

W&B IP Newsletter



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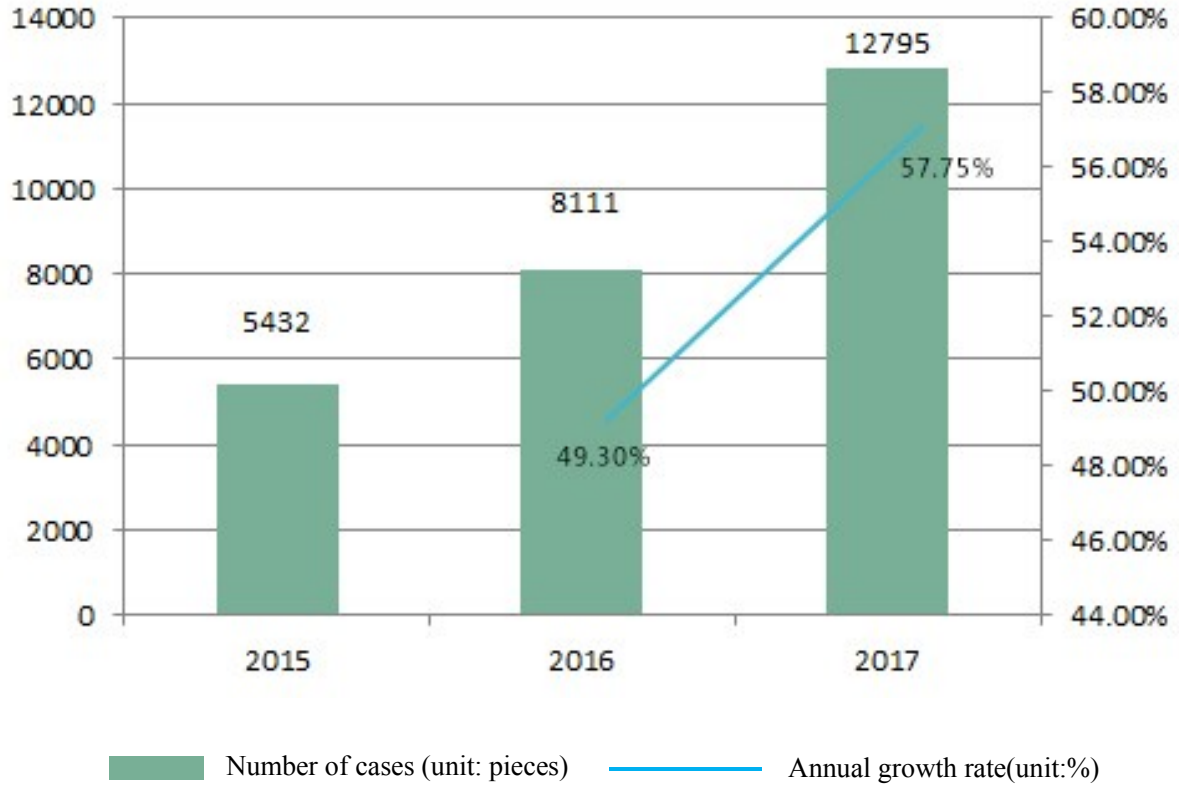
Shanghai computer software copyright infringement cases in Shanghai

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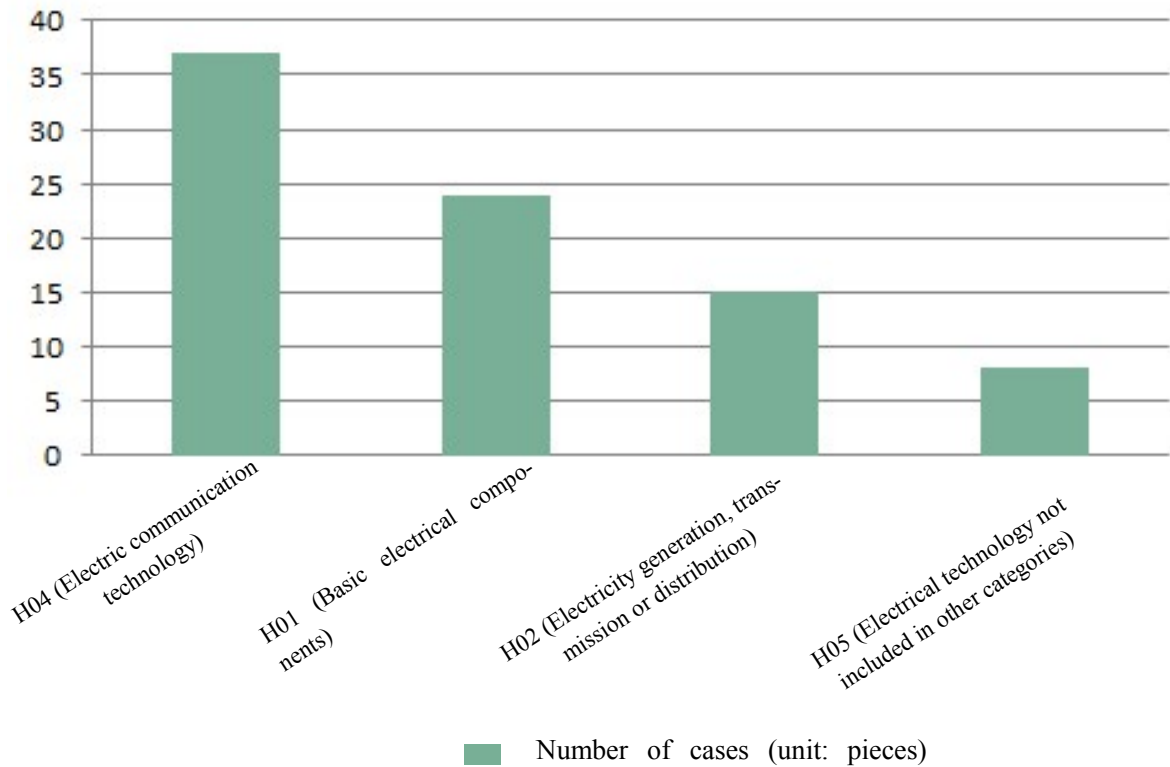
E-mail: mailip@watsonband.com | mail@watsonband.com

Patents

■ Chart1: The annual distribution of cases in the Beijing Intellectual Property Court over the past three years



■ Chart2: Technological distribution of patent cases



■ Figure 1: Distribution of administrative trademark cases

Distribution of Administrative Cases	
Cause of Action	Number of Cases
Reexamination of rejected assignments	4066
Review of adjudications of oppositions	247
Reviews without registration	116
Invalidation requests	1489
Revocations of review	629
Other administrative trademark disputes	26

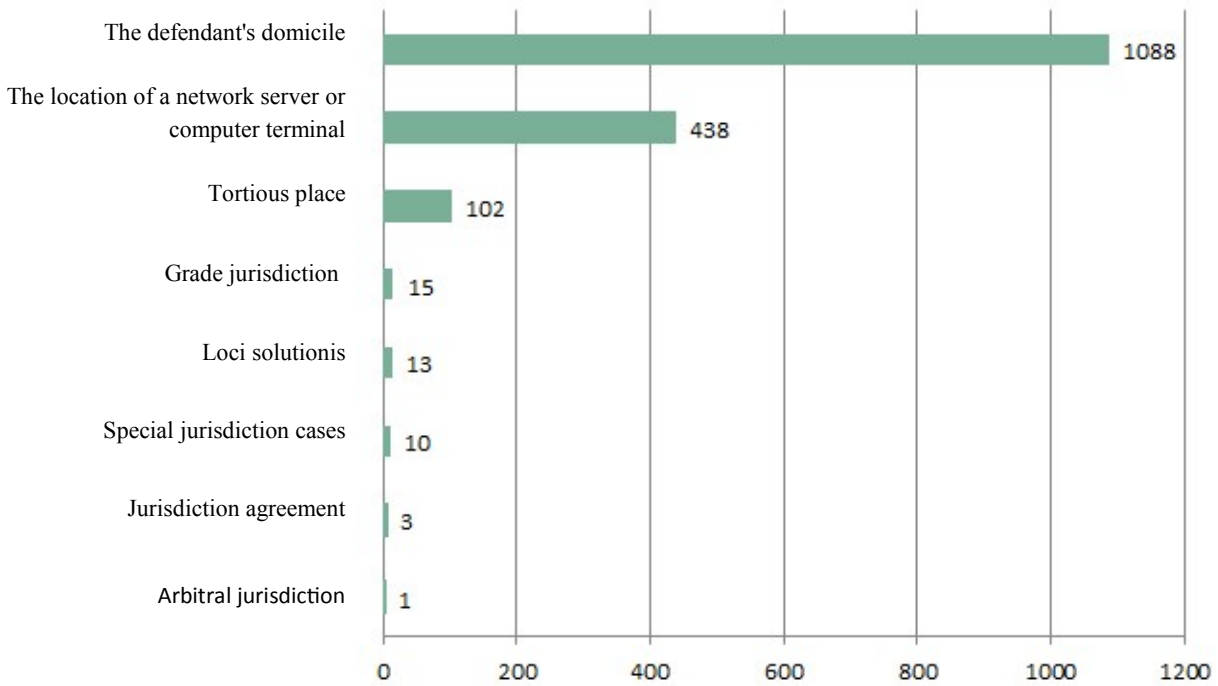
■ Figure 2: Types of Copyrighted Works

Type of Work	Number of Cases	Proportion (%)
Literary works	265	49.53
Photography works	126	23.55
Film works and works created in a similar manner	119	22.24
Works of art and architecture	6	1.12
Works of music, drama, dance and acrobatics	7	1.31

■ Figure 3: Judgment Amounts in Unfair Competition Cases

Item	Value (RMB)
Maximum judgment amount	3,277,989.2
Minimum judgment amount	17,750
Average judgment amount	523,744.8
Median judgment value	265,338.5
Approval rating	50.6%

■ Chart 3: Types of Jurisdictional Connections Asserted by Defendants in Jurisdictional Objections.



(■ Excerpt from "Intellectual Treasure - Beijing Intellectual Property Court Judicial Protection Data Analysis Report (2017)")

Trademarks

Interpretations of Trademark Registration Facilitation Reform Policy

1. One applicant may apply for the registration of more than one trademark at the same time and may apply for multiple withdrawals of trademark registration applications.

An application form and a copy of identification documents are required. The applicant must entrust an agency to handle the matter.

2. Applying for registration of color combination trademarks and coloring patterns.

- (1) Submit color drawings without black and white drawings
- (2) Note the distinction between color combination logos and color patterns

3. Fill in name and address of foreign applicant

First, the Chinese name is inserted into the address bar. Foreign language addresses must be translated into Chinese, and the filing of Chinese characters is simplified by use of specifications.

Second, the English address column must be written in English.

(■ Excerpt from: State Intellectual Property Office website)

Copyrights

Shanghai Computer Software Copyright Infringement Cases

On May 31, 2018, the Shanghai Intellectual Property Court issued a first-instance judgment on a dispute concerning the copyright infringement of computer software.

In 2016 the plaintiff discovered that the defendant illegally copied, installed and used computer software copyrighted by the plaintiff on computers located in business premises. According to the court, there were 73 computers in the defendant's business premises, and the result of evidence preservation procedures was that 100% of the 15 computers inspected were equipped with the software.

The judgment of the Shanghai Intellectual Property Court was that the defendant, a Shanghai electric car technology company, must immediately stop infringing the computer software copyright of the plaintiff, Dassault Systems Co., Ltd, and compensation for the plaintiff's economic losses and attorney's fees in the amount of 9 million RMB.

(■ Excerpt from Intellectual Property)