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China opens intellectual property rights website

BEIJING, April 26 (Xinhua) -- China opened a website for intellectual property rights Monday. The website, www.court.gov.cn/zscq, run by The Supreme People's Court of China, is a platform for disseminating information relating to protection of intellectual property rights (IPR).

Information such as judicial interpretations, court notices and decisions, surveys and research on IPR protection will be available on the website.

<http://www.chinaipr.gov.cn/news/government/644363.shtml>

Regulations on the Custom Protection of Intellectual Property Rights revised

On April 19, the press conference on the custom protection of IP was held. Meng Yang, Director of the Department of Policies and Regulations of General Administration of Customs pointed out that, according to the newly revised "Regulations on the Custom Protection of Intellectual Property Rights", individuals who take and mail the infringing products exceeding the reasonable amount of personal use will be punished along with confiscation since April 1 this year.

Moreover, to prevent infringing products entering into commercial channels, the newly revised Regulations require destroying the export products with fake trademarks and the goods with the infringing features which can not be removed.

Meng Yang introduced that the newly revised Regulations added the provision that permit rights holders to withdrawal the application of protection. As there were no provisions on how to withdraw the application of detaining infringing goods previously, the new revised regulations make specification in such aspect by considering that intellectual property right is a private right and right owners have the rights for the admission of the detain by the customs.

<http://www.chinaipr.gov.cn/news/government/642520.shtml>

'Tomato Garden' case in Supreme Court's report

The Supreme People's Court on Thursday released its annual report of intellectual property cases in 2009, with the "Tomato Garden" case being the only criminal case in all the 10 cases, the chinanews.com.cn reported Friday.

"Tomato Garden", which provided downloads of pirated software including Windows XP, saw its controller sentenced to three and a half years in jail and fined one million yuan on August 20, 2009. It was the country's first criminal case of Internet piracy, according to China Daily's earlier report.

Industry insiders estimated "Tomato Garden" version of Microsoft's Windows XP may have been installed in more than 10 million computers in China, chinanews.com.cn said.

Of the 10 intellectual property cases published by the Supreme People's Court, eight were civil cases, one was an administrative case and "Tomato Garden" case was the only criminal case.

<http://www.chinaipr.gov.cn/news/headlines/643710.shtml>

SIPO Commissioner reelected as President of AIPPI China Branch

On May 4, China Branch of the International Association for the Protection of Intellectual Property (AIPPI) held the seventh member congress in Beijing at which new council members were elected. Commissioner of the State Intellectual Property Office (SIPO) Tian Lipu was reelected as the President of AIPPI China Branch.

In the 28-year-long history of China Branch, Tian Lipu said that China Branch gathered insiders from governmental IPR departments, IPR agencies and IPR-related segments and played a positive role in advancing IPR protection, boosting the development of foreign economy and trade, and promoting S&T cooperation. Tian particularly stressed that the new council will develop its work considering home and overseas situations. On the international stage, the new council will show the world China's achievements in IPR protection and at home. It will organize an IPR seminar or forum once a year to speed the information exchange among the insiders.

<http://www.chinaipr.gov.cn/news/government/651504.shtml>

China assures IPR protection for foreign enterprises in China

China will create sound IPR protection environment for foreign-funded enterprises in China, sternly striking a blow against IPR infringement and providing service for foreign-invested enterprises, denoted by Tian Lipu, Commissioner of the State Intellectual Property Office on May 10.

On the very day, Tian Lipu, together with the principals from the Ministry of Commerce, the Ministry of Public Security, the General Administration of Customs and the Supreme People's Procuratorate visited the branches of foreign-funded enterprises in Tianjin and listened to their opinions and suggestions to China's IPR protection work.

Tian Lipu said, "effectively protecting IPRs and severely combating IPR infringement is a common challenge of the world and Chinese government's decision in protecting IPRs is unswerving."

According to Tian Lipu, in 2010, China will continue to consummate IPR-related laws and regulations, enhance the construction of administrative enforcement system, judicial protection system and other working mechanism to lift the efficiency and level of law enforcement, launch IPR enforcement special campaign in allusion to the influential IPR infringement phenomenon and behaviors. Meanwhile, China will go on reinforcing the public's IPR awareness and push the IPR protection work in China to a new era.

<http://www.chinaipr.gov.cn/news/government/650641.shtml>

China's IPR Protection Progress Encourages World: WIPO

China has encouraged the whole world by making remarkable progress in intellectual property rights (IPR) protection in a short time, a world IPR body official said Monday.

Francis Gurry, director-general of the World Intellectual Property Organization (WIPO), made the remarks in a video greeting to the China Intellectual Property Protection Week launched here.

Gurry said China's development in the intellectual property sector was faster than that of many other countries, which contributed to the world's innovation cause.

Gurry's remarks reflected China's persistent efforts over the past three decades to protect intellectual property, said Tian Lipu, director of the State Intellectual Property Office (SIPO).

China had established a trademark law system that suited both China and international regulations, Tian said, adding the country had joined six international treaties or conventions concerning trademarks.

<http://www.chinaipr.gov.cn/news/headlines/643650.shtml>

China: patent applications outnumber 6 million items

Based on the statistics disclosed by the State Intellectual Property Office (SIPO), as of March 2010, the accepted patent applications in China had totaled 6,011,448 items, of which invention patent applications were 2,005,779 items, utility model patent applications were 2,073,596 items and design patent applications were 1,932,073 items. Among all the applications, home applications were 5,060,165 items of which invention patent applications were

1,184,512 items, utility model patent applications were 2,058,905 items and design patent applications were 1,816,748 items; foreign applications were 951,283 items, of which invention patent applications were 821,267 items, utility model patent applications were 14,691 items and design patent applications were 115,325 items. Up to March 2010, the SIPO had granted 3,230,677 items of patent applications.

<http://www.chinaipr.gov.cn/news/government/648082.shtml>

Trademark-related cases increased

In recent years, judicial cases over trademark in China kept increasing, said Xia Junli, Chief Justice of IPR Tribunal of the Supreme People's Court at 2010 China IPR Summit Forum.

In 2009, the courts in the nation received 6906 pieces of trademark-related civil cases of first instance, increasing by 10.8% compared with 2008 and up 79.1% compared with 2007; the trademark-related administrative cases of first instance heard in the courts were 392 pieces in 2007, 484 pieces in 2008, while in 2009, the number hit 1,376 pieces, rising by 284.3% compared with 2008.

To intensify trademark protection, from 2007 to 2009, the courts across China received 648 pieces of interlocutory measures, among which interlocutory injunctions were 262 pieces, pre-trial evidence preservations were 203 pieces and pre-trial property preservations were 183 pieces.

<http://www.chinaipr.gov.cn/news/government/644734.shtml>

China hears 37,002 trademark cases in 2009

The predicament of serious backlog of cases of China was radically reversed; in 2009, a total of 37,002 cases with trademark review were solved. The trial period of complex cases was shortened by 10 and half years.

The trials on the complex cases applied in the end of 2007 have began, which made the period of backlog of cases be shortened from 13 years in 2008 to 2.5 years, the period of backlog of cases was shortened by ten and half years, and the situation of the period of trial was radically reversed.

Thus, the backlog of rejection and reexamination cases has been completely resolved, and the rejected cases applied before July 2009 have been reexamined. 80% of the total rejection and reexamination cases have been solved and switched to normal trial.

China's IP Protection Action Plan 2010 Issued and Implemented

Recently, 28 members of the National IP Strategy Implementation Inter-Ministerial Joint Conference co-developed the China's Intellectual Property Protection Action Plan (hereafter refers to as the Action Plan). The Action Plan was officially issued and put into practice.

The Action Plan proposed the guideline of "improving the system, strengthening law enforcement, focusing on specialties, promoting coordination, intensifying publicity, and standardizing management". With consideration of the reality and relevant departments' capabilities, it proposed 164 detailed measures from 10 aspects: building IP legal system, approval and registration, administration and law enforcement, judicial protection, setting up the mechanism of the law enforcement system, marketing, training and education, international exchange and cooperation, promoting enterprises' IPR protection, providing services to the right owners. The departments that would play the leading roles or involved were clearly pointed out in the Action Plan as well. With clear goals, the program would play an important guiding role for the comprehensive implementation of China's IPR protection work.

<http://www.chinaipr.gov.cn/news/government/644289.shtml>