protection for IP rights in China presents steady and healthy development.

In 2021, 76.4% of Chinese enterprises took enforcement actions after they encountered infringement upon their patent rights, at an annual growth rate of 2.5%, which delivered stronger and more active responses to patent infringement. Among the patent infringement lawsuits in China, 16.3% were concluded by compensation of over 1,000,000 RMB for the infringement through the courts' judgments, mediation or settlement, reaching an annual growth rate of 9.0%. Such figure indicates greater costs on the infringing parties' side for their infringement in China.

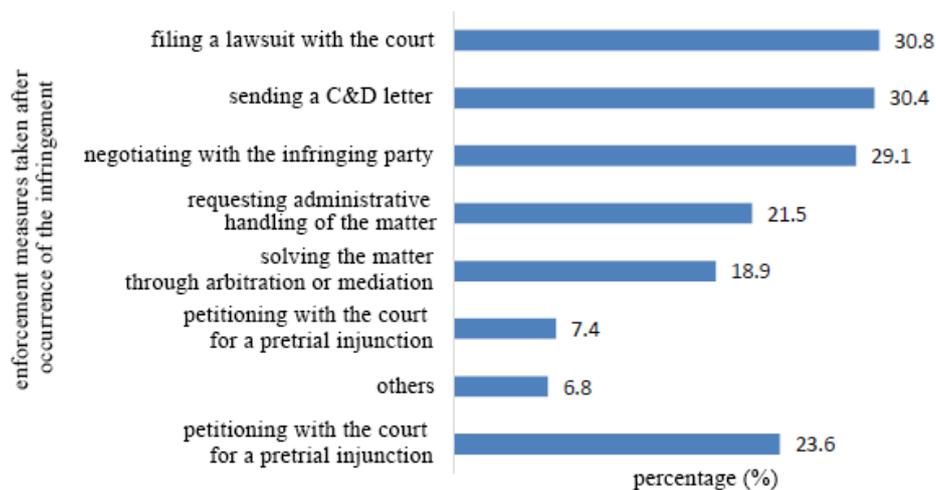


Fig 88 Enforcement Measures taken by Patentees after Occurrence of the Infringement

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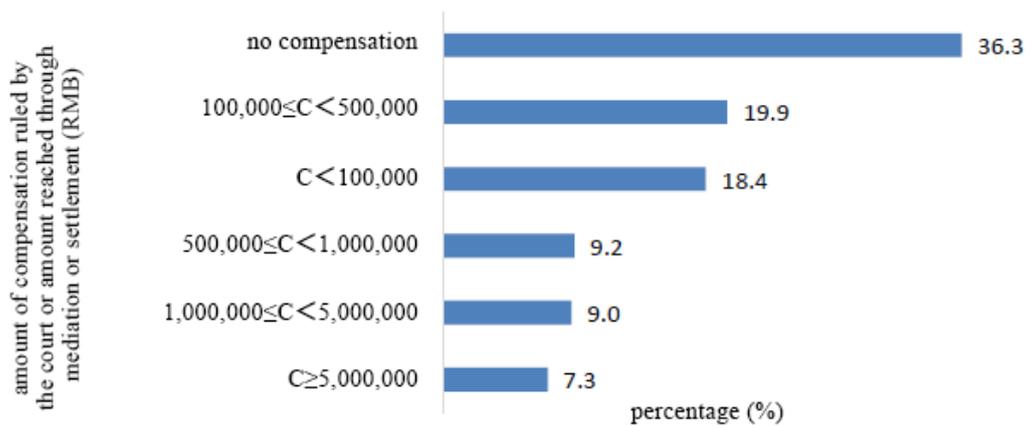


Fig 90 Compensation amount ruled by the court, determined through mediation or reached through settlement, as per the patentees' choices in patent infringement lawsuits

Besides, more Chinese enterprises are facing IP disputes overseas. In 2021, 3% of Chinese enterprises encountered IP disputes overseas, almost four times the percentage in the preceding year. Also, 71.8% of the overseas IP disputes occurred within the manufacturing industry. IP rights are becoming the focus in international trade frictions and industrial chain competition.

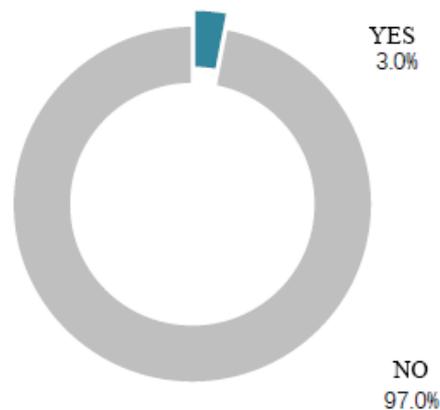


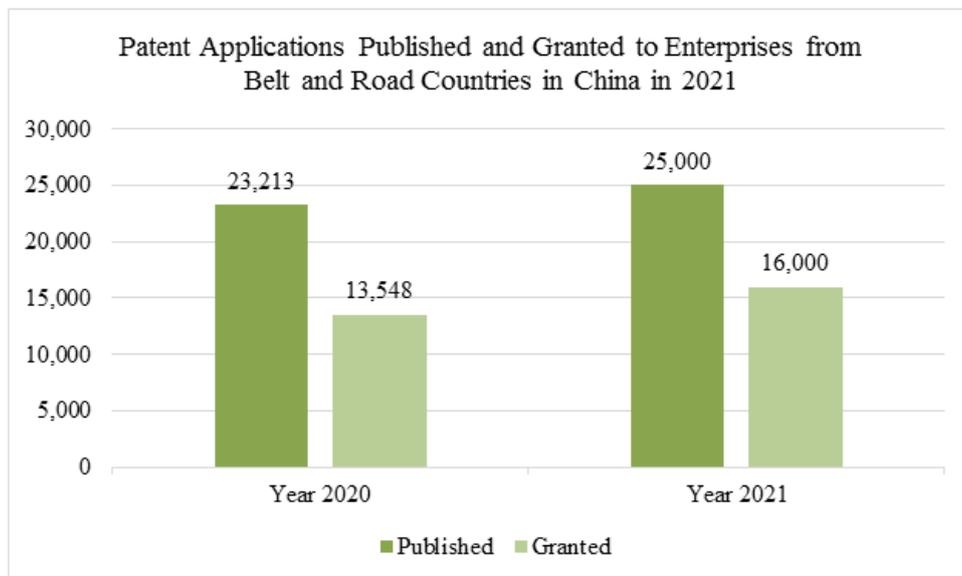
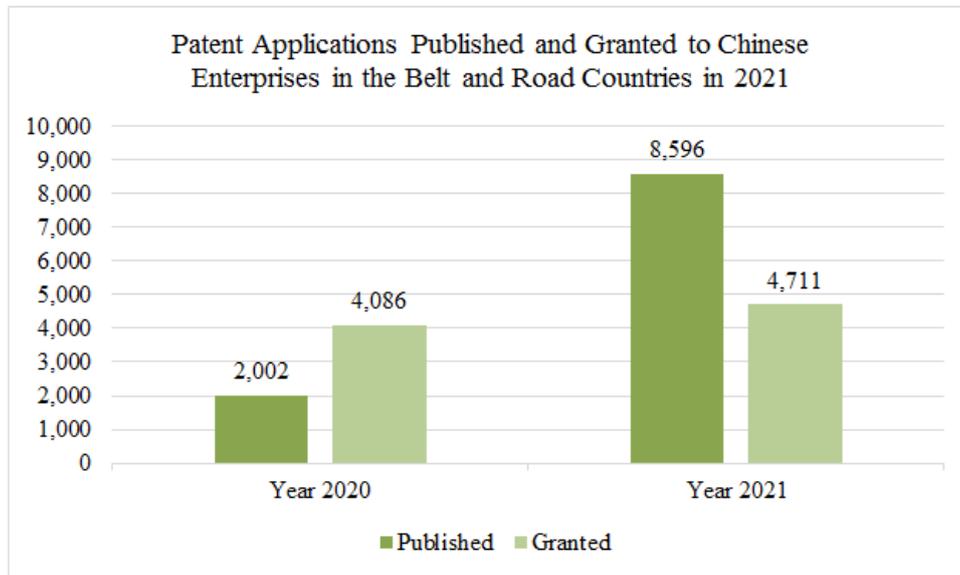
Fig 91 Enterprises Encountering Overseas IP Disputes (Yes/No)

(Source: China National Intellectual Property Administration)

Two-way Growth Accomplished in the Patent Portfolios by and between China and the Belt and Road Countries in 2021

According to the latest IP statistical report released by China National Intellectual Property Administration recently, in the year 2021, the volumes of patent applications published and granted to Chinese enterprises in the Belt and Road countries, and the volumes of patent applications published and granted to enterprises from the Belt and Road countries in China, all accomplished growths at different levels, representing a two-way increase in the patent portfolios by and between the two sides.

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Specifically, patent portfolios by and between China and the Belt and Road countries in the year 2021 are featured by:

1. RCEP (i.e. the Regional Comprehensive Economic Partnership) members are the main destinations for the Chinese enterprises' patent portfolios in the Belt and Road countries.

Statistics on Patent Applications Published and Granted to Chinese Enterprises within the RCEP Member Countries in 2021			
	Volumes within RCEP members	Percentage in the Total Volume within the Belt and Road Countries	Annual Growth Rate
Published	7,318	85.1%	23.0%
Granted	3,158	67.0%	24.8%

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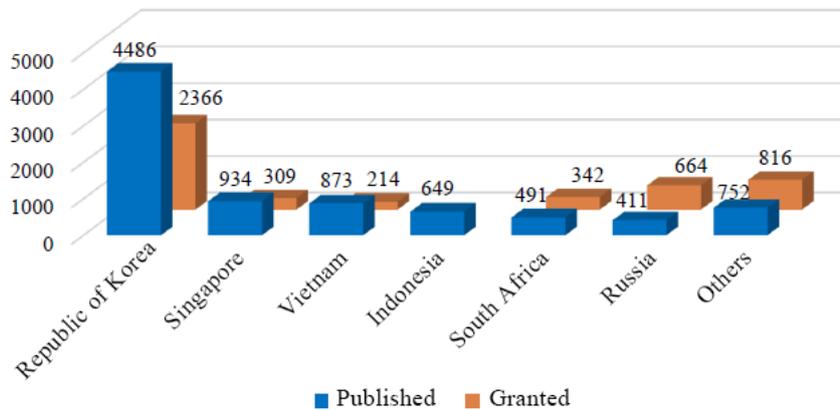


Fig 1 Country Distribution for Patent Portfolios of Chinese Enterprises in the Belt and Road Countries

2. Cooperation supported by emerging technologies assist in the high-quality building of the “Belt and Road” Initiative.

In the year 2021, statistics on the volume of patent applications filed by Chinese enterprises in the Belt and Road countries reveal digital communications as the Top 1 technical field by 2,073 applications, which is followed by computer technology at 1,447 applications; and the subtotal of said two areas accounts for 40.9% of the total volume of applications. Among the Top 10 technical fields for published patent applications, significant growths are found in furniture and games, biotechnology, computer technology and audio and video technology, the annual growth rates of which all exceeded 50%.

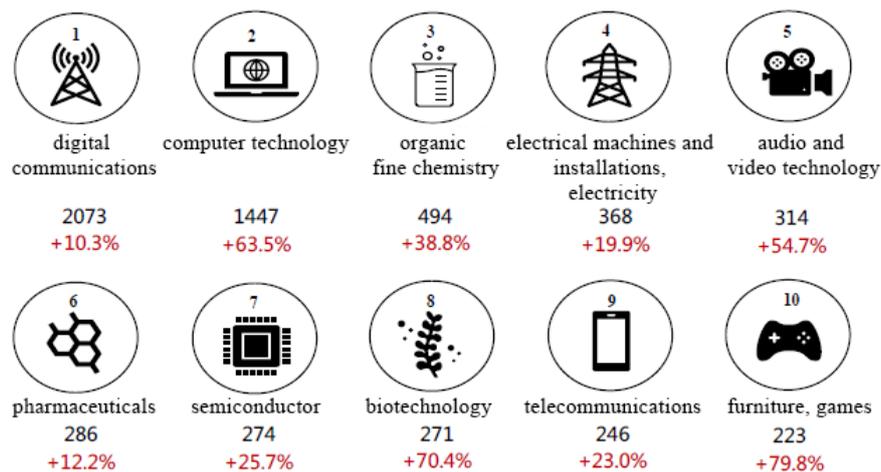


Fig 2 Top 10 Technical Fields for Published Patent Applications of Chinese Enterprises in the Belt and Road Countries (Year 2021)

In terms of the patents granted in the Belt and Road countries, digital communications is also Top 1 by the volume of 884 among all technical fields, while computer technology and electrical machines and installations follow as top 2 and top 3 by the volumes 535 and 298 respectively. A look into the annual growth rate further reveals significant growths in technical fields including audio and video technology (45.5%), digital communications (43.5%), other consumer goods (29.2%), semiconductor (26.1%) and computer technology (16.8%).

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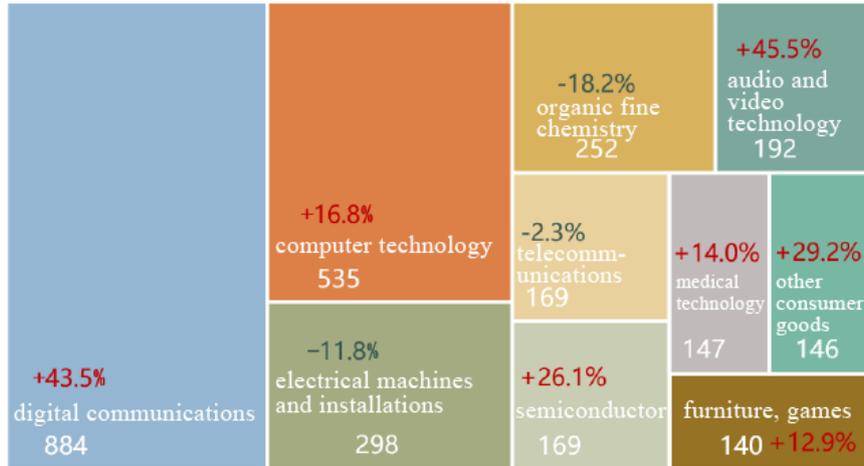


Fig 3 Top 10 Technical Fields for Patents Granted to Chinese Enterprises in the Belt and Road Countries (Year 2021)

3. The Guangdong-Hong Kong-Macao Greater Bay Area takes an advantageous position in the “Belt and Road” patent portfolios.

Statistics on Published Patent Applications by Enterprises from Various Regions of China in the Belt and Road Countries in 2021			
	Published Patent Applications	Percentage in Total Patent Applications	Annual Growth Rate
Guangdong-Hong Kong-Macao Greater Bay Area	3,479	40.5%	16.8%
Beijing-Tianjin-Hebei Region	1,998	23.2%	79.4%
Yangtze River Delta Region	1,870	21.8%	24.3%

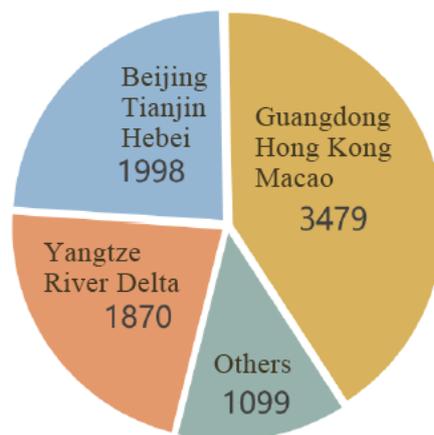


Fig 4 Regional Distribution of Enterprises in China with Published Patent Applications in the Belt and Road Countries (Year 2021)

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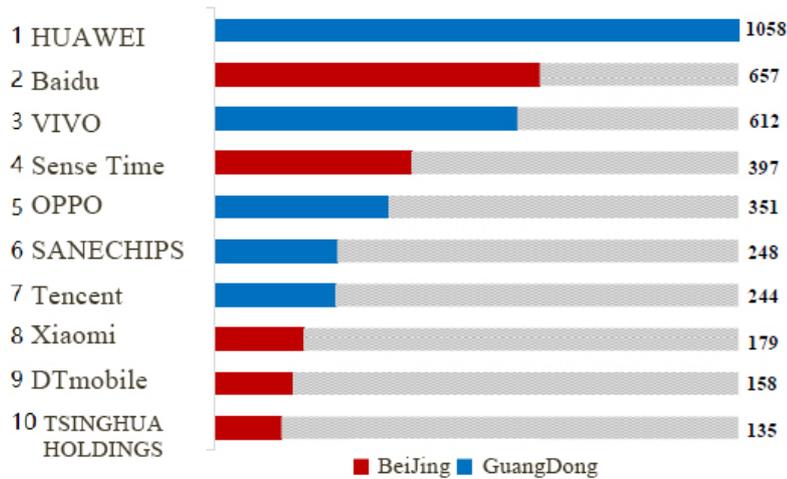
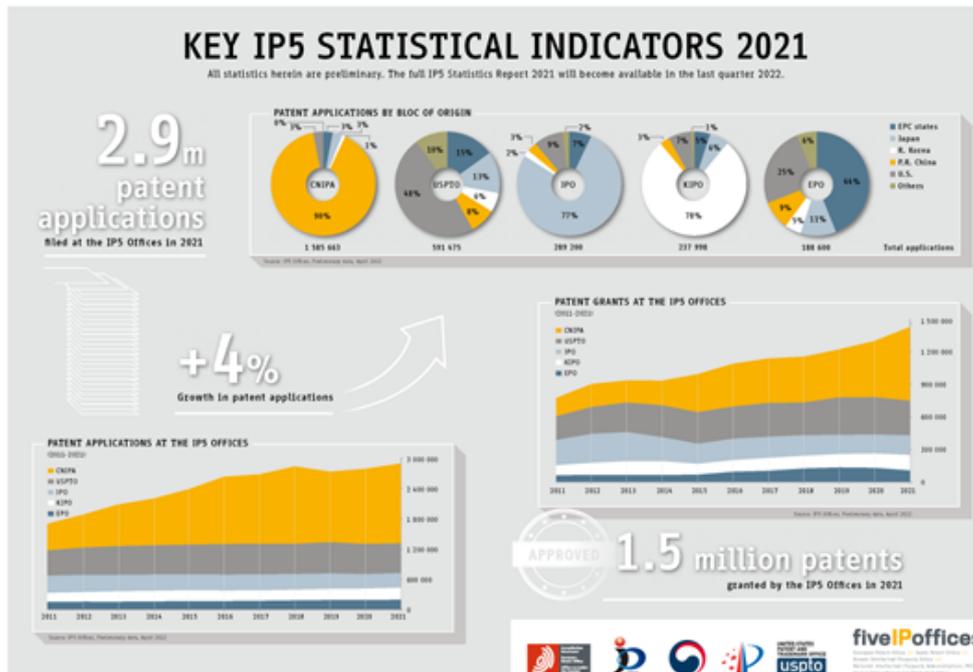


Fig 5 Top 10 Chinese Enterprises with Published Patent Applications in the Belt and Road Countries (Year 2021)

(Source: China National Intellectual Property Administration)

CNIPA Publishes KEY IP5 STATISTICAL INDICATORS 2021



(Source: China National Intellectual Property Administration)

CNIPA: Statistics on Patents (January to June 2022)

Compared with the same period of 2021:

The number of granted invention patents increased by 54,200 at the growth rate of 16.02%; the number of granted utility model patents increased by 146,200 at the growth rate of 11.01%; while the number of granted design patents decreased by 10,200 at the reduction rate of 2.6%.

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Statistics of Patents Granted (Domestic and Foreign)							
(January to June 2022)							
Unit: application							
Domestic/Foreign		Inventions		Utility Models		Designs	
		Granted	Percentage	Granted	Percentage	Granted	Percentage
Total	Subtotal	392795	100%	1473290	100%	382894	100%
	Service	384978	98.0%	1327028	90.1%	248247	64.8%
	Non-service	7817	2.0%	146262	9.9%	134647	35.2%
Domestic	Subtotal	336700	85.7%	1469116	99.7%	376255	98.3%
	Service	329629	97.9%	1323068	90.1%	241955	64.3%
	Non-service	7071	2.1%	146048	9.9%	134300	35.7%
Foreign	Subtotal	56095	14.3%	4174	0.3%	6639	1.7%
	Service	55349	98.7%	3960	94.9%	6292	94.8%
	Non-service	746	1.3%	214	5.1%	347	5.2%

Notes:

- Note: the numbers of patents granted in the chart above are all subject to the dates on which the decisions on granting were made.
- In this chart, the classification by domestic/foreign is subject to the origin of the applicant (patentee).

As of June 30, the total numbers of valid invention patents and valid design patents are 3905779 and 2747407 respectively. The total number of valid patents of all three types exceeds 15,000,000, and the total number of valid utility model patents exceeds 10,000,000.

Statistics of Patents in Validity (Domestic and Foreign)							
(as of June 2022)							
Unit: application							
Domestic/Foreign		Inventions		Utility Models		Designs	
		In Validity	Percentage	In Validity	Percentage	In Validity	Percentage
Total	Subtotal	3905779	100%	10185480	100%	2747407	100%
	Service	3793816	97.1%	9306161	91.4%	1862495	67.8%
	Non-service	111963	2.9%	879319	8.6%	884912	32.2%
Domestic	Subtotal	3059824	78.3%	10131792	99.5%	2621303	95.4%
	Service	2957649	96.7%	9254818	91.3%	1740999	66.4%
	Non-service	102175	3.3%	876974	8.7%	880304	33.6%
Foreign	Subtotal	845955	21.7%	53688	0.5%	126104	4.6%
	Service	836167	98.8%	51343	95.6%	121496	96.3%
	Non-service	9788	1.2%	2345	4.4%	4608	3.7%

Note: In this chart, statistical data of invention patents in validity is subject to (i) the addresses of the patentees for patents granted on and before December 31, 2020; and (ii) the addresses of the applicants for patents granted on and after January 1, 2021.

Patent

Statistics of PCT Applications (June 2022)					Unit: application
Domestic/Foreign	Total of June 2022		Aggregated Total of the Year (till June 2022)		
	Applications	Percentage		Applications	
Total	6699	100%	33257	100%	
Domestic	6306	94.1%	30794	92.6%	
Foreign	393	5.9%	2283	7.4%	

(Data Source: China National Intellectual Property Administration)

Trademark

CNIPA: Statistics on Trademarks (January to June 2022)

Trademarks Registered and Trademarks in Validity (Domestic and Foreign) (as of June 2022)					Unit: per trademark
Domestic/Foreign	Registered		In Validity		
	Aggregated Total of the Year (till June 2022)	Percentage	Number	Percentage	
Total	3673925	100%	40544888	100%	
Domestic	3575275	97.3%	38559748	95.1%	
Foreign	98650	2.7%	1985140	4.9%	

Notes:

1. The aggregated total of the year calculates from December 16, 2021 to June 15, 2022. Statistics of trademarks in validity ends on June 15, 2022.

2. The statistical data is extracted from the database of the China Trademark Office. The date of extraction falls on the last day of the current month.

Statistics of Trademark Oppositions (June 2022)			Unit: case
Item	Total of June 2022	Aggregated Total of the Year (till June 2022)	
Petitions for Opposition	13243	86344	
Rulings on Opposition	12893	80663	

Note:

1. The total of June calculates from May 16 to June 15, 2022. The aggregated total of the year calculates from December 16, 2021 to June 15, 2022.

Trademark

Statistics of Trademark Review and Adjudication Cases			
		(June 2022)	Unit: case
Item	Type of Case	Total of June 2022	Aggregated Total of the Year (till June 2022)
Applications for Review and Adjudication Cases	Review of rejection	23703	168762
	Review of disapproval	192	1686
	Review of revocation	781	7130
	Announcement of invalidation	4649	34338
	Total	29325	211944
Rulings on Review and Adjudication Cases	Review of rejection	17695	184200
	Review of disapproval	164	1567
	Review of revocation	836	6635
	Announcement of invalidation	2871	24683
	Total	21590	217138

Note:

1. The total number of applications for review and adjudication till June of the year includes 28 cases of review on invalidation announcement.
2. The total number of rulings in June 2022 includes 24 cases of review on invalidation announcement. The aggregated total of rulings till June of the year includes 5 cases of review on opposition and 48 cases of review on invalidation announcement.

(Data Source: China National Intellectual Property Administration)