

Newsletter



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➤ **Public Consultation is Sought for Draft Amendment of Patent Administrative Enforcement Method (Draft)**

On January 27, 2015, China's State Intellectual Property Office reported that it would release the Draft Amendment for Patent Administrative Enforcement Method (Draft) (hereinafter referred to as the Draft) for public consultation.

As relevant responsible person from Department of Treaty and Law of State Intellectual Property Office said that, terms and conditions of the Draft to be revised mainly include that: administration by law should be further promoted; construction of team for patent administrative enforcement should be enhanced; management of qualification of administrative law enforcement officials strictly; responsive system for administrative law enforcement should be implemented; department of patent management should enhance administrative law enforcement for e-commerce to reconcile and deal with any dispute related to patent infringement on business platform promptly and should investigate and take action against faked patent; it should also notify the e-commerce platform to delete or shield any webpage related to any goods with faked patent.

Before March 15, 2015, the public could submit their written opinions and suggestions to Department of Treaty and Law of State Intellectual Property Office via email, fax, or letter. (Source: : Intellectual Property Newspaper)

➤ **Methods for Deposit of Biological Materials for the Purposes of Patent Procedure Implemented since March 1**

The Methods for Deposit of Biological Materials for the Purposes of Patent Procedure (hereinafter referred to as the Methods) revised by State Intellectual Property Office have already been implemented since March 1, 2015.

As relevant responsible person from Department of Treaty and Law of State Intellectual Property Office said that, the Methods were revised based on the existing Patent Law and its enforcement regulations, which have already fully taken in consideration the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. The main content for revision includes: The stylistic rules and layout of the Methods have been adjusted; it mainly stipulates the rights

and obligations of State Intellectual Property Office, deposit unit, and parties therein during the process of deposit of biological materials and supply of biological samples, including the responsibilities of deposit unit, the period for the deposit unit to undertake the confidentiality, cases that the deposit unit would not keep any biological material, and other matters related to deposit of biological materials should be published in the form of announcement or filed with the State Intellectual Property Office after being published by the deposit unit; while such important procedural rules that how the deposit unit could supply biological samples to others and how it could dispose of the biological samples after the expiration of deposit period have also been supplemented and improved.

It is introduced that the Methods for Deposit of Microorganisms for the Purposes of Patent Procedure (No.8 Announcement) published by the previous China Patent Office in 1985 also stipulated matters related to deposit of biological materials. In 2013, after carrying out evaluation for the system for deposit of biological materials for the purposes of patent procedure, the State Intellectual Property Office found out that the No.8 Announcement could no longer meet the practical need after China became a party of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and the users' demand of China has already been changed. In addition, the State Intellectual Property Office also start revising the Methods at the beginning of 2014. (Source: State Intellectual Property Office website)

➤ **Draft Amendment of Copyright Law (Examination Version) has been Submitted to State Council**

Recently, relevant department of State Council has already fully revised the existing Copyright Law, and also submitted the Draft Amendment of Copyright Law (Examination Version) to State Council for deliberation.

It is introduced that revision of Copyright Law has already been classified as the first type of project within the legislation plan carried out by the Standing Committee of the 12th National People's Congress. The Office of Legislative Affairs of the State Council has already carried out wide range of public consultation for two times, and currently, it is paying close attention to study on some issues with serious difference in opinions.

During the Second Session of the 12th National People's Congress held in March of 2014, there were 31 delegates raising proposals about revising the Copyright Law. As the proposals said that, the existing

Copyright Law had not comprehensively included all conduct patterns or types of copyright infringement, and the rules for collective stewardship of copyright should be further improved. Delegates also suggested that the conduct scope of copyright infringement should be defined scientifically, the application scope of civil liability of copyright infringement should be expanded, and the copyright security mechanism applicable to digital environment should be established. (Source: State Intellectual Property Office website)

➤ **China Accepts the Most Number of Invention Patent Applications around the World for 4 Consecutive Years**

In 2014, the number of invention patent applications accepted by China ranked the first in the world for 4 consecutive years, and the quality of applications was also improved gradually, while the number of authorizations was also increased greatly.

Gan Shaoning, Deputy Director of State Intellectual Property Office introduced in the press conference related to applications for invention patents within China in 2014 held recently that, in the last year, the State Intellectual Property Office accepted 928,000 applications for invention patents, with a 12.5% year-on-year growth, which made China rank the first in the world.

Among those applications, many of them were submitted by enterprises, which became the major subject for creating intellectual property rights. In 2014, Chinese enterprises submitted 485,000 applications for invention patents, accounting for 60.5% of total number of applications within China; while 92,000 applications for invention patents submitted by Chinese enterprises were approved, accounting for 56.4% of total number of approvals within China.

Scientific and technological enterprises took the lead in terms of approved invention patent application. Huawei, with its 2409 applications, ranked the first in terms of the number of invention patent granted, and ZTE, with 2218 applications, ranked the second. The data reflected their innovation strength and technological level, and the invention patents also became a strong shield to protect the innovative product of enterprise. (Source: Science and Technology Daily)

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