

# W&B IP Newsletter

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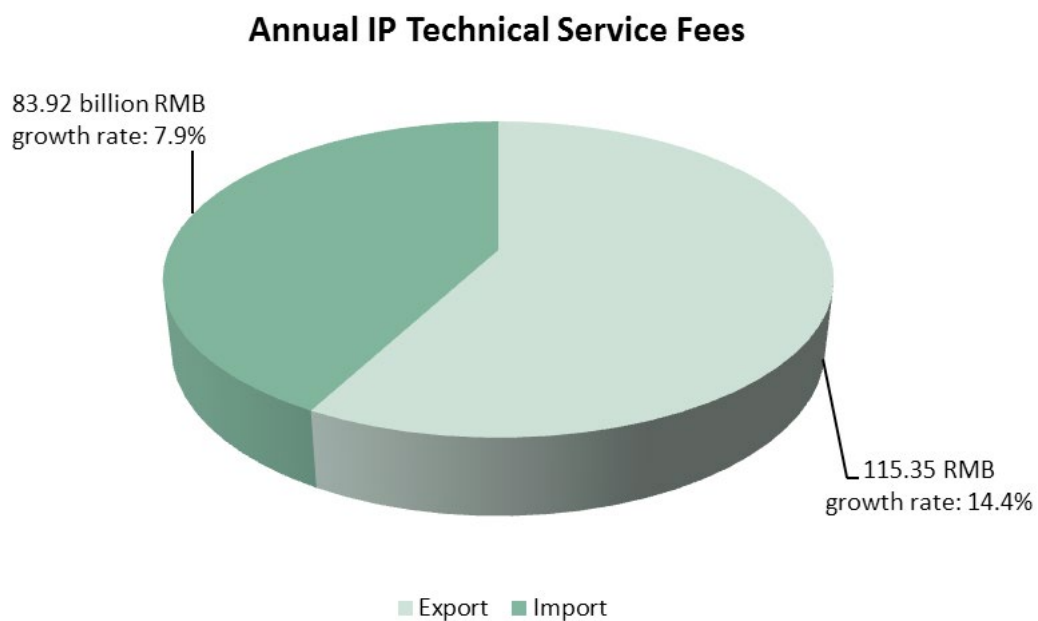
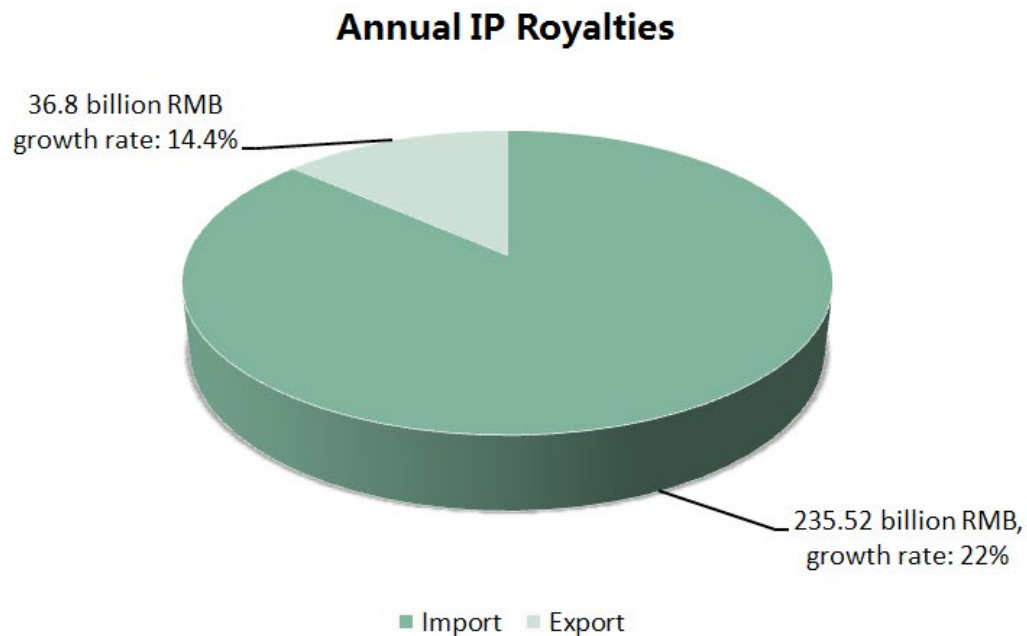
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## Intellectual Property Rights

### China's IP Import/Export Royalties Increase Substantially in 2018

According to a February 12<sup>th</sup> news report appearing on the official website of the Ministry of Commerce, the growth rate of China's services exports reached all-time highs over the past eight years; and the import/export growth rates are expected to remain high in December.



China is expected to report substantial increases in IP import/export royalties for 2018, which fact reveals that China is still in great need of high-end productive services even as its competitiveness in high-end product and service exports is increasing.

(Source: National Intellectual Property Administration)

## Intellectual Property Rights

### National Intellectual Property Administration Issues Notice on Changes in Service Stamps and Form/Petition Templates

As a consequence of institutional reform:

- the former Patent Reexamination Board has been merged into the National Intellectual Property Administration (“CNIPA”); and
- the former Trademark Office (“CTMO”), the Trademark Review and Adjudication Board (“TRAB”) and the Trademark Review and Cooperation Center (“TRCC”) under the State Administration for Industry and Commerce (“SAIC”) have been reorganized and merged into the Trademark Office under the authority of CNIPA.

The merged administrations will no longer exist as independent entities.

In order to ensure the smooth and orderly operation of the IP review process, the following matters have been announced:

1. After the institutional adjustment, patent reviews and trademark reviews will be carried out under the name of CNIPA. The names of the former PRB and the former CTMO, TRAB and TRCC bureaus under the authority of SAIC will no longer be used.

The procedures used by the former PRB and the former CTMO, TRAB and TRCC under SAIC will remain unchanged. Unfinished matters at these institutions will be handled by the new institutions, which will assume all of their functions and powers. Notices and documents that have already been issued, administrative decisions that have already been made, and agreements that have already been signed will remain in effect.

2. After the institutional adjustment period, the service stamps used by the former PRB, CTMO, TRAB and TRCC will be abolished, and new service stamps will simultaneously come into use.

3. After the institutional adjustment period, CNIPA will be used as a unified name in request form/petition templates and notice /petition templates that are used for patent and/or trademark reviews, and they will replace the names of the former Patent Office, CTMO, PRB, TRAB and TRCC.

Applicants/Petitioners may download the revised request form/petition templates from the following URLs as of March 1st, 2019:

Patent services request forms

<http://www.cnipa.gov.cn/bgxz/index.htm>

Trademark services request petitions:

<http://sbj.saic.gov.cn/sbsq/sqss/>

4. The new service stamps and request form/petition templates will come into official use as of April 1st, 2019. The former service stamps and request form/petition templates will be abolished at the same time.

5. After the institutional adjustment period, the office address of the new institutions responsible for patent reexamination and invalidity review will remain unchanged.

The office address of the new institutions responsible for trademark registration review will also remain unchanged, as will the office address of the new institution responsible for trademark disputes.

(Source: National Intellectual Property Administration)

## Trademark

### National Intellectual Property Administration Publishes Several Provisions on the Regulation of Trademark Applications and Registrations (Draft for Comments)

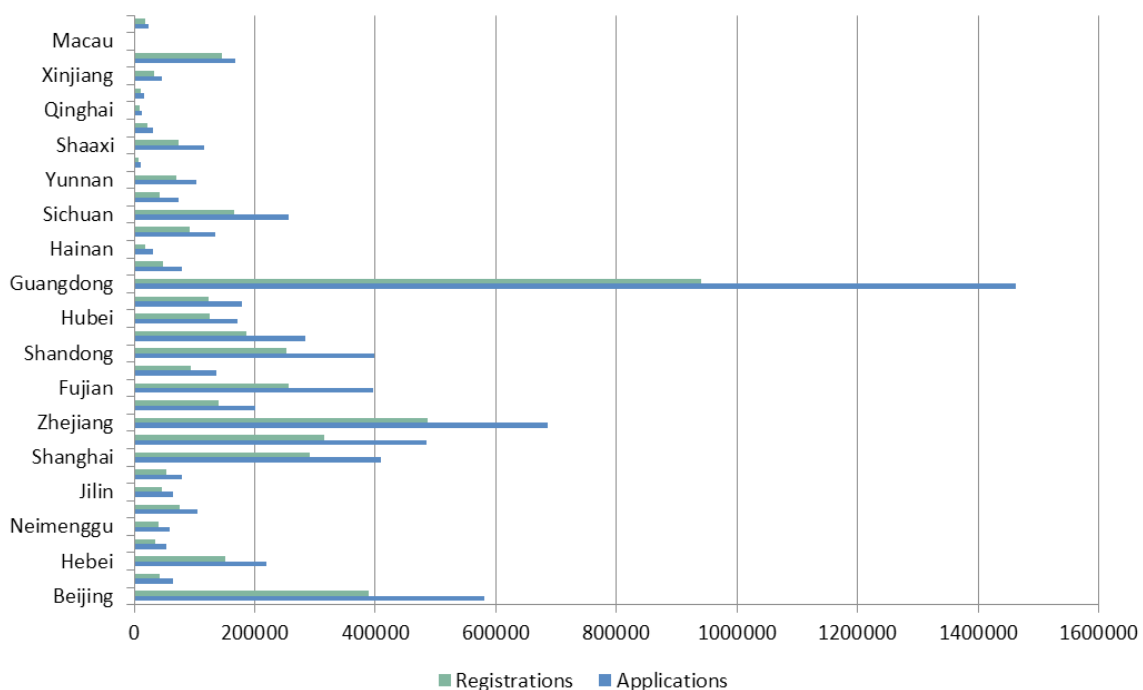
On February 12<sup>th</sup>, the National Intellectual Property Administration (“CNIPA”) published the Several Provisions on the Regulation of Trademark Applications and Registrations (Draft for Comments) together with explanations, to solicit comments from the general public. The public may log on to CNIPA’s official website or follow CNIPA’s official WeChat account to read the Draft for Comments and the explanations. Related entities and individuals from various industries may send their suggestions for revision and improvement of the Draft for Comments to tiaofasi@sipo.gov.cn before March 14<sup>th</sup>, 2019.

The Draft for Comments includes eight articles covering five topics: (i) the legislative purposes of the Draft, as well as a restatement of the good faith principle established by the Trademark Law and the principle that applications for trademark registration must be conditioned upon intent to use (Article 1 and Article 2); (ii) an enumeration of the various types of abnormal trademark applications (Article 3); the legal consequences of submitting abnormal trademark applications (Article 4); (iv) credit records, statistical standards and agency regulation, the regulation of abnormal trademark applications, and the corresponding rights of the parties involved (Article 5 and Article 6); (v) clarifying the duties of administrative authorities at all levels concerning the guidance and regulation of trademark applications, and encouraging the public to report and supervise abnormal trademark applications.

(Source: National Intellectual Property Administration)

### Major Trademark Statistical Data for Provinces and Cities during the Fourth Quarter of 2018

On January 18<sup>th</sup>, the CNIPA Trademark Office published trademark statistics for provinces and cities during the fourth quarter of 2018. According to these statistics, the top five provinces and cities in terms of the number of applications, the number of registrations and the number of valid registrations (above one million) are: Guangdong, Zhejiang, Beijing, Jiangsu and Shanghai.



(Source: Trademark Office of the National Intellectual Property Administration)

## Patents

### China Leads the World in AI-Related Patent Applications Filed by Academic Institutions

According to a report released by WIPO, the number of AI-related patents around the globe doubled between 2013 and 2016. Enterprises from the United States and Japan are in the lead with respect to AI-related patent applications filed by enterprises, while China is rising sharply in the academic sector.

According to a report in the Nihon Keizai Shimbun on February 11th, 2018, a WIPO survey revealed that the total number of AI-related patents has reached around 340,000 since AI research began in the 1950s, and 53 percent of these are inventions since 2013. The number of AI-related patents accounts for only 0.6% of the total number of patents, however. This is the first report released by WIPO that focuses on AI-related patents.

The United States and Japan lead the world in terms of the number of applications filed by enterprises, e.g. U.S. IBM is in first place with a total of 8290 patents, with second to fifth place being occupied by Microsoft (U.S.), Toshiba (Japan), Samsung (S. Korea) and NEC (Japan). In the academic sector, China is rising sharply: 17 of the top 20 universities and public research institutes filing AI-related patents are from China, with the Chinese Academy of Sciences and Tsinghua University taking first and second place, respectively.

(Source: www.huanqiu.com)

## Copyrights

### National Copyright Administration Publishes 2019 First Early Warning List of Works Endowed with Focused Copyright Protection

According to the *Opinions of the Office of the National Copyright Administration on Further Strengthening the Supervision and Administration of Copyrights in Works Disseminated via the Internet* and the Focused Supervision and Administration Action Plan of the National Copyright Administration, the 2019 first early warning list of works endowed with focused copyright protection was published based on the rights status reported by the relevant copyright owners.

| No. | Work Title                                  | Copyright Owner   | Play Dates        |
|-----|---|---|-------------------|
| 1   | The Wandering Earth                         | China Film Group Corporation                              | 2019.2.5~2019.3.5 |
| 2   | Crazy Alien                                 | Beijing Huaihouzi Cultural Industry Development Co., Ltd. | 2019.2.5~2019.3.5 |
| 3   | The New King of Comedy                      | Beijing Ruilian Film Production Co., Ltd.                 | 2019.2.5~2019.3.5 |
| 4   | Pegasus                                     | Shanghai Bona Media Co., Ltd.                             | 2019.2.5~2019.3.5 |
| 5   | Integrity                                   | Sil-Metropole Organization Ltd.                           | 2019.2.5~2019.3.5 |
| 6   | The Knight of Shadows: Between Yin and Yang | iQIYI Pictures (Beijing) Co., Ltd.                        | 2019.2.5~2019.3.5 |
| 7   | Boonie Bears: Blast into the Past           | Fangtawild (Shenzhen) Animation Co., Ltd.                 | 2019.2.5~2019.3.5 |
| 8   | Peppa Celebrates Chinese New Year           | Alibaba Pictures (Beijing) Co., Ltd.                      | 2019.2.5~2019.3.5 |

Internet service providers should take the following protective measures concerning major films on the copyright protection early warning list: (i) Internet service providers providing content directly must not provide any works included in the early warning list; (ii) Internet service providers providing storage space must prohibit users from uploading any of the works included in the early warning list; (iii) Internet service providers, ecommerce websites and app stores providing search links must expedite their processing of issuing notices on the deletion of infringing content and the disconnection of infringing links that are submitted by right owners, with respect to the works included on the early warning list.

(Source: National Copyright Administration)

**Shanghai's "2018 Sword Net Action" Highly Effective**

In 2018 Shanghai's copyright administrative departments actively carried out its "2018 Sword Net Action" campaign, in which investigation and enforcement in cases involving Internet infringement and piracy have been strengthened. During 2018 a total of 2,049 inspections were conducted of various websites, among which four online infringement and piracy cases were filed. A total of 312,000 RMB in fines was imposed, seven infringing websites were shut down; 1,162 links to infringing websites were disconnected, and 327 illegal products were removed. Copyright administration, law enforcement officials and judicial authorities from Shanghai initiated a total of eight criminal prosecutions involving online piracy. One suspect was incarcerated, three suspects were arrested, nine suspects were released on bail pending trial, and three suspects were indicted.

In 2019 the Shanghai Municipal Copyright Office will further strengthen communication and coordination with other related authorities such as the Vice Squad, the Cyberspace Administration, the Communications Administration and the Public Security Bureau, and it will give full play to the functions of these authorities. The office will take the initiative to keep the pressure on online piracy, in order to create a harmonious and clean Internet environment.

(Source: National Copyright Administration)