

W&B IP Newsletter

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Trademark

Monthly Report on the Trial of Trademark Review and Adjudication Cases (Vol.2 of 2021)

1.Receipt of trademark review and adjudication cases (2021.1-2021.2)

Type of Case		Number	Year-on-year Increase
Application for various cases of review and adjudication	Applications for review of rejection	60515	20.03%
	Applications for complicated cases involving both parties	14050	48.99%
	Total	74565	24.60%

2.Trial of trademark review and adjudication cases (2021.1.16-2021.2.15)

Type of Case		Number	Year-on-year Increase
Trial and issue of various cases of review and adjudication	Issue of review of rejection	22953	176.34%
	Issue of complicated cases	6278	463.55%
	Total	29231	210.31%

3.Statistics of ruling outcome (statistics by type of case)

Type of Case	Review of Rejection			Invalidation			Review of Revocation			Review of Disapproval of Registration		
	Whole Rejection	Partial Rejection	Preliminary Approval	Whole Invalidation	Partial Invalidation	Validation	Whole Revocation	Partial Revocation	Disapproval of Revocation	Disapproval of Registration	Partial Disapproval of Registration	Approval of Registration
Number	15187	2115	5651	2942	584	1457	463	363	187	195	47	39
Percentage	66.17	9.21	24.62	59.04	11.72	29.24	45.71	35.83	18.46	69.40	16.73	13.88

4.Administrative reconsideration of trademark review and adjudication cases (2021.1.16-2021.2.15)

	Number	Year-on-year Increase (↑) or Decrease (↓)
Acceptance of administrative reconsideration applications	80	23.08% ↓
Conclusion of administrative reconsideration cases	118	195.00% ↑

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5. Administrative litigation work concerning trademark review cases (2021.1.16-2021.2.15)

	Number	Year-on-year Increase (↑) or Decrease (↓)	Month-on-month Increase (↑) or Decrease (↓)
First instance cases (as defendant)	1545	218.56% ↑	3.01% ↓
Second instance cases (as appellee)	911	287.66% ↑	18.62% ↑
Retrial cases (as respondent)	99	4850.00% ↑	661.54% ↑

(Source: Trademark Review WeChat platform)

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Supreme People's Court Promulgates Judicial Interpretations on Punitive Damages in Civil Cases Involving Infringement of IP Rights

Recently, the Supreme People's Court promulgated the *Interpretations on the Application of Punitive Damages in the Trial of Civil Cases Involving Infringement of IP Rights* (hereinafter the "Interpretations"), which came into effect on March 3, 2021.

The *Interpretations* stipulated in detail the scope of application of punitive damages in civil cases involving infringement of IP rights, the standard for identifying intent and seriousness, as well as the base amount and multiple for the calculation of the damages. The *Interpretations* aim to guide the courts at all levels to correctly apply the punitive damages and impose punishments upon serious infringement of IP rights with the clarified standards for adjudication under the Interpretations. The promulgation of the Interpretations is an important step for implementing the mechanism of punitive damages and demonstrates the determination of the People's Courts in comprehensively strengthening the judicial protection for IP rights, and is therefore of great significance for further optimization of the legal environment supported by scientific innovation.

(Source: Supreme People's Court)

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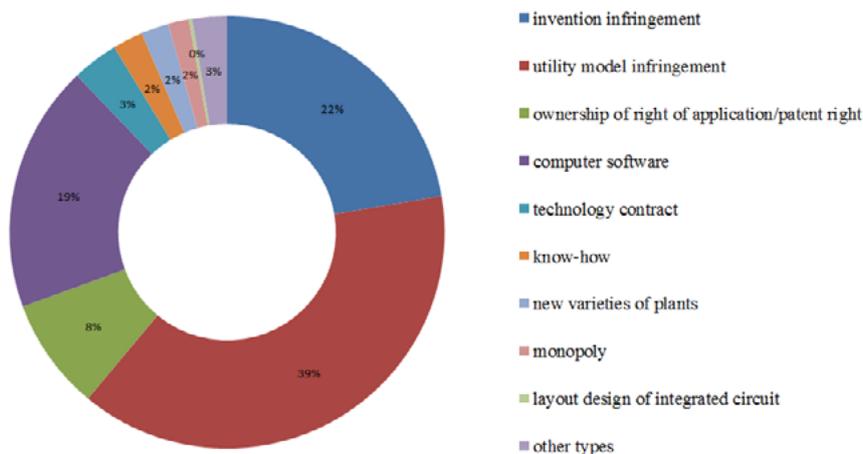
Intellectual Property Tribunal of Supreme People's Court Publishes 2020 Annual Report

1. Basic Data Statistics of the Cases

	Cases Received			Cases Concluded		
	2020	2019	Annual Growth Rate	2020	2019	Annual Growth Rate
Technical IP-related Cases	3176	1945	63%	2787	1433	95%
Appellate Civil Substantive Cases	1948	962	102%	670	241	178%
Appellate Administrative Substantive Cases	1742	586	197%	494	140	248%

2. Statistics of Case Types

Types and Numbers of Disputes Involved in Newly-received Appellate Civil Substantive Cases



Types and Numbers of Disputes Involved in Newly-received Appellate Administrative Substantive Cases

Type	Number	Detailed Classification	Number
Administrative Cases Involving Granting and Confirmation of Rights	622	Reexamination of Rejection of Applications for Invention Patents	226
		Reexamination of Rejection of Applications for Utility Model Patents	18
		Reexamination of Rejection of Applications for Design Patents	2
		Invalidation of Invention Patents	175
		Invalidation of Utility Model Patents	149
		Invalidation of Design Patents	52
Administrative Handling	17	/	
Other Types	31	/	

Intellectual Property

WIPO Publishes IP Statistical Data of 2020: China Takes the Lead in PCT and Madrid Trademark Applications

Overview

On March, 2021, World Intellectual Property Organization (“WIPO”) published the statistical data of international applications and registrations of patents, trademarks and industrial designs in 2020. China again took the lead in PCT and Madrid trademark applications with its excellent performance in 2020.

Use of the international trademark system dipped, but only slightly. This was expected given that trademarks tend to represent the introduction of new goods and services – both of which slowed as a result of the global pandemic. International trademark applications via WIPO’s Madrid System for the International Registration of Marks decreased by 0.6% to 63,800 in 2020 - the first decline since the global financial crisis of 2008-2009.

Worldwide demand for IP rights, which help innovators and enterprises take their ideas to the market, has historically and broadly tracked global economic performance. However, growth over the past decade in the use of WIPO’s global IP services, most notably the PCT, has outperformed global GDP growth.

International Patent System(Patent Cooperation Treaty – PCT)

International patent applications filed via WIPO’s Patent Cooperation Treaty (PCT), which is one of the widely used metrics for measuring innovative activity, grew by 4% in 2020 to reach 275,900 applications – the highest number ever, despite an estimated drop in global GDP of 3.5%.

China (68,720 applications, +16.1% year-on-year growth) remained the largest user of WIPO’s PCT System, followed by the U.S. (59,230 applications, +3%), Japan (50,520 applications, -4.1%), the Republic of Korea (20,060 applications, +5.2%) and Germany (18,643 applications, -3.7%).

International Trademark System(Madrid System)

U.S.-based applicants (10,005) filed the largest number of international trademark applications using WIPO’s Madrid System in 2020, followed by those located in Germany (7,334), China (7,075), France (3,716) and the U.K. (3,679).

Among the top ten origins, China (+16.4%) is the only country to record double-digit growth in 2020. The U.K. (+5.1%) and Italy (+3.6%) also reported notable growth. Outside the top ten origins, the Republic of Korea (+13.4%), Canada (+94.4%), and Denmark (11.5%) saw the strongest growth. In contrast, France (-16.3%) and Turkey (-15.4%) saw sharp declines.

International Design System(Hague System)

Despite a substantial decrease, Germany remained the largest user of the international design system, with 3,666 designs. The U.S. (2,211 designs) moved up from 6th position to become the second largest user of the Hague System in 2020. Switzerland (1,944 designs), the Republic of Korea (1,669) and Italy (1,231) are ranked third, fourth and fifth, respectively. Among the top ten origins, the U.S. (+62.7%), Turkey (+34.7%) and China (+22.7%) are the only three countries to record growth in 2020.

(Source: World Intellectual Property Organization)