



Chofn Intellectual Property

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Chinese IP Updates

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1. SPC issues Judicial IP Protection Plan

On April 22, 2021, as an important event of IP Protection Week of China, the Supreme People's Court (SPC) issued the notice of *the People's Court Intellectual Property Judicial Protection Plan (2021-2025)* (the "Plan"), to introduce the overall goals, tasks and key working measures for judicial IP protection during the 14th Five-Year Plan period. According to the Plan, substantial progress will be made in the modernization of the IP adjudication system and adjudication capabilities. The judicial IP protection situation will be significantly improved.

According to SPC, in 2020 the courts across the country received a total of 525,618 IP cases of first instance, second instance, and requests for retrial, and concluded 524,387 cases, up by 9.1% and 10.2% respectively over 2019.

2. CNIPA and MPS strengthen cooperation

The China National Intellectual Property Administration (CNIPA) and the Ministry of Public Security (MPS) jointly issued the notice of the *Opinions on Strengthening Cooperation in IP Protection* (the "Opinions") on May 20, 2021. The Opinions addresses that the CNIPA and MPS should cooperate in such aspects as information exchange, professional support, infrastructure, legal research, professional training, publicity and education and international exchanges and etc., enhance the connection between intellectual property administrative protection and criminal justice. We expect that the cooperation will be helpful to more effectively deter IP infringement and improve the people's IP awareness.

3. SPC to divide complicated and simple administrative cases

On May 28, 2021, the Supreme People's Court (SPC) of China issued the *Opinions of the Supreme People's Court on Promoting the Reform of the Diversion of Complicated and Simple Administrative Litigation Procedures* (the "Opinions"), effective as from June 1, 2021. The Opinions are composed of five parts. The Opinions proposes the guiding ideology for advancing the reformed division of complicated and simple administrative litigation procedures, the criteria and the specialized team, applicable circumstances etc. to streamline the judicial adjudication of administrative lawsuits and optimize the judicial resources.

4. China explores to establish blacklist of IP infringers

China has been conducting constructive exploration about establishing a blacklist of the abnormal IP filers and infringers at the administrative and judicial levels, to better protect IPRs and innovation. The China National IP Administration (CNIPA) has already established a blacklist of nearly a thousand bad-faith filers who filed plenty of applications. Other local and central governmental organs are also preparing to associate the infringers with the national credit system. More specific and stricter measures will be announced to make IP infringement more risky and less profitable.