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CNIPA Releases GUI Design Patent Application Guide, Aiding Innovators in Enhancing Patent Quality

To implement the national intellectual property "14th Five-Year Plan" and refine the legal and policy framework for intellectual property, the China National Intellectual Property Administration (CNIPA) recently compiled and released the "Guidelines for Product Design Patent Applications Involving Graphical User Interfaces (GUIs)."

The guide systematically elaborates on the conditions for granting patents, requirements for application documents, scenarios for combined applications, and key considerations. It aims to assist innovators in accurately understanding and utilizing the GUI design system, improving the quality of patent applications, and promoting the high-quality development of the patent industry.

The release of this guide provides authoritative and practical official reference for both domestic and international applicants and agencies to accurately understand and apply China's GUI design protection system. It

contributes to enhancing the quality and efficiency of patent applications, reflecting

China's steadfast commitment to continuously optimizing the innovation environment and strengthening intellectual property protection.

CNIPA Deputy Commissioner Attends the 2025 China-EU Geographical Indications Cooperation International Conference and Conducts Research on GI Protection Work

Recently, the 2025 China-EU Geographical Indications (GI) Cooperation International Conference was held in Qingtian, Zhejiang Province. Zhang Zhicheng, Member of the Party Leadership Group and Deputy Commissioner of the CNIPA, attended the event, delivered remarks, and conducted field research on GI protection work in Zhejiang.

Zhang noted that this year marks the 50th anniversary of the establishment of diplomatic relations between China and the European Union (EU), as well as the 5th anniversary of the signing of the agreement between the EU and China on cooperation on and protection of GIs. He emphasized that advancing GI

work requires joint efforts from all parties - to act as practitioners of coordinated protection, guardians of cultural heritage, and promoters of openness and cooperation - so that GIs can become a new engine driving the growth of bilateral trade.

During his stay in Zhejiang, Zhang and his delegation visited Jingning County to conduct research on the construction and management of the Huiming Tea national GI product protection demonstration zone, and visited Qingtian County to examine the implementation of the Rioja Wine GI protection project. Officials from CNIPA's Intellectual Property Protection Department and the intellectual property administration of Zhejiang Province also took part in the research.

https://english.cnipa.gov.cn/art/2025/12/1/art_1340_202810.html

China Has Amassed 5 Million Invention Patents, Emphasizing Quality over Quantity

China has become the first country to amass over 5 million valid domestic invention patents, and its international patent applications submitted via the Patent Cooperation Treaty have led globally for six consecutive years, the country's top intellectual property regulator said on Tuesday.

By June 2025, the number of high-value invention patents per 10,000 people in China had reached 15.3, surpassing the goal of 12 set out in the 14th Five-Year Plan (2021-25) ahead of schedule, according to the CNIPA.

The technology transfer rate among universities and research institutions has risen steadily. Notably, the industrialization rate of enterprise invention patents increased from 44.9 percent in 2020 to 53.3 percent in 2024.

During the 14th Five-Year Plan period, China's IP landscape has undergone a strategic shift from emphasizing quantity accumulation to pursuing quality enhancement, according to the CNIPA.

This transition has accelerated the commercialization of high-value patents, illustrating the country's innovation-driven development and laying a solid foundation to achieve greater self-reliance and strength in science and technology over the upcoming 15th Five-Year Plan period (2026-30).

<https://chinaipr.mofcom.gov.cn/article/centralgovernment/202512/1994267.html>

Upgrades in Legal Processes Position Beijing as International Litigation Hub

Beijing has been improving the quality and efficiency of its handling of foreign-related cases, making every effort to advance opening-up and position the city as a preferred destination for international commercial dispute resolution, an official said on Wednesday.

Li Yanhong, vice-president of the Beijing High People's Court, told a new conference that since the Beijing International Commercial Tribunal was established in December 2021, it has resolved more than 6,000 foreign-related disputes, providing equal protection to over 8,000 business entities from home and abroad.

"Better handling such a large number of cases has reflected the tribunal's commitment to becoming a high-quality international dispute resolution venue and also contributed to a stronger rule-of-law business environment in the capital," she said.

While revealing that more than 1,000 of the litigated cases involved the Belt and Road Initiative, she noted that the tribunal has also included mediators with overseas experience

to enhance the level of professionalism in international commercial dispute resolution.

Additionally, the tribunal has provided legal support to litigants willing to conclude cases through arbitration, she added.

To foster a sound business environment by rule of law, the city's courts have stepped up efforts to protect legitimate rights of innovators by tackling cases related to intellectual property, the digital economy, and artificial intelligence, she said, noting that various judicial measures have also been taken to resolve bankruptcy disputes.

Furthermore, courts across the capital have rolled out more convenient legal services, such as online case filing and e-document delivery, to ensure business operations continue smoothly during dispute resolution, she added.

<https://chinaipr.mofcom.gov.cn/article/internationalupdates/202511/1994061.html>

China to Boost Green Industry Cooperation

China will deepen multilateral cooperation on green technologies, support its new energy vehicle, battery and photovoltaic enterprises in expanding globally, and accelerate the low-carbon transition of its sprawling manufacturing sector, said the nation's top industry regulator.

Li Lecheng, minister of industry and information technology, said in an exclusive signed article written for China Daily that when global climate governance encounters setbacks and some nations are backsliding on their commitments, China's determination to pursue a green transition in manufacturing underlines its drive to foster new quality productive forces and pursue high-quality development.

China will "encourage competitive Chinese enterprises in photovoltaics, wind power, lithium batteries and new energy vehicles to expand globally and to invest in and develop green energy projects in countries and regions involved in the Belt and Road Initiative and beyond", Li said.

President Xi Jinping announced China's new Nationally Determined Contributions in his video speech in September to the United Nations Climate Summit 2025. Xi said that China will, by 2035, expand the installed capacity of wind and solar power to over six times the 2020 levels, striving to bring the total to 3,600 gigawatts, and make new energy vehicles the mainstream in the sales of new vehicles.

"The deep impetus for the green transition of China's sprawling manufacturing sector stems from President Xi's ecological civilization concept," Li said, adding that China's new NDC targets demonstrate a pragmatic and actionable ambition for emission reductions.

Highlighting that "China has built the world's largest new energy industry chain", Li said the country's renewable energy products are exported to over 200 countries and regions. Such products meet more than 80 percent of the global demand for photovoltaic modules and 70 percent of the global demand for wind power equipment. Meanwhile, over half of the world's electric vehicles run on Chinese roads.

"China has also collaborated with more than 100 countries and regions on green energy projects. ... These initiatives demonstrate the tangible impact of Chinese solutions in helping other developing nations address climate change while fostering economic growth," Li added.

According to Li, from 2021 to 2024, China produced about 15.6 trillion kilowatts of photovoltaic modules, which has helped the world generate about 3.2 trillion kilowatt-hours of green electricity and reduce carbon dioxide emissions by roughly 2.54 billion metric tons.

China will also promote international cooperation in green infrastructure and transportation solutions, and actively participate in shaping international green and low-carbon regulations, he said.

Li outlined a systematic approach to reinforcing the green development of China's manufacturing economy, focusing on modernizing the industrial system, building green supply chains and deepening international cooperation.

"China will strategically plan and deploy future-oriented energy and manufacturing industries, including hydrogen energy, energy storage, bio-manufacturing and carbon capture, utilization and storage," he said.

The senior official also emphasized technological innovation as the core driver for sustainable development. Nearly half of Chinese enterprises engaged in or planned green tech innovation in 2024, according to data from the CNIPA.

"Over the past decade, China has contributed to a cumulative reduction of over 60 percent and 80 percent, respectively, in the global average levelized cost of electricity for wind power and solar photovoltaic technologies," Li said.

"An ancient Chinese proverb reads: 'Those who persevere in action will achieve their goals.' ... No matter how the international landscape shifts, (China's manufacturing industry) remains committed to honoring its pledge of building a community with a shared future for mankind through tangible green initiatives," he added.

He Kebin, an academican of the Chinese Academy of Engineering, said: "After decades of efforts, China has taken the lead in research and development, and in the large-scale engineering application of new energy technologies. Its mature and cost-competitive technical solutions are becoming increasingly sought-after in the global market.

"In the 15th Five-Year Plan (2026-30) period, China's unique expertise will provide crucial support for other countries that are rich in wind and solar resources but have weak grid foundations," the academican said.

He Xiaopeng, CEO of Chinese auto company Xpeng Motors, said that China "possesses distinct advantages in industrial chain and artificial intelligence, complemented by strengths in efficiency, cost, quality and scale", adding that "these factors can empower the global expansion of China's new energy vehicles".

<https://chinaipr.mofcom.gov.cn/article/internationalupdates/202512/1994186.html>

China Offers Blueprint for Africa's Rise

Africa could double its current growth rate for the next 40 years by drawing on China's development strategy, which offers the strongest "proof of concept" for sustained high growth, economist Jeffrey Sachs said in a lecture on Thursday.

With Africa projected to account for 25 percent of the world's population by 2050 and 35 percent by 2100, the continent's future will hinge on urgent and large-scale investment in education, including universal digital access for students, Sachs said at a discussion called "The Future of Global Growth: Prof Jeffrey Sachs on Geopolitics and Fragmentation", held at the Gordon Institute of Business Science under the University of Pretoria in Johannesburg, South Africa.

"My view is that the next 40 years should be a period of 8 to 10 percent per year growth in Africa — roughly twice the current rate — and that this is feasible, and that China is the proof of concept and the best role model as well for how to get this done," he said.

China's growth shows rapid late development at scale is possible, he said, noting that "1.4

billion people became part of a high-income, technologically dynamic rival ...within a 40-year period".

"What China has done is show how to plan, how to think forward, how to implement long-term infrastructure strategies, how to dramatically raise the human capital in the population over two generations to make the cutting-edge, high-tech country right now leading in most areas," he said.

Sachs pointed to global innovation rankings to underscore China's rise, suggesting that the end goal of an African development model is not just industrial catch-up or the replication of old industrialization models, but to leapfrog into knowledge-based growth.

In the Global Innovation Index 2025 released in September, the World Intellectual Property Organization lists Southern China's Shenzhen-Hong Kong-Guangzhou as the world's top innovation cluster, ahead of Tokyo-Yokohama at No 2 and Silicon Valley at No 3, with Beijing and Seoul rounding out the top five.

"So this is an Asian phenomenon — very successful," Sachs said. "But China figured out how to do that. Africa needs to do this in the next 40 years."

Africa's demographic surge means the continent could become one of the world's central economic actors if governments act quickly to convert population growth into human capital, he said.

With a population approaching 1.5 billion, Africa has the scale of a "mega population" comparable to China and India, he said, adding that the African Continental Free Trade Area provides the "gains of scale" needed to build a large integrated market.

"You will be much bigger than China and India soon enough. But 1.5 billion people — that's a big market to work for."

Analysts say such scale is critical for developing competitive industries and future

innovation hubs — an outcome Sachs said would depend on Africa's ability to educate and skill its fast-growing population.

In the discussion, Sachs said the widely used term "demographic dividend" is misleading.

"It's not true stated that way," he said. "What will make this a demographic dividend is if that is a highly educated young population. Otherwise, it will be a huge burden for young people, for society and for the world."

Education at scale

Africa's most urgent priority is education at scale, Sachs said.

"What is needed above all is investment in education — not next year, not 10 years, not 20 years, but now."

Every child must be in school "online, with a device", prepared to participate fully in digital learning and the modern economy, and able to complete at least upper secondary education, Sachs said.

He urged African institutions to build the entrepreneurial and managerial capacity needed for rapid growth, saying universities must "propel this unprecedented scaling-up of quality education, knowledge and technology across the continent".

The International Monetary Fund predicted in its latest World Economic Outlook last month that economic growth in sub-Saharan Africa would hold steady at 4.1 percent this year, with a modest pickup to 4.4 percent next year.

Such steadiness reflects years of important reform efforts across key economies, it said.

<https://chinaipr.mofcom.gov.cn/article/internationalupdates/202511/1994060.html>

SUPPLEMENTARY ISSUE

Products Solely Relating to Improvements to Computer Software Programs Do Not Fall Under Patentable Subject Matters of Utility Model Patents

The Supreme People's Court, in its second-instance judgment in an administrative appellate case concerning the invalidation of a utility model patent, held that where a claim is drafted in a form of a product claim but substantially belongs to a claim of computer program module framework, it does not fall under the patentable subject matters of utility model patents. For a product claim that includes both hardware improvements and computer program, where the improvement to the prior art lies in the hardware part and the involved computer program is known, it can be deemed as falling under the patentable subject matters of utility model patents; where the claim involves improvements both to the hardware part and to computer program per se, it generally does not fall under the subject matters of utility model patents. Where the claim solely involves improvements to the computer program per se, it generally does not fall under the patentable subject matters of utility model patents.

A brief summary of the case is as follows:

Title of the utility model patent involved in this case is "Intelligent weighing device based on computer vision technology", and the patentee is Company A. Company B, on the grounds that the patent did not fall under the patentable subject matters of utility model patents and lacked inventiveness, filed a request for invalidation before the CNIPA. The CNIPA issued a decision to uphold the validity of the patent. Company B was dissatisfied with the CNIPA's decision and instituted an administrative lawsuit with the Beijing Intellectual Property Court (the court of first instance). The first-instance court dismissed the lawsuit of Company B. Unsatisfied with the judgment of the first instance, Company B filed an appeal.

The court of first instance held that:

The patent relates to an intelligent weighing device based on computer-vision technology, which builds the intelligent weighing device with a weighing platform, a vision sensor, a recognition unit, a recognition-feedback unit, a checkout system and a modeling platform. This architecture gives the intelligent weighing device a hardware foundation to recognize products for settlement by using visual information, weight information, recognition models and user feedback, and to return the user feedback to the modeling platform. The program involved in the hardware is already-known computer program existing in the prior art. Compared with conventional scales, the improvement lies in the hardware configuration and the mutual connection relationships among the hardware components, rather than in computer programs. Secondly, the user-feedback data are acquired by the recognition-feedback unit, which may be an intelligent display or a human-machine-interaction device, etc. The results of human judgment and feedback are received through hardware such as intelligent display or a human-machine-interaction device, and then transmitted to a price-label printer or a POS checkout system and the modeling platform. Improvement of claim 1 of the patent lies in the connection relationships among entities rather than addition of computer programs. The technical scheme is to define hardware components and their connection relationships. The essence of the technical scheme is not to implement an information-flow process via computer software. The claimed subject-matter complies with Article 2(3) of the Patent Law and belongs to patentable subject matters of a utility model.

In its appeal against the first-instance judgment, Company B argued that: (I) The patent does not belong to patentable subject matters for utility model patents. What the patent seeks to protect is

essentially an improvement to a method. The patent has two objectives: first, to use visual information and weight information to recognize goods through a recognition program and obtain recognition results; second, to increase the recognition model trained with user feedback data and to achieve continuous iterative optimization of the recognition model. Both of the objectives of are achieved through improvements to the computer program, rather than by defining the hardware components and the connection relationships among them. Claim 1 only defines the information transmission and processing relationships between the weighing platform, visual sensor, recognition unit, recognition-feedback unit, checkout system, and modeling platform, and is a typical method claim. (II) Claims 1-8 of the patent lack inventiveness.

The second-instance judgment of the Supreme People's Court overturned the first-instance judgment and the sued decision, ordering the CNIPA to make a new decision on the invalidation request of Company B.

Specifically, the Supreme People's Court held that:

Claims that are formally drafted as product claims but in substance relate to a framework of computer-program modules do not fall within patentable subject-matters of utility-model patents. To determine whether the technical scheme sought to be protected by a claim qualifies as protectable subject matter for a utility model, the scheme should be assessed as a whole, taking into account the technical means it employs, the technical problem it solves, and the technical effect it achieves.

Firstly, claim 1 of the patent seeks to protect an intelligent weighing device based on computer-vision technology, which comprises both hardware and software portions. Specifically, the software portion is mainly present in two aspects: Aspect 1, claim 1 of the patent defines "a recognition-feedback unit configured to combine the goods recognition result with goods information, display candidate goods information, receive user feedback, transmit the goods information confirmed by the user feedback to a price tag printer or a checkout POS system, and feed it back to a modeling platform, wherein the price tag printer is configured to print a goods weighing barcode based on the user feedback, and the checkout POS system is configured to generate goods payment information based on the user feedback; the modeling platform configured to train a recognition model based on collected visual information, weight information, and user feedback data." According to this definition, whether it is the recognition-feedback unit receiving user feedback, transmitting information to the printer or system, and feeding it back to the modeling platform, or the modeling platform training the model based on the data confirmed by the user feedback, what is substantially defined is the data transmission and connection relationship. And such transmission of these image and text data requires a specific computer program, and cannot be achieved solely through the connection between the hardware components such as the recognition-feedback unit and the modeling platform. Therefore, this definition is essentially a definition on the computer program module per se.

Secondly, according to the description of the patent, it can be seen that the technical solution of this patent essentially combines weighing information, visual information, and goods information confirmed by user feedback as data for a modeling platform. It uses machine learning to build and optimize the model to provide an intelligent weighing device that improves weighing and settlement efficiency. In other words, it primarily achieves its objectives by defining the computer program per se.

Finally, the court of second instance held that, for product claims relating to both hardware improvements and computer programs, if the improvement over the prior art lies in the hardware and the computer program involved is already known, the subject matter is patentable as a utility

model. Where the claim involves not only hardware improvements but also improvements to the computer program per se, it generally does not fall within the patentable subject matter of a utility-model patent.

To sum up, the patent at issue does not qualify as patentable subject matter for a utility model. The findings of the first-instance judgment and the sued decision were erroneous and are hereby corrected by the court of second instance.

In this case, regarding the definition on the software portion of the patent, there is no evidence to demonstrate that the combination of weighing information, visual information, and goods information confirmed by user feedback as data for the modeling platform, and the use of machine learning to build and optimize the model, is a known computer program. Furthermore, the sued decision and the first-instance judgment, in discussing inventiveness, held that the distinguishing feature between claim 1 and Evidence 1, "in claim 1 the recognition feedback unit feeds back the goods information confirmed by user feedback to the modeling platform; the modeling platform is configured to train the recognition model based on the collected weight information and user feedback data in use", is not disclosed in Evidence 1 or Evidence 2. Feeding goods information confirmed by user feedback, including image and text data, etc., to the modeling platform necessarily requires a computer program for transmission. This directly contradicts the findings of the sued decision and the first-instance judgment that the program involved in the patent's hardware is a computer program already known in the prior art. Consequently, the computer program involved in the patent is not known, or the technical scheme of claim 1 substantially involves improvement to the software per se.

Through the above judgment, the Supreme People's Court has clarified how to assess the subject-matter eligibility of utility-model patents that combine hardware and software, providing guidance for innovators. Applicants facing the filing of such cases should identify whether the improvement lies principally in the hardware or in the software and, in light of the level of inventiveness, select the appropriate type of patent application.

(2023) Zui Gao Fa Zhi Min Zhong No. 576

Determination of Joint Infringement of Technical Secrets and Refinement of Infringement Liability

In an appeal case concerning a dispute over infringement of technical secrets, the Intellectual Property Court of the Supreme People's Court conducted a comprehensive analysis to establish the joint infringement of three infringers, clarified and refined their respective infringement liabilities, reversed the original judgment and supported all claims of the plaintiff.

Company A said that it independently developed a production process, and on the basis of this process, Company A entrusted Company B to design a construction production scheme matching the process involved. The parties agreed that all intellectual property rights in the design results belong to Company A and Company B would be under a confidentiality obligation in respect thereof. The carrier of the technical secrets at issue is present in the design results. The technical secrets at issue carry enormous economic value, and Company A has taken a number of confidentiality measures for the technical secrets at issue. X, formerly a director of Company A, later transferred his shares and exited the company. The equity transfer agreement expressly provides that X and the company funded by him are prohibited from engaging in the same products and businesses as those of Company A. X, having had access to and gained mastery of the technical secrets at issue, breached his confidentiality obligation by revealing the said

technical secrets to Company C and allowed Company C to use. Furthermore, he instigated and enticed the former designers of Company B into providing Company C with the complete set of drawings and technology pertaining to the technical secrets at issue. X and Company C also took advantage of the convenience of the civil engineering and equipment installation drawings in the technical secrets at issue, hired Company D to build a plant exactly the same as the Phase-II plant of Company A, and contacted the Phase-II facility supplier of Company A to supply the same equipment to Company C.

Company A filed suit in the first-instance court, requesting: 1. order Company C to cease infringement upon the technical secrets of Company A; 2. order Company C to dismantle and destroy the production equipment that infringes upon the technical secrets of Company A, and destroy the obtained drawings containing the technical secrets of Company A; 3. order X to stop unfair competition; 4. order X and Company C to jointly compensate Company A for economic losses and reasonable expenses totaling 60 million yuan; 5. order Company D to bear joint and several liability for the above economic losses and reasonable expenses within the scope of 20 million yuan.

The first-instance court found that: Company A is the right holder of the technical information at issue; in the technical information claimed by Company A, certain confidential aspects of plant layout, production equipment and manufacturing process are found to possess secrecy, economically valuable, and Company A has taken confidentiality measures, so they constitute technical secrets and should be protected; Company C used the technical scheme concerning relevant manufacturing process of the alleged infringement; the technical features of the infringing plant layout, production equipment, and manufacturing process are substantially the same as those of the corresponding confidential points asserted by Company A. The first-instance court held that that Company C violated Company A's requirements on keeping trade secrets and used technical information substantially the same as Company A's technical secrets at issue, constituting an infringement and Company C shall bear corresponding civil liability; order Company C to immediately stop infringing upon Company A's technical secrets and compensate Company A for its economic losses and reasonable expenses of 5 million yuan. However, other claims of Company A were rejected by the court. Company A's claim that Company C instigated and enticed Company D to reveal Company A's technical secrets to Company C in violation of confidentiality obligation was not supported due to lack of evidence. Company A's claim that X instigated and enticed Company D to reveal Company A's technical secrets to Company C in violation of confidentiality obligation was also not supported due to lack of evidence. Company A's claim that Company D has committed the alleged infringement was not supported due to lack of evidence. Company A's claim that X and Company D should bear infringement liability was not supported due to lack of factual and legal basis. And, Company A's claim that Company C should dismantle and destroy infringing production equipment and drawings was not supported.

Both Company A and Company C were dissatisfied with the first-instance judgment and appealed.

The Supreme Court conducted an examination on each of the disputed points:

It is clarified that the examination over infringement of trade secrets should generally focus on three issues: subject, act and responsibility. Wherein, the examination of subject (disputed technical information or business information) mainly involves three aspects: ownership (whether the disputed technical information or business information is legally controlled by the party claiming rights), scope (whether the disputed technical information or business information is clear and specific, so as to determine the scope of the disputed technical information or business information) and characteristics (whether the disputed technical information or business information has the legal conditions of trade secrets, i.e. secrecy, value and confidentiality).

In view of dispute I, whether Company A is the legal right holder of the technical information at issue: based on the evidence on file and the facts ascertained, Company A is the legal right holder of the technical information at issue.

In view of dispute II, whether the technical information for which Company A seeks protection qualifies as “technical secrets” under the Anti-Unfair Competition Law, the first-instance judgment’s analysis and determination regarding the secrecy concerning Company A’s plant layout, production equipment, and manufacturing process were proper and hereby affirmed. It is also found that Company A has taken corresponding reasonable confidentiality measures for the claimed technical information. Part of Company A’s grounds of appeal on this disputed issue is established and shall be supported.

The major dispute III is whether Company A’s claim that X, Company C and Company D have infringed upon the technical secrets at issue is established. The following conditions need to be met to constitute joint infringement: two or more infringers jointly commit an infringing act. From the point of view of subjective fault, jointly committing an act is either jointly intentional, or jointly negligent, or the combination of both. Either of above three situations can be identified as jointly committing a infringing act. Third, the victim has damage, and the damage is inseparable. Fourth, there is legal causal connection between the infringement of each actor and the consequential damage.

X engaged in the acts of acquiring the technical secrets at issue by other improper means, and instigating and enticing Y to violate the requirements of Company A on keeping trade secrets, and acquiring, revealing, using and permitting others to use the technical secrets of Company A; Company C engaged in the acts of acquiring, revealing, using or permitting others to use the technical secrets of Company A; Company D engaged in the acts of acquiring, revealing, using and permitting Company C to use the technical secrets (i.e. technical information related to civil engineering and plant layout) in violation of confidentiality obligation or the requirements of Company A on keeping trade secrets.

Although the infringement committed by X, Company C and Company D each occupy a different link in the chain of infringement, what X, Company C and Company D have done are not exactly the same, and their contributions to the damage caused by the infringement upon Company A’s technical secrets at issue are not the same. However, from the overall perspective, it should be considered that the three infringers obviously shared a common fault in unauthorized use of Company A’s technical secrets at issue.

Specifically, on the one hand, it should be considered according to the ascertained facts that X and Company C had a common intention in unauthorized use of Company A’s technical secrets at issue; on the other hand, Company D was at least obviously aware of Company C’s unauthorized use of Company A’s technical secrets relating to civil engineering and plant layout, but failed to fulfill the duty of care, thereby committing gross negligence. Therefore, it should be considered that X, Company C and Company D at least have a common fault (i.e. the combination of intentional behavior and negligent behavior) in making unauthorized use of Company A’s technical secrets relating to civil engineering and plant layout. Moreover, the acts engaged by the three infringers are indispensable to the ultimate damage that “Company A’s technical secrets at issue is infringed” (the other side of this damage is that Company C acquired and used Company A’s technical secrets through unfair competition, thus achieving the large-scale production of infringing products and seeking benefits). Therefore, on the basis of that X, Company C and Company D respectively infringed upon Company A’s technical secrets at issue, the second-instance court further found in accordance with law that X, Company C and Company D constituted joint infringement upon Company A’s technical secrets at issue.

The first-instance judgment's founding that Company A's claim of technical secret infringement against X and Company D could not be established due to lack of evidence was improper. Company A's appeal is established, and supported by the court.

The dispute IV is the possible legal liabilities of Company C, X and Company D. In order to facilitate the smooth connection and efficient operation of trial and enforcement proceedings, and to ensure that the lawful rights and interests of the parties are protected in a timely manner, the People's Court may, when ordering an infringer to assume civil liability for cessation of infringement, combined with the specifics of the case, either act in accordance with the specific claims of the right holder regarding the cessation of infringement or, when necessary, directly refine the specific way, content and scope of cessation of infringement as much as possible ex officio, in order to effectively enhance the enforceability and deterrent effect of judicial rulings. Meanwhile, in accordance with the relevant provisions of judicial interpretations on trade secrets, when the People's Court renders a judgment ordering the cessation of infringement as civil liability for acts infringing upon trade secrets, the duration of such cessation shall generally last until the trade secret becomes publicly known. If the rights holder requests the Court to order the infringer to return or destroy the carrier of trade secret and to erase the trade secret information under their control, it is generally supported by the People's Court.

Regarding the dismantling of the production equipment that infringes upon Company A's technical secrets at issue, the first-instance judgment, taking into account the waste of social resources and production safety concerns, ordered to stop using but not destroy the production equipment, in the hope of encouraging Company A to reach a technical licensing agreement with Company C. In response, the Supreme People's Court held that although there is certainly some justification for the approach taken in the first-instance judgment regarding the aforementioned handling, considering the subjective fault of Company C in this case and the implementation scale of its admitted infringement, such a handling method not only unduly restricted the rights holder's full protection of its technical secrets but also risked creating a stalemate and potentially triggering new disputes or even litigation if the parties failed to reach an agreement, thereby failing to truly achieve the goals of resolving the case comprehensively and settling disputes definitively. In particular, this handling method cannot effectively protect Company A's technical secrets at issue, and will also increase the cost of dispute settlement between the two companies to some extent. The primary goal of judicial protection for intellectual property rights is to comprehensively and effectively protect the intellectual property rights of right holders in accordance with law, resolutely crack down all acts of infringement that disrespect others' intellectual property rights, and effectively deter potential infringement attempts. At the same time, only by effectively curbing infringement and fully protecting intellectual property rights can we truly encourage all parties involved in the case to engage in good-faith negotiations based on a clear understanding of each other's rights and the boundaries of their acts, and to properly handle future related matters. Therefore, Company A's claim for dismantling the infringing production equipment should be supported by the Court.

To effectively prevent the continuous occurrence of infringement and the further expansion of damages, Company C not only bears the obligation to cease its infringement but is also obligated to notify, within the performance period specified in this judgment, its shareholders, directors, supervisors, senior management personnel, and affiliated companies with an investment relationship about this judgment and the requirements for cessation of infringement contained therein. It shall require the notified parties to actively cooperate in fulfilling the requirements for cessation of infringement set forth in this judgment and to sign a confidentiality agreement regarding trade secrets and non-infringement commitment.

Regarding the civil liability of compensation for losses, the Supreme Court held that Company A had made every effort to present evidence in support of its claim for compensation, while Company C failed to provide relevant financial information after the Court issued an order requiring Company C to provide the financial documents in its possession within a specified period, and offered no reasonable explanation or justification, thereby constituting an obstruction of the burden of proof. Meanwhile, the calculation method proposed by Company A is found to be reasonable and may therefore serve as the basis for determining the amount of compensation in this case. Therefore, the Court fully supports the economic losses and reasonable expenses of Company A's claim for compensation totaling 60 million yuan. As mentioned above, X and Company C jointly infringed upon Company A's technical secrets at issue, Company A's claim that X and Company C jointly bear economic losses and reasonable expenses totaling 60 million yuan is supported by the Court.

Company D, together with X and Company C, constitutes a joint infringement in this case. Given that Company A has not provided direct evidence to prove that Company D also participated in the infringement of two of the technical secrets of its production equipment and manufacturing process, that is, the evidence on file can only prove that Company D infringed upon one of Company A's three technical secrets at issue (the one related to civil engineering and plant layout). In addition, the leading actor and ultimate beneficiary of the infringement in this case is Company C, not Company D, and Company A only filed a lawsuit to claim that Company D should be jointly and severally liable, within the scope of RMB 20 million, for the compensation amounts that X and Company C are required to pay. Therefore, taking the above factors into account, the Court ordered Company D to bear joint and several liability for RMB 20 million of the RMB 60 million in damages imposed upon X and Company C.

The Supreme Court decided to revoke the first-instance judgment and ordered Company C to cease, from the date this judgment is served, the infringement of Company A's technical secrets at issue, and the duration of such cessation shall last until the technical secrets becomes publicly known. The Court further specified the specific way, content and scope of cessation of infringement, including but not limited to: 1) immediately cease revealing, using and permitting others to use Company A's technical secrets at issue from the date when this judgment is served; 2) immediately destroy or transfer to Company A all drawings (in both hard-copy and electronic form) carrying Company A's technical secrets at issue within 30 days from the date this judgment is served, under the supervision of the People's Court or in the presence of Company A; 3) dismantle the production equipment bearing Company A's technical secrets at issue (the declaration formalities to the relevant administrative departments shall be fully fulfilled within 30 days from the date this judgment is served) within 180 days from the date this judgment is served, under the supervision of the People's Court or in the presence of Company A; 4) within 30 days from the date this judgment is served, notify Company C's shareholders, directors, supervisors, senior management personnel, and its affiliated companies with an investment relationship of this judgment and the requirements therein regarding the cessation of infringement, inform the aforementioned notified parties that they shall actively cooperate in fulfilling this judgment, and sign a confidentiality agreement regarding trade secrets and non-infringement commitment (with the text of the notice and the commitment attached). Meanwhile, the original copy of the commitment shall be submitted to the first-instance court, and a copy shall be provided to Company A; order Company C and X to jointly compensate Company A for economic losses and reasonable expenses of 60 million yuan within ten days from the effective date of this judgment; order Company D to bear joint and several liability for 20 million yuan of the compensation amount determined in the preceding item.

This case clarifies the consideration for determining joint infringing act, emphasizing that, in order to facilitate the smooth connection and efficient operation of trial and enforcement proceedings, and to ensure that the lawful rights and interests of the parties are realized in a timely manner, the People's Court may, when ordering an infringer to assume civil liability for cessation of infringement, combined with the specifics of the case, either act in accordance with the specific claims of the right holder regarding the cessation of infringement or, when necessary, directly refine the specific way, content and scope of cessation of infringement as much as possible ex officio,, in order to effectively enhance the enforceability and deterrent effect of judicial rulings. It serves as guidance for both the adjudication of technical-secret infringement cases and the protection of such secrets by right holders.

(2023) Zui Gao Fa Zhi Min Zhong No. 1228

Relative Proportions in Design Patents can be used as a Basis for Design Comparison

Since the amendment of Patent Law in 2008, the novelty criteria in China has been raised to "Absolute Novelty Standard". Absolute novelty means that an invention is new if it has not been used or disclosed anywhere in the world.

The Supreme Court, in its judgment of an administrative appellate case, clarified that the granted version of a design patent usually does not record or define specific length, width, or height values, so it is generally impossible to specifically compare the absolute values of length, width, or height between the patent at issue and the reference design. However, where the drawings or photographs of the design patent can demonstrate the relative proportions between different parts of the design, these relative proportions can be used as a basis for determining the similarities or distinctions between the patent at issue and the reference design.

In this case, patentee A held a design patent. Company B filed an invalidation request with the CNIPA, mainly on the grounds that the patent at issue does not comply with the provisions of Article 23(2) of the Patent Law. The CNIPA made a decision to declare the patent entirely invalid. Patentee A was dissatisfied with the decision and instituted an administrative lawsuit with the Beijing Intellectual Property Court (the first instance court). The first instance court dismissed Patentee A's lawsuit. Patentee A was still dissatisfied and then appealed.

The CNIPA held that there are five main distinctions between the patent and the prior art design. Distinction (1) is the difference in the height of the main body of the seat; the patent at issue is taller than the reference design. The CNIPA determined that the change in the main body height of the seat, Distinction (1), is a common design technique, Distinction (2) and (3) are minor local differences, Distinction (4) has limited impact on the overall visual effect, and Distinction (5) is an adaptive change based on Distinction (4) and is located in a part that is not easily observed during use. Taking into account the above similarities and distinctions, the patent at issue does not have a significant distinction from the reference design and does not meet the requirements of Article 23(2) of the Patent Law.

Regarding the Distinction (1) determined in the sued decision, Party A believes that this Distinction should be summarized as the different proportion of the main body height to the backrest height of the bathroom seat. The first instance court held that, judging from the product appearance shown in the design drawings, the backrest height of the patent at issue and Evidence 1 are roughly the same. However, Evidence 1 is shorter and wider than the patent at issue, and therefore, it can be inferred that the overall height of the main body of the seat in the patent at issue is higher than that of the reference design. The determination in the sued decision is not improper in this regard. Regarding the question of whether there is a significant distinction

between the patent at issue and the reference design: the difference in the height of the main body of the seat in the Distinction (1) is a common choice in design and does not constitute a significant distinction; Distinctions (2) and (3) are minor differences in parts; Distinctions (4) and (5) also do not significantly affect the overall visual effect of the patent at issue. Therefore, the patent at issue does not meet the requirements of Article 23(2) of the Patent Law, and the relevant determinations of the sued decision are not improper.

Regarding Patentee A's opinion that the Distinction (1) is not in the different heights of the main body of the seats, but in the different proportion of the height of the main body of the seats to the height of the backrest, the Supreme Court held that design patents are represented by drawings or photographs in the granted versions of the patents. A brief specification can be used to interpret the design represented by the drawings or photographs. The granted version of a design patent usually does not record or define specific length, width, and height values, so it is generally impossible to specifically compare the absolute values of the length, width, or height of the patent at issue and the reference design. However, if the drawings or photographs of the design patent can demonstrate the relative proportions between different parts of the design, these relative proportions can be used as the basis for determining the similarities or distinctions between the patent at issue and the reference design. In this case, the determination of the height of the seat body as the distinction in the sued decision is inappropriate and should be corrected. Average consumers can determine through direct observation that the proportion of the height of the seat body and the backrest height differs between the patent at issue and the reference design. This should be deemed as the Distinction (1). A's this claim is established, and this Court supports it.

Regarding design space, in this case, the bathroom chair of the patent at issue is a common type of chair in daily life. Provided it can support human weight, remain stable, and is suitable for placement in the bathroom, there are relatively few restrictions on creative freedom. It offers considerable design space in terms of shape, pattern, color, and their combination, allowing for diverse visual effects. Average consumers are unlikely to notice subtle design differences. Based on overall observation and comprehensive judgment, the patent at issue and the reference design are essentially the same in overall shape, structure, and pattern design. Regarding the Distinction (1) where the proportion of the chair's main body height to the backrest height is different, the proportion of the chair's main body height to the backrest height in the patent at issue is a common design. Given the large design space for everyday chairs, this does not significantly affect the overall visual effect. The relevant findings in the sued decision are not improper, and this Court affirms them.

The examination of whether a patent at issue is significantly distinct from prior designs or combinations of prior design features should be based on the knowledge and cognitive abilities of an average consumer, following the approach of "overall observation and comprehensive judgment." This involves observing the patent at issue and the prior design as a whole, identifying their similarities and distinctions, assessing their impact on the overall visual effect, and drawing a comprehensive conclusion. Where the drawings or photographs of a design patent can demonstrate the relative proportions between different parts of the design, these proportions can be used as the basis for determining the similarities or distinctions between the patent at issue and the prior design.

(2024) Zui Gao Fa Zhi Xing Zhong No. 1085

Revocation of a Prior Patent Infringement Administrative Ruling due to Subsequent Effective Patent Invalidation Administrative Decision

The Supreme People's Court, in a second-instance judgment concerning a dispute over an administrative ruling on a utility model patent infringement, clarified that where if the patent on which the infringement claim is based is declared invalid in a subsequent administrative decision that has taken legal effect, the prior administrative ruling that affirmed patent infringement shall be revoked on the ground that the factual basis for the ruling no longer exists.

This article involves two administrative decisions made in sequence. The case is summarized as follows:

- 1) Prior Administrative Ruling: A ruling made by the local patent enforcement authority at the place where the infringement occurred, which affirmed the existence of patent infringement.
- 2) Subsequent Administrative Decision: A decision on the invalidation of the patent in question, issued by the CNIPA.

Patentee A has a utility model patent. Patentee A requested the local intellectual property bureau to investigate a patent infringement matter, alleging that products manufactured by Company B infringed its patent at issue. After investigation, the local intellectual property bureau made an administrative ruling (hereinafter referred to as the "prior administrative ruling"), determining that Company B manufactured, sold, and offered to sell products infringing the patent at issue, and ordered Company B to immediately cease such acts.

Company B was dissatisfied with the administrative ruling and instituted a lawsuit. The first-instance court in its judgment dismissed Company's lawsuit. Company B then appealed the first-instance judgment.

The Supreme People's Court, in its second-instance judgement, found that: after the infringement ruling was issued, Company B filed an invalidation request against the patent at issue with the CNIPA. The CNIPA later made a decision (the "subsequent administrative decision"), declaring the patent at issue entirely invalid. A was dissatisfied with this decision and filed an administrative lawsuit with the Beijing Intellectual Property Court, and the Court dismissed A's lawsuit. A did not appeal, and thus the subsequent invalidation decision became effective. Therefore, the second-instance court held that since the patent on which A based its claims had been declared invalid during the second-instance proceedings, the factual basis for both the prior sued administrative ruling and the first-instance judgment no longer existed. Therefore, the second-instance court revoked the first-instance judgment and the prior administrative ruling.

Through the above judgment, the Supreme People's Court clarified the handling principle for intersecting administrative proceedings involving patent infringement and patent invalidation: "If the patent enforcement authority makes an administrative decision affirming infringement, and the relevant patent is subsequently definitively declared invalid, then that administrative decision shall be revoked."

(2023) Zui Gao Fa Zhi Xing Zhong No. 1029

Holiday Notice 2026

Please kindly be informed of the Chinese public holidays in 2026 as well as the working-day adjustment as follows:

| Holiday/ Working-day Adjustment | Date | Office status |
|---|--|---------------|
| New Year Day Holiday | Jan 1 -- Jan 3, 2026 | closed |
| Adjusted Working day | Jan 4 (Sunday) | open |
| Chinese New Year Holiday (Spring Festival Holiday) | Feb 15 – Feb 23 | closed |
| Adjusted Working days | Feb 14 (Saturday) Feb 28 (Saturday) | open |
| Qingming Festival Holiday (Tomb Sweeping Day) | Apr 4 – Apr 6 | closed |
| Labor Day Holiday | May 1 – May 5 | closed |
| Adjusted Working day | May 9 (Saturday) | open |
| Dragon Boat Festival Holiday | Jun 19 – Jun 21 | closed |
| Mid-Autumn Festival Holiday | Sep 25 – Sep 27 | closed |
| Chinese National Day Holiday | Oct 1 – Oct 7 | closed |
| Adjusted Working days | Sep 20 (Sunday) Oct 10 (Saturday) | open |

The CNIPA and our firm will close during the holidays and you may check if any important deadlines in 2026 fall within the holidays.

The 2025 revision of the Anti-Unfair Competition Law clarifies the regulation of keyword setting behavior, which provides both judicial authorities clear guidelines and rights holders enhanced legal remedies. Enterprises can leverage legal instruments and effective technical measures to proactively establish a systematic monitoring and response mechanism against keyword hijacking, to safeguard their legitimate rights and interests while advancing fair market competition.