

W&B IP Newsletter

January of 2023, Vol. 69

Contents

Patent

CNIPA Releases the China Patent Survey Report 2022: the Industrialization Transfer Rate of China's Effective Invention Patents Reaches 36.7% in 2022	2
CNIPA Launches a New System for Handling Patent Related Matters on January 11	4
CNIPA Revises Interim Measures for Handling Related Matters after China's Accession to the Hague Agreement	4
CNIPA Clarifies the Handling of Relevant Examinations under Revised Patent Law	5



Website: www.watsonband.com

E-mail: mailip@watsonband.com | mail@watsonband.com

Patent

CNIPA Releases the China Patent Survey Report 2022: the Industrialization Transfer Rate of China's Effective Invention Patents Reaches 36.7% in 2022

On the regular press conference dated December 28, the China National Intellectual Property Administration (CNIPA) released the *China Patent Survey Report 2022*. According to the survey, the industrialization transfer rate of China's effective invention patents in 2022 reached a five-year record-high of 36.7%, indicating its continuously enhanced capability of supporting innovative development of real economy.

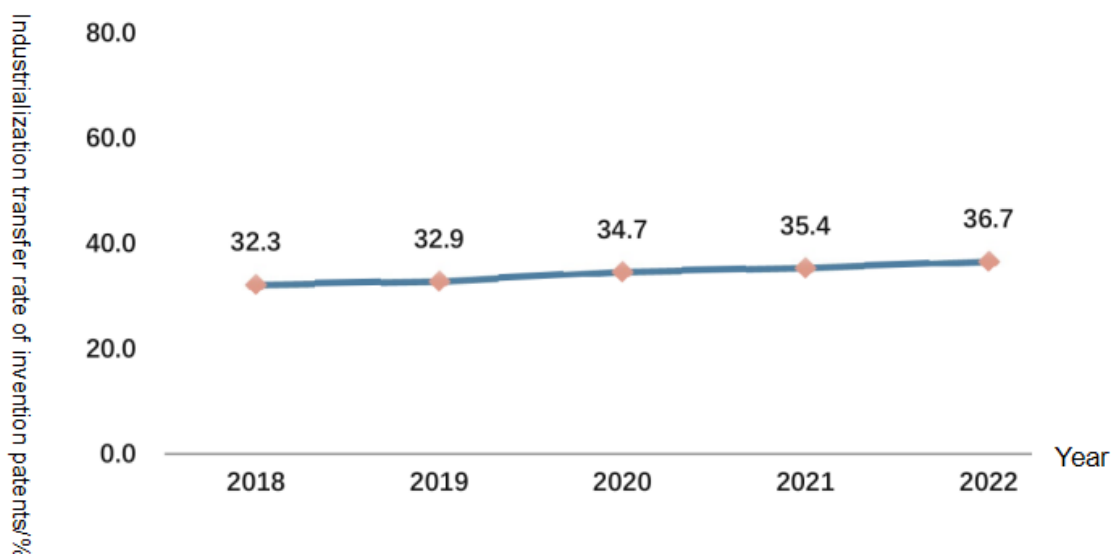


Figure 1 Industrialization transfer rate of invention patents from 2018 to 2022

The survey indicated a constant increase in China's industrialization transfer rate of patents driven by enterprises. In 2022, the industrialization transfer rate of effective invention patents by enterprises has increased by 1.3% to 48.1% compared with 2021. In China, almost 70% of effective invention patents are owned by enterprises, which play a more and more important role in the transfer and transformation of innovative achievements with a constantly enhanced capability of patent industrialization transfer.

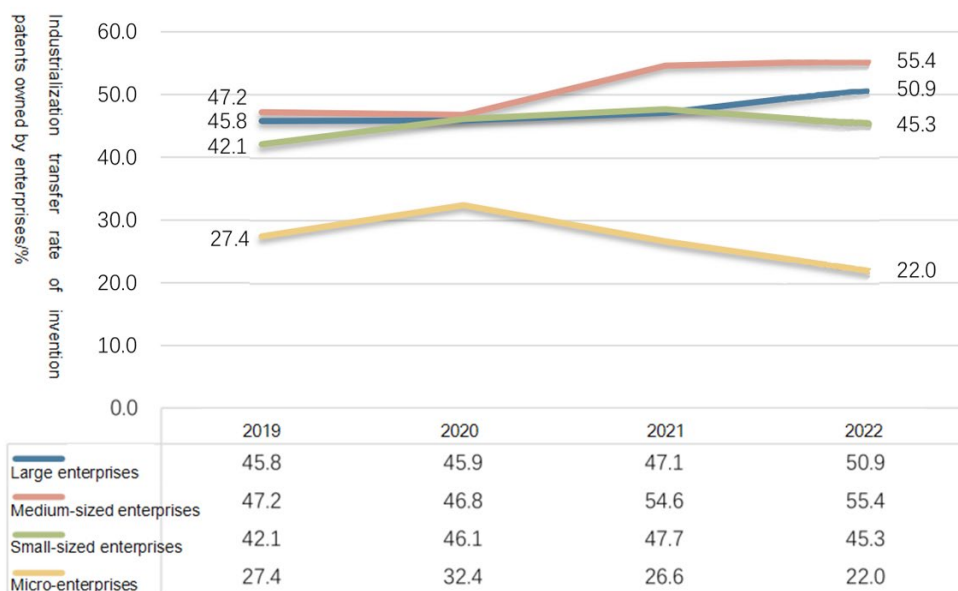


Figure 2 Industrialization transfer rates of invention patents owned by enterprises with different sizes from 2019 to 2022

Patent

Innovative enterprises in particular have a higher level of patent industrialization transfer. In 2022, the industrialization transfer rates of invention patents by high-tech companies and specialized, sophisticated, distinctive and innovative “Little Giant” enterprises were 8% and 17.2% higher than the average level of Chinese enterprises respectively. The national intellectual property advantage model enterprises serve as role models for their counterparts with a high industrialization transfer rate of 61.3%.

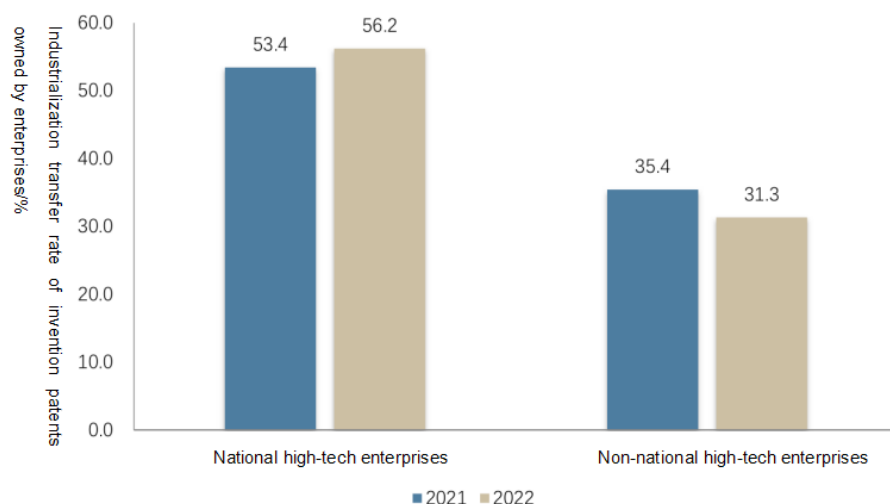


Figure 3 Industrialization transfer rate of invention patents owned by national high-tech enterprises from 2021 to 2022

In addition, according to the survey, the enterprises invested by Hong Kong, Macao and Taiwan investors boast the highest industrialization transfer rate of invention patents among others, reaching 66.8%, followed by 54.4% of foreign-invested enterprises. The patent industrialization transfer rates of private and state-owned enterprises are relatively low, which were 48.4% and 41.6% respectively, indicating that there is still room for improvement in the level of the patent industrialization transfer for domestic enterprises.

With China constantly strengthening its protection of intellectual property, a large amount of patent infringement has been effectively curbed. According to the survey, the proportion of patent holders affected by infringements dropped to 7.7% in 2022, lower than the over 10% during the 13th Five-Year Plan period and much lower than the peak rate of 28.4% during the 12th Five-Year Plan period. The survey also revealed more diversified enforcement measures taken by enterprises against patent infringement. 45.3% of patent holders have a general picture of punitive damages for patent infringement, indicating higher public awareness of “Strict Protection” of intellectual property.

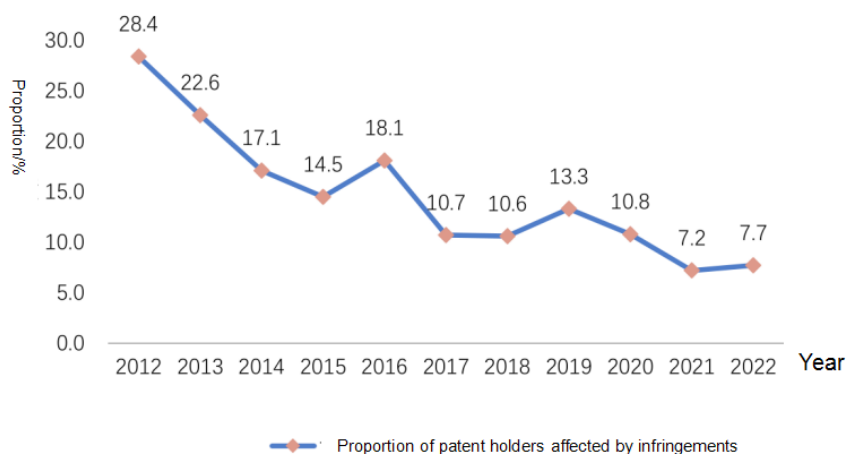


Figure 17 Proportion of patent holders affected by infringements from 2012 to 2022

Patent

China's patent survey is a departmental statistical survey system approved by the State Statistics Bureau, with an aim to investigate and analyze the innovations, protection and applications of Chinese patents. The survey has been annually conducted for consecutive 15 years. The patent survey of 2022 covered 24 Chinese provinces (including districts and cities) and 18,000 patent holders, collecting 82.1% of questionnaires.

(Source: China National Intellectual Property Administration, www.gov.cn)

CNIPA Launches a New System for Handling Patent Related Matters on January 11

On January 11, the China Intellectual Property Administration (CNIPA) launched a new system for handling patent matters with optimized design, smarter functions and streamlined processes to provide a highly effective and convenient "one-stop" platform for handling patent application, PCT international patent application, application for international registration for designs and other patent related matters.

It is reported that this new system has integrated and optimized multiple operational systems including the systems for electronic patent application, supplementation and management of payment information, patent matters services, PCT international patent application and application for international registration of designs, with web version, mobile APP and client software to improve user experience.

(Source: China Intellectual Property News)

CNIPA Revises Interim Measures for Handling Related Matters after China's Accession to the Hague Agreement

On January 6, the China National Intellectual Property Administration (CNIPA) issued the *Interim Measures for Handling Related Matters after China's Accession to the Hague Agreement (the "Measures")*, with effect from January 11, 2023 and on.

According to the Measures, a Chinese entity or individual may, in accordance with the provisions of Paragraph 2 of Article 19 of the Patent Law, and the *1999 Act of the Hague Agreement Concerning the International Registration of Industrial Designs (the "Hague Agreement")*, file an application for international registration of an industrial design, from May 5, 2022. The Measures clarify that an application for international registration of an industrial design for which the date of international registration has been determined in accordance with the *Hague Agreement* and China has been designated for design protection shall be deemed an application for an industrial design patent filed with the CNIPA, and the date of such international registration is deemed the filing date as mentioned in Article 28 of the Patent Law. The Measures also indicate that the CNIPA shall process an international application for an industrial design in accordance with the *Patent Law*, the *Implementing Rules of the Patent Law*, the *Guidelines for Patent Examination* and these Measures.

(Source: China National Intellectual Property Administration)

Patent

CNIPA Clarifies the Handling of Relevant Examinations under Revised Patent Law

On January 6, the China National Intellectual Property Administration (CNIPA) released the *Interim Measures for the Handling of the Relevant Examinations after the Implementation of the Revised Patent Law (the "Measures")*, with effect from January 11, 2023 and on.

According to the Measures, as of June 1, 2021, a patent applicant may file a design patent application in paper or electronic form for a partial design of a claimed product in accordance with the Paragraph 4 of Article 2 of the *Patent Law*. After the implementation of the *Measures*, for a patent application filed after June 1, 2021, the applicant may submit a request in paper or electronic form if the applicant holds that the circumstance prescribed in Paragraph 1 of Article 24 of the *Patent Law* applies. The CNIPA will examine the application after the newly revised *Implementing Rules* take effect. For a design patent application filed after June 1, 2021, the applicant may make a written claim for national priority for the claimed design under Paragraph 2 of Article 29 of the *Patent Law*.

(Source: China National Intellectual Property Administration)