

Compendium of selected intellectual property and related measures of the People's Republic of China

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Compendium of selected intellectual property and related measures of the People’s Republic of China

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This compendium includes selected new and amended Chinese measures dating from 2019 that address intellectual property and related matters. The information presented was current as of the date of publication. The compendium is intended to provide general information for businesses and practitioners helpful in better understanding the IP landscape in China. It is distributed with the understanding that the authors, editors, and publisher are not engaged in rendering legal, accounting, or other professional services. Nothing in it should be understood as legal advice. When legal or other expert assistance is required, the services of a competent professional should be sought. While every effort has been made to make this compendium as complete and accurate as possible, readers should be aware that all information that is contained herein is subject to change without notice.

Legislation and jurisprudence in the People's Republic of China regarding intellectual property is continually changing. And never more so than in the past couple of years, when various legislative bodies, courts, and administrative entities within China have made dramatic revisions to their rules and practices regarding every aspect of intellectual property.

In an attempt to help U.S. rights holders who are doing business in China, and particularly intellectual property practitioners, the United States Patent and Trademark Office (USPTO) compiled this compendium of laws, legal decisions, official interpretations, and statutory amendments that affect every aspect of intellectual property in China. The listings are organized into broad subject categories—including patents, trademarks, trade secrets, copyright, etc.—with individual entries having titles in both English and Chinese, followed by a brief description of the measures as they relate to intellectual property and a link to the corresponding website. (All of the links go to Chinese-language webpages.)

Aside from this compendium, the USPTO has a number of other resources designed to help U.S. rights holders doing business in the People's Republic of China. Links to these are on the USPTO's [China IP webpage](#). The USPTO also has three intellectual property attachés, posted respectively to Beijing, Shanghai, and Guangzhou. They are available to provide additional information to rights holders and their representatives. Information about the attachés is available on the USPTO's [IP Attaché Program webpage](#).

This compendium was prepared by the USPTO's Office of Policy and International Affairs. For information on the USPTO's engagement with intellectual property policy and international affairs, visit its [IP Policy webpage](#).

Copyright

1 Copyright law of the People's Republic of China

中华人民共和国著作权法

Issued by the National People's Congress, effective June 1, 2021. Among other changes, increases statutory damages, adds punitive damages for intentional infringement, adds remuneration right for broadcasting and public performance of sound recordings, and adds catch-all category for exceptions and limitations.

[Chinese text: http://www.moj.gov.cn/Department/content/2020-11/19/592_3260621.html](http://www.moj.gov.cn/Department/content/2020-11/19/592_3260621.html)

2 Copyright office notice on further evidence examination and determination in copyright administrative enforcement

版权局关于进一步做好著作权行政执法工作中证据审查和认定工作的通知

Issued by the National Copyright Administration of China, effective November 15, 2020. Establishes presumptions of copyright ownership and subsistence, and addresses evidentiary burdens and related matters in administrative copyright enforcement proceedings.

[Chinese text: http://www.gov.cn/gongbao/content/2021/content_5582649.htm](http://www.gov.cn/gongbao/content/2021/content_5582649.htm)

3 Supreme People's Court opinions on strengthening protection of copyright and related rights

最高人民法院关于加强著作权和与著作权有关的权利保护的若干意见

Issued by the Supreme People's Court, effective November 16, 2021. Covers presumptions of copyright ownership and subsistence in civil judicial proceedings, among other matters.

[Chinese text: http://www.court.gov.cn/zixun-xiangqing-272221.html](http://www.court.gov.cn/zixun-xiangqing-272221.html)

4 Interpretation of the Supreme People's Court concerning the application of laws in the trial of civil disputes over copyright

最高人民法院关于审理著作权民事纠纷案件适用法律若干问题的解释

Issued by the Supreme People's Court, effective January 1, 2021. Addresses the court's jurisdiction over copyright disputes, burdens of proof, statute of limitations, and other matters, in alignment with the Civil Code, the Copyright Law, and the Civil Procedure Code.

Chinese text: <https://zscqyjs.zjamr.zj.gov.cn/api/othing/cms/mynews/7c731b85e0cf48369465fb8aa5b046d0.html>

E-commerce and intellectual property

1 Rules of Supreme People's Court on several issues concerning the application of law in adjudication of civil disputes related to infringement of right of communication over information networks

最高人民法院关于审理侵害信息网络传播权民事纠纷案件适用法律若干问题的规定

Issued by Supreme People's Court, effective January 1, 2021. Defines when network service providers (NSPs) and users can be held liable for infringement, including when an NSP induces a user to commit infringement.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

2 Supreme People's Court's Official Reply on Several Questions Concerning the Application of Law on Disputes Over Online Infringements on Intellectual Property Rights

最高法关于涉网络知识产权侵权纠纷几个法律适用问题的批复

Issued by the Supreme People's Court, effective September 14, 2020, covering both ecommerce platforms and internet service providers. Specifies notice-and-takedown procedures, provides safe

harbor for erroneous notices of infringement submitted in good faith, sets the period for rights holders to file an action after receipt of a counter-notification at 20 working days, and addresses related matters.

Chinese text: <http://www.court.gov.cn/zixun-xiangqing-254921.html>

3 Measures for supervision and administration of network transactions

网络交易监督管理办法

Issued by the State Administration for Market Regulation, effective May 1, 2021. Provides rules for online businesses, including social networking sites, based on the ECommerce Law. The final draft removed many of the intellectual property-related provisions.

Chinese text: http://gkml.samr.gov.cn/nsjg/fgs/202103/t20210315_326936.html

4 Interpretation of the Supreme People's Court on application of laws in the trial of civil disputes over domain names of computer network

最高人民法院关于审理涉及计算机网络域名民事纠纷案件适用法律若干问题的解释

Issued by the Supreme People's Court, effective January 1, 2021. Specifies that punitive damages may be requested in cases of intentional infringement and serious circumstances.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

Enforcement

1 Opinions of the Supreme People's Court on comprehensively strengthening judicial protection of intellectual property

最高人民法院关于全面加强知识产权司法保护的意見

Issued by the Supreme People's Court, effective April 15, 2020. In relation to the judicial protection of intellectual property rights, addresses overall requirements and goals, including but not limited to goals related to rights involved, certain identified problems, and judicial infrastructure.

Chinese text: <http://www.court.gov.cn/fabu-xiangqing-226491.html>

2 Provisions on the transfer of suspected criminal cases by administrative organs for law enforcement

行政执法机关移送涉嫌犯罪案件的规定

Issued by the State Council, effective August 14, 2020. In relation to the transfer of matters from an administrative law enforcement agency to a public security agency for criminal enforcement, addresses the standard for transfer of cases involving the violation of intellectual property laws.

Chinese text: http://www.gov.cn/zhengce/content/2020-08/14/content_5534841.htm

3 Supreme People's Court's opinions on increasing punishment for intellectual property infringement

最高人民法院关于依法加大知识产权侵权行为惩治力度的意見

Issued by the Supreme People's Court, effective September 14, 2020. Addresses intellectual property-related matters, including but not limited to act preservation, injunctive relief, destruction of materials and tools, calculation of compensation, and criminal investigations.

Chinese text: <http://www.court.gov.cn/zixun-xiangqing-255601.html>

4 Opinions on strengthening the destruction of infringing and counterfeit goods

关于加强侵权假冒商品销毁工作的意見

Issued jointly by the Office of the National Leading Group on Fight Against Intellectual Property Right Infringement and Counterfeiting, Publicity Department of the Communist Party of China, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of Ecology and Environment, the Ministry of Culture and Tourism, General Administration of Customs, and the State Administration for Market Regulation. Effective August 13, 2020. Addresses procedures for the destruction of counterfeit and infringing goods, along with tools, in administrative and criminal cases, and other matters.

Chinese text: http://www.gov.cn/zhengce/zhengceku/2020-08/22/content_5536677.htm

5 Guidelines for enforcement of intellectual property judgements

知识产权判决执行工作指南

Issued by the Supreme People's Court, with a publication date of December 10, 2020. Addresses pre-suit and litigation preservation, enforcement in civil intellectual property cases, timelines for enforcement, procedures for enforcement cases, procedures for the identification of property, enforcement authorities, and other matters.

Chinese text: <http://www.court.gov.cn/zixun-xiangqing-278241.html>

6 Implementation work plan for enforcement of intellectual property judgements

知识产权判决执行工作实施计划

Issued by the Supreme People's Court, with a publication date of December 10, 2020. Addresses implementation of the guide to the enforcement of intellectual property judgements, including but not limited to: identifying work objectives, setting forth measures to be implemented, and identifying supervision.

Chinese text: <http://www.court.gov.cn/zixun-xiangqing-278231.html>

General and cross-sector law

1 Amendment to criminal law (11th) of the People's Republic of China

中华人民共和国刑法修正案（十一）

Adopted by the National People's Congress, effective March 1, 2021. Amends certain criminal law provisions related to fake and inferior quality medicine, trade secrets, human genetic resources, and military secrets, and includes amendments to intellectual property-related sentencing and prosecution standards and other matters.

Chinese text: <http://www.npc.gov.cn/npc/c30834/202012/850abff47854495e9871997bf64803b6.shtml>

2 Civil code of the People's Republic of China

中华人民共和国民法典

Issued by the National People's Congress, effective January 1, 2021. As it bears on intellectual property-related matters, adopts (sometimes in modified form) provisions from the Contract Law and Tort Liability Law that it replaces, and includes new provisions as well. Matters addressed include: technology contracts, personality rights, rights of likeness, tort liability for intentional and serious intellectual property infringement, infringement by network users and network service providers, and notice and takedown.

Chinese text: <http://www.npc.gov.cn/npc/c30834/202006/75ba6483b8344591abd-07917e1d25cc8.shtml>

3 Anti-unfair competition law of the People's Republic of China

中华人民共和国反不正当竞争法

Issued by the Standing Committee of the National People's Congress, effective April 23, 2019. Amended trade secret misappropriation provisions that address the scope of acts and actors covered, evidentiary burden-shifting, civil damages and administrative sanctions, and other matters.

Chinese text: http://www.moj.gov.cn/Department/content/2019-06/11/592_236650.html

4 Administrative licensing law of the People's Republic of China

中华人民共和国行政许可法

Issued by the Standing Committee of the National People's Congress, effective April 23, 2019. Bars administrative agencies from seeking information unrelated to the licensing matter and addresses conditions under which administrative agencies, employees, and experts are barred from disclosing trade secrets, undisclosed information, or confidential business information without the consent of the submitter, and consequences for noncompliance.

Chinese text: http://www.moj.gov.cn/Department/content/2019-06/11/592_236647.html

5 Application of punitive damages in the hearing of civil cases involving infringement of intellectual property rights

最高人民法院关于审理侵害知识产权民事案件适用惩罚性赔偿的解释

Issued by the Supreme People's Court, effective March 3, 2021. Addresses punitive damages for intellectual property infringements.

Chinese text: <http://www.hncourt.gov.cn/public/detail.php?id=184243>

6 Foreign investment law of the People's Republic of China

中华人民共和国外商投资法

Issued by the National People's Congress, effective January 1, 2020. Indicates that the state protects the intellectual property rights of foreign investors and foreign-funded enterprises, bars administrative agencies and employees from forcing foreign investors and foreign-funded enterprises to transfer technology through administrative means. It also requires administrative agencies and employees to maintain, according to law, the confidentiality of the trade secrets of foreign investors and foreign-funded enterprises accessed in the course of performing their duties.

Chinese text: http://www.moj.gov.cn/Department/content/2019-03/18/592_230773.html

- 7 2020-2021 plan for implementing the “opinions on strengthening the protection of intellectual property”**
 2020-2021年贯彻落实《关于强化知识产权保护的意見》推进计划
 Issued by the China National Intellectual Property Administration (CNIPA), on April 20, 2020. Identifies steps that CNIPA and other China government entities are to take to implement the “Opinions Strengthening the Protection of Intellectual Property,” issued by the Chinese People’s Political Consultative Conference (COPCCC) and the State Council in November 2019.
 Chinese text: https://www.cnipa.gov.cn/art/2020/4/20/art_53_118147.html
- 8 Judicial interpretation concerning some issues on the specific application of law for handling criminal cases of infringement upon intellectual property rights (iii)**
 最高人民法院 最高人民检察院关于办理侵犯知识产权刑事案件具体应用法律若干问题的解释（三）
 Issued by the Supreme People’s Court and the Supreme People’s Procuratorate, effective September 14, 2020. Interprets intellectual property-related terms appearing in the Criminal Law and addresses other intellectual property-related criminal matters, including but not limited to the definitions of “the same trademark,” “theft,” “other improper means,” and “causing significant losses to the owners of trade secrets,” ownership presumptions for works or sound recordings, destruction of materials and tools, the calculation of loss or illegal gains, and calculation of punishments. As it relates to trade secrets, addressed the term “significant losses” as it appeared in Article 219 of the version of the Criminal Law prior to March 1, 2021.
 Chinese text: <http://www.court.gov.cn/zixun-xiangqing-254891.html>
- 9 Several provisions of the Supreme People’s Court concerning the participation of the technical investigators in legal proceedings of intellectual property cases**
 最高人民法院关于技术调查官参与知识产权案件诉讼活动的若干规定
 Issued by the Supreme People’s Court, effective May 1, 2019. Covers participation of technical investigators’ in intellectual property cases, based on China’s civil code, criminal code, administrative procedure law, and organization law of Chinese courts.
 Chinese text: <http://www.court.gov.cn/zixun-xiangqing-154952.html>
- 10 Provisions of the Supreme People’s Court on several issues concerning the application of law in cases involving the review of act preservation in intellectual property disputes**
 最高人民法院关于审查知识产权纠纷行为保全案件适用法律若干问题的规定
 Issued by the Supreme People’s Court, effective January 1, 2019. In relation to granting act preservation in intellectual property cases, these measures interpret the term “urgent situation” for purposes of Articles 100 and 101 of the Civil Procedure Law.
 Chinese text: <http://www.court.gov.cn/zixun-xiangqing-135341.html>
- 11 Certain provisions of the Supreme People’s Court on evidence in civil intellectual property litigation**
 最高人民法院关于知识产权民事诉讼证据的若干规定
 Issued by the Supreme People’s Court, effective November 18, 2020. With respect to evidence in civil intellectual property litigation, addresses standards of behavior for litigation; the burden of production for certain claims and defenses, including in noninfringement lawsuits; the use of evidence from administrative proceedings; standards for authentication of evidence outside of China; preservation; and confidentiality of evidence, among other matters.
 Chinese text: <http://www.court.gov.cn/zixun-xiangqing-272241.html>

12 Provisions of the Supreme People's Court on the jurisdiction of the intellectual property courts of Beijing, Shanghai and Guangzhou over cases (2020 amendment)

最高人民法院关于北京、上海、广州知识产权法院案件管辖的规定

Issued by the Supreme People's Court, effective January 1, 2021. Specifies the jurisdiction of the Beijing, Shanghai, and Guangzhou Intellectual Property Courts, and divests jurisdiction of certain Intermediate and Basic People's Courts to accept certain intellectual property cases, among other matters.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

13 Decision of the standing committee of the National People's Congress on establishing the intellectual property court of the hainan free trade port

全国人民代表大会常务委员会关于设立海南自由贸易港知识产权法院的决定

Issued by the National People's Congress, effective December 26, 2020. Establishes an Intellectual Property Court of Hainan Free Trade Port with jurisdiction over certain intellectual property first instance and appellate cases, among other matters.

Chinese text: <http://www.npc.gov.cn/npc/c30834/202012/d092af7776574497804c-486cc44611e2.shtml>

14 Notice by the General Office of the Supreme People's Court and the General Office of the National Intellectual Property Administration of establishing an online litigation and mediation linking mechanism for intellectual property disputes

最高人民法院办公厅 国家知识产权局办公室关于建立知识产权纠纷在线诉调对接机制的通知

Issued jointly by the Supreme People's Court and China National Intellectual Property Administration, published on December 29, 2020. Establishes an online litigation and mediation

platform, including the purpose and goals for the establishment of the platform, such as providing an online platform that can be used to docket and manage cases subject to intellectual property mediation, and assigning responsibility for the management and maintenance of the platform.

Chinese text: http://www.gov.cn/zhengce/zhengceku/2021-01/07/content_5577631.htm

15 Interpretation of the Supreme People's Court on some issues concerning the application of law in the trial of civil cases involving unfair competition

最高人民法院关于审理不正当竞争民事案件应用法律若干问题的解释

Issued by the Supreme People's Court, effective January 1, 2021. Amends list of referenced judicial interpretations.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

16 Provisions of the Supreme People's Court on several issues concerning the application of law in the trial of civil dispute cases arising from monopolistic conduct

最高人民法院关于审理因垄断行为引发的民事纠纷案件应用法律若干问题的解释

Issued by the Supreme People's Court, effective January 1, 2021. Amends provisions addressing the definition of civil disputes arising from monopolistic conduct, courts of jurisdiction, finding contractual provisions or bylaws invalid, and duration and starting date of the statute of limitations, among other matters.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

- 17 Regulations for implementation of the foreign investment law of the People's Republic of China**
中华人民共和国外商投资法实施条例
Issued by the State Council, effective January 1, 2020. Implementing regulations for the Foreign Investment Law described above (in the "General and cross-sector law" section, item 6).
Chinese text at: http://www.gov.cn/zhengce/content/2019-12/31/content_5465449.htm

Geographical indications

- 1 Revised measures for the protection of foreign geographical indication products**
国外地理标志产品保护办法
Issued by the China National Intellectual Property Administration, effective November 28, 2019. Includes updates to previously issued measures on the application and acceptance, technical review and approval, supervision and management, and the protection, modification, and revocation of geographical indications for foreign products.
Chinese text: <https://www.cnipa.gov.cn/20191128151211030583.pdf>
- 2 Measures for the administration of the use of special marks for geographical indications (trial)**
《地理标志专用标志使用管理办法（试行）》
Issued by the China National Intellectual Property Administration, effective April 3, 2020. Standardizes the use of special signs for application to geographical indication products, and imposes obligation on legal users to follow the principal of good faith and perform certain obligations.
Chinese text: http://www.gov.cn/zhengce/zhengceku/2020-04/08/content_5500232.htm

- 3 Guiding opinions on further strengthening the protection of geographical indications**
关于进一步加强地理标志保护的指导意见
Issued jointly by the State Administration for Market Regulation and the China National Intellectual Property Administration on May 21, 2021. Calls upon both agencies to strengthen the examination and administrative enforcement of geographical indications (GIs), expedite GI-related legislative reform, and strengthen international cooperation in GI protection.
Chinese text: https://www.cnipa.gov.cn/art/2021/5/21/art_75_159563.html

Patents

- 1 Patent law of the People's Republic of China**
中华人民共和国专利法
Issued by the National People's Congress, effective June 1, 2021. Amends the Patent Law to provide for several new provisions, including protection for partial designs, increased patent term for designs, patent term adjustment for patent office delays, pharmaceutical patent term extension for marketing approval delays, early dispute resolution mechanism, punitive damages for intentional infringement, and increased statutory damages.
Chinese text: http://www.moj.gov.cn/Department/content/2020-11/19/592_3260623.html
- 2 Guidelines for administrative mediation of patent disputes**
专利纠纷行政调解办案指南
Issued by the China National Intellectual Property Administration, effective July 17, 2020. Covers in detail how administrative patent mediation is initiated and conducted.
Chinese text: https://www.cnipa.gov.cn/art/2020/7/21/art_75_150496.html

3 Guidelines for investigating and handling patent passing-off and irregular conducts on labeling patent identification

查处假冒专利行为和办理专利标识标注不规范案件指南

Issued by the China National Intellectual Property Administration, effective July 17, 2020. Covers distinguishing patent passing-off and “irregular patent marking.”

Chinese text: https://www.cnipa.gov.cn/art/2020/7/21/art_75_150496.html

4 Guidelines for patent administrative protection reconsideration and response

专利行政保护复议与应诉指引

Issued by the China National Intellectual Property Administration, effective July 17, 2020. Provides procedures covering applicants’ requests for reconsideration of administrative decisions and responses by the respondent.

Chinese text: https://www.cnipa.gov.cn/art/2020/7/21/art_75_150496.html

5 Regulations of Supreme People’s Court on some issues in hearing administrative cases of granting and determination of patent rights (i)

最高人民法院关于审理专利授权确权行政案件适用法律若干问题的规定（一）

Issued by the Supreme People’s Court, effective September 10, 2020. As it relates to civil court cases filed by patent applicants to appeal decision of the China National Intellectual Property Administration, includes provisions important to pharmaceutical companies, such as the treatment of post-filing supplemental data.

Chinese text: <http://www.court.gov.cn/zixun-xiangqing-254761.html>

6 Biosecurity law of the People’s Republic of China

中华人民共和国生物安全法

Issued by the National People’s Congress, effective October 17, 2020. Covers such topics as biosafety risk prevention and control, prevention and control of major new outbreaks of infectious diseases, biosafety of biotechnology research

and development, human genetic resources and biological resource security, prevention of bioterrorism and biological weapons threats.

Chinese text: http://www.moj.gov.cn/Department/content/2020-10/17/592_3258323.html

7 Interpretation of the Supreme People’s Court on several issues concerning the application of law in the trial of patent infringement dispute cases (ii)

最高人民法院关于审理侵犯专利权纠纷案件适用法律若干问题的解释（二）

Issued by the Supreme People’s Court, effective January 1, 2021. This judicial interpretation changed the occurrence of “patent reexamination board” to “the patent administrative department of the State Council” and the occurrence of “Tort Law of China” to “Civil Code of China,” among other matters.

Chinese text: <http://www.court.gov.cn/zixun-xiangqing-282641.html>

8 Several provisions of the Supreme People’s Court on issues concerning the application of law in the trial of cases on patent disputes

最高人民法院关于审理专利纠纷案件适用法律问题的若干规定

Issued by the Supreme People’s Court, effective January 1, 2021. Among other matters, this judicial interpretation changed the statute of limitation for patent disputes from two years to three years (following the Patent Law) and added certain specific disputes to a Court’s jurisdiction, such as standard essential patent royalty disputes and act/property preservation disputes, among other matters.

Chinese text (as one of the decisions to amend the 18 intellectual property-related judicial interpretations published by the Supreme Peoples’ Court): <http://www.court.gov.cn/zixun-xiangqing-282641.html>

9 Amendments to patent examination guidelines

专利审查指南

Issued by the China National Intellectual Property Administration on December 11, 2020. Contains provisions on grace period and the reformulation of technical effect as well as certain procedure issues, such as changing inventors or applicants' names, among other matters.

Chinese text: http://www.gov.cn/zhengce/zhengceku/2021-01/15/content_5580150.htm

10 China National Intellectual Property Administration's draft measures for standardizing patent application conduct

国家知识产权局发布《关于规范申请专利行为的办法》的公告

Issued by the China National Intellectual Property Administration on March 12, 2021. Provides various punishments to penalize "improper" or "abnormal" patent application behavior.

Chinese text: https://www.cnipa.gov.cn/art/2021/3/12/art_74_157677.html

11 Administrative adjudication measures for major patent cases

重大专利侵权纠纷行政裁决办法

Issued by the China National Intellectual Property Administration (CNIPA) on May 28, 2021. Notable provisions include that a docketed patent infringement lawsuit with a Chinese court would prevent CNIPA from handling the dispute, shortening the timeline for CNIPA to docket a case from 15 days to 5 days, clarifying procedures for disqualification of handling personnel, and suspension of cases.

Chinese text: https://www.cnipa.gov.cn/art/2021/5/28/art_74_159727.html

12 Interim measures for the processing of related examination regarding the implementation of the revised patent law

关于施行修改后专利法的相关审查业务处理暂行办法

Issued by the China National Intellectual Property Administration (CNIPA) on May 25, 2021, effective June 1, 2021. CNIPA formulated these

measures after China's revised Patent Law would come into effect on June 1, 2021, and the Detailed Rules for the Implementation of the Revised Patent Law were still in the process of revision. This interim measure generally provides that applicants can make requests relating to the new Patent Law and that CNIPA will start processing the requests after the Detailed Rules is finalized.

Chinese text: http://www.gov.cn/zhengce/zhengceku/2021-05/27/content_5613204.htm

Pharmaceutical-related intellectual property

1 Drug administration law of the People's Republic of China

中华人民共和国药品管理法

Issued by the National People's Congress, effective December 1, 2019. Covers drug development and registration, holders of drug marketing authorization, pharmaceutical production, pharmaceutical business operation, regulation and administration of medical institutions, post-marketing management of drugs, drug prices and advertising, drug reserve and supply, supervision and management, and legal liability.

Chinese text: http://www.moj.gov.cn/Department/content/2019-09/18/592_3232167.html

2 Measures for the administration of drug registration

《药品注册管理办法》

Issued by the State Administration for Market Regulation, effective January 22, 2020. Covers drug marketing registration, expedited registration procedures, change and reregistration after a drug is marketed, acceptance, withdrawal of applications, approval decisions and dispute resolution, agency working time limit, supervision and management, and legal liability.

Chinese text: http://gkml.samr.gov.cn/nsjg/fgs/202003/t20200330_313670.html

3 Supreme People's Court's regulations on several issues concerning the application of law in the trial of civil patent cases involving drug marketing review and approval

最高人民法院关于审理申请注册的药品相关的专利权纠纷民事案件适用法律若干问题的规定

Issued by the Supreme People's Court on July 4, 2021. Covers the judicial aspect of China's proposed early patent dispute resolution system.

Chinese text: <http://www.court.gov.cn/fabu-xiangqing-311791.html>

4 Trial implementation measures for mechanism for early resolution of drug patent disputes (trial)

药品专利纠纷早期解决机制实施办法（试行）

Issued by the National Medical Products Administration and the China National Intellectual Property Administration on July 4, 2021. Contains provisions implementing an early patent dispute resolution mechanism under Article 76 of the amended Patent Law.

Chinese text: https://www.cnipa.gov.cn/art/2021/7/4/art_74_160513.html

5 China National Intellectual Property Administration administrative adjudication measures for patent linkage disputes

国家知识产权局《药品专利纠纷早期解决机制行政裁决办法》

Issued by the China National Intellectual Property Administration on July 5, 2021. Covers administrative patent infringement disputes resulting from China's proposed early patent dispute resolution system.

Chinese text: http://www.gov.cn/zhengce/zhengceku/2021-07/06/content_5622669.htm

Plant variety protection

1 Interpretation of the Supreme People's Court on several issues concerning the trial of disputes on new varieties of plants

最高人民法院关于审理植物新品种纠纷案件若干问题的解释

Issued by the Supreme People's Court (SPC), effective January 1, 2021. Among other matters, (1) expanded coverage to include China's Seed Law and certain legal documents relating to the Intellectual Property Courts, (2) added certain disputes to a Court's jurisdiction (for example, dispute over transfer contracts, signature rights) to a Court's jurisdiction, (3) specifically provided that first instance civil and administrative decisions are appealable to the SPC.

Chinese text (as one of the decisions to amend the 18 intellectual property-related judicial interpretations published by the Supreme People's Court): <http://www.court.gov.cn/zixun-xiangqing-282641.html>

2 Interpretation of the Supreme People's Court on some issues concerning the application of law in the trial of cases involving the disputes over infringement upon the rights of new plant varieties (i)

《最高人民法院关于审理侵犯植物新品种权纠纷案件具体应用法律问题的若干规定》

Issued by Supreme People's Court, effective January 1, 2021. Includes provisions providing for a broader interpretation of the scope of the plant variety right by clarifying the definition of propagating material, reducing the evidentiary burden on the plaintiff in plant variety infringement cases by shifting the burden of proof to the alleged infringer in certain circumstances, and providing guidance for the award of punitive damages under the Civil Code in plant variety infringement cases.

Chinese text (as one of the decisions to amend the 18 intellectual property-related judicial interpretations published by the Supreme People's Court): <http://www.court.gov.cn/zixun-xiangqing-282641.html>

3 Interpretation of the Supreme People’s Court on some issues concerning the application of law in the trial of cases involving the disputes over infringement upon the rights of new plant varieties (ii)

《最高人民法院关于审理侵犯植物新品种权纠纷案件具体应用法律问题的若干规定》（二）

Issued by the Supreme People’s Court, effective July 7, 2021. Defines exception to infringement on the rights of new plant varieties, clarifies the jurisdiction of the corresponding case types, and clarifies that punitive damage provisions under other Chinese laws and judicial interpretations are also applicable to infringement upon the rights of new plant varieties.

Chinese text: <http://www.hncourt.gov.cn/public/detail.php?id=187486>

2 Supreme People’s Procuratorate/Ministry of Public Security’s decision concerning amendment of the standards on docketing for prosecution of infringements of trade secrets in the regulations of the spp/mps concerning standards on filing criminal cases

最高人民检察院 公安部关于修改侵犯商业秘密刑事案件立案追诉标准的决定

Issued by the Supreme People’s Procuratorate (SPP) and Ministry of Public Security (MPS), effective September 18, 2020. Modifies the standard for criminal prosecution of trade secret violations.

Chinese text: https://www.spp.gov.cn/spp/xwfbh/wsfbt/202009/t20200918_480430.shtml#1

Trade secrets and technology transfer

1 Supreme People’s Court’s judicial interpretation on certain issues concerning the application of law in the trial of civil cases involving the misappropriation of trade secrets

最高人民法院关于审理侵犯商业秘密纠纷民事案件应用法律若干问题的解释

Issued by the Supreme People’s Court, effective September 12, 2020. Interprets trade secret-related terms appearing in the Anti-Unfair Competition Law and addresses other trade secret-related matters, including but not limited to act preservation orders and protecting trade secrets during court proceedings.

Chinese text: <http://www.court.gov.cn/zixun-xiangqing-254751.html>

Trademarks

1 Trademark law of the People’s Republic of China

中华人民共和国商标法

Issued by the National People’s Congress, effective November 1, 2019. Amends Article 4 to refuse registration of applications “in bad faith which are not intended for use,” bars a trademark agency from representing a client where it “knows or should have known” the trademark violates Articles 4, 15, or 32, and increases the amount of statutory and punitive damages for infringement (from three to five times).

Chinese text: http://www.moj.gov.cn/Department/content/2019-06/11/592_236648.html

2 Provisions on standardizing applications for registrations of trademarks

规范商标申请注册行为若干规定

Issued by the State Administration of Market Regulation, effective December 1, 2019. Provides guidelines for regulating bad-faith trademark applications, including listing the factors to consider in evaluating bad faith and providing for punishment of trademark agencies who violate bad-faith provisions.

Chinese text: http://gkml.samr.gov.cn/nsjg/fgs/201910/t20191016_307410.html

3 Notice of China National Intellectual Property Administration on strictly cracking-down on abnormal trademark application behavior by agents related to the novel coronavirus epidemic

国家知识产权局办公室关于严厉打击与新冠肺炎疫情相关非正常商标申请代理行为的通知

Issued by the China National Intellectual Property Administration (CNIPA), effective March 4, 2020. Enlists local intellectual property offices to help CNIPA to closely supervise and, if necessary, punish trademark agents that engage in “abnormal” trademark application behavior. Examples include filing for trademarks that relate to the coronavirus epidemic, such as “Li Wenliang” (the whistleblower doctor who died from the virus) or “Huo Shen Shan” (the name of the hospital built rapidly to care for patients), etc.). The notice calls for four actions: (1) expanding the scope of supervision of trademark agents; (2) increasing investigations of trademark agents by local intellectual property offices; (3) “guiding” local intellectual property associations to censure/punish members who engage in bad behavior; and (4) requiring local intellectual property offices to start blacklists for “abnormal” trademark agents, and launch “joint punishment.”

Chinese text: http://www.gov.cn/zhengce/zhengceku/2020-03/06/content_5488018.htm

4 Standards for determination of trademark infringement

商标侵权判断标准

Issued by the China National Intellectual Property Administration, effective June 15, 2020. Contains factors for use by administrative enforcement officers handling complaints filed by rights holders seeking administrative enforcement for trademark infringement.

Chinese text: http://www.gov.cn/zhengce/zhengceku/2020-07/07/content_5524771.htm

5 Measures for administration of trademark registration files

商标注册档案管理办法

Issued by the China National Intellectual Property Administration, effective August 20, 2020. Covers the scope of trademark registration filings, electronic archiving protocols, and accessibility to examine and make copies of trademark registration files by anyone (except for content involving state secrets, trade secrets, and personal privacy).

Chinese text: http://www.gov.cn/zhengce/zhengceku/2020-08/26/content_5537615.htm

6 Interpretation of the Supreme People’s Court on the relevant issues concerning the scope of jurisdiction and of the scope of application of laws for hearing trademark cases

最高人民法院关于审理商标案件有关管辖和法律适用范围问题的解释

Issued by the Supreme People’s Court, effective January 1, 2021. Adds additional types of cases to the jurisdiction of the People’s Courts, including confirmation of non-infringement of trademark rights dispute cases, trademark agency contract dispute cases, and cases on applying to cease the damage liability for infringement of exclusive right of a registered trademark.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People’s Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

7 Interpretation of the Supreme People’s Court concerning the application of laws in the trial of cases of civil disputes arising from trademarks

最高人民法院关于审理商标民事纠纷案件适用法律若干问题的解释

Issued by the Supreme People’s Court, effective January 1, 2021. Timeliness of statute of limitation of trademark infringement case amended from two years from the date when the rights holder “knows or should have known of the infringement” to three years from when the rights holder “knows or should have known of the damage of right and the obligor.” Provides additional changes in factors to determine the amount

of compensation and deletes the requirement for a trademark license to be recorded with the trademark office to be used against a bona fide third party.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

8 Provisions of the Supreme People's Court on issues concerned in the trial of cases of civil disputes over the conflict between registered trademark or enterprise name with prior right

最高人民法院关于审理注册商标、企业名称与在先权利冲突的民事纠纷案件若干问题的规定

Issued by the Supreme People's Court, effective January 1, 2021. Provides for administrative updates to article numbers to correspond with new laws.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

9 Interpretation of the Supreme People's Court on several issues concerning the application of law to the trial of cases of civil disputes over the protection of well-known trademarks

最高人民法院关于审理涉及驰名商标保护的民事纠纷案件应用法律若干问题

Issued by the Supreme People's Court, effective January 1, 2021. Amends definition of well-known trademark from a trademark "widely known by the corresponding general public within China" to "well-known by the corresponding general public within China."

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

10 Interpretation of the Supreme People's Court on issues concerning the jurisdiction and application of law of trademark cases after the implementation of amended trademark law

最高人民法院关于商标法修改决定施行后有关商标案件管辖和法律适用问题的解释

Issued by the Supreme People's Court, effective January 1, 2021. Provides administrative updates to the identity of the China National Intellectual Property Administration.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

11 Provisions of the Supreme People's Court on several issues concerning the trial of administrative cases involving trademark authorization and confirmation

最高人民法院关于审理商标授权确权行政案件若干问题的规定

Issued by the Supreme People's Court, effective January 1, 2021. Provides administrative updates to identity of the China National Intellectual Property Administration.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

12 Interpretation of the Supreme People's Court on property preservation of registered trademark right

最高人民法院关于人民法院对注册商标权进行财产保全的解释

Issued by the Supreme People's Court, effective January 1, 2021. Amends the limitation of preservation of registered trademark rights from six months to one year at a time.

Chinese text (as one of the 18 intellectual property-related judicial interpretations that the Supreme People's Court decided to amend): <http://www.court.gov.cn/fabu-xiangqing-282671.html>

13 Provisions on administration of enterprise name regulations

企业名称登记管理规定

Issued by the State Council of China, effective March 1, 2021. Provides formula rules for creation of enterprise names for companies established in China, introduces new administrative measures to settle trade name disputes, and provides mechanisms for right holders to execute civil judgments against shadow companies (that is, companies appropriating a well-known brand as part of its name. A company failing to change its trade name after being ordered to do so by a court will be listed as operating “abnormally,” which may impact its social credit rating.

Chinese text: http://www.gov.cn/zhengce/content/2021-01/19/content_5581091.htm

14 Notice on the submission of the “letter of commitment for the good faith of the parties requesting the protection of well-known trademarks”

关于提交《当事人请求驰名商标保护诚信承诺书》的通知

Issued by the China National Intellectual Property Administration, effective September 1, 2021. Parties requesting well-known mark protection in opposition and invalidation cases must submit a “Letter of Commitment on Good Faith for the Protection of Well-known Trademarks” signed and stamped by the applicant and its trademark agency or agent. The requirements of the letter include that the signers: confirm their knowledge of the relevant provisions of the Trademark Law, Implementing Regulations, and other laws and regulations; follow the principle of good faith; ensure that the relevant information and evidentiary material is true and accurate, with no false representations; and affirm that no dishonest acts have been undertaken to obtain the protection of well-known marks, by any improper means.

Chinese text: http://sbj.cnipa.gov.cn/tzgg/202108/t20210806_333421.html#



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