

# W&B IP Newsletter



March of 2023, Vol. 71

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## News Updates

### Circular of the State Council on Establishment of Institutions: the CNIPA to be an Institution Directly under the P.R.C. State Council

On March 20, the official website of the P.R.C. State Council ([www.gov.cn](http://www.gov.cn)) published the Circular of the *State Council on Establishment of Institutions*, according to which the China Intellectual Property Administration (the “CNIPA”) is defined as an institution directly under the P.R.C. State Council.

Also, according to the *Plan on Reforming the Party and State Institutions* released by the CPC Central Committee and the P.R.C. State Council on March 16, law enforcement duty in areas including trademarks and patents shall still be borne by the market regulation and comprehensive law enforcement team, while the relevant law enforcement work shall be subject to the CNIPA’s professional guidance.

(Source: [www.gov.cn](http://www.gov.cn))

## Patent

### CNIPA: The Latest Statistics on Patents (January 2023)

Statistics on Domestic and Foreign Patent Grants							
January 2023							
		Invention		Utility model		Industrial Design	
Classification		Patent Grants	Composition	Patent Grants	Composition	Patent Grants	Composition
Total	Subtotal	45474	100%	233303	100%	57896	100%
	Service	44584	98.0%	216565	92.8%	37547	64.9%
	Non-service	890	2.0%	16738	7.2%	20349	35.1%
Domestic	Subtotal	40127	88.2%	232794	99.8%	57211	98.8%
	Service	39311	98.0%	216075	92.8%	36898	64.5%
	Non-service	816	2.0%	16719	7.2%	20313	35.5%
Foreign	Subtotal	5347	11.8%	509	0.2%	685	1.2%
	Service	5273	98.6%	490	96.3%	649	94.7%
	Non-service	74	1.4%	19	3.7%	36	5.3%

Note: 1. The statistics of patent grants in this table are compiled in accordance with publication dates of patent grants.

2. The statistics of domestic and foreign countries are divided according to the origin of the applicant (patentee).

## Patent

Statistics on Domestic and Foreign Patents in Force							
January 2023							
Unit: patents in force							
Classification		Invention		Utility model		Industrial Design	
		Patents in force	Composition	Patents in force	Composition	Patents in force	Composition
Total	Subtotal	4237657	100%	10945649	100%	2845993	100%
	Service	4130162	97.5%	10149730	92.7%	1973285	69.3%
	Non-service	107495	2.5%	795919	7.3%	872708	30.7%
Domestic	Subtotal	3378695	79.7%	10891845	99.5%	2723992	95.7%
	Service	3281280	97.1%	10098055	92.7%	1855631	68.1%
	Non-service	97415	2.9%	793790	7.3%	868361	31.9%
Foreign	Subtotal	858962	20.3%	53804	0.5%	122001	4.3%
	Service	848882	98.8%	51675	96.0%	117654	96.4%
	Non-service	10080	1.2%	2129	4.0%	4347	3.6%

Note: Herein this table, the count of the patents in force for invention, with publication dates of patent grants no later than December 31<sup>st</sup>, 2020, are compiled in accordance with the patentees' addresses, while with regard to the patents in force for invention with publication date of patent grants on and after January 1<sup>st</sup>, 2021, the statistic data is calculated in accordance with the applicants' addresses.

Statistics on Receipt of PCT Applications				
January 2023				
Unit: applications				
Classification	Total of the current month		Total of the current year	
	Applications	Composition	Applications	Composition
Total	4033	100%	4033	100%
Domestic	3747	92.9%	3747	92.9%
Foreign	286	7.1%	286	7.1%

(Source: China National Intellectual Property Administration)

## Trademark

### CNIPA: The Latest Statistics on Trademarks (January 2023)

Statistics on Domestic and Foreign Trademark Registrations and Trademarks in Force				
January 2023			Unit: registrations/trademarks in force	
Registrations		Trademarks in Force		
Classification	Total of the current year	Composition	Quantity	Composition
<b>Total</b>	378777	100%	42980680	100%
<b>Domestic</b>	370108	97.7%	40945697	95.3%
<b>Foreign</b>	8669	2.3%	2034983	4.7%

Note:

(1) The total of the current year is compiled from December 16 of the last year to the 15<sup>th</sup> of the current month; the trademarks in force are compiled as of the 15<sup>th</sup> of the current month.

(2) The data is derived from the database of the Trademark Office and extracted at the end of the current month.

Statistics on Trademark Oppositions		
January 2023		Unit: oppositions
Item	Total of the current month	Total of the current year
<b>Opposition filed</b>	11951	11951
<b>Opposition adjudicated</b>	21421	21421

Note: The total of the current month is compiled from the 16<sup>th</sup> of the last month to the 15<sup>th</sup> of the current month; the total of the current year is compiled from December 16<sup>th</sup> of the last year to the 15<sup>th</sup> of the current month.

Statistics on Trademark Appraisal Cases			
January 2023			Unit: Cases
Item	Type	Total of the current month	Total of the current year
<b>Cases filed</b>	Review of the refusal	15409	15409
	Review of the rejection of registration	403	403
	Review of the cancellation of registered trademarks	1669	1669
	Declaration of invalidation	7821	7821
	<b>Total</b>	<b>25305</b>	<b>25305</b>
<b>Cases adjudicated</b>	Review of the refusal	16444	16444
	Review of the rejection of registration	229	229
	Review of the cancellation of registered trademarks	1237	1237
	Declaration of invalidation	3844	3844
	<b>Total</b>	<b>21756</b>	<b>21756</b>

Note: 1. The total filed cases of the current month include 3 review of declaration of invalidation, and the total filed cases of the current year include 3 review of declaration of invalidation.

2. The total adjudicated cases of the current month include 2 review cases of opposition, and the total adjudicated cases of the current year include 2 review cases of opposition.

(Source: China National Intellectual Property Administration)

## Copyright

### **China: Joint Efforts made to improve the Ecology of Copyright Protection**

Through years of development, Internet literature has become an important source for adaptation of films, television series, games and animation, and thus copyright protection in that industry has been attracting attention of all sectors.

In recent years, the development of Internet literature in China has displayed a great strength. According to the *2021-2022 China Digital Publication Industry Annual Report* published by the Chinese Academy of Press and Publication, in 2021 the Internet literature kept on moving towards high-quality development and presented an increasingly obvious trend of premiumising, industrialization and ecologicalization. The industry scale reached 35.8 billion RMB at the annual growth rate of 24.1%. The annual increase in the number of works reached over 2.5 million and the accumulative number of worked exceeded 30 million. The number of Internet literature readers reached 502 million, accounting for 48.6% of the total number of Internet users.

Along with the obvious development in terms of creation environment and content and theme, the copyright operation model in the Internet literature are gradually came to its maturity and the industrial chain continued to extend. According to the *2021 China Internet Literature Copyright Protection and Development Report* published by the Copyright Society of China , in 2021 the overall copyright operation of China's Internet literature industry influenced a total approximate market value of 303.7 billion RMB involving the game, film and television, animation, music and audio markets, and its range of influence on the digital culture industry approached 40%, driving the prosperous development of cultural industries including physical publishing, sound, animation, film and television, games and derivatives.

Through the joint efforts in recent years, a protection model for China's Internet literature protection has been formed by coordinating government regulation, industry self-discipline, enterprise autonomy and social supervision. For example, the *P.R.C. Civil Code* and the copyright laws and regulations have provided strong regulatory guarantee, while the special actions like the "Sword Net 2022" have continued to crack down on infringement and piracy of Internet literature and take measures to address specific key difficulties.

(Source: China Intellectual Property News)