

W&B IP Newsletter



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Annual Report of the IPC of the SPC (2022) releases Latest Statistics on IP-related Cases

China's Supreme People's Court released on March 30 the Annual Report of the Intellectual Property Court (2022) (hereinafter the "Report"). Major statistics on IP-related cases published in the Report include:

General Case Statistics for 2022

In 2022 the Intellectual Property Court of the Supreme People's Court (hereinafter the "SPC-IPC") accepted 6183 technology related IP appeal cases and monopoly appeal cases (including 4,405 newly accepted cases and 1,778 unclosed existing cases), and closed 3,468 cases. The number of SPC-IPC's newly accepted cases accounted for 86.4% of the second-instance substantive civil disputes and 100% of the second-instance substantive administrative disputes of SPC's whole cases. In terms of the overall numbers of accepted cases and closed cases plus the average number of cases closed per judge and supporting staff, SPC-IPC ranks the first among all SPCs adjudication divisions. Compared with 2021, the number of total accepted cases (consisting of both newly accepted and unclosed existing cases) increased by 18%, of which new cases increased by 1.6% and the number of closed cases increased by 0.2%.

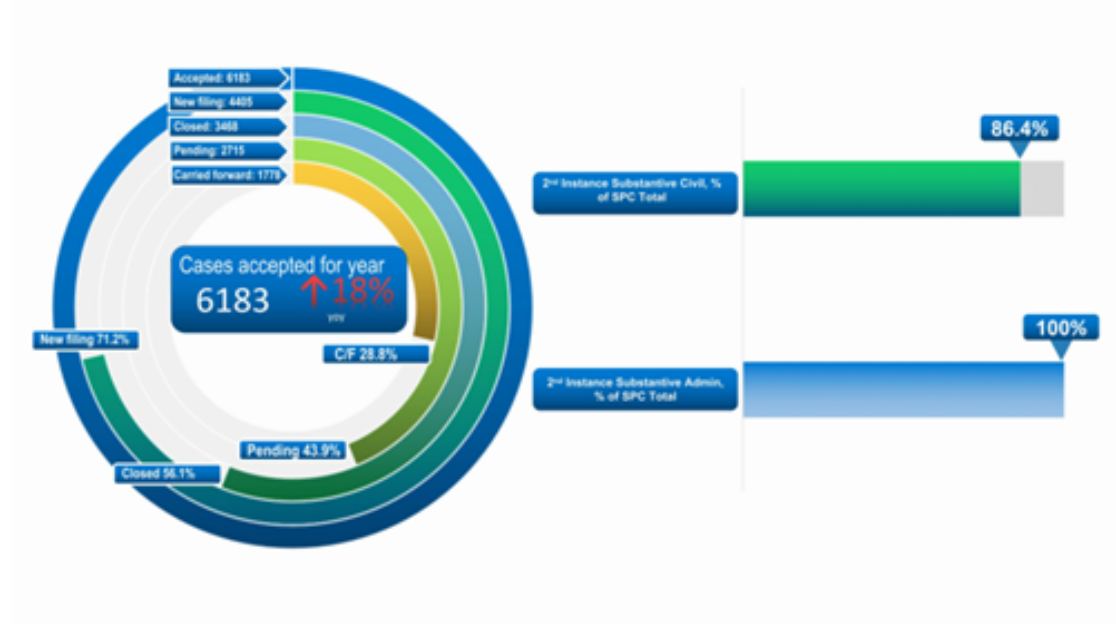


Chart 1 Technology-related IP disputes and monopoly disputes heard by SPC-IPC in 2022

General Case statistics for 2019 to 2022

Since its establishment on January 1, 2019, SPC-IPC has accepted 13,863 technology-related IP disputes and monopoly disputes, of which 11,148 cases were closed, resulting in an overall clearance rate of 80.4%.

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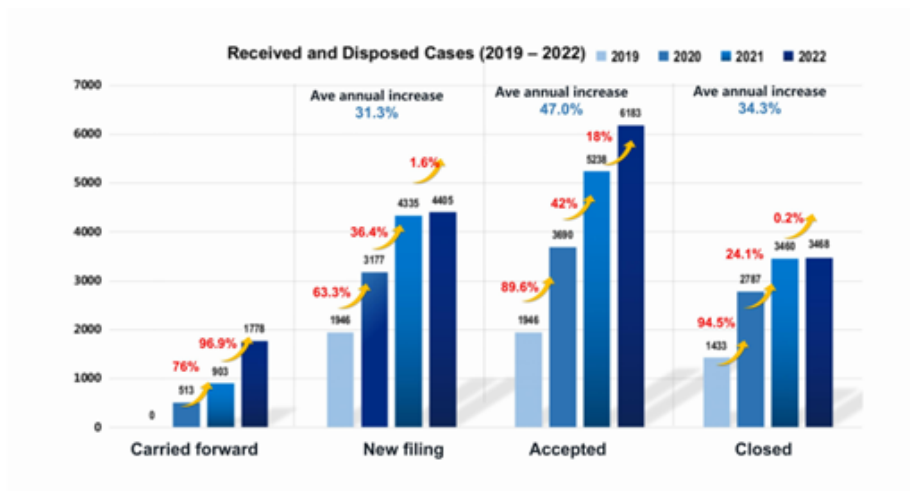


Chart 2 Technology-related IP disputes and monopoly disputes that SPC-IPC received and closed (2019-2022)

Between 2019 and 2022, a total of 8,436 second-instance substantive civil disputes were accepted, of which 6,420 were closed. For administrative disputes, 3,088 second-instance substantive disputes were accepted, of which 2,462 were closed.

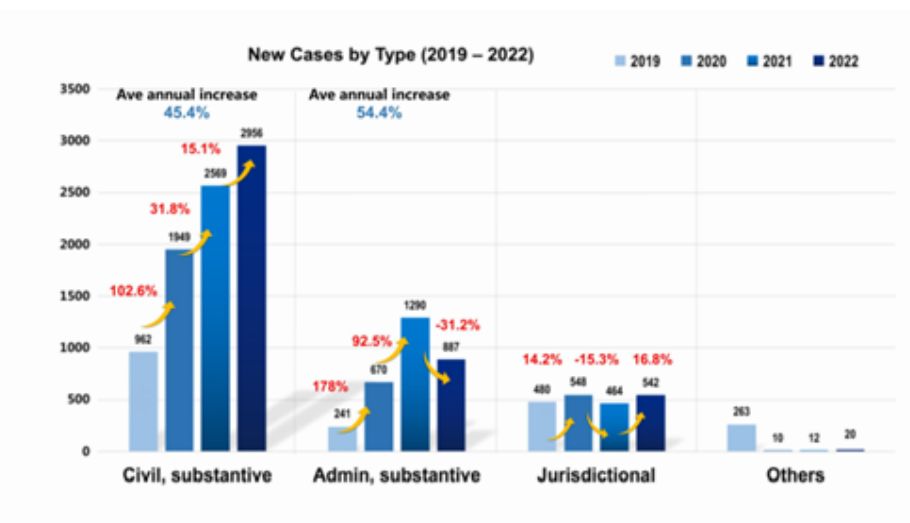


Chart 3 Types of new cases received by SPC-IPC and their trend (2019-2022)

Types of Civil Disputes for 2022 and 2019-2022

In 2022, SPC-IPC accepted 2,956 new second-instance substantive civil disputes, of which 615 involved infringement of invention patents, 968 on infringement of utility patents, 312 on patent application rights and patent ownership, 144 on new plant variety, 6 on layout design of integrated circuit, 78 on technological secrets, 648 on computer software, 96 on technology related IP contracts, 15 on monopoly disputes, and 74 on other disputes. The number of new cases relating to new plant variety and layout design of integrated circuit was significantly higher than that of the previous year.

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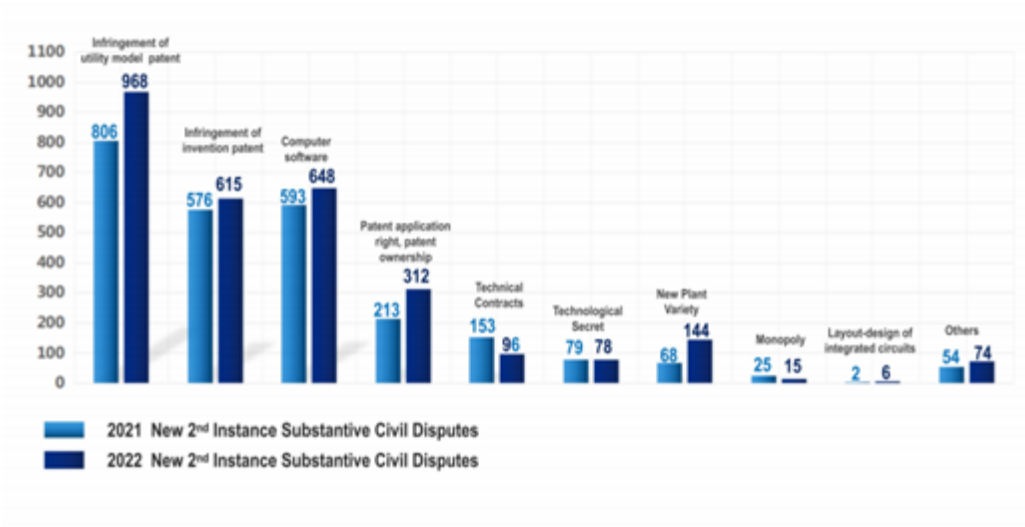


Chart 5 Types of new second-instance substantive civil disputes in 2022 and year-on-year comparison

Between 2019 and 2022, SPC-IPC accepted 8,436 cases involving second-instance substantive civil disputes, of which 1,860 involved infringement of invention patents, 2,982 on infringement of utility models, 697 on patent application rights and patent ownership, 272 on new plant variety, 14 on integrated circuit layout design, 213 on technological secrets, 1,743 on computer software, 342 on technology-related IP contracts, 79 on monopoly, and 234 on other disputes.

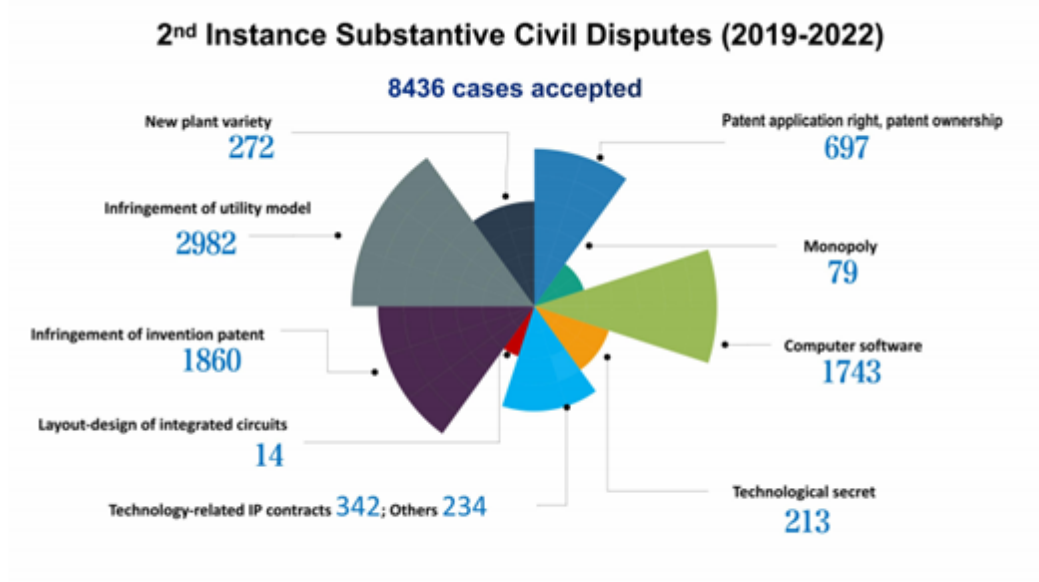


Chart 6 Types of second-instance substantive civil disputes SPC-IPC accepted (2019 – 2022)

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Types of Administrative Disputes in 2022 and 2019- 2022

In 2022, 887 new second-instance administrative cases were received, of which 241 administrative disputes involved re-examination of invention patent applications, 234 on invalidation of invention patents, 27 on re-examination of utility model patent applications, 207 on invalidation of utility model patents, zero on re-examination of design patent application, 84 on invalidation of design patents, 3 on new plant variety, 2 on layout design of integrated circuits, 24 on monopoly disputes, and 65 on administrative enforcement. Compared to 2021, the number of new second-instance substantive administrative disputes decreased by 31.2%, whereas monopoly administrative disputes increased significantly, from 2 cases in the previous year to 24 cases. For the first time, SPC-IPC accepted cases relating to administrative disputes over layout design of integrated circuits. There was another monopoly appeal case involving jurisdictional dispute.

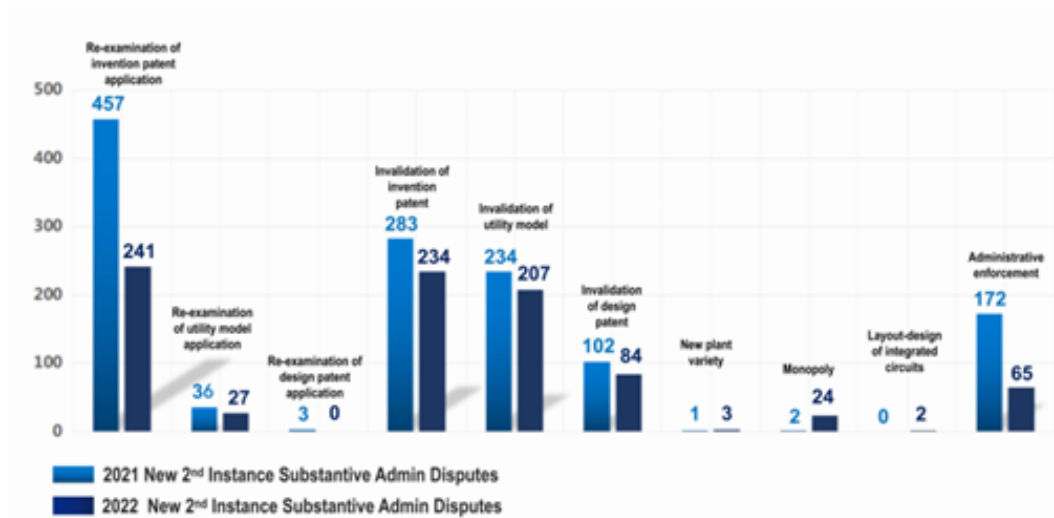


Chart 7 Types of new second-instance substantive administrative disputes in 2022 and year-on-year comparison.

Between 2019 and 2022, 3,088 second-instance substantive administrative disputes were accepted, of which 995 involved re-examination of invention patent applications, 772 on invalidation of invention patents, 90 on re-examination of utility model applications, 647 on invalidation of utility models, 5 on re-examination of design patent applications, 251 on invalidation of design patents, and 4 on new plant variety, 2 on layout design of integrated circuits, 26 on monopoly, and 296 on administrative enforcement. There was another monopoly appeal case involving jurisdictional dispute.

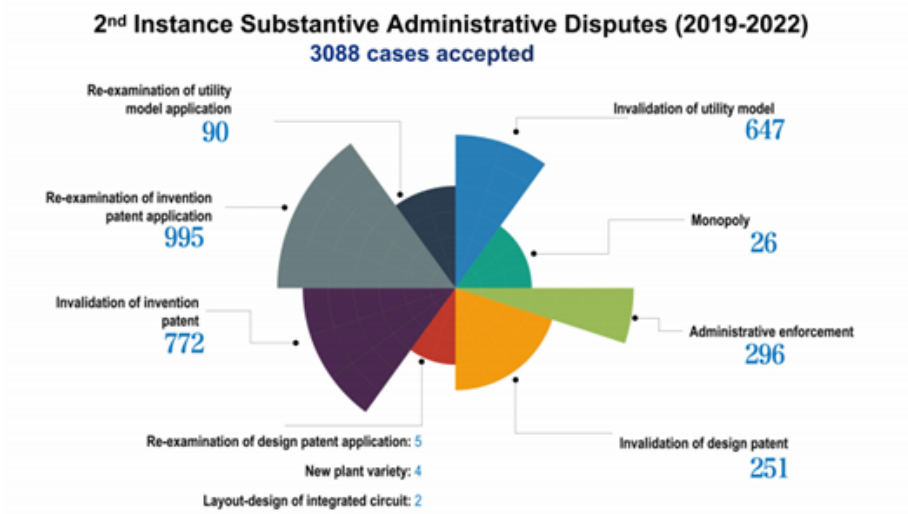


Chart 8 Types of second-instance administrative disputes in 2019-2022

Overview of Cases Involving Foreign or Hong Kong, Macao & Taiwan Parties

In 2022, 457 new cases involving foreign parties, or Hong Kong, Macao, and Taiwan parties were received, accounting for 10.4% of the new cases, representing a year-on-year increase of 4.6%. Of these new cases, 396 cases or 9% involved foreign parties, and 61 cases or 1.4% involved Hong Kong, Macao, and Taiwan parties. There were 274 civil and 183 administrative disputes of second instance. In total, 372 cases involving foreign or Hong Kong, Macao & Taiwan parties were closed, representing a year-on-year 32.9% increase, accounting for 10.7% of the total case numbers.



Chart 15 New cases involving foreign or HK, Macao & Taiwan parties received by SPC-IPC in 2022

In 2022, 457 new cases involving foreign parties, or Hong Kong, Macao, and Taiwan parties were received, accounting for 10.4% of the new cases, representing a year-on-year increase of 4.6%. Of these new cases, 396 cases or 9% involved foreign parties, and 61 cases or 1.4% involved Hong Kong, Macao, and Taiwan parties. There were 274 civil and 183 administrative disputes of second instance. In total, 372 cases involving foreign or Hong Kong, Macao & Taiwan parties were closed, representing a year-on-year 32.9% increase, accounting for 10.7% of the total case numbers.

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Chart 16 Cases involving foreign or HK, Macao & Taiwan parties accepted by SPC-IPC in 2019-2022

(Source: Intellectual Property Court of the Supreme People’s Court)

SPC Releases Judicial Protection of Intellectual Property Rights in Chinese Courts (2022)

As the 23rd WIPD approaches, China’s Supreme People’s Court hosted a press conference on April 20 and released the report *Judicial Protection of Intellectual Property Rights in Chinese Courts (2022)* (hereinafter the “Report”), in which the latest developments in China’s judicial protection for IP rights are well introduced.

According to the *Report*, the Chinese courts newly accepted 526,165 IP cases of first instance, second instance, and remanded for retrial, and concluded 543,379 cases (including carried over cases, ditto hereinafter), a year-on-year decrease of 18.17% and 9.67%, respectively.

Currently, 558 primary courts, including Internet courts, have jurisdiction over civil IP cases. The primary courts’ significant role in dispute resolution has been further developed.

Appendices: Statistics on the Types and Numbers of Newly Accepted IP Cases in Courts in China Nationwide in 2022

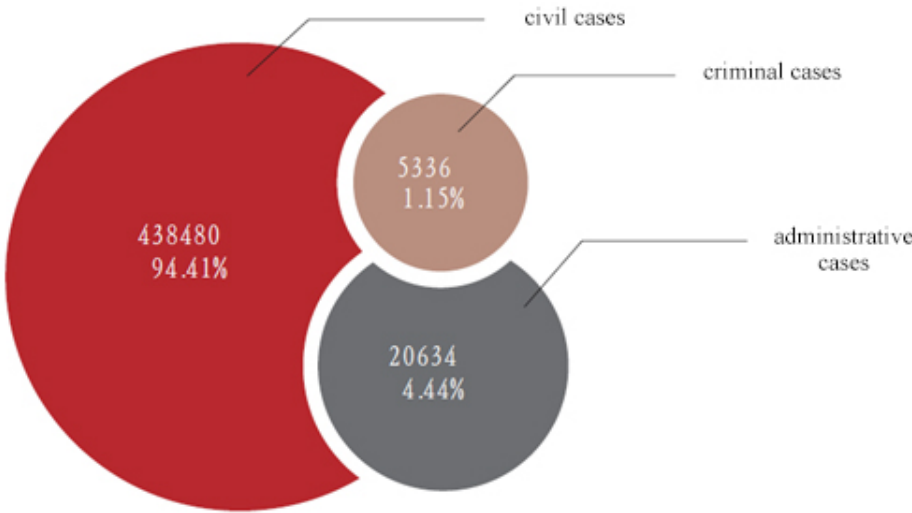


Fig.1 Types and numbers of first-instance IP cases accepted in courts in China in 2022

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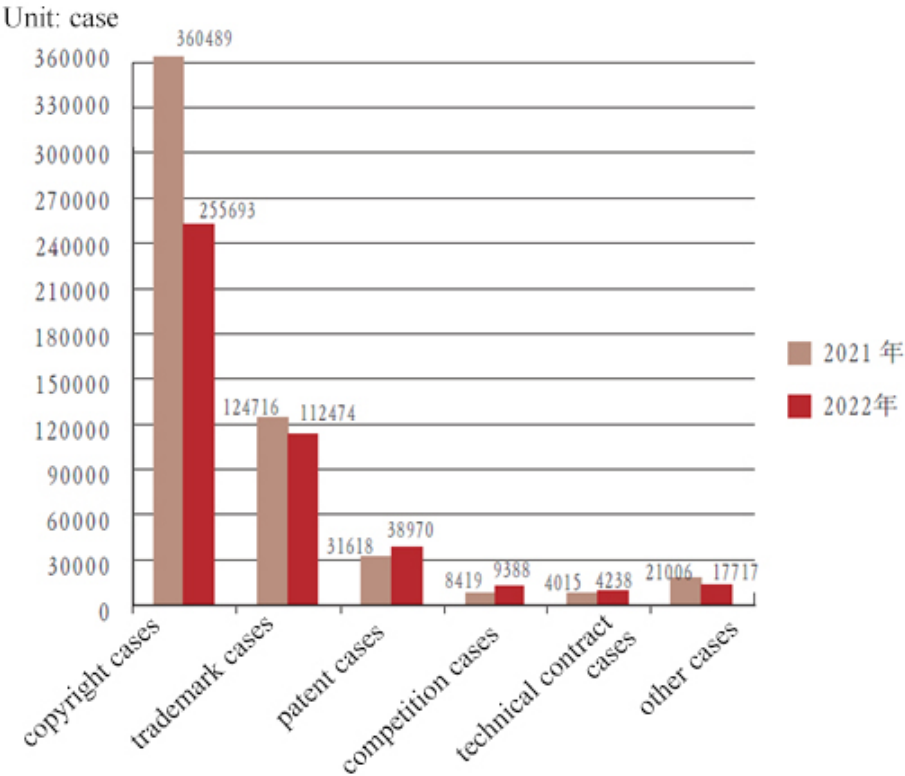


Fig.2 Numbers of first-instance civil IP cases accepted by courts in China in 2021 and 2022

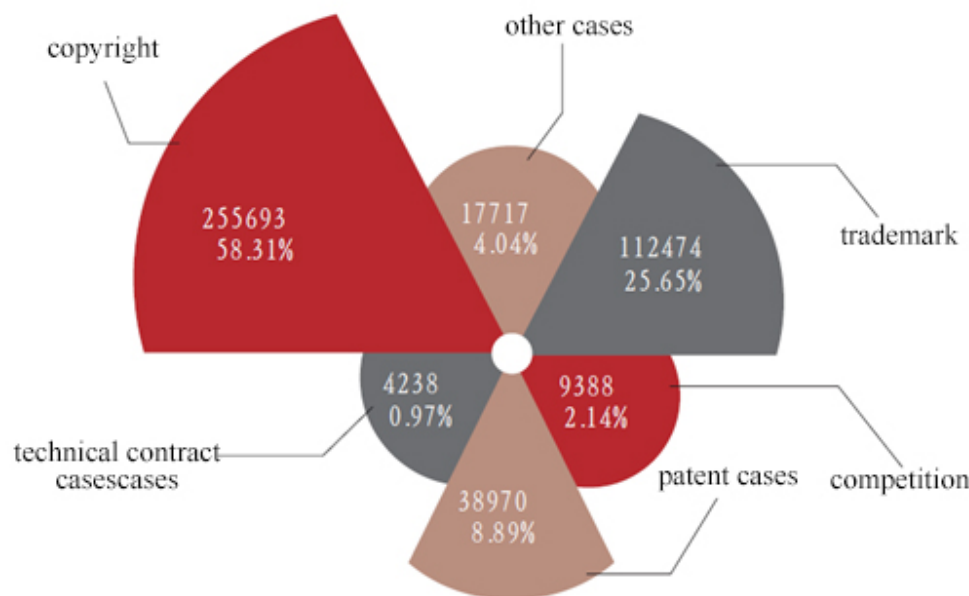


Fig.3 Types and numbers of first-instance civil IP cases accepted by courts in China in 2022

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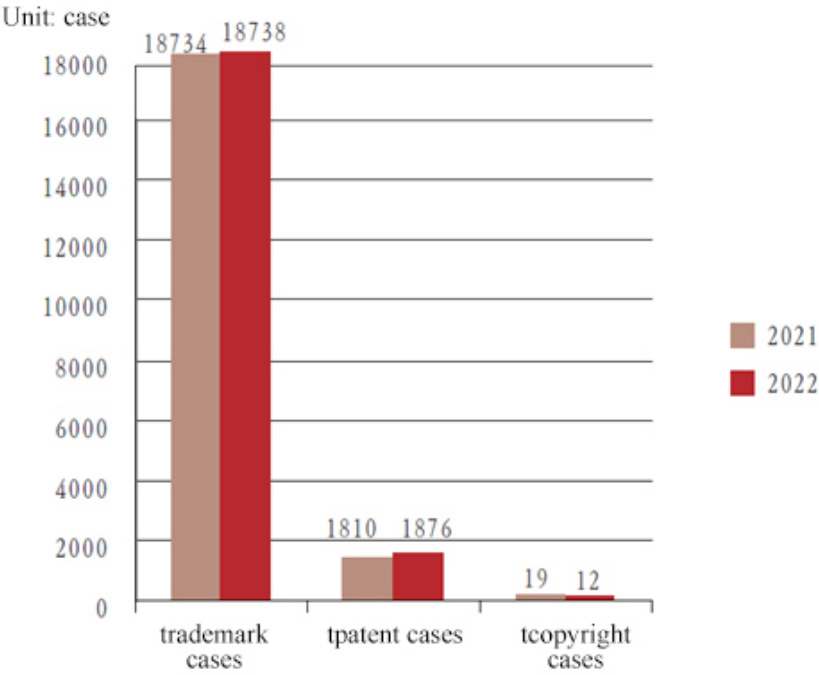


Fig.4 Numbers of first-instance administrative IP cases accepted by courts in China in 2021 and 2022

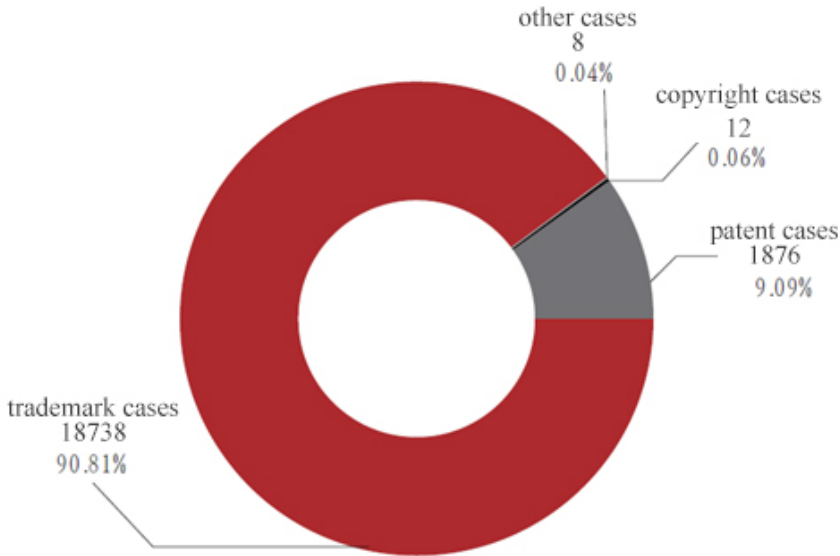


Fig.5 Types and numbers of first-instance administrative IP cases accepted by courts in China in 2022

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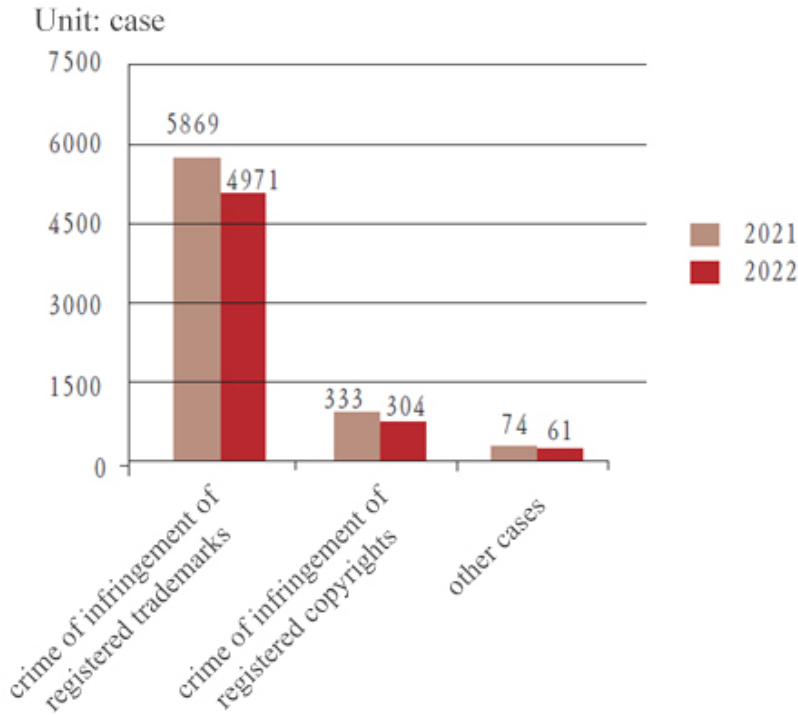


Fig.6 Numbers of first-instance criminal IP cases accepted by courts in China in 2021 and 2022

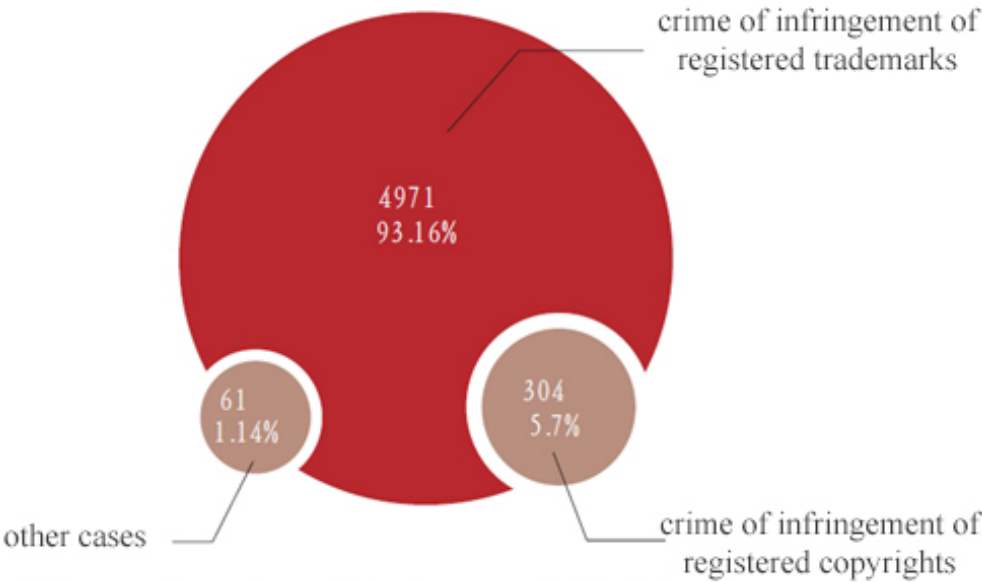


Fig.7 Types and numbers of first-instance criminal IP cases accepted by courts in China in 2022

(Source: Supreme People’s Court)