

# W&B IP Newsletter

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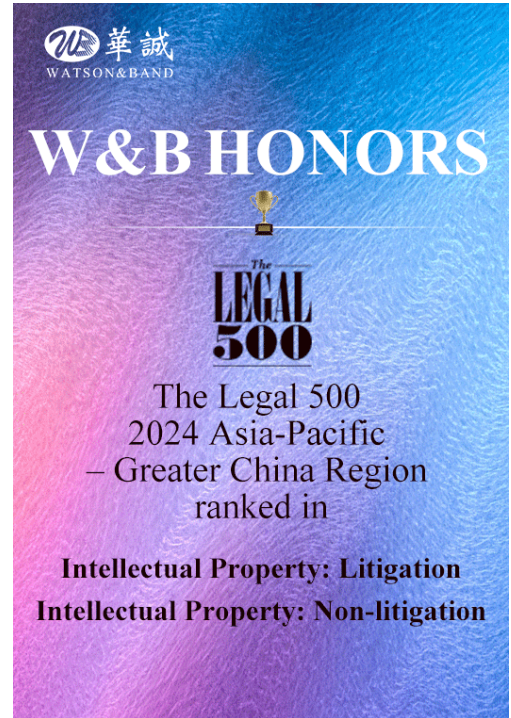
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## The Latest from Watson & Band

### Watson & Band Again Ranked in IP Area in 2024 The Legal 500 Asia-Pacific – Greater China Region

On November 15, The Legal 500, a world-renowned legal rating agency, released its *2024 The Legal 500 Asia-Pacific – Greater China Region Rankings*. Watson & Band's professional ability and outstanding performance in the field of intellectual property has been recognized again in this year's rankings – Tier 3 in both "Intellectual Property: Litigation" and "Intellectual Property: Non-litigation" at the same time, and thus Watson & Band has been in the forefront of the intellectual property area on The Legal 500 rankings for many years.

The Legal 500 is a well-known legal rating agency headquartered in the United Kingdom. Its annual *Asia-Pacific Rankings* ranks and recommends law firms and lawyers in 25 jurisdictions in the region, and provides guidance for the highly competitive legal services market with its objective and authentic data. It is one of the authoritative references for clients seeking high-end legal services. The Legal 500's Asia Pacific research is based on client feedback, submissions by law firms, interviews with corporate counsels and lawyers, and market research and analysis conducted by the research team.



### Watson & Band Listed among "China's Top 600 Trademark Agencies" and Rated as a 5A-Level Trademark Agency



On November 22, the *List of China's Top 600 Trademark Agencies*, which was jointly released by the *China Trademark* magazine and the IPHOUSE database under the guidance of the China Trademark Association, was released in Beijing. The *List*, using official data and through careful researches and multiple rounds of demonstration, established a systematic evaluation model from over 10 indicators including the numbers of trademark applications, trademark opposition cases and trademark review cases. Based on said model, the *List* evaluated trademark agencies registered with the Trademark Office of the China Intellectual Property Administration. A total of 600 trademark agencies were rated as 5A, 4A or 3A-level agencies. Watson & Band Intellectual Property Agent Ltd. has been recognized for its good reputation and outstanding performance in the IP agency industry, and is listed as a "5A-Level Agency" in this List, and is one of the seven agencies headquartered in Shanghai among the Top 100 5A Agencies in this List.

## Patent

### Implementation Rules of the P.R.C. Patent Law (Draft amendments): deliberated and adopted

On November 3, 2023, the executive meeting of the State Council deliberated and adopted the Implementation Rules of the Patent Law of the People's Republic of China (Draft Amendment).

On October 17, 2020, the 22<sup>nd</sup> session of the Standing Committee of the 13<sup>th</sup> National People's Congress passed the decision on amending the *P.R.C. Patent Law, which came into effect on June 1, 2021*. In line with the amendment of the *P.R.C. Patent Law*, in November 2020, the China National Intellectual Property Administration started the preparatory work for amending the *Implementation Rules of the P.R.C. Patent Law*.

This Amendment to the *Implementation Rules of the P.R.C. Patent Law* is conducive to ensuring the full implementation of the Patent Law. In particular, the relevant provisions of the *Implementation Rules of the Patent Law (Draft Amendment)* on improving the patent application and examination system and refining the provisions of patent administrative protection, which is of great significance for further strengthening the protection of intellectual property rights and creating a legal environment to support innovation.

(Source: China Intellectual Property News)

### China's 5G SEP Claims Account for 42% of the World's Total

Recently, it was learned at the press conference of the State Council Information Office that China has been actively promoting the formulation of 5G international standards. As of the end of September this year, China's 5G SEP claims accounted for 42% of the world's total, providing a Chinese solution to promote global 5G development.

It is learned that 5G industry applications have been integrated into 67 national economic categories, and the number of 5G application cases has exceeded 94,000. 5G has been widely used in industrial, mining, power, ports and other vertical industries, helping enterprises to improve quality, reduce costs and increase efficiency. New applications such as ultra-high-definition video, AR and VR based on 5G networks have been further integrated into production and life, and the user experience has continued to improve.

The digital base of 5G industry has been continuously consolidated. By the end of September this year, the total number of 5G base stations in China has reached 3.189 million, covering all prefecture-level city and county urban areas, with the number of 5G base stations per 10,000 population reaching 22.6; more than 90% of the 5G base stations have been jointly built and shared, and the 5G networks have accelerated their intensive, efficient, green and low-carbon developments; there are more than 20,000 virtual private networks in the 5G industry, providing stable, reliable and secure network facilities for the industry.

(Resource: China Intellectual Property News)

# Intellectual Property



## WIPO: Global Innovation Index 2023 – Innovation in the Face of Uncertainty

Recently, the World Intellectual Property Organization (WIPO) released the Global Innovation Index 2023 (the “*GII*”) in Switzerland. The *GII* assesses the innovation capabilities and performance of economies around the world, revealing emerging trends and rising countries in the field of innovation. **This year, China ranks No.12, being the only middle-income economy among the Top 30 economies.** Switzerland, Sweden, the United States, the United Kingdom and Singapore rounded out the Top 5.

### Top three innovation economies by region

#### Latin America and the Caribbean

1. Brazil ↑
2. Chile ↓
3. Mexico

#### Sub-Saharan Africa\*

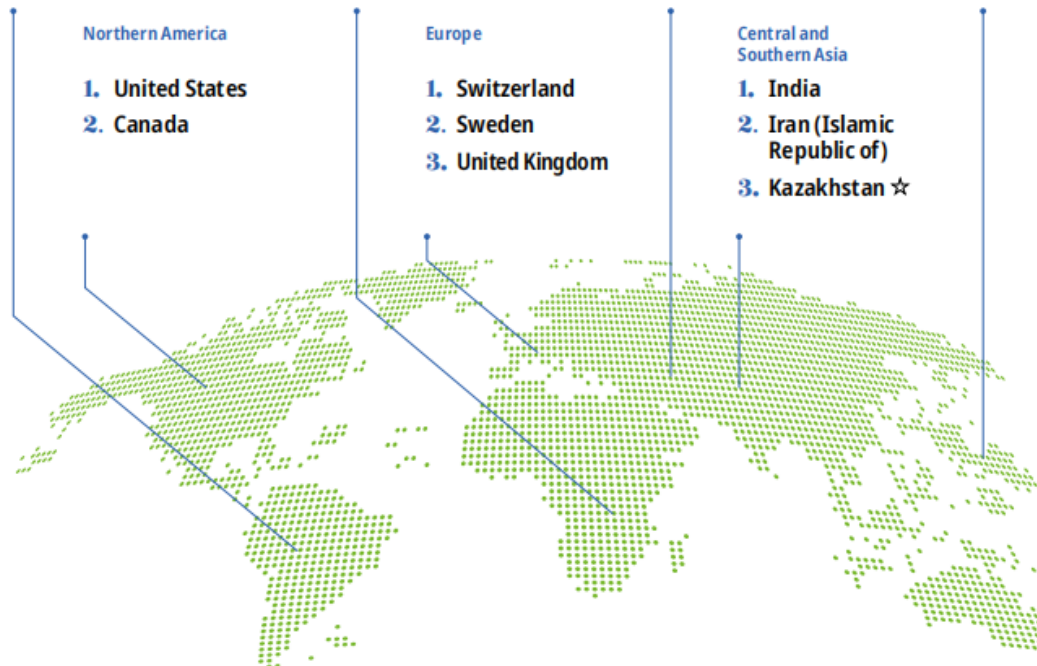
1. South Africa
2. Botswana
3. Senegal ☆

#### Northern Africa and Western Asia†

1. Israel
2. United Arab Emirates
3. Türkiye

#### South East Asia, East Asia, and Oceania

1. Singapore ↑
2. Republic of Korea ↓
3. China



## Patent

### Global Innovation Index 2023 rankings

GII rank	Economy	Score	Income group rank	Region rank
1	Switzerland	67.6	1	1
2	Sweden	64.2	2	2
3	United States	63.5	3	1
4	United Kingdom	62.4	4	3
5	Singapore	61.5	5	1
6	Finland	61.2	6	4
7	Netherlands (Kingdom of the)	60.4	7	5
8	Germany	58.8	8	6
9	Denmark	58.7	9	7
10	Republic of Korea	58.6	10	2
11	France	56.0	11	8
12	China	55.3	1	3
13	Japan	54.6	12	4
14	Israel	54.3	13	1
15	Canada	53.8	14	2
16	Estonia	53.4	15	9
17	Hong Kong, China	53.3	16	5
18	Austria	53.2	17	10
19	Norway	50.7	18	11
20	Iceland	50.7	19	12

According to the statistics released in the *GII*, global R&D investment grew significantly at a rate of 5.2% in 2021, higher than the 3.2% in 2020 and revealing ever-increasing investments in innovation by countries around the globe. In *GII*'s feature excerpt on global science and technology (“S&T”) clusters, currently the five largest S&T clusters in the world are all located in East Asia – among the Top 100, Tokyo–Yokohama (Japan) is the top performing cluster, followed by Shenzhen–Hong Kong–Guangzhou (China and Hong Kong, China), Seoul (Republic of Korea), Beijing (China) and Shanghai–Suzhou (China). **China has become the country with the largest number of S&T clusters, with three out of the Top 5 S&T clusters coming from China.**

The *GII* also shows that **by 2023, China will, for the first time, be the economy with the largest number of technology clusters (24) included in the global Top 100 clusters**, surpassing the United States (21), which keeps the same figure as the preceding year. Besides, Germany is also home to nine technology clusters in the Top 100, with Munich being the country's top technology cluster, followed by Cologne and Stuttgart.



# Intellectual Property

**Table 7 Economies with three or more top 100 S&T clusters, 2023**

Economy	Economy name	Top 100 clusters
CN	China	24
US	United States	21
DE	Germany	9
JP	Japan	4
CA	Canada	4
IN	India	4
KR	Republic of Korea	4
FR	France	3
GB	United Kingdom	3
AU	Australia	3

Source: WIPO Statistics Database, May 2023.

The *Global Innovation Index* is an annual report produced by the United Nations World Intellectual Property Organization (WIPO) in collaboration with Cornell University and Imperial College London to measure the global innovation capacity and innovation environment. By assessing the performance of countries and regions in innovation, including multiple dimensions such as innovation input, innovation output and innovation environment, the index provides a reference for governments, enterprises and academia, and thus to promote innovation development and enhance competitiveness.

(Source: World Intellectual Property Organization)

## The State Council Information Office: Authoritative News Release on Intellectual Property

The State Council Information Office held a regular policy conference of the State Council on November 8, at which the China National Intellectual Property Administration and the Copyright Administration of the Publicity Department of the CPC Central Committee introduced the situation of accelerating the construction of a strong intellectual property country and of effectively supporting innovation-driven development. A summary of the information released at the conference is provided as follows:

- As the executive meeting of the State Council deliberated and adopted the *Implementing Rules of the Patent Law of the People's Republic of China (Draft Amendments)*, what aspects are mainly involved in these amendments?

## Intellectual Property

These amendments mainly involve five aspects: First, improve the patent application system to facilitate applicants and innovation subjects; Second, improve the patent examination system and improve the quality of patent examination; Third, strengthen patent administrative protection and safeguard the legitimate rights and interests of the patentees; Fourth, strengthen patent public service and promote patent transformation and application; Fifth, new special provisions on international design applications have been introduced to strengthen the connection with the *Hague Agreement*.

• **What has the China National Intellectual Property Administration done to further implement the strategy of strengthening the country through intellectual property and vigorously support innovation-driven development?**

First, **the intellectual property system has been continuously improved**. The newly amended *Patent Law*, *Trademark Law*, and *Copyright Law* were implemented smoothly. The *draft amendment to the Implementing Rules of the Patent Law* passed deliberation by the executive meeting of the State Council. Patent examination policies and standards in new fields and new forms of business such as big data, artificial intelligence and gene technology have been continuously improved.

Second, **the status of a major country in intellectual property rights has been firmly established**. As of September 2023, the number of effective invention patents and trademarks in China reached 4.805 million and 45.122 million, respectively. The number of copyright registrations in 2022 reached 6.353 million. The number of PCT international patent applications **has ranked first in the world for four consecutive years**. China **ranked the 12<sup>th</sup> place** in the WIPO's 2022 GII Report, and **for the first time, China ranked first in the world** in terms of the number of the world's top 100 science and technology innovation clusters.

Third, **the transformation and application of intellectual property rights has continued to intensify**. The CNIPA formulated and implemented the *Special Action Plan for Patent Conversion and Application (2023-2025)*, and accelerated the implementation of patent open license systems. The **added value of patent-intensive industries and copyright industries accounted for 12.44% and 7.41% of GDP, respectively**, which strongly promoted high-quality development of the economy.

Fourth, **intellectual property protection has continued to grow**. The CNIPA established a high-standard system of punitive damages for infringement, designed and built up 103 National Intellectual Property Protection Center and Quick Enforcement Center, and also launched construction of national intellectual property protection demonstration zone.

Fifth, the facilitation of intellectual property public services has been significantly improved. The CNIPA launched an inclusive intellectual property public service project, and the **electronic application rate for patents and trademarks exceeded 99%**. Copyright registration of works and computer software can now be completed online. Intellectual property public service institutions have been fully covered at the provincial level. Intellectual property related basic data has realized the status known as "should be open to the largest possible extent".

## Intellectual Property

Sixth, **international cooperation and exchanges on intellectual property have been deepened**. The CNIPA promoted the establishment of WIPO's China office and Shanghai Arbitration and Mediation Center, and **worked together to build 101 technology and innovation support centers**. Also, the CNIPA continued to deepen multilateral and bilateral intellectual property cooperation under the Belt and Road Initiative, and in accordance with the agreements with the United States, Europe, Japan and the ROK, BRICS, China-Asean, China-Central Asia, and Central Africa. Furthermore, the CNIPA promoted the **mutual recognition and protection of 244 geographical indication products between China and the EU**, and completed the performance of the relevant terms on intellectual property rights under the *Regional Comprehensive Economic Partnership (RCEP) Agreement*.

● **In which aspects has the China National Intellectual Property Administration carried out the trial work on data-related intellectual property?**

The CNIPA actively promoted the local pilot work of data-related intellectual property. Pilot projects were carried out in eight provinces and cities, namely, Beijing, Shanghai, Jiangsu, Zhejiang, Fujian, Shandong, Guangdong and Shenzhen, and launched the data-related intellectual property registration platform, through which a cumulative number of **over 2,000 data-related intellectual property registration certificates** have been issued to business entities. The total amount of data-related intellectual property pledge financing in all these pilot provinces or cities **exceeded 1.1 billion RMB**. Local Intellectual Property Offices in Shanghai and Guangdong also strengthened cooperation with courts, market supervision and other departments to achieve coordinated protection.

(Source: [www.gov.cn](http://www.gov.cn))