

W&B IP Newsletter



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Patent

A Quick Review on Patent Invalidation (2023 version)

A Comparison: CN Patent Application vs Reexamination vs Invalidation (Year 2016-2022)

YEAR	Applications / Docketed Reexamination Cases	Applications / Docketed Invalidation Cases	Grants / Docketed Invalidation Cases	Docketed Reexamination Cases / Docketed Invalidation Cases
2016	264	873	442	3
2017	108	810	402	7
2018	114	826	468	7
2019	79	728	431	9
2020	95	841	589	9
2021	69	687	603	10
2022	51	756	609	15

A Comparison: Quantities of CN Patent Applications vs Reexaminations vs Invalidations (Year 2016-2022)

YEAR	Applications	Grants	Docketed Reexamination Cases	Concluded Reexamination Cases	Docketed Invalidation Cases	Concluded Invalidation Cases	Period for Conclusion of Reexamination Cases (months)	Period for Conclusion of Invalidation Cases (months)
2016	3,464,824	1,753,763	13,107	17,623	3,969	4,100	11.9	5.1
2017	3,697,845	1,836,434	34,123	18,284	4,565	4,216	9.3	5.2
2018	4,323,112	2,447,460	37,873	28,438	5,235	4,217	11.1	5.1
2019	4,380,468	2,591,607	55,354	37,261	6,015	5,327	11.8	5
2020	5,194,154	3,639,268	54,670	48,046	6,178	7,144	14.4	5.9
2021	5,243,592	4,601,457	76,093	54,006	7,628	7,065	16.4	5.8
2022	5,364,639	4,323,409	105,100	62,700	7,095	7,879	/	/

maintained : partially invalidated : completely invalidated ≈ 4:1:5

	Year 2021		Year 2022		Total		Growth in 2022
	Decisions	Percentage	Decisions	Percentage	Decisions	Percentage	
maintained	2,286	40.3%	2,429	38.1%	4,715	39.2%	-2.2%
completely invalidated	2,794	49.3%	3,289	51.6%	6,083	50.5%	2.3%
partially invalidated	586	10.3%	656	10.3%	1,242	10.3%	-0.1%
Total	5,666	100.0%	6,374	100.0%	12,040	100.0%	---

Invention patents proved to be the most stable and the most difficult to invalidate

	maintained		partially invalidated		completely invalidated		degree of difficulty to be completely invalidated
	Decisions	Percentage	Decisions	Percentage	Decisions	Percentage	
invention	625	51.4%	169	13.9%	423	34.8%	1.5
utility model	948	33.5%	475	16.8%	1,408	49.7%	1.0
design	856	36.8%	12	0.5%	1,458	62.7%	0.8
Total	2,429	38.1%	656	10.3%	3,289	51.6%	1.0

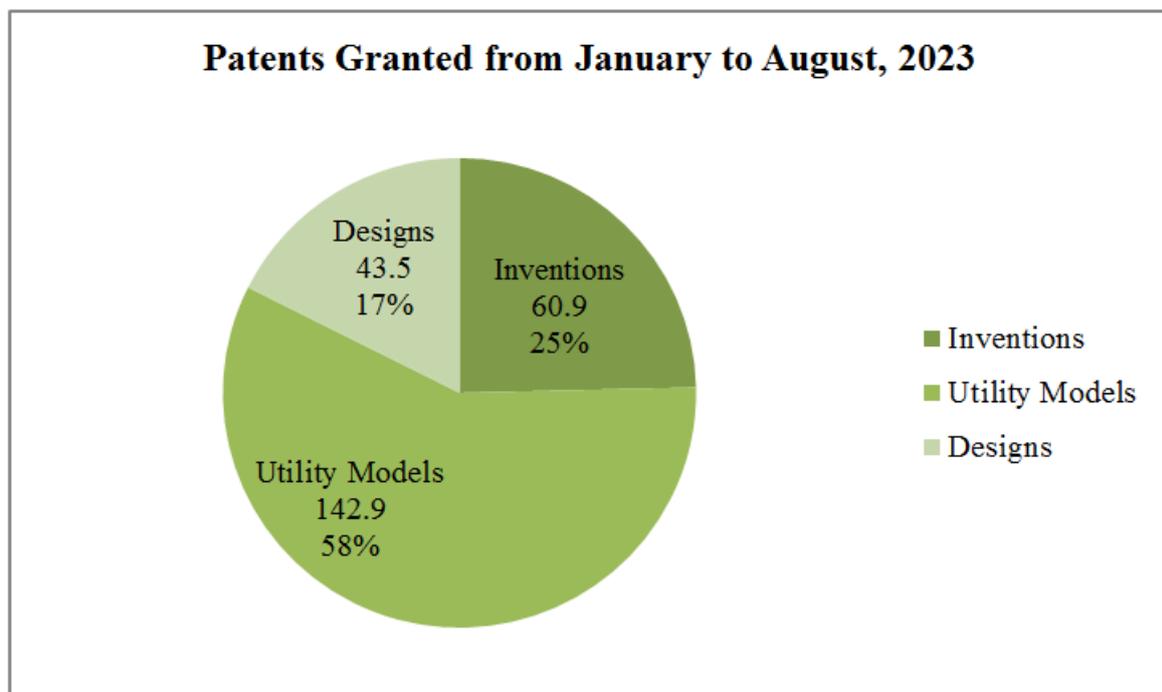
Note: All invalid difficulty coefficient = all invalid proportion of the whole set/all invalid proportion of the subset

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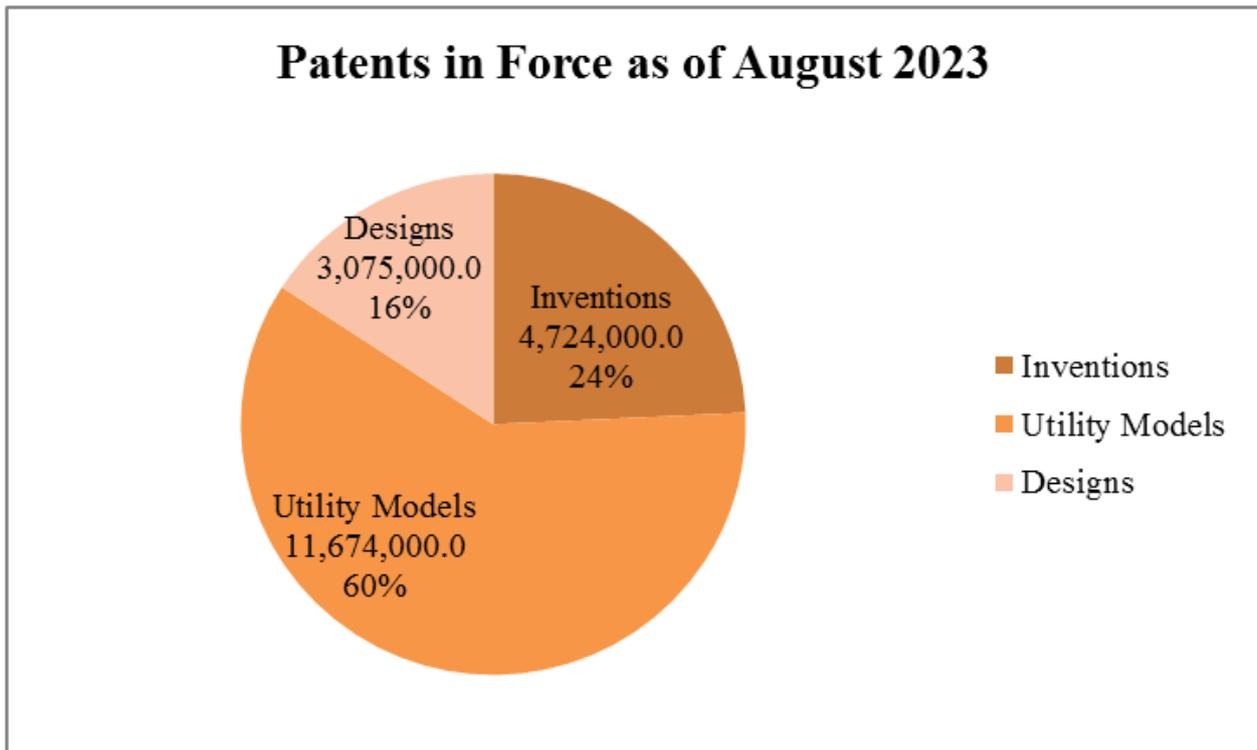
Changes in Examination Decisions on the Three Types of Patents (2021-2022)								
	Decision Type	Year 2021		Year 2022			Total	
		Decisions	Percentage	Decisions	Percentage	Growth%	Decisions	Percentage
Inventions	1 maintained	616	54.6%	625	51.4%	-3.2	1,241	52.9%
	2 Partially invalidated	154	13.6%	169	13.9%	0.2	323	13.8%
	3 completely invalidated	359	31.8%	423	34.8%	3.0	782	33.3%
	Sum-up	1,129	100.0%	1,217	100.0%	0.0	2,346	100.0%
Utility Models	1 maintained	865	34.3%	948	33.5%	-0.8	1,813	33.9%
	2 partially invalidated	422	16.7%	475	16.8	0.0	897	16.8%
	3 completely invalidated	1,233	48.9%	1,408	49.7%	0.8	2,641	49.4%
	Sum-up	2,520	100.0%	2,831	100.0%	0.0	5,351	100.0%
Designs	1 maintained	805	39.9%	856	36.8%	-3.1	1,661	38.2%
	2 partially invalidated	10	0.5%	12	0.5%	0.0	22	0.5%
	3 completely invalidated	1,202	59.6%	1,458	62.7%	3.1	2,660	61.2%
	Sum-up	2,017	100.0%	2,326	100.0%	0.0	4,343	100.0%
Total		5,666		6,374		12,040		

(Source: WeChat Public Account “IP Competitive Edge”)

CNIPA publishes Statistics on Patents (January to August, 2023)



Patent



From January to August 2023, China National Intellectual Property Administration accepted 46,400 PCT international patent applications. Of these, 43,100 were submitted by domestic applicants.

From January to August 2023, Chinese applicants submitted 1,226 international design applications. From January to August 2023, 973 public international applications for design were designated to China.

(Source: China National Intellectual Property Administration)

Trademark

CNIPA publishes Statistics on Trademarks (January to August, 2023)

During the captioned period, 4,755,000 trademark applications were filed in China, and 2,718,000 trademarks were registered. As of the end of August 2023, registered trademarks in force reached 44,781,000.

Also during the captioned period, the CNIPA received 4,071 Madrid international trademark registration applications filed by Chinese applicants.

(Source: China National Intellectual Property Administration)

Intellectual Property

CNIPA publishes Statistics on Geographical Indications and Layout Designs of Integrated Circuits (January to August, 2023)

	Geographical Indication Products approved	Geographical Indication Trademarks approved to be registered as collective trademarks or certification trademarks	Market Participants approved to use the special mark for Geographical Indications
January to August 2023	6	137	4,980
As of the end of August 2023	2,501	7,213	26,228

In addition, during the captioned period, 7,830 applications for registration of layout designs of integrated circuits were filed in China, and 6,938 registration certificates were issued.

(Source: China National Intellectual Property Administration)