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2009 IPR Protection Action Plan in Play

The 2009 China IPR Protection Action Plan, jointly formulated by the members of the inter-agency task force for implementation of the national IPR strategy, is in force after release recently.

The Action Plan includes 170 specific measures in 9 sections legislation, work on 23 legislations of trademark, copyright, patent and customs protection and 3 judicial interpretations; enforcement, 9 nationwide campaigns and 12 measures to intensify routine operation; court trial, 7 measures to solve the most frequent problems; coordination mechanisms, 23 measures to promote inter-agency and cross-region cooperation; publicity, 24 measures to create atmosphere favorable for IPR protection; training and education, 19 measures to train enforcement officers, in-house counsels, attorneys and school students; international cooperation, 18 measures to expand cooperation; promotion of corporate IPR protection, 7 measures including project nurturing elite IPR-strong companies; service for right holders, 25 measures to upgrade public service and encourage intermediary service.
(Source: *IPR in China*)

IPR Enforcement Project 5.26 is Fully Operational

SIPO announced the Circular on Deployment of Enforcement Actions by IPR Administrations and required full operation of Project 5.26.

Under Project 5.26, SIPO selects several areas to focus on organizational building, hardware building and team building of local administrations' enforcement actions in an effort to improve quality of their work and to eventually bring the work of all administrations nationwide to a high level.

Local administrations are also required to execute the enforcement plan, solidify fundamental tasks for enforcement; accelerate building of the national patent protection key contact mechanism; promote assistance to right enforcement and compliant and tipping taking work; upgrade skills of enforcement officers; supervise enforcement actions.

(Source: *IPR in China*)

Supreme Court gives New Instructions for IPR Trial

Supreme People's Court promulgated its Opinion on Several Issues Concerning Trials of IPR Cases to Serve the Public Interest under the Current Economic Environment, clarifying and improving a series of IPR judicial policies with a

view to promote innovation, uphold fair competition and improve trade and investment environment.

Under the Opinion, IPR judicial protection may only be enhanced not eased. Local courts shall place great emphasis on the following: expand innovation space, nurture self-reliant IPRs, brand names and new economic growth hotspots, enhance market competitiveness of companies, elevate core competitiveness of the country; exert the unique role of IPR judicial trial in taking on challenges and turning crisis into opportunity.

(Source: *IPR in China*)

China's Top Court Issues Guideline Dealing with Reputed Trademark Infringement

China's Supreme People's Court (SPC) has released a judicial explanation on handling cases concerning reputed trademark infringement on its Web site and in a media statement Sunday.

The judicial explanation will take effect on May 1.

A spokesman of the SPC's intellectual property court said the explanation "summarizes relevant trial experience" and was to "improve the courts' judicial protection system of well-known trademarks, enhance the authority and credibility of judicial protection and safeguard the market order featuring fair competition."

The explanation makes clear basic requirements for reputed trademarks as well as protection and

recognition, among other items. It standardizes judicial measures in handling civil cases concerning trademark infringement and provides legal backup for judicial protection over well-established trademarks.

"The SPC has long attached great importance in protecting reputed trademarks," the spokesman said, adding, "the issuing of the explanation is a basic step in implementing the nation's intellectual property rights strategy."

(Source: *IPR in China*)

1,455 IPR Infringement Cases Uncovered by Public Security Organs in 08'

China's public security organs ferreted out 1,455 IPR infringement cases last year, valuing 1.65 billion yuan, according to the White Paper on Domestic IPR Protection Situation in 2008 issued by Chinese government.

And also in 2008, public security organs totally investigated over 13.917 million pieces of illegal publications involving infringement and piracy.

(Source: *IPR in China*)

China's Patent Application Breaks 5 Million Pieces

It was learnt from the press conference held by the Information Office of the State Council on April 21, till March 16 of this year, China's accumulated patent applications have surmounted 5 million pieces.

In 2008, China witnessed rapid rise in IPR application and authorization. Chinese government totally accepted 828,328 patent

applications, increasing by 19.4%, 717,144 of which were domestic applications and 111,184 foreign applications. And also in 2008, China granted 411,982 patent rights, with the increase of 17.1%.

As of the end of 2008, China had received 4,853,506 pieces of patent applications and granted 2,501,268 patent rights. And the amount of China's PCT international patent application arrived at 6,089, rising up 11.9%, and ranking the sixth place among all countries.

(Source: *IPR in China*)