

W&B IP Newsletter

Dec. 2019, Vol. 32

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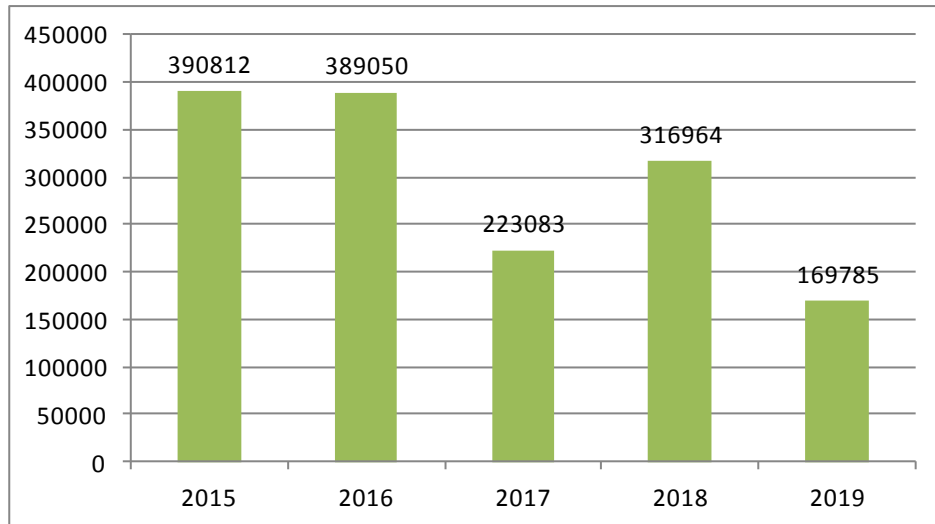
Website: www.watsonband.com

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Patents

Incopat: Latest Statistical Data regarding Filing and Granting of Utility Model Patents

Year-on-Year Statistical Data re Utility Model Patents
(Number of utility models filed and granted within the same year)

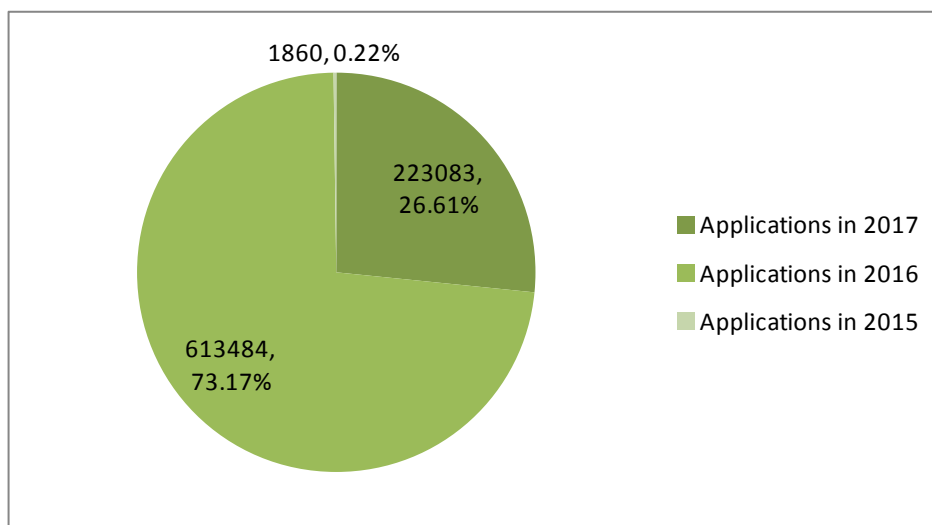


Although there is no standard period for a utility model patent from its filing till its granting, on the precondition that the annual examination period is relatively fixed (i.e. with no regard to the subtle difference that may exist), utility models that are filed and granted within the same year are still comparable.

Statistical Data re the Examination Period of Utility Model Patents (Referring to January to November of Each Year Only)

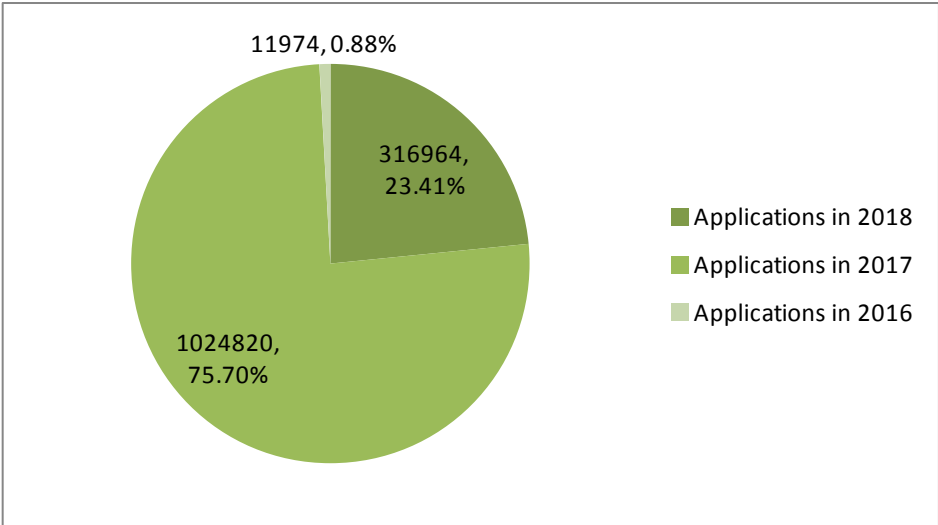
(i.e. Number of utility models filed in each period and granted within the same year)

Total in 2017: 838818

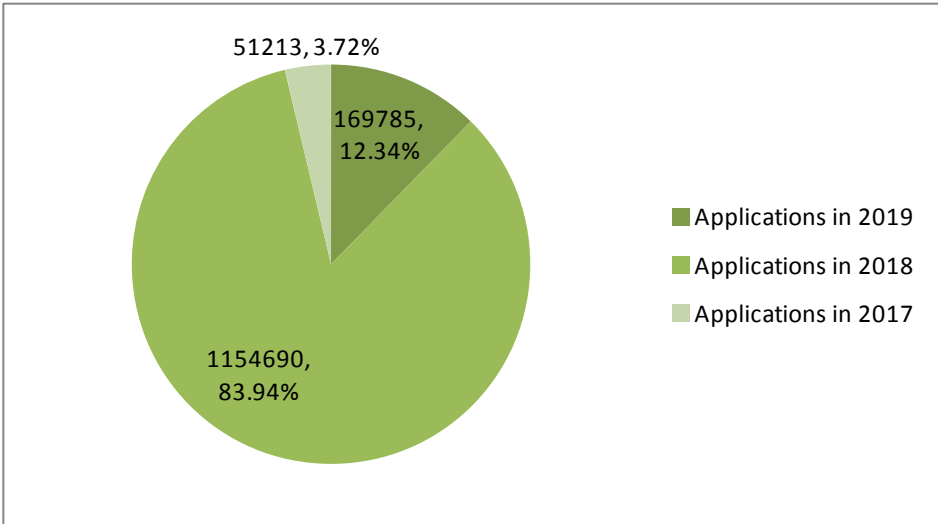


Patents

Total in 2018: 1354275



Total in 2019: 1376747



Notes: The data above is cited from the database Incopat. Error may exist due to incomplete disclosure or disclosure timeliness of the data.

The cited period of each year is January to November.

The data retrieval is made on November 26, 2019.

The data is for reference only. It does not represent complete statistics or take into account special circumstances, and is not relevant to any indicator. Accurate number shall be subject to corresponding official disclosures.

(Data source: Incopat)

Trademarks

Special Mark for Geographical Indication of P.R. China Officially Released

On the morning of December 3, 2019, National Intellectual Property Administration of officially released the special mark for geographical indication of P.R. China.



Said special mark above is an official mark established by the National Intellectual Property Administration, designed to certify that the geographical indication used on products bearing such a mark has been registered and approved by the National Intellectual Property Administration. According to the P.R.C. Trademark Law, the P.R.C. Patent Law and other related provisions, the National Intellectual Property Administration registers and puts on records the special mark for geographical indications and protects it as an official mark.

(Source: IPRdaily)

Criteria for Judging Trademark Infringement Released for Public Comments

On December 18, National Intellectual Property Administration released the Criteria for Judging Trademark Infringement (Draft for Comments) to solicit public comments.

According to the Draft for Comments, when judging whether trademark infringement has been constituted in an enforcement action, the trademark law enforcement authority should first determine whether the allegedly infringing act constitutes “trademark use” stipulated under the Trademark Law; when judging whether two trademarks are identical or similar, the authority should compare the registered trademark of the rights owner and the allegedly infringing trademark, especially the major identifying parts of the rights owner’s registered trademark and the allegedly infringing trademark, rather than the trademark actually used by the rights owner. When the trademark law enforcement authority determines “a trademark identical with the registered trademark” or “a trademark similar to the registered trademark”, it should exercise due care of the public with general knowledge and experience regarding the goods (services) when they select the goods (services); use the methods of separate observation, overall comparison and identifying part comparison, and take into consideration elements including the pronunciation, character pattern, meaning and arrangement of the trademarks.

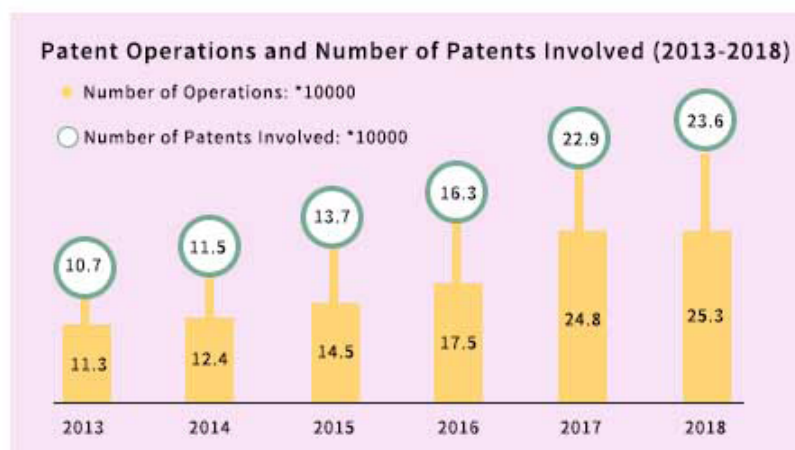
(Source: National Intellectual Property Administration)

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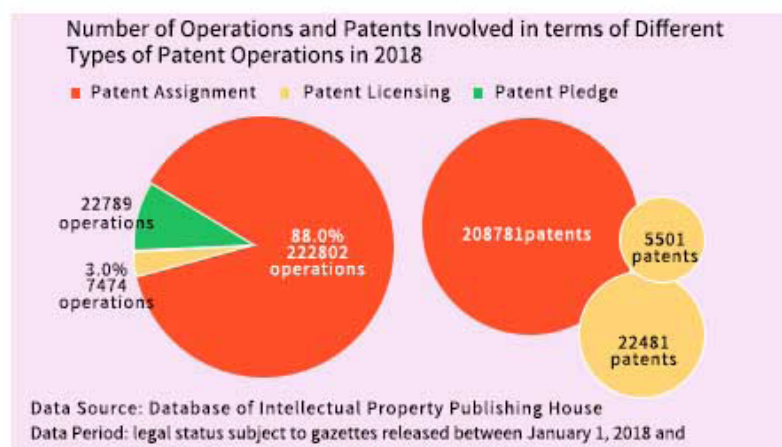
2018 Annual Report on Intellectual Property Operations in China (Essence Version) Released

Recently, the 2018 Annual Report on Intellectual Property Operations in China (hereinafter the “Report”), jointly compiled by the Application and Promotion Department of the National Intellectual Property Administration and the Intellectual Property Publishing House, has been finalized and will soon be officially published.

According to the Report, the total number of intellectual property operations in China in 2018 went in a normal and steady pace and reached 253,065, showcasing an annual growth of 2.1% with respect to 2017. Among said operations, 235,811 of them involved patents, showcasing an annual growth of 3.1% with respect to the preceding year. Of all the valid registered trademarks in China, 393,373 trademarks experienced assignment within the year, reaching a total of 397,214 assignments; and 19,011 trademarks were licensed, adding up to an accumulation of 26,894 licenses.

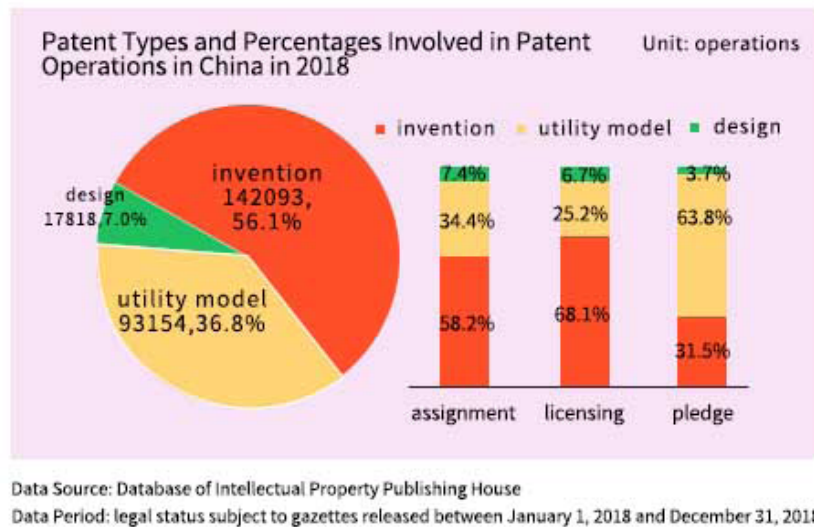


Data Source: Database of Intellectual Property Publishing House
Data Period: publication/announcement date as of December 31, 2018



Data Source: Database of Intellectual Property Publishing House
Data Period: legal status subject to gazettes released between January 1, 2018 and December 31, 2018

Intellectual Property



2019 World Intellectual Property Report Released

Recently the World Intellectual Property Organization held its press conference in Geneva and released the 2019 World Intellectual Property Report (hereinafter the “Report”). Through analyzing tens of millions of patents and scientific publication reports in the past decades, the Report finds that the global innovation activities tend to work together more closely to a gradually increasing extent of internationalization.

According to the Report, the number of patents and scientific activities in about 30 hotspot areas of big cities accounted for 69% and 48% of the globe’s total numbers during 2015 to 2017. Most of these big cities are located in China, Germany, Japan, South Korea and the United States.

Also according to the Report, innovative cooperation is also becoming closer and closer. In the beginning of the 21st century, 64% scientific papers were completed through teamwork and 54% patents were acquired in the name of inventors’ team, while these figures has risen up to 88% and 68% in recent years. In terms of patents, the percentage of inventions completed through international cooperation kept on increasing and reached 11% in 2009, although it slightly dropped later on partly because of the rapid development of domestic cooperation in some countries.

Most international cooperation occurs in hotspot areas in top big cities. The top 10 hotspot areas, including San Francisco – Saint Jose, New York, Frankfurt, Tokyo, Boston, Shanghai, London, Beijing, Bangalore and Paris, accounted for 26% of the total number of international cooperation inventions, and the hotspot areas in the United States are those concentrating the most intimate international cooperation.

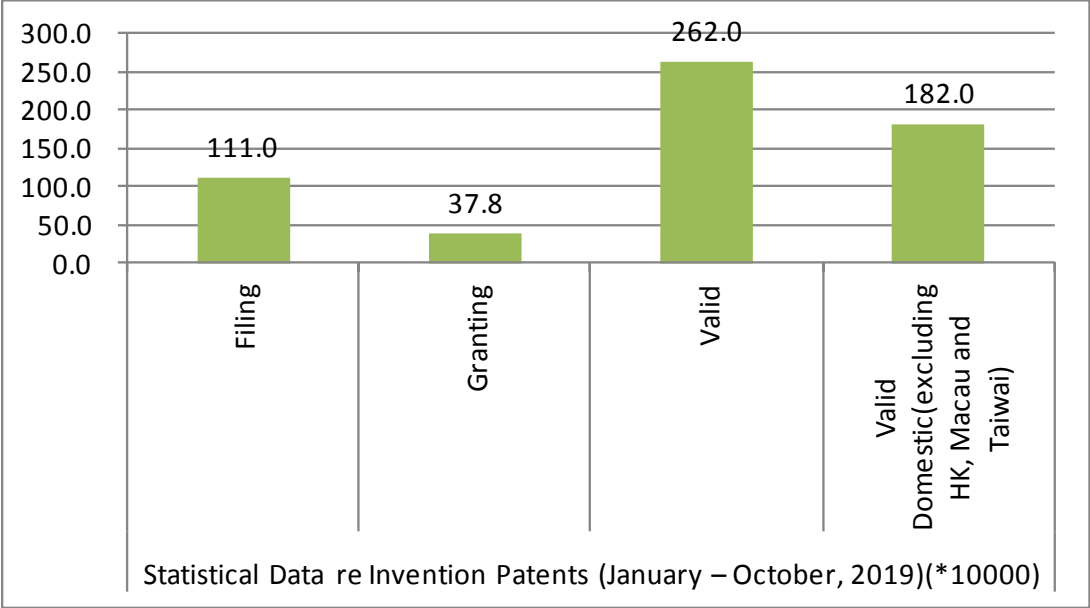
(Source: people.cn)

National Intellectual Property Administration Released Statistical Data of Patents, Trademarks and Geographical Indications through January to October 2019

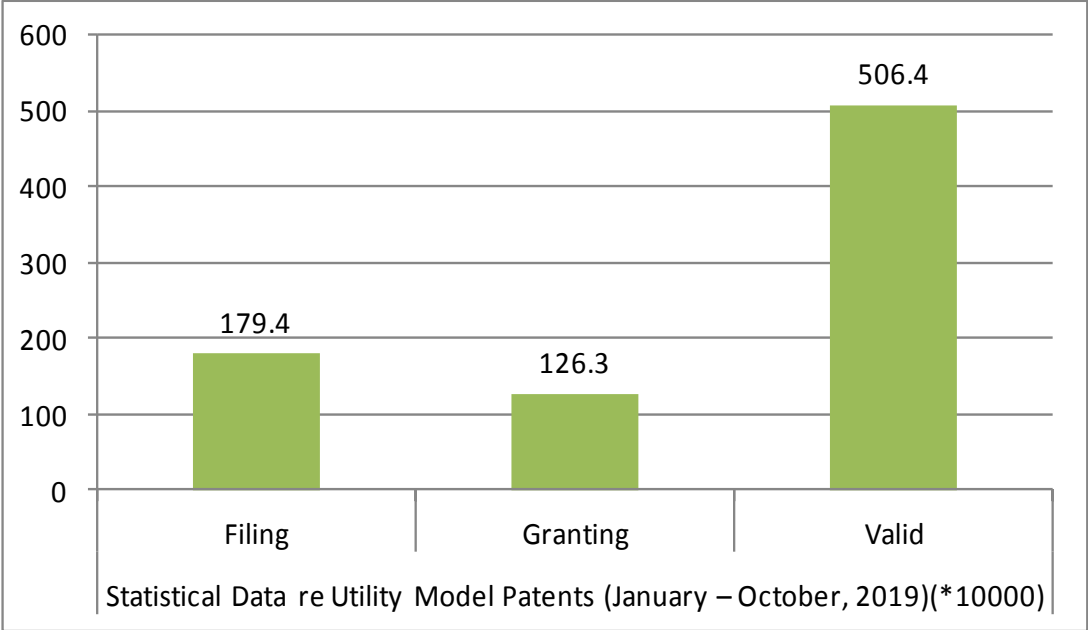
Recently, the National Intellectual Property Administration released the statistical data of major IP rights through January to October 2019, among which,

Intellectual Property

Statistical Data re Invention Patents (January – October, 2019)

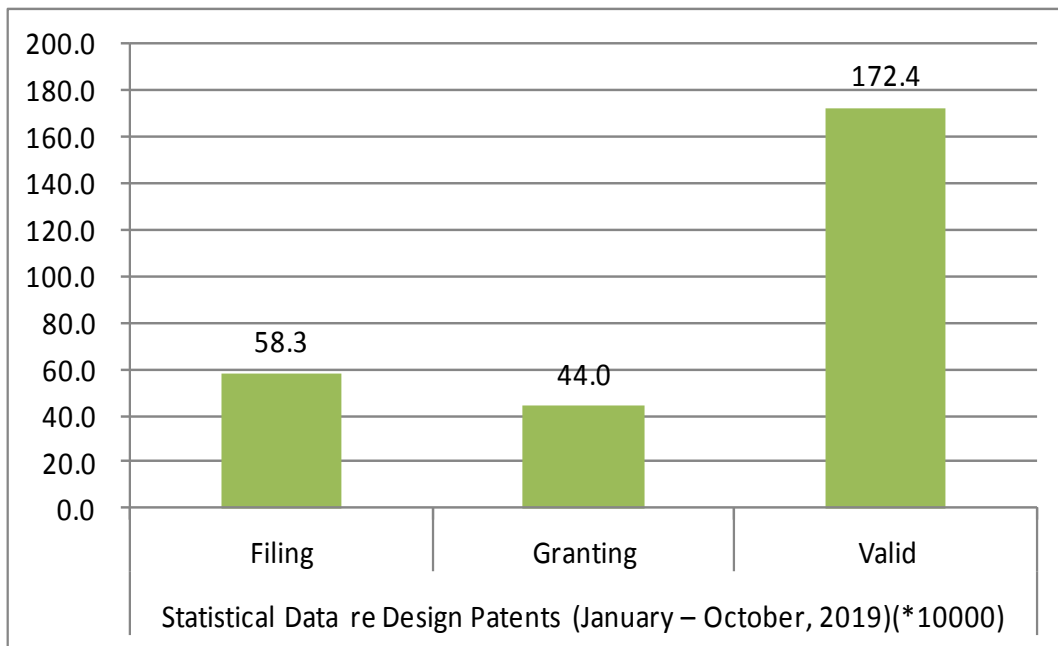


Statistical Data re Utility Model Patents (January – October, 2019)

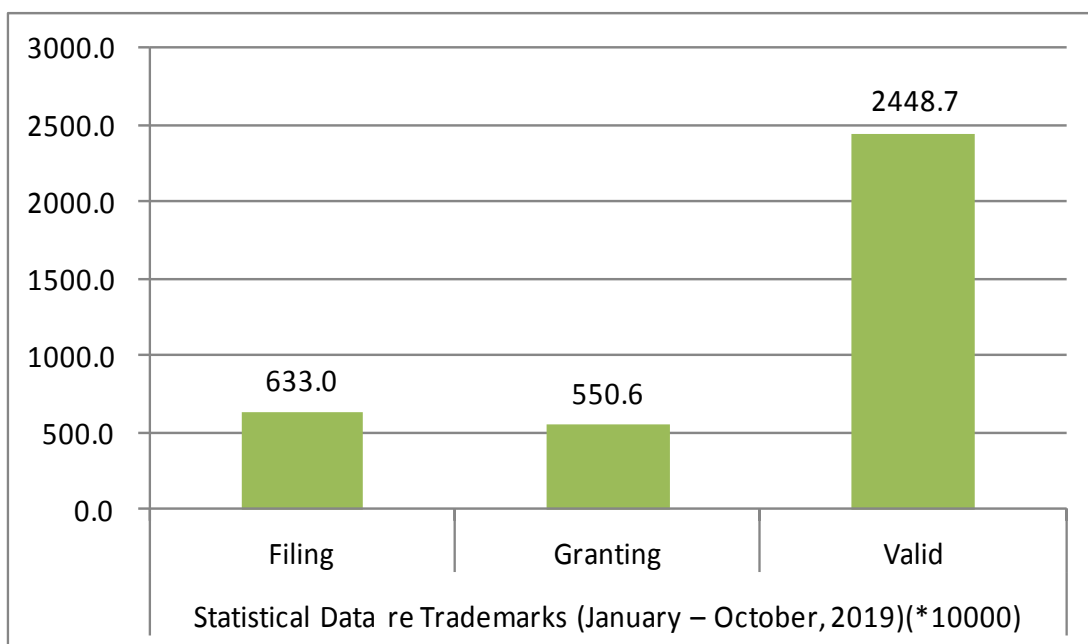


Intellectual Property

Statistical Data re Design Patents (January – October, 2019)



Statistical Data re Trademarks (January – October, 2019)



Through January to October, 2019, the National Intellectual Property Administration approved registration of 369 geographical indications and protection for 5 products bearing geographical indications; also the Administration approved 166 enterprises to use the special mark for geographical indications on their products. As of October 2019, an accumulated number of 5231 geographical indications have been registered; 2385 products have been approved to bear geographical indications; and 8484 enterprises have been approved to use the special mark for geographical indications.

(Source: National Intellectual Property Administration)