

W&B IP Newsletter



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Patent

Over 100 Applications for Industrial Designs Filed on the Effective Date of the Hague Agreement in China

On May 5, 2021, *the Hague Agreement Concerning the International Registration of Industrial Designs* (the “*Hague Agreement*”) came into effect in China. On the same day, 49 Chinese companies filed 108 applications for international registration of industrial designs, of which the CNIPA received 58 international applications for industrial designs from Chinese applicants; on the other hand, by 5:30 pm Geneva time on the same day, WIPO received 50 international applications for industrial designs directly from Chinese applicants.

There are two ways for filing international applications for industrial designs through the Hague System: the applicant can either directly file the international application with WIPO’s international bureau; or if the intellectual property office of the involved contracting country so permits, the applicant can also indirectly file the international application through the contracting country’s intellectual property office. Under the Hague System, an international registration of industrial design will be valid for the first five years, and two following five-year renewals are allowed. In each designated contracting country subject to the 1990 Hague Agreement, the period of protection for each international registration will be at least fifteen years.

(Source: official WeChat account of the CNIPA)

WIPO China: New Report | Patenting Booms for Clean "Hydrogen Fuel Cell" Technologies for Transport

Innovation in transport-related hydrogen fuel cell technology has boomed since 2016, with China, Japan and Germany the top sources of patent applications for the technology that can power vehicles without creating emissions that contribute to global climate change, the new WIPO "Patent Landscape Report: Hydrogen Fuel Cells in Transportation" shows.

The global transportation sector accounts for about one quarter of all direct carbon dioxide, but the rapid recent uptake of electric vehicles and other indicators illustrate that consumers are primed to accept technological advancements that fight climate change, the report shows. A major area of growth in green tech innovation is the report's topic: Fuel cells that convert hydrogen and oxygen into electricity to power vehicles, emitting only water and warmth.

Between 2016 and 2020, the filing of patent applications in the hydrogen fuel cell sector increased by nearly a quarter (23.4%). In 2020, innovators located in China were the top filers with 7,261 applications, or 69% of the total, followed by Japan (1,186 applications, 11.3% of the total), Germany (646, 6.2%), Republic of Korea (583, 5.6%) and the United States (403, 3.8%).

Among the report's other key findings are:

Patent

◆ While China was ranked the fifth-largest patent filing country a decade ago, it is now the global leader and main contributor to the growth in this.

◆ Companies play a significant role in filing patents, with nearly 80% of all patent filings for fuel cells used in transportation.

◆ The top 30 companies account for 40% of all patent filings in fuel cells for transportation.

◆ Only one university/research institution, the Chinese Academy of Sciences, is in the top 30 applicants filing in this area.

◆ Company portfolios of active patents are still strongest in Japan, the U.S., the Republic of Korea and Germany, although the very strong filing trend from Chinese companies, if continued, is likely to shift this dynamic in the coming years. □ Only one university/research institution, the Chinese Academy of Sciences, is in the top 30 applicants filing in this area.

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(Source: WIPO China)(Source: European Patent Office)

Trademark

CNIPA Cracked down on 482,000 Trademarks Registered out of Bad Faith in 2021

CNIPA's Deputy Chairman, Mr. Zhimin He, said on April 24 that according to statistics, throughout the year 2021, during the trademark examination procedures the CNIPA cracked down on a total of 482,000 trademarks that were registered out of bad faith, among which the CNIPA rejected 60,400 trademarks that were filed out of bad faith for the purpose of trademark hoarding. Further, the CNIPA rejected 1,628 trademarks that were preemptively registered out of bad faith and harmed public interests.

During the trademark review and adjudication procedures, the CNIPA cracked down on an accumulative number of 30,000 trademarks registered out of bad faith. During the subsequent procedures, the CNIPA declared invalidity of 1,729 trademarks according to authority, which figure equaled five times the total of trademarks that had been declared invalid during the past ten years.

Also in the first quarter of 2022, the CNIPA rejected 12,200 trademarks that were filed out of bad faith for the purpose of trademark hoarding, along with 1,628 trademarks that were preemptively registered out of bad faith during the examination procedures. In addition, the CNIPA declared invalidity of 707 trademarks according to authority, and gave public exposure to 1,742 trademarks involving the Winter Olympics and the Winter Paralympic Games that were preemptively registered out of bad faith, along with the corresponding trademark applicants and trademark agencies.

(Source: www.chinanews.com)

Intellectual Property

2021 White Paper on Protection for IP Rights in China Officially Published

Recently, China's State Council Information Office hosted a press conference and published the *2021 White Paper on Protection for IP Rights in China* (the "White Paper"). According to the *White Paper*, China made positive progress in terms of its IP rights system construction, review, approval and registration, culture building and international cooperation.

In terms of effective protection, China's effective protection for IP rights in 2021 has been widely recognized by innovators from various countries and by the international community. Social satisfaction rating for China's IP rights protection has kept on rising to 80.61 (out of 100), 0.56 higher than that of the year 2020. Also, in the WIPO's 2021 Global Innovation Index, China advances two places ahead to No.12, keeping an active leader's state over the latest nine years.

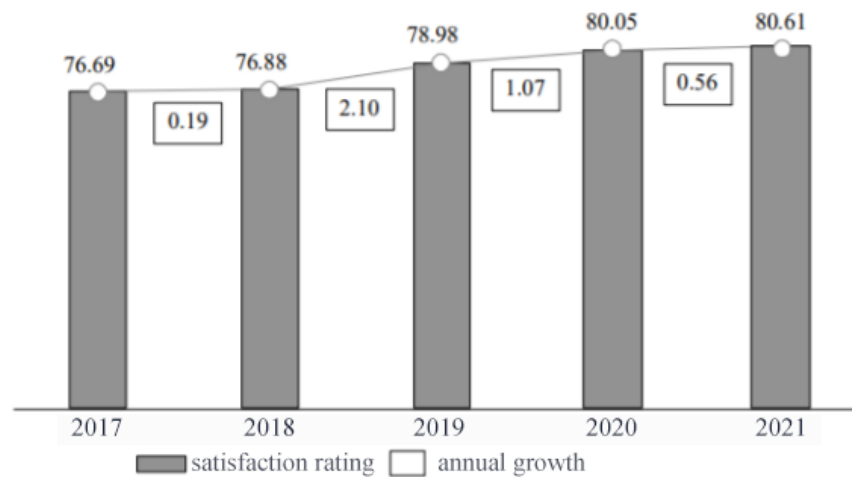


Fig 1 2017-2021 overall social satisfaction rating on IP rights protection in China (exclusive of Hong Kong, Macau and Taiwan Region)

Particularly, in terms of review, approval and registration, the numbers of granting, application or registration of various IP rights have kept on rising, showing an obvious enhancement of quality and efficiency of the CNIPA's examination work.

Statistics on granting/registrations/applications of IP rights in 2021		
	Number	Annual Growth Rate
Granting of invention patents	696,000	31.3%
Registrations of trademarks	7,739,000	34.3%
Applications for registration of Madrid Trademarks	5,928	-- (No.3 in the Madrid Union)
Registrations of copyrights	6,264,400	24.30%
Applications for the rights of new varieties of plants	9,721	22.85%

(Source: CNIPA's official website)

Intellectual Property

CNIPA Publishes Guidelines for Enterprises on IP Rights Protection

Recently, the IP Rights Protection Office under the CNIPA compiled and published the *Guidelines for Enterprises on IP Rights Protection* (the “*Guidelines*”), which provides reference answers for the IP rights protection work of the enterprises.

The *Guidelines*, covering seven aspects, namely strategy and organization management, human resources management, financial management, marketing, product and R&D management, production and supply chain management, in-house and IP rights management, systematically elaborate on the needs for IP rights protection in all sectors and phases during the enterprises’ operations, and encourage the enterprises to enhance their capabilities of IP rights protection from various aspects including awareness training, mechanism construction and practical operations.

(Source: China Intellectual Property News)