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**China: Intellectual Property Newsletter – Issue 5 –
August 2014**

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Business events during the UK-China IP Symposium week

The second UK-China IP Symposium will take place on Monday September 1 in Beijing. The Symposium is a one-day seminar for British and Chinese companies to engage with officials from both countries on a range of IP topics. There will be further events for businesses across mainland China and Hong Kong throughout the week of the Symposium. More information on the UK-China IP Symposium and related business events can be found [here](#) and [here](#) (in English).

TRADE MARKS & GEOGRAPHICAL INDICATIONS

Revised provisions on well-known trade marks The State Administration for Industry & Commerce (SAIC) has announced revisions to the *Provisions on the Recognition and Protection of Well-Known Trademarks*. As under the previous system, well-known marks will still be recognised on a case-by-case basis upon request, and reputation be considered in reference to the relevant public. The Provisions stress that factors in Article 14 of the Chinese Trademark Law should be taken into account, but that not all factors need be met. The Provisions provide for the revocation of well-known status that has been awarded fraudulently. More [here](#) (in Chinese). Our business factsheet on well-known trade marks in China is [here](#) (in English).

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COPYRIGHT & CREATIVE INDUSTRIES:

Latest Sword Campaign launched against online

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reproductions of written works

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The latest Sword Campaign – a recurring law enforcement operation targeting online piracy – will focus on the unauthorized reproduction and distribution of written works on the Internet and through mobile applications. The four-month campaign will be coordinated by the National Copyright Administration of China (NCAC), the State Internet Information Office (SIIO), the Ministry of Industry and Information Technology (MIIT) and the Ministry of Public Security (MPS). The Campaign will include setting up communication channels between online/mobile media and copyright owners. The Campaign follows a high-profile case brought by the web portal Sohu and the Guangzhou Daily newspaper against the mobile app *Today's Headlines*. The NCAC announced that since the start of the Campaign in June, 265 websites have been investigated and eight instances of enforcement action take. More [here](#) (in Chinese).

Stricter content controls announced for set top boxes The State Administration of Press & Publications, Radio, Film and Television (SAPPRFT) recently ordered producers of TV set boxes in Zhejiang Province and Shanghai Municipality to stop pre-installing access to unlicensed third-party content providers, including systems operated by Youku, Sohu and iQiyi. Meanwhile, Internet TV operator LeTV has successfully sued Chinese smartphone manufacturer Xiaomi for copyright violations related to Xiaomi set top boxes. The Haidian District People's Court in Beijing ruled that the Xiaomi box infringed copyright and ordered the payment of RMB150,000 (approx. £15,000) in damages. More [here](#) and [here](#) (in Chinese).

PATENTS, INDUSTRIAL DESIGNS & INNOVATION:

Revised judicial interpretation covers damages calculations & enforcement of utility models and designs

The Supreme People's Court has released draft revisions to the

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Decision of the Supreme People's Court Regarding Questions of Application

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of Law in Adjudication of Patent Cases. The deadline for comments is August 15. Supreme People's Court judicial interpretations are followed closely by courts across China. The proposals include minor changes to guidance to help judges calculate compensation levels in various situations where statutory damages do not apply. The draft also removes the requirement for search reports to be submitted to courts hearing utility model and design right infringement cases, though retains judicial discretion to request a report when required. More [here](#) (in Chinese).

Senior leaders emphasise different aspects of research & innovation policy

Communist Party General Secretary and Chinese President Xi Jinping recently delivered a speech on research and innovation to the national academies of scientists and engineers. At almost the same time, Premier Li Keqiang delivered a speech to a meeting of international science funding bodies in Beijing. The speeches highlighted two important strands of China's technology and innovation policy. President Xi emphasised the importance of core technologies being controlled by China in order to maintain national security and global competitiveness. Meanwhile, Premier Li's address to the annual meeting of Global Research Councils stressed openness and the borderless nature of science. Premier Li also highlighted the importance of robust legal frameworks and protection of IP. Shortly after these speeches, Premier Li met with Director General of the World Intellectual Property Organization (WIPO)

Francis Gurry who was in Beijing to open the new WIPO China Office. More [here](#) and [here](#) (in English) and [here](#), [here](#) and [here](#) (in Chinese).

OTHER ENFORCEMENT & TRADE SECRETS:

China and Hong Kong still the main sources of IP-related detentions at EU borders

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The European Commission has released 2013 statistics on detentions of suspected IP-infringing goods at EU borders. Goods coming from mainland China accounted for 66% of detained items by volume (or 72% by value). Hong Kong was the second most common source of suspected IP-infringing products, accounting for 13% of detained goods by volume (8% by value). Figures for both mainland China and Hong Kong were comparable to 2012 data. In statistics released earlier in the year, detentions at US borders showed a spike in goods originating in Hong Kong in 2013, with Hong Kong accounting for 25% of detentions by value. Overall, the volume of suspected IP-infringing items detained at EU borders continues to fall from the 2008 peak as European customs have shifted enforcement focus from container traffic to postal shipments. In May, the EU and China signed a renewed *EU-China Action Plan on Intellectual Property Rights* to further address joint IP concerns. More [here](#) and [here](#) (in English).

New specialist IP courts to be established in Beijing, Shanghai and Guangzhou

Three new specialised IP courts will be established at the intermediate people's court level in Beijing, Shanghai and Guangzhou. This implements the announcement last November that China would establish a specialised IP court as part of a broad set of economic and institutional reforms. The measures fell short of those debated by academics and others following the original announcement, with many arguing for a new specialist IP appeals court at the high people's court level. The announcement comes as part of a focus on judicial reforms and rule-of-law in China in the build up to a major Communist Party meeting in October. More [here](#) and [here](#) (in Chinese).

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