

**Table of Contents**

SIPO Amended Patent Examination Guidelines on Examination of Novelty of Utility Model and Design .....	1
PPH Pilot between China and Japan Extends for Two More Years.....	1
China and Singapore Sign Agreement on Patent Data Exchange .....	1
SIPO Issues Report on Invention Patent Application and Grants in 2013 H1 .....	2
Key Revisions to Chinese Trademark Law: Promising Steps toward IP Protection.....	2
The Largest Trademark Dispute Concerning Convenience Foods Came to an End.....	2
Chinese Courts Step Up Punishment for IPR Crime.....	3
Man Sentenced for Movie Piracy .....	3
Patent Trade Fair Held in Harbin.....	3

**SIPO Amended Patent Examination Guidelines on Examination of Novelty of Utility Model and Design**

State Intellectual Property Office of China (SIPO) issued Decision for Amending the Guidelines for Patent Examination with respect to the preliminary examination of utility model and design patent applications.

This Decision is made for a purpose of improving the quality of utility model and design patents. With the amendment, during the preliminary examination, the examiner may act more actively to seek for prior art or design through or not through search, thus determines whether a utility model or design patent application is obviously lack of novelty based on the information obtained.

The Decision has entered into force from October 15, 2013.

[http://www.sipo.gov.cn/zwgg/jl/201311/t20131106\\_876947.html](http://www.sipo.gov.cn/zwgg/jl/201311/t20131106_876947.html)

**PPH Pilot between China and Japan Extends for Two More Years**

According to the Project of Deepening Cooperation in the Patent Examination Field and Extending the PPH Pilot between the

SIPO and the Japan Patent Office (JPO), SIPO and JPO reach a consensus of extending the Patent Prosecution Highway Pilot between the JPO and the SIPO for another two years, namely, the PPH Pilot between JPO and SIPO will not due until October 31, 2015.

Meanwhile, the requirements and procedures to file a request to the SIPO and the JPO for PPH remain the same.

[http://www.sipo.gov.cn/ztl/vwzt/pph/zxdt/201310/t20131030\\_873072.html](http://www.sipo.gov.cn/ztl/vwzt/pph/zxdt/201310/t20131030_873072.html)

**China and Singapore Sign Agreement on Patent Data Exchange**

State Intellectual Property Office of China (SIPO) and the Intellectual Property Office of Singapore (IPOS) entered an agreement to exchange patent data.

This agreement is a milestone in bilateral patent data cooperation between SIPO and IPOS. With this agreement, two offices would strengthen the capabilities in patent search and examination, and provide wider patent services to the public and patent applicants.

<http://www.chinaipmagazine.com/en/news-show.asp?id=6324>

### **SIPO Issues Report on Invention Patent Application and Grants in 2013 H1**

According to the latest statistics released by SIPO, China received a total of 256,000 invention applications from home and granted 73,000 invention applications, up 27.6% and 4.3% respectively. The steadfast growth in invention filings reflects that the structure of patent application is now being further optimized.

[http://ipr.chinadaily.com.cn/2013-11/19/content\\_17116194.htm](http://ipr.chinadaily.com.cn/2013-11/19/content_17116194.htm)

### **Key Revisions to Chinese Trademark Law: Promising Steps toward IP Protection**

The Standing Committee of the National People's Congress revised the Trademark Law of the People's Republic of China, which goes into effect on May 1, 2014.

Trademark owners can now designate multiple classes in one application rather than filing separate applications for each class of goods. Also, sounds may now be registered as trademarks, as long as they distinguish the mark owner's goods.

The owners of "well-known" trademarks may now prevent others from using the mark on dissimilar goods if the use would likely cause confusion and potentially prejudice the owners of the well-known mark.

In regard to infringement, Chinese courts may now award significantly greater statutory damages in infringement cases ranging from

RMB 500,000 to RMB 3 million (roughly from \$80,000 to \$500,000). The courts and trademark office will now conduct a likelihood of confusion analysis in determining infringement. If requested by the court, infringing parties must now provide documents to assist in the determination of damages.

These changes show that China has taken a positive step towards recognizing and protecting intellectual property rights in a manner consistent with international norms.

<http://www.chinaipmagazine.com/en/news-show.asp?id=6282>

### **The Largest Trademark Dispute Concerning Convenience Foods Came to an End**

China's first IP dispute involved with convenience foods, which has lasted for 6 years, finally came to an end before the Supreme People's Court by settlement.

After six years of negotiations, an agreement is made, under which both sides must relinquish rights to the disputed trademark.

The largest potato vermicelli producer in China or even the world, Baijia Food Co. in Chengdu, recently launched its new trademark Baijia Chenji to replace its old Baijia trademark, which was partially the source of the prolonged dispute.

[http://www.chinadaily.com.cn/cndy/2013-11/20/content\\_17117123.htm](http://www.chinadaily.com.cn/cndy/2013-11/20/content_17117123.htm)

### **Chinese Courts Step Up Punishment for IPR Crime**

According to the Supreme People's Court of China, Chinese courts have given heavier punishments, including increased fines, to those who violate intellectual property rights.

For example, in a recent case, two companies were fined about 37 million yuan (\$6 million) for the acts of four employees who allegedly stole business secrets from their opponents.

Also, the courts have continually intensified criminal penalties to combat IP violations and safeguard business safety, market order and food security.

Last year, 12,794 criminal cases on IP infringement were concluded by local courts and 15,518 persons were subject to verdicts taking effect, both hitting a five-year high.

In addition to criminal and financial punishment, the courts also identify the necessity to confiscate illegal proceeds, criminal instruments and IP infringing products to deprive criminals of their capacity and tools for repeated offense.

[http://www.chinaipr.gov.cn/newsarticle/news/government/201310/1781169\\_1.html](http://www.chinaipr.gov.cn/newsarticle/news/government/201310/1781169_1.html)

### **Man Sentenced for Movie Piracy**

A man in east China's Jiangsu Province got sentenced with a reprieve, on charges of copyright infringement for selling copies of

foreign films he had translated himself on the Internet.

Liu, the defendant, was punished by Jiangyin's intellectual property tribunal, and received three year prison term with a three-and-a-half-year reprieve, plus a fine of 10,000 yuan (\$1,630) at his sentencing.

A circular jointly published by the Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Public Security in 2011, defines online piracy as the dissemination of written work, music, motion pictures, television programs or other visual work, computer software or other works through the Internet for the purpose of making a profit and without permission of the copyright owner.

[http://english.sipo.gov.cn/news/iprspecial/201311/t20131113\\_879547.html](http://english.sipo.gov.cn/news/iprspecial/201311/t20131113_879547.html)

### **Patent Trade Fair Held in Harbin**

A patent trade fair was held in November, where 230 of patented technologies were promoted to local and oversea companies.

Contracts for 60 projects worth a combined 10 million yuan (\$1.63 million) were signed during the fair.

The government plans to organize more serving as a bridge between companies and patent owners.

[http://ipr.chinadaily.com.cn/2013-11/19/content\\_17116189.htm](http://ipr.chinadaily.com.cn/2013-11/19/content_17116189.htm)