

W&B IP Newsletter

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Website: www.watsonband.com

E-mail: mailip@watsonband.com | mail@watsonband.com

Patent

Hong Kong's New Patent System will be implemented on December 19

According to the HKSAR's official news portal, Hong Kong will introduce the system known as "original grant of patent", which will provide another approach for patentees seeking protection for their standard patents in Hong Kong. The amendments to the Hong Kong Patents Ordinance and the Hong Kong Patent (General) Rules were published in Hong Kong Government Gazette on October 11, according to which the new patent system will be implemented on December 19.

Under the new system, patent applicants can directly submit applications for standard patents in Hong Kong and will no longer be subject to the current system known as "re-registration" – the applicants must first submit corresponding applications to the designated patent offices outside of Hong Kong.

The new patent system will also optimize the short-term patent system and prohibit the use of titles or descriptions in Hong Kong that relate to patent practitioners and may consequently result in misunderstanding or confusion, for example, "registered / certified patent agent" or "registered / certified patent attorney".

(Source: www.news.gov.hk)

(Trial) Administrative Measures for Lists of Seriously Dishonest Parties Subject to Joint Disciplinary Actions in the Patent Sector will be implemented on December 1st

On October 17th the National Intellectual Property Administration issued the (Trial) Administrative Measures for Lists of Seriously Dishonest Parties Subject to Joint Disciplinary Actions in the Patent Sector (the "Administrative Measures") to regulate the administration of said lists in the patent sector. The Administrative Measures will be implemented as of December 1st.

The Administrative Measures incorporate 27 articles in five chapters, including General Provisions; Determination of Act; Inclusion in the List, Joint Disciplinary Actions and Removal from the List; Credit Repair; and Supplementary Provisions.

(Source: National Intellectual Property Administration)

Copyright

2019 WeChat IP Protection Report Released: Over 150,000 Articles Suspected of Copyright Infringement Deleted

The 2019 WeChat IP Protection Report (the "Report") was released on the Internet Social Platform IP Protection Forum hosted in Beijing on October 29th. According to the Report, WeChat's IP protection team dealt with over 110,000 allegedly infringing individual accounts, took measures against over 60,000 allegedly infringing public accounts and apps, including deleting infringing information, banning access and blocking IDs, and deleted over 150,000 allegedly infringing articles published on public accounts.

(Source: National Copyright Administration)

Copyright

Quarterly Statistics of Infringing Content on the Internet Embraces First-time Decrease

Recently, copyright services institutions including Rightknights and Whaleip jointly published the 2019 Third Quarter Content Industry Copyright Report (the “Report”), in which an overall review and analysis of content ecology, copyright monitoring, copyright governance, IP licensing and copyright trends was given. According to the Report, the number of registrations for literary works ranked Top 1 among all types of works, while despite the higher copyrights value, the number of registrations for video works came in the last place. Furthermore, the quarterly statistics of infringing content embraced the first-time decrease since the Report was released on a quarterly basis in 2016, and the statistics of authors suffering infringement also kept on decreasing. Notwithstanding the said overall decrease in infringement, infringement occurring on We media platforms and ecommerce platforms still requires further regulation.

(Source: National Copyright Administration)

Trademark

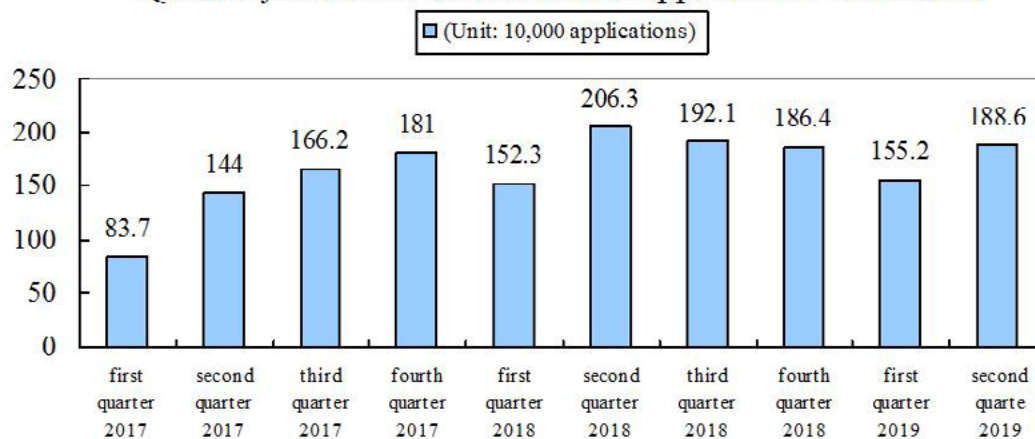
An Analysis of Trademark Registration Work in the First Half of 2019

In the first half of 2019, China’s total number of trademark applications amounted to 3,438,000, reflecting an annual drop of 4.1%. The number of trademark registrations totaled 3,515,000, reflecting an annual increase of 67.8%. As of June 2019, trademark applications reached an accumulative number of 38,651,000; the corresponding number for trademark registrations reached 25,823,000; and the number for valid trademark registrations was 22,743,000. The average review periods for trademark registrations were shorted to less than 5 months, reflecting further efficiency enhancement in trademark reviews. Besides, remarkable achievements were made in terms of the crackdowns on malicious trademark registrations and trademark hoarding.

I. Overall Conditions of Trademark Registrations and Applications

1. Trademark applications were found at a slowed-down increase rate despite the still large number.

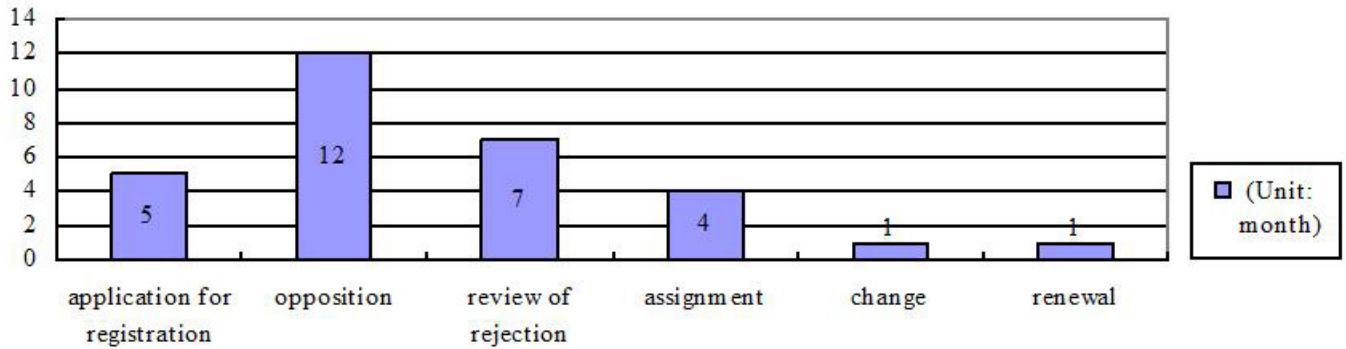
Quarterly Statistics of Trademark Applications since 2017



Trademark

2. The trademark review periods were further shortened and the review over nonuse in three consecutive years was cancelled.

Average Periods of Reviews for Different Trademark Services
in the First Half of 2019



3. The quality management of trademark reviews was further improved.

4. A remarkable achievement was made in terms of cracking down on trademark hoarding.

5. Trademark-related public services kept on improving.

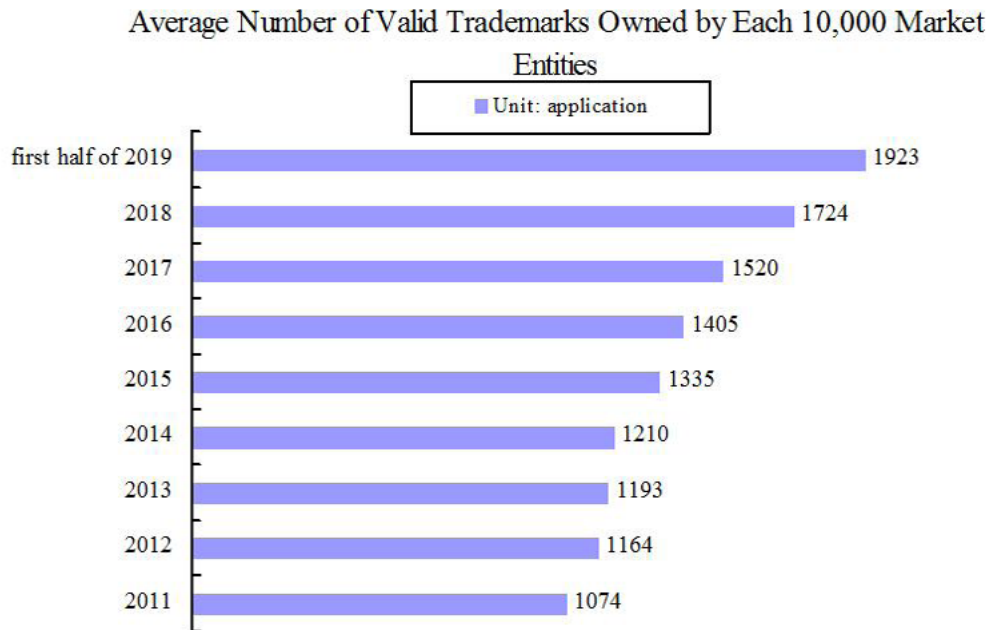
Proportions of Online Trademark Applications in Recent Years



II. An Analysis on Trademark Registration Work

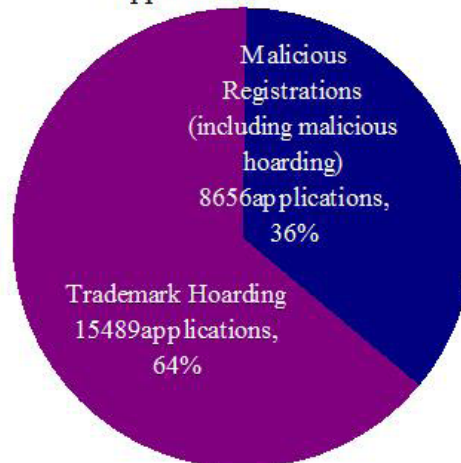
1. The average number of valid trademarks owned by market entities kept on a steady increase.

Trademark



2. Trademark reviews, oppositions, adjudications and withdrawals played an increasingly strong role in cracking down on malicious trademark registrations.

Types of Cases Involving Crackdown on Abnormal Trademark Applications



3. Geographical indications realized a prominent effect of accurate poverty relief.

As of June 2019, the Trademark Office approved registrations of a total of 5,093 geographical indications, of which 191 were for foreign geographical indications.

4. Internationalization of domestic trademarks and brands witnessed a healthy development.

In the first half of 2019, Chinese applicants submitted 2,849 Madrid trademark international applications (one application with several classes designating several Madrid Agreement members), ranking the third among all Madrid Agreement members, second only to the European Union and the United States.

Trademark

5. Trademark applications filed by foreign applicants kept on increasing.

In the first half of 2019, trademark applications filed by foreign applicants in China reached a total of 127,000 at the annual growth rate of 15.4%. Among these applications, 90,691 were direct applications and 36,632 were Madrid applications.

6. The numbers of trademark applications on the whole coincided with the local economic developments.

7. The trends in trademark application classes reflected constant optimization of China's industrial structure.



(Source: Trademark Office of National Intellectual Property Administration)

Intellectual Property

WIPO Publishes World Intellectual Property Indicators 2019: China Promotes Increase in Global Patent Applications

On October 16, WIPO's World Intellectual Property Indicators 2019 (WIPI) was published in Geneva, Switzerland. China runs ahead of other countries and regions in terms of applications for patents, trademarks, industrial designs and plant varieties, and promotes the overall increase in the needs for intellectual property rights.

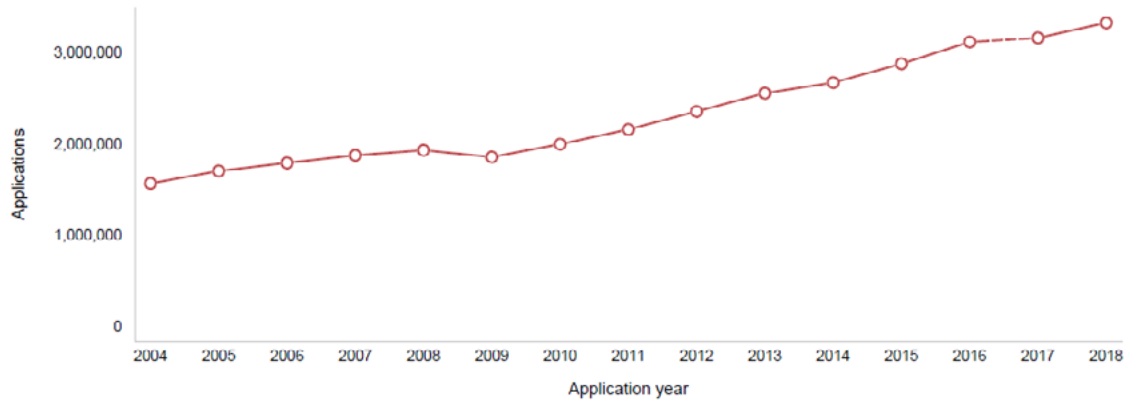
Among these, the patent applications accepted by China's National Intellectual Property Administration in 2018 hit a record high of 1,540,000, accounting for 46.4% of the globe's total and approximately equaling the total number of applications filed with the patent offices of the countries ranking from the second to the eleventh in that regard. Further, China's trademark applications covered 7.4 million classes; China's industrial design applications reached 708,799, accounting for 54% of the world's total; and 5,760 applications for plant varieties were accepted (with an increase of 29% with respect to the number in 2017), accounting for over 25% of the total corresponding applications filed around the world.

According to WIPO's WIPI 2019, a total of 3.3 million patent applications were submitted by innovators all around the world in 2018, realizing the ninth consecutive annual growth at 5.2%. Meanwhile, the total global number of trademark applications reached 14.3 million and the total for industrial designs reached 1.3 million in 2018.

Intellectual Property

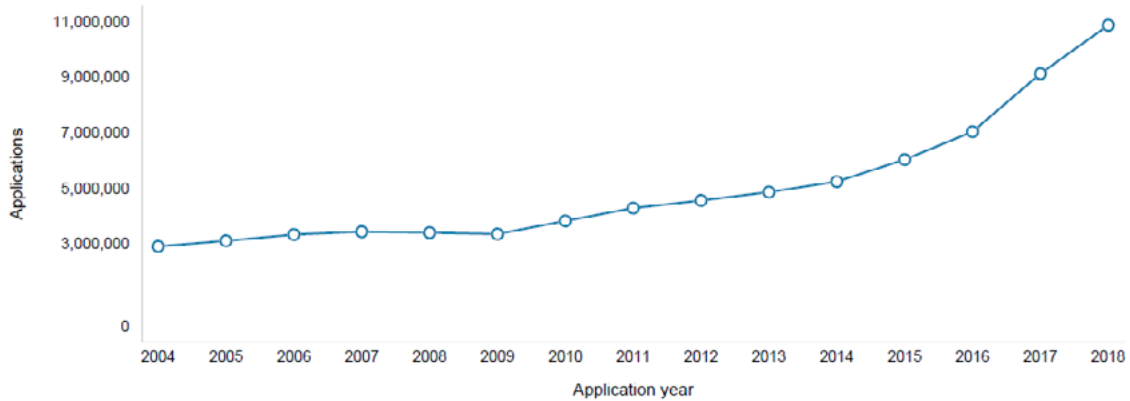
Patent applications filed worldwide reached 3.3 million

1.1. Patent applications worldwide, 2004–2018



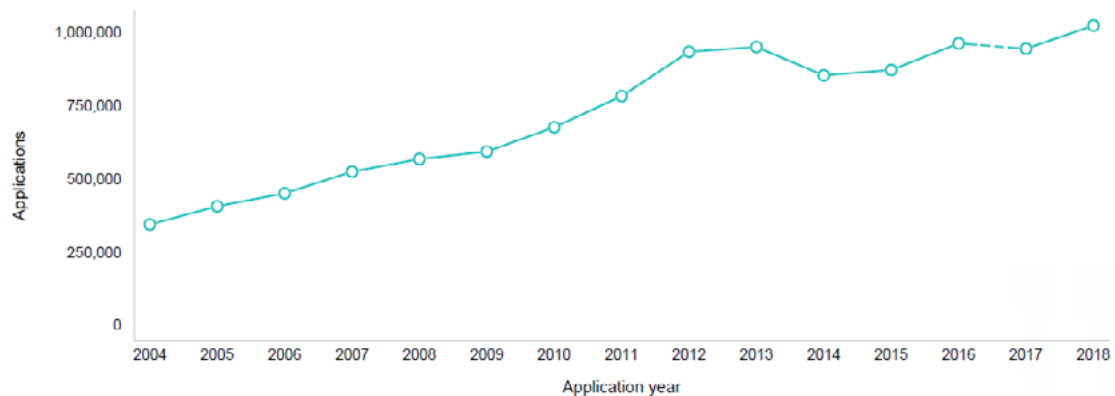
An estimated 10.9 million trademark applications were filed worldwide

2.1. Trademark applications worldwide, 2004–2018



An estimated 1.02 million industrial design applications were filed worldwide

3.1. Industrial design applications worldwide, 2004–2018



In addition, the global number of applications for plant varieties in 2018 increased by 8.9% and reached 20,210. Statistics collected from IP administrations of 92 countries or regions further reveal that in 2018 about 65,900 geographical indications were protected. (Source: www.zhichanli.com/)

For the original text of the report and other related materials, please visit WIPO's official website at: <https://www.wipo.int/publications/zh/details.jsp?id=4464>

Intellectual Property

State Council Publishes the Opinions on Further Improving the Use of Foreign Capital

According to the news on www.gov.cn on November 7th, the State Council published the Opinions on Further Improving the Use of Foreign Capital (the “Opinions”). In addition to the overall cancellation of restrictions on the services scopes of foreign banks, securities companies, fund management companies and other financial institutions, the Opinions further proposed the following two points in relation to IP rights protection.

Leverage the important role of judicial protection of intellectual property rights. We shall give full play to the system efficacy of property preservation, evidence preservation and behavior preservation, and improve the timeliness and convenience of the judicial remedy for intellectual property rights. We shall optimize the requirements for formal elements of evidence in intellectual property cases involving foreign-invested enterprises, apply the presumption of fact, and rationally reduce the litigation burden of foreign parties. In accordance with the law, we shall strengthen the protection of trade secrets, rationally allocate the burden of proof, and strengthen civil and criminal protection; and try patent invalidity and infringement appeal cases in a centralized and unified way in accordance with the law, and further improve the quality and efficiency of trials; and fully respect the market value of intellectual property rights, actively use punitive compensation, and intensify efforts to crack down on acts of malicious infringement and repeated infringement. We shall further improve the system of technical investigators, and strengthen the establishment of a mechanism for multiple fact investigation in technical cases; shall strengthen the trial of cases involving standard-essential patents, and safeguard fair competition and market order; and shall give full play to the role of diversified mediation in intellectual property cases, and resolve disputes in a substantive way. We shall further unify the litigation evidence and judicial judgment standards for intellectual property cases, duly issue relevant judicial interpretations, issue guiding cases, and continuously raise the level of standardization, scientificity and internationalization of intellectual property judicial trials. (The Supreme People's Court shall be responsible for the work.

Perfect the work mechanism of protection of intellectual property rights. We shall establish and improve a mechanism for rapid collaborative protection of intellectual property rights and credit-based joint punishment, continue to promote arbitration and mediation of intellectual property disputes, and establish and improve diversified mechanisms for resolving intellectual property disputes. We shall improve the procedures for revoking registered trademarks; and perfect the protection system for geographical indications. We shall perfect the mechanism of protection of intellectual property rights in e-commerce, rules on notification and removal of patent infringement judgments on e-commerce platforms, and collaboration and scheduling mechanisms for patent law enforcement and rights safeguarding in the field of e-commerce. We shall actively use standardized methods to strengthen the protection of intellectual property rights. (The Ministry of Commerce, the State Administration for Market Regulation, the National Intellectual Property Administration and all provincial people's governments shall be responsible for the work according to their respective functions and responsibilities.

(Source: www.gov.cn)