

This is an ad-hoc newsletter to inform UK stakeholders of recent developments in the Chinese IP environment. The content is collected from publicly available sources, where information is often available in Chinese only. Please feel free to forward this newsletter, and contact Leo.Zhuang@fcdo.gov.uk to be added to/removed from the distribution list. A pdf version is available on the [Embassy's IP webpage](#)



Intellectual
Property
Office



British Embassy
Beijing



Department for
International Trade

China IP Newsletter (February 2022)

POLICY & GOVERNMENT

China continues to strictly regulate patent applications

On 25 January, the China National Intellectual Property Administration (CNIPA) issued the Circular on Continuing to Strictly Regulate Patent Applications. The Circular calls for a crackdown on abnormal patent applications, and outlines eight ways in which this will be pursued. To increase the transparency of the crackdown, the CNIPA will regularly publish the applications identified to have been abnormally filed, including case withdrawals and appeals. To target irregular behaviours more precisely, CNIPA will establish a whitelist of bona fide applicants with a clear entry and exit mechanism and strictly verify whether the patents applied for match with the applicant's R&D and innovation capacity. Applicants identified as abnormal filers will be deprived of certain project bidding opportunity, funding, rewards, and expedited examination services etc. [Read CNIPA Circular on Continuing to Strictly Regulate Patent Applications in Chinese](#)

China to grade patent agencies and agents through credit evaluation in trial areas

On 28 January, the CNIPA released the Administrative Measures for the Credit Evaluation of Patent Agents for trial implementation, which provides information on how Chinese patent agencies and agents will be graded, starting with the pilot regions in Hebei, Jiangsu, Hunan and Sichuan provinces. The CNIPA divides the credit rating of patent agencies and agents into four grades in descending order, namely "A", "B", "C" and "D". The full score is 100 points, with deductions based on negative information. Negative information includes irregular operation or practice, abnormal operation of the institution, administrative or criminal punishment, industry punishment, etc. Points can also be added for reporting wrongdoing in the industry. The trial programme does not apply to foreign patent firms that have opened representative offices in China. [Read CNIPA Administrative Measures for the Credit Evaluation of Patent Agents in Chinese](#)

Chinese patent office to cease issuing hard copy patent registration certificates

On 11 February, the CNIPA announced that the office will no longer accept requests for issuing paper patent certificates from 1 March 2022. Previously, the CNIPA ceased automatically issuing paper patent certificates in March 2020 and replaced these with electronic certificates. Since then hard copy certificates could still be issued upon request by patentees. However, per CNIPA's latest announcement, patentees will only be able to request hard copy patent certificates up to the end of February 2022. [Read CNIPA Notice regarding the issuance of patent certificate in Chinese](#)

INTERNATIONAL NEWS

China joins two international treaties administered by World Intellectual Property Organisation

China has joined the Hague System for the International Registration of Industrial Designs, submitting its instrument of accession to the 1999 Geneva Act of the Hague Agreement on 5 February. The Act will come into effect in China on 5 May 2022. The Hague System provides a way for designers to file a single international design application to register up to 100 designs in up to 94 countries. This helps applicants save time and money on filing separate applications in each jurisdiction. On the same day, China also signed up to the Marrakesh Treaty, a humanitarian treaty aimed at removing copyright barriers to providing visually impaired people with access to published works. [Read more on China's accession to Hague Convention and Marrakesh Treaty in English](#)

China remains top PCT international application filer in 2021

According to the latest statistics revealed by the WIPO, China remains the largest user of the Patent Cooperation Treaty (PCT) in 2021 for the third year in a row, filing a total of 69,540 applications, a year-on-year increase of 0.9%. The United Kingdom ranks 7th. China's Huawei is the largest applicant in 2021 with 6,952 published PCT applications, followed by Qualcomm, Samsung, LG and Mitsubishi. China's top 3 fields of technology were computer technology, digital communication, and audio-visual technology. In terms of international trade mark applications, China ranks as the third largest user of the Madrid system (5,272), coming after the US (13,276) and Germany (8,799). [Read WIPO statistics report in English](#)

European Union launches WTO dispute against China over telecom SEP patents

On 18 February, the European Union (EU) launched a legal challenge against China at the World Trade Organization (WTO), claiming that Chinese courts are preventing European companies from protecting their telecommunication patents. The Commission said Chinese courts had, since August 2020, been issuing "anti-suit injunctions", which prohibit EU companies from going to foreign courts, with the threat of heavy fines as a deterrent, thus violating the WTO's agreement on trade-related aspects of intellectual property rights (TRIPS). The dispute settlement consultations that the EU has requested are the first step in WTO dispute settlement proceedings. If they do not lead to a satisfactory solution within 60 days, the EU can request the WTO sets up a panel to rule on the matter. China said that it regretted the EU challenge and that it always upheld the multilateral trading system. [Read EU's full request for the WTO consultation in English](#)

US adds AliExpress and WeChat to Notorious Piracy Market List

On 17 February, the Office of the United States Trade Representative (USTR) released the findings of its 2021 Review of Notorious Markets for Counterfeiting and Piracy (the Notorious Markets List). The list identifies 42 online markets and 35 physical facilities accused of copyright infringement or facilitating substantial trade mark counterfeiting. This includes identifying for the first time Alibaba-owned AliExpress and the Tencent-owned WeChat e-commerce ecosystem, two significant China-based online markets that reportedly facilitate the trading of counterfeits. In addition, China-based online markets Baidu Wangpan, DHGate, Pinduoduo, and Taobao continue to be listed, as well as nine physical markets located within China. [Read USTR 2021 Review of Notorious Markets for Counterfeiting and Piracy in English](#)

BEIJING WINTER OLYMPIC 2022

China comes down hard on Winter Olympic-related bad faith trade marks

On 14 February, the CNIPA announced a crackdown on illegal trade mark registration for 2022 Beijing Winter Olympic mascot Bing Dwen Dwen and Chinese skier Eileen Gu. The IP office has rejected 429 trade mark applications and declared 43 trade marks carrying the name Bing Dwen Dwen and Eileen Gu invalid in accordance with the rules on the protection of the Olympic symbols and the Trade Mark Law. The country's top trade mark authority has published the list of applicants and owners of these refused and invalidated trade marks on its website, most of whose registrations were filed in 2019,

reaffirming the agency's efforts to identify and crack down on trade mark squatting. [Read CNIPA announcement regarding crackdown on Winter Olympic-related bad-faith trade marks in Chinese](#)

Beijing sentences maker and seller of pirated Beijing Winter Olympic mascots to one year in prison

China stepped up its effort to address the infringement of intellectual property rights related to the Beijing 2022 Winter Olympic Games as a buying frenzy over Bing Dwen Dwen-related merchandise has led to short supplies of the much-coveted items online and in stores. On 14 February, Beijing sentenced a Chinese individual to one year in prison for manufacturing and selling pirate copies of 2022 Beijing Winter Olympic and Paralympic Games mascots Bing Dwen Dwen and Shuey Rhon Rhon, making it the first criminal case in the country that involved copyright infringement of the image of Beijing Winter Olympic mascots. The convicted individual was also fined RMB40,000 (~£4,700). [Read media coverage of the case in Chinese](#)

Over 3,300 online accounts shut for illegally broadcasting Olympic games in China

Scrutiny of online content related to the Beijing 2022 Winter Olympics has been strengthened nationwide as part of China's 'zero tolerance' approach to copyright violators and measures to keep the games running smoothly. According to the National Copyright Administration of China (NCAC), as of 19 February, 32,376 web links suspected of infringing copyrights of the Winter Olympics on 27 internet platforms, including livestreaming, video, and search engines, have been removed. As a result of strict reviews, over 3,300 online accounts and 52 apps have been shut down on suspicion of improperly broadcasting content related to the games. [Read more from NCAC press conference in Chinese](#)

Chinese Olympics broadcaster CCTV granted injunction to block programme piracy

On 13 February, the Shanghai Pudong People's Court ruled that a Chinese company Zhuhai Chuanghai must stop providing the self-developed phone application for streaming Beijing 2022 Winter Olympics programmes, effective immediately. On 11 February, China Central Television International Network (CCTV International), as China's exclusively licensed broadcaster of the games, filed a request for a preliminary injunction against Zhuhai Chuanghai. The court then found that Zhuhai Chuanghai's live streaming of the opening ceremony and the events of the Olympics constituted copyright infringement and unfair competition and granted the injunction ordering the defendant to immediately stop the infringing acts. [Read media coverage of the case in Chinese](#)

STATISTICS

- In 2021, the General Administration of Customs (GACC) seized 71.8 million illicit items over IP infringements during import and export inspections. 17,667 IP rights were newly registered in the customs IP recordal system in 2021, a year-on-year increase of 17 percent. [Read GACC statistics release in Chinese](#)
- As part of the Blue Sky campaign that aims to crack down on illegal IP agency behaviour in China such as abnormal patent applications and malicious trade mark applications, in 2021, the CNIPA interviewed 2,350 agencies, ordered 2,105 agencies to make rectification, issued 220 fines and warnings, and closed 12 agencies. [Read CNIPA report of Blue Sky Campaign in Chinese](#)

If you would like any further information on any of the above matters or to discuss Embassy support for your company in China please contact Leo Zhuang (Leo.Zhuang@fcdo.gov.uk).