



# 中国知识产权司法保护的数据驱动战略

## Data-driven Strategies for IP Litigation in China

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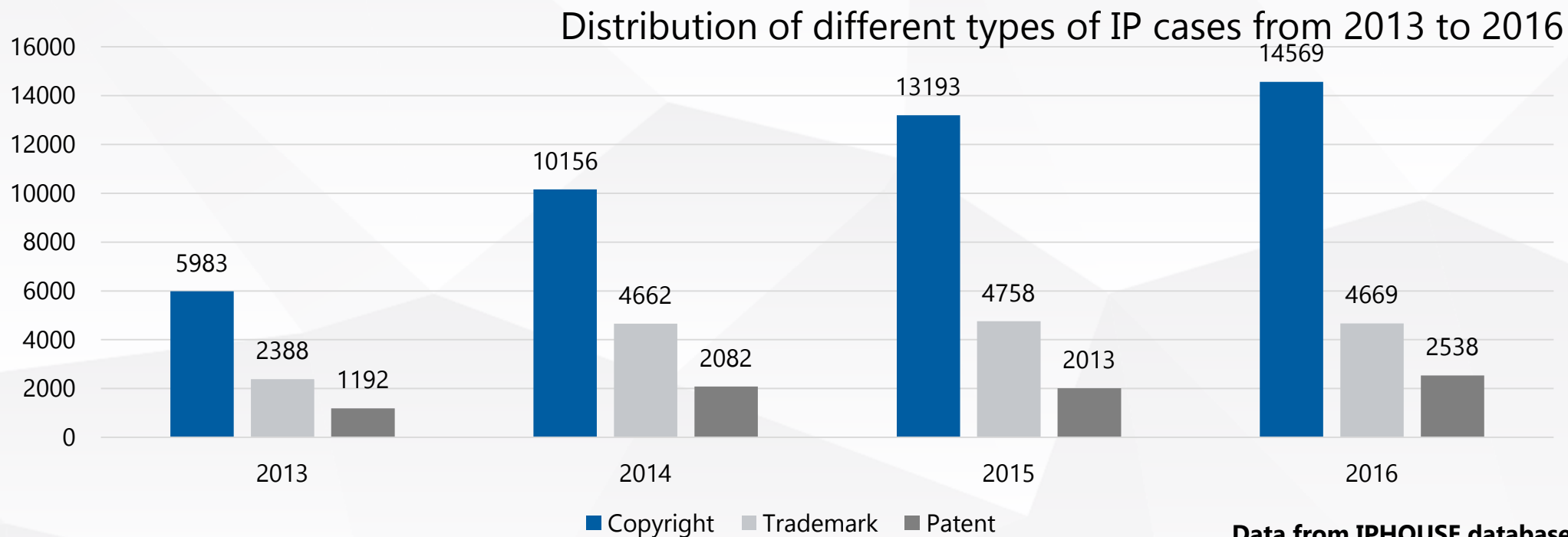
01

中国知识产权司法保护主要趋势和发展  
The Latest Trends in IP Protection in China

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对2013-2016年以判决结案的民事案件进行统计分析，如下图所示，显示2013-2016年中国审结的知识产权（此处仅包括著作权、商标、专利）民事案件整体上呈增长趋势。

The statistics on IP (hereinafter IP refers to Copyright, Trademark and Patent) civil cases **closed by China's courts with means of judgement** (hereinafter all the analyses under the same limits) from 2013 to 2016 are as follows. It shows a rising trend in general.



Data from IPHOUSE database

对2013-2016年一审侵权类案件的判赔情况进行统计，得到下表。

The statistics regarding the amounts of compensation on the IP civil cases in first trial period from 2013 to 2016.

The distribution of the amounts of compensation (¥ CNY) ordered by the courts

Year	Type	Copyright		Trademark		Patent	
		The avg. amount	The avg. claims support rate	The avg. amount	The avg. claims support rate	The avg. amount	The avg. claims support rate
2013		8839.7	26.9%	23026.2	26.2%	49540.2	39.6%
2014		11726.8	29.8%	25659.6	31.7%	45975.9	36.9%
2015		10781.0	32.0%	30539.5	34.3%	66048.6	38.2%
2016		10699.0	32.3%	38163.6	34.6%	165504.7	42.2%

Data from IPHOUSE database

02

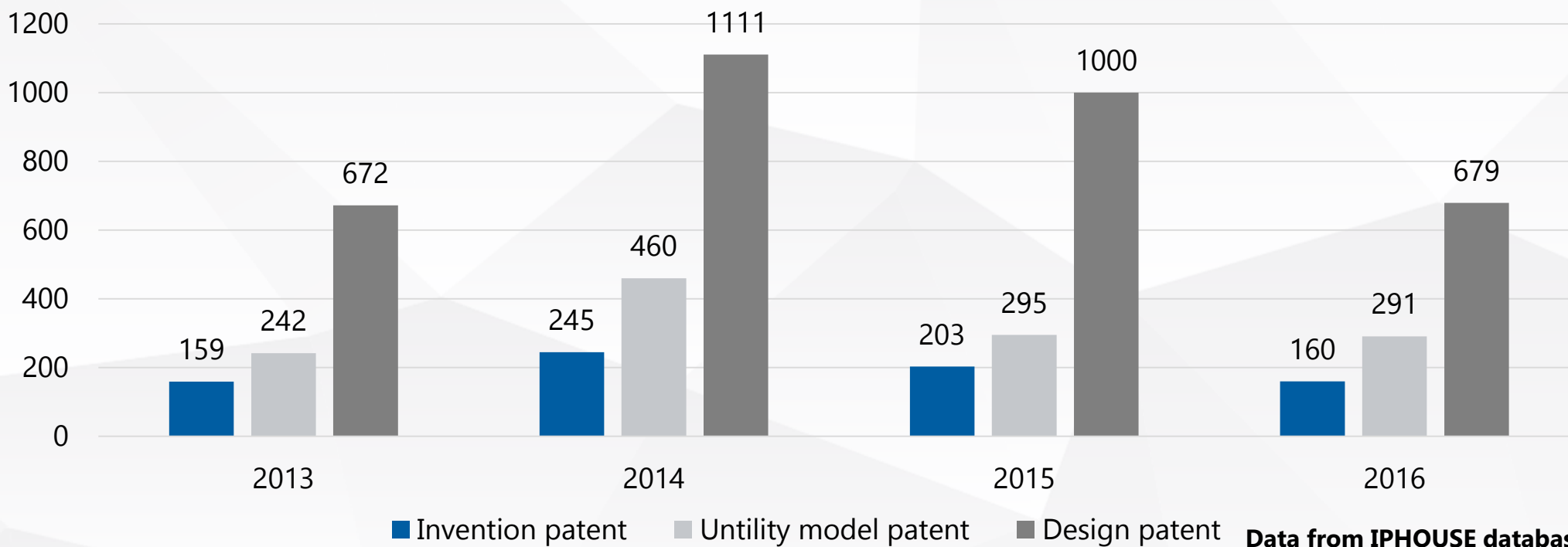
中国专利权司法保护数据情况  
Statistics on Patent Litigation in China

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以专利侵权案件为例，对以判决结案的案件进行统计分析，2013-2016年中国法院共审结5505件专利侵权案件，其中2013审结1072件，2014年审结1809件，2015年审结1496件，2016年审结1128件，下图是不同专利类别案件数量分布图。

Taking Patent infringement cases as the example, we are going to share some data with you which could be found nowhere. There were 5505 cases in total, with 1072 in the year 2013, 1496 in 2015 and 1128 in 2016.

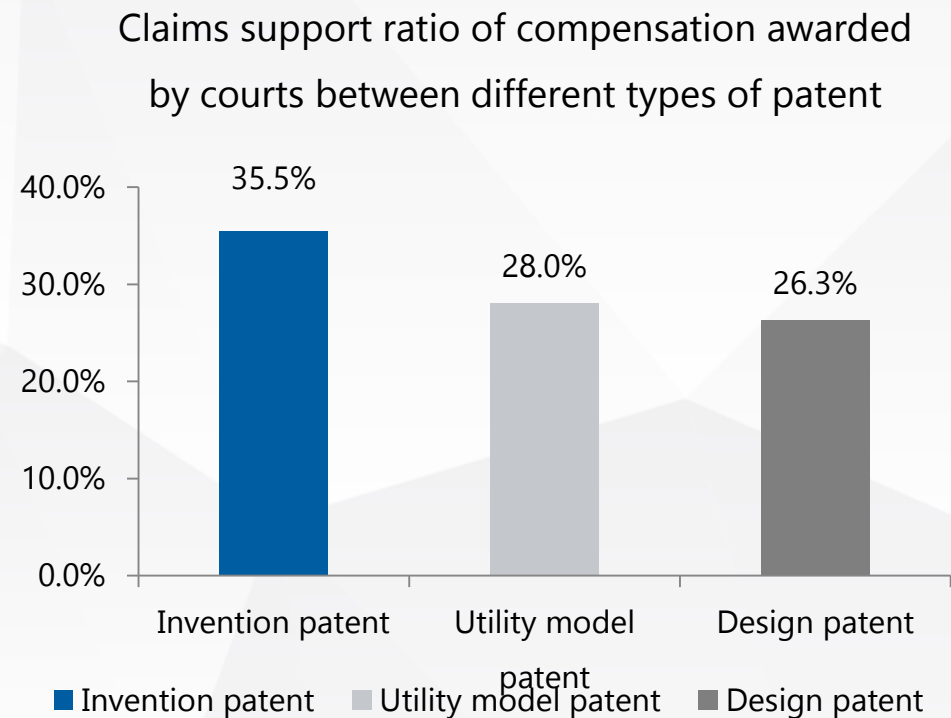
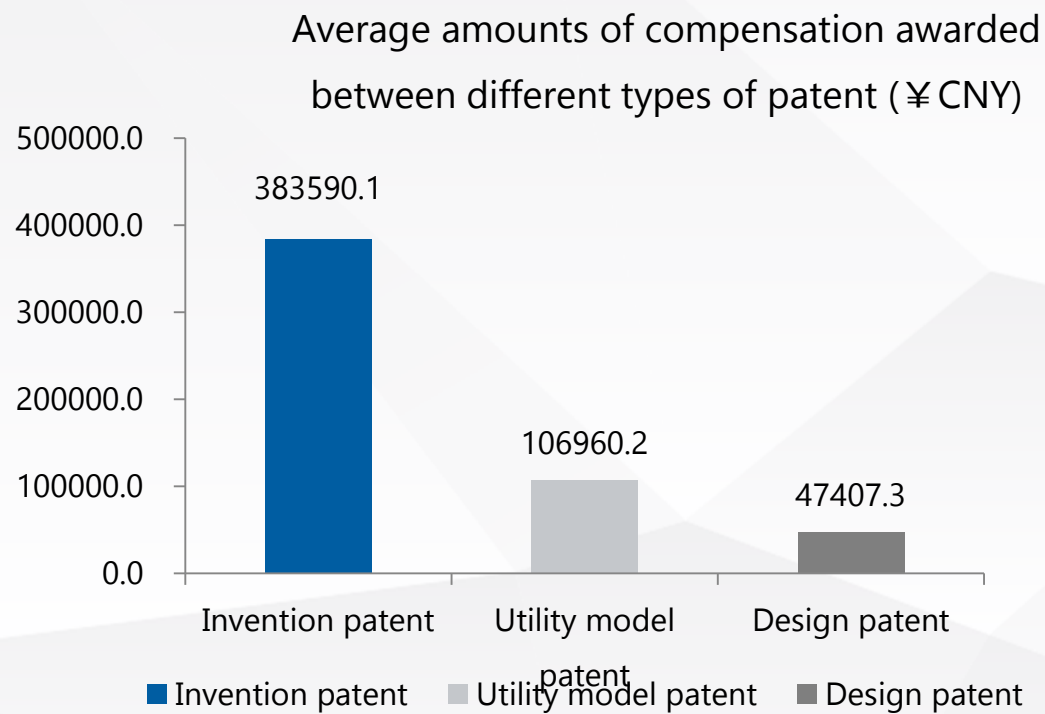
The amounts of cases between different types of patent from 2013 to 2016



Data from IPHOUSE database

2013-2016年专利侵权类案件判赔情况数据统计如下：

The statistics on the average amounts of compensation awarded between different types of patent of patent infringement cases from 2013 to 2016:





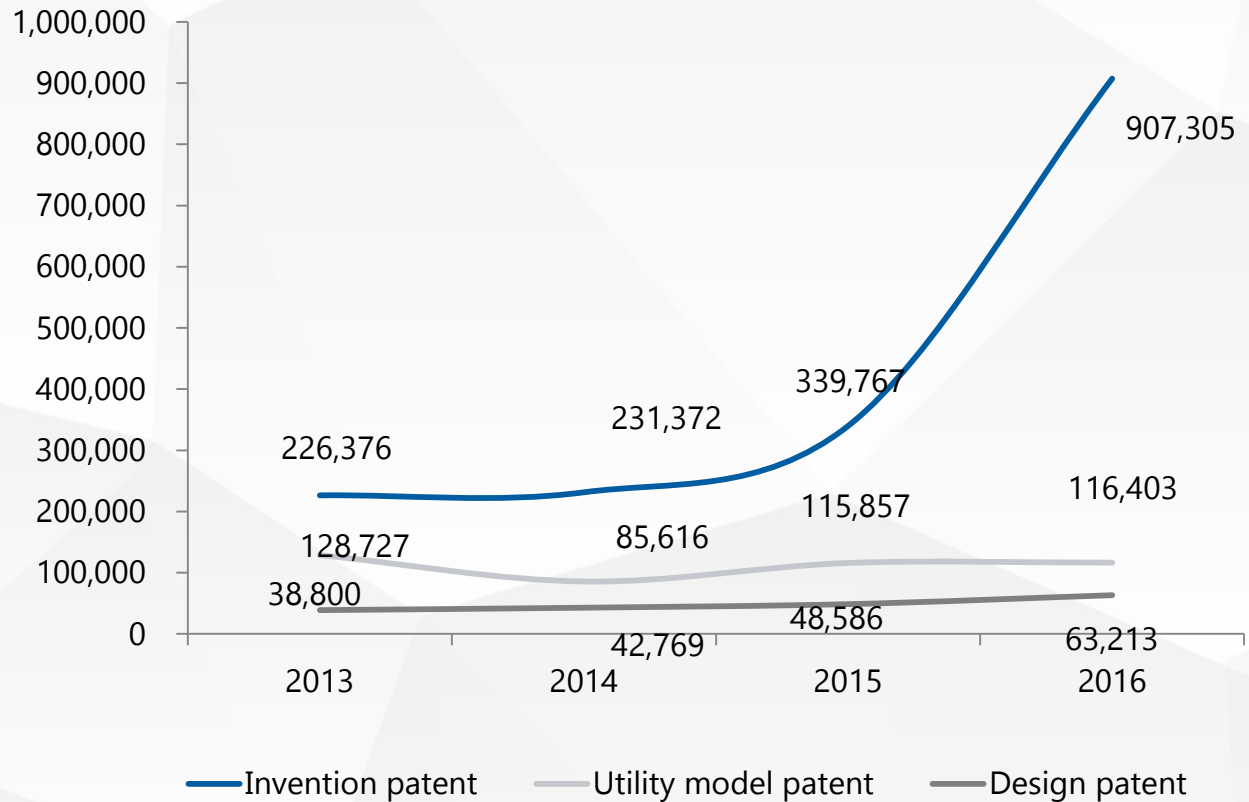
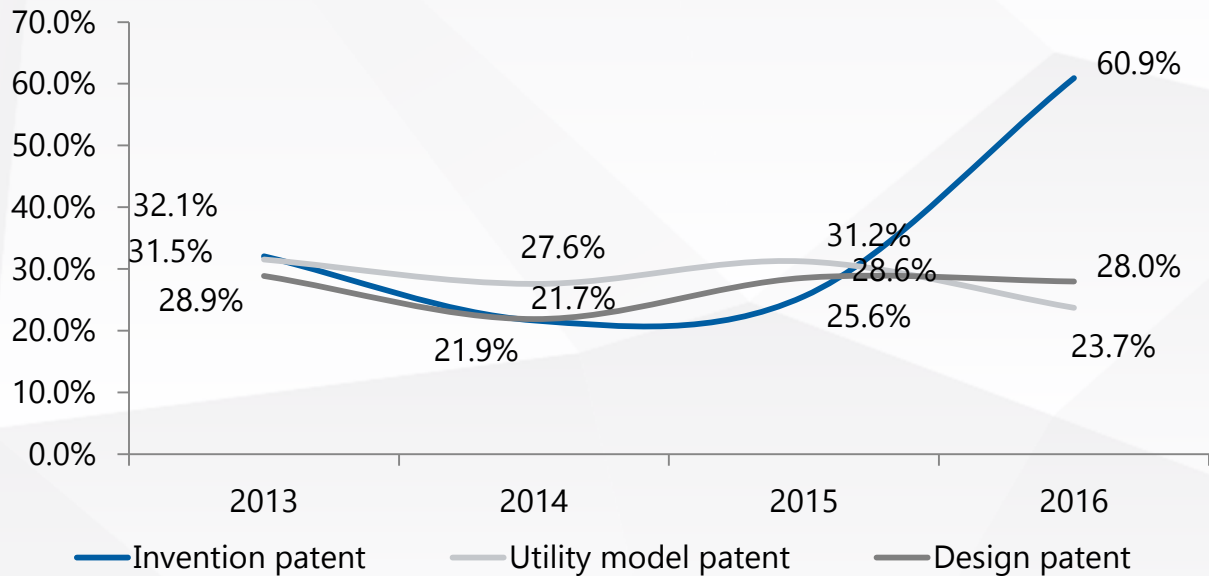
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以下是对2013-2016年专利侵权类案件年度判赔情况进行统计。

Belows shows the annual trends of the amounts of compensation .

Annual trend of the avg. amounts of compensation awarded by courts(¥ CNY)

Annual trend of the avg. claims support ratio by courts



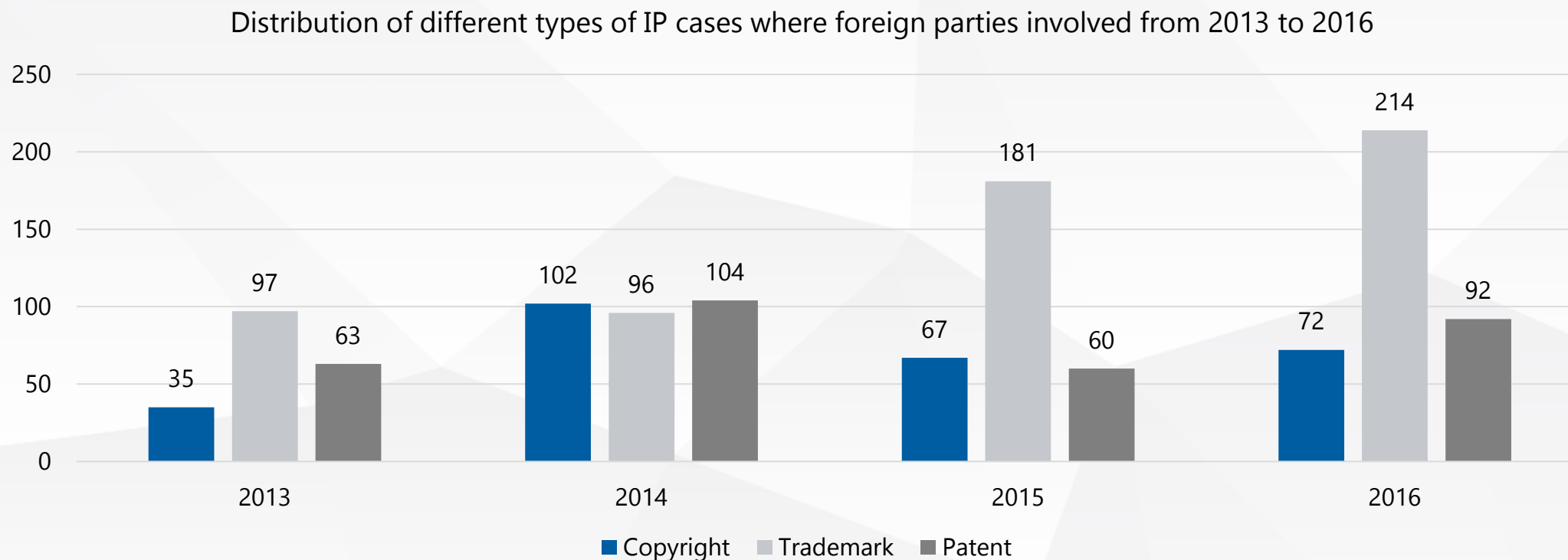
# 03

外国当事人司法保护数据情况

Statistics on IP Litigation where foreign parties involved

对2013-2016年以判决结案的民事案件进行统计分析，下图是当事人涉外案件案件类型年度分布图。

The statistics on IP civil cases where foreign parties involved from 2013 to 2016 are as follows.



对原告涉外的一审民事案件的判决结果进行分类统计，下表为（部分）支持原告诉讼请求案件占以判决结案案件数量比例分布表。

The following table shows the distribution of cases in which the foreign party is the plaintiff and is supported or partially supported by the courts in the trial results of the first instance.

The winning rate for foreign party as the plaintiff to win the litigation

Type \ Year	2013	2014	2015	2016
Copyright	89.3%	84.7%	86.4%	78.8%
Trademark	98.2%	91.7%	97.1%	81.9%
Patent	83.3%	97.5%	85.7%	74.0%

以专利侵权案件为例，对2013-2016年以判决结案的当事人涉外案件涉及的专利类别进行分类统计，可得下表。

In patent infringement cases, the data of number of cases related to different types of patent from 2013 to 2016 shows in the below.

The number of cases related to different types of patent

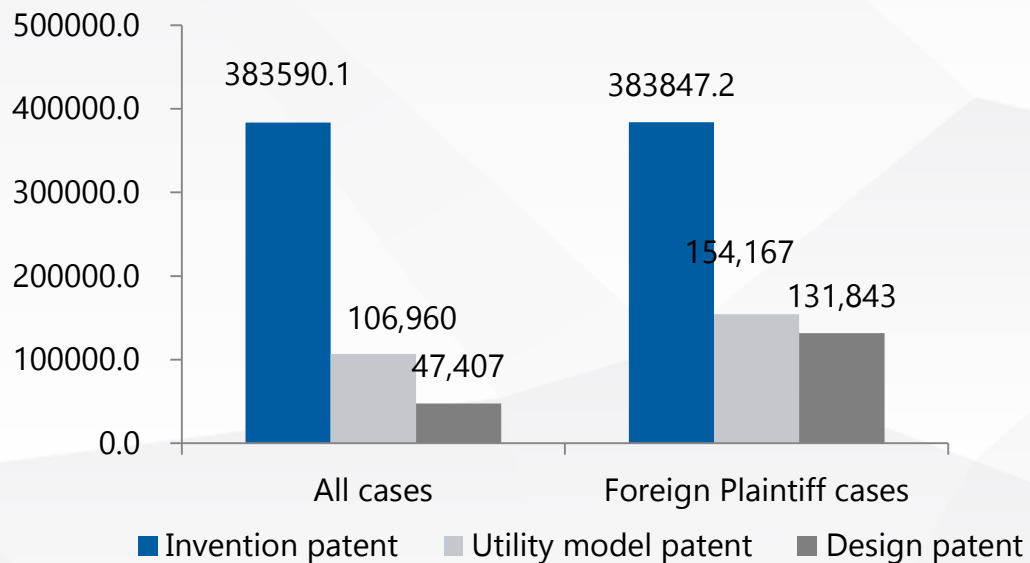
Type	Case number
Invention patent	160
Utility model patent	14
Design patent	105

下图是通过平均判赔额、判赔支持率两个方面对涉外专利侵权案件进行统计分析。

The following charts are about the average amount of compensation and the claims support ratio by courts in the foreign-related patent infringement cases .

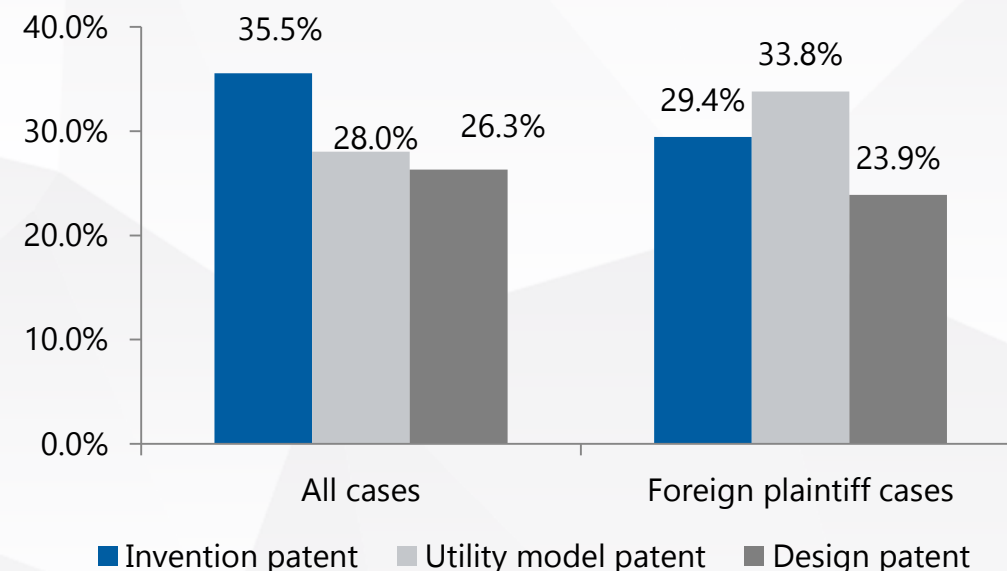
The comparison on the amounts of compensation:

All cases **Versus** Foreign plaintiff cases



The comparison on the claims support ratio by courts:

All cases **Versus** Foreign Plaintiff cases



# 04

## 北京知识产权法院对商标、专利行政决定撤裁情况

The revocation rate of administrative authorization and determination cases ordered by the Beijing IP Court: with trademark cases to the TRAB of the SAIC and the patent cases to the PRB of the SIPO.



# The revocation rate of administrative patent and trademark cases ordered by the Beijing IP Court

下表对北京知识产权法院2015-2016年商标行政授权确权案件撤裁情况进行统计。

The following table shows the revocation rate of administrative authorization and determination trademark cases ordered by the Beijing IP Court to the TRAB of the SAIC.

Revocation rate of different administrative trademark cases by the courts

Grounds	Revocation Rate in 2015	Revocation Rate in 2016
Rejection Appeal	16.8%	20.4%
Opposition Appeal	12.2%	14.8%
Invalidation (Dispute)	22.7%	30.3%
Cancellation Appeal	33.0%	43.3%





# The revocation rate of administrative patent and patent cases ordered by the Beijing IP Court

下表对北京知识产权法院2015-2016年专利行政授权确权案件撤裁情况进行统计。

The following table shows the revocation rate of administrative authorization and determination patent cases ordered by the Beijing IP Court to the PRB of the SIPO.

Revocation rate of different administrative trademark cases by the courts

Grounds	Revocation Rate in 2015	Revocation Rate in 2016
Rejection Appeal	8.1%	9.6%
Invalidation	11.7%	13.9%

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谢 谢 !

Thanks!



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