

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](mailto: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 (October 2021)

### POLICY & GOVERNMENT

#### **China unveils the 14<sup>th</sup> Five-Year Plan (2021-2025) for IP protection and utilisation**

On 28 October, the State Council of China issued a national plan on the protection and utilisation of IP rights, which will be carried out during the 14th Five-Year Plan period (2021-2025). The plan contains several major targets that measure the nation's IP development. For instance, to internationalise more of its patents, China aims to reach 90,000 patents granted by overseas offices to its inventors by 2025 (40,000 in 2020); the value of IP imports/exports through licensing will amount to RMB 30 billion; and 85% of the first-instance civil IP cases will not appeal for a second trial. China will improve the administrative, criminal and judicial procedures for handling cases involving trade secrets and formulate regulations for protecting trade secrets. Efforts will also be placed on developing rules for data protection. [Read State Council release of IP 14<sup>th</sup> Five-Year Plan in Chinese.](#)

#### **China ratifies the Marrakesh Treaty legalising the copying of published works for the blind and visually impaired**

On 24 October, the Standing Committee of the National People's Congress (NPC), China's top legislature, adopted decisions on ratifying the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. Under the treaty, China must make an exception to copyright in its domestic law to ensure that accessible versions of copyright works can be made for visually impaired or otherwise print-disabled people without the need for permission from the copyright owner. The treaty will enter into force three months after China formally hands in the instrument of ratification. Read more on the [NPC decision of ratification in Chinese](#) and the [Marrakesh Treaty in English](#)

#### **China's top court releases its assessment of IP work in courts nationwide**

On 21 October, the Supreme People's Court (SPC) of China published a report showing that there has been a rapid growth of IP cases over the past seven years with an average annual increase of 24.5%. This is 12.8 percentage points higher than the average annual increase in the total number of cases accepted by courts across the country. A large number of new disputes have emerged involving core internet technologies, genetic technologies, information and communications, integrated circuits, artificial intelligence, and platform economy. And

more and more infringements are taking place online. [Read SPC's full report on IP judicial work in Chinese](#)

### **China launches special campaign to protect IP ahead of the Beijing 2022 Winter Olympic Games**

On 16 October, the CNIPA launched a nationwide special campaign from October to intensify the fight against IP infringement and protect the IP rights of the Beijing 2022 Winter Olympic Games. The campaign, running through the entire event until June 2022, will focus on the protection of the symbol, logo, flag, motto, emblem, anthem of the Olympic and Paralympic Games as well as the use of Olympic slogan, mascot, torch design and abbreviations. Authorities will also crackdown on those making unauthorised associations with the Winter Olympics, such as false claims in adverts to deliberately mislead consumers. [Read CNIPA's special campaign for Winter Olympics in Chinese](#)

### **CNIPA publishes guidelines for drafting IP agreement in industry-university collaboration**

To promote the collaboration between industry, academics and research institutes and facilitate IP commercialisation and utilisation, the CNIPA, together with the Ministry of Education (MOE) and Ministry of Science and Technology (MOST), published the guidelines for setting the IP terms in a cooperation agreement, including template clauses for relevant parties to the cooperation to use or adapt. The guidelines consist of both the common clauses that define the IP rights and confidentiality obligations, as well as individualised clauses which apply to specific scenarios, such as how the IP rights can be owned by one party or jointly owned by both parties, whether the licensing arrangement will be an exclusive licensing, who owns the improvement of technologies and whether academic publication is allowed. [Read the CNIPA industry-university collaboration guidelines in Chinese](#)

### **China goes paperless for certificates of trade mark registration from 2022**

The CNIPA recently announced that paper trade mark registration certificates will no longer be issued from 1 January 2022. This move will both reduce the carbon footprint and speed up its trade mark registration process. For trade mark applications submitted via paper filing, the CNIPA will issue a notice with a URL and QR code where the applicant can download the electronic trade mark registration certificate. For the application filed via the e-filing system, the registration certificate can be viewed and downloaded from the CNIPA's online service system. There will be a transitional period from 15 October to 31 December where the CNIPA will issue both paper certificate and Notice of receipt for trade mark registration certificates. [Read CNIPA announcement in Chinese](#)

### **CNIPA clarifies what constitutes a 'willful infringement of IP rights'**

The CNIPA recently issued a formal reply on how to determine the 'willful infringement of IP rights'. In the consideration of applying punitive damages, the SPC's judicial interpretation has indicated that the 'willfulness' of an infringing act is considered to be a subjective matter, different from the evaluation on the 'seriousness' of the infringement. As such, the CNIPA advises that the two factors not be cross-evaluated. When considering whether an intentional infringement will trigger the inclusion into the list of dishonest people with serious violation of the law, the CNIPA suggests the decision should be based on whether the entity has received serious administrative penalties and whether the act is of bad nature or seriously detrimental to society. [Read CNIPA reply in Chinese.](#)

## CASE

### **OPPO and Sharp sign a cross license agreement and end global patent disputes**

Chinese smartphone vendor Oppo and Japanese electronics manufacturer Sharp announced on 8 October that the companies reached a global cross-patent license agreement, including patents for communication technologies and covering sales of terminal products of both parties. The cross-licensing deal brings to a close to all current legal disputes between the two firms across the world on issues like patent infringement. Their global patent dispute started in 2020. After several rounds of Sharp suing Oppo for infringement of LTE patents and Oppo countering the escalation of Sharp's infringement of patents, the battlefield expanded from Japan to China and even Europe. Earlier this year, the SPC confirmed that Chinese judges could set global FRAND licensing rates. [Read Sharp and Oppo joint statement in English](#)

## STATISTICS

### **China's copyright administration reports results of its annual Sword Net Campaign**

The Sword Net 2021, the annual copyright enforcement campaign run by the National Copyright Administration of China (NCAC) along with other ministries and agencies were launched in June this year. As of October, the campaign resulted in the removal of 610,000 links to pirated content. Online streaming ISPs and e-commerce platforms removed 8.4 million infringing links at the request of copyright enforcement authorities. 245 infringing websites and apps were shutdown. To date, copyright authorities investigated 445 cases of online infringement and piracy. In 2021, the Sword Net campaign is focused on copyright infringement in areas of short video, online streaming, sports broadcasting and online education. [Read media report on Sword Net Campaign in Chinese](#)

### **CNIPA releases report on China's IP development outcome in 2020**

The CNIPA has lately released its annual review of the state of China's intellectual property development in 2020. The national comprehensive index of intellectual property development increased from 100, the value of the base year of 2010, to 304.7 in 2020, with an average annual growth rate of 11.8%. Four aspects of IP development were examined in the report covering IP creation, utilization, protection as well as institutional environment. The national index of all four elements is reported to have increased in 2020. [Read CNIPA Report on IP Development 2020](#)

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](mailto:Leo.Zhuang@fcdo.gov.uk)).