IP PROTECTION IN CHINA

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SUMMARY

• Intellectual Property Rights in China
• Enforcement of IP Rights in China
Intellectual Property Rights in China

- **Patents**
  - Invention patents
  - Utility models
  - Industrial designs

- **Trademarks**
  - Well-known marks
  - Registered marks

- **Copyrights**

- **Trade secrets**
## Essential Characteristics of IP Rights

<table>
<thead>
<tr>
<th></th>
<th>Protects</th>
<th>Obtained</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trademarks</td>
<td>Brands (names of companies, products, and services)</td>
<td>Mandatory registration</td>
<td>Potentially indefinite duration</td>
</tr>
<tr>
<td>Patents</td>
<td>Inventions and designs</td>
<td>Mandatory registration</td>
<td>Patents: 20 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Utility models and designs: 10 years</td>
</tr>
<tr>
<td>Copyrights</td>
<td>Works of authorship</td>
<td>Creation of the work and no registration requirement</td>
<td>50 years after death or after publication</td>
</tr>
<tr>
<td>Trade Secrets</td>
<td>Valuable secrets</td>
<td>Keeping secret</td>
<td>As long as secret</td>
</tr>
</tbody>
</table>
### Intellectual Property Rights in China

#### Patent Filings in China

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Inventions</th>
<th>Utility Models</th>
<th>Designs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>551458</td>
<td>201524</td>
<td>153114</td>
<td>196820</td>
</tr>
<tr>
<td><strong>Domestic</strong></td>
<td>469403</td>
<td>131449</td>
<td>151936</td>
<td>186018</td>
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<tr>
<td><strong>Foreign</strong></td>
<td>82055</td>
<td>70075</td>
<td>1178</td>
<td>10802</td>
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### Intellectual Property Rights in China

#### Patent Filings in China
2006 to 2008

<table>
<thead>
<tr>
<th></th>
<th>2006</th>
<th>2007</th>
<th>2008 (projected)</th>
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<tbody>
<tr>
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<td>573178</td>
<td>694153</td>
<td>735277</td>
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<tr>
<td>Domestic</td>
<td>470342</td>
<td>586734</td>
<td>625901</td>
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<tr>
<td>Foreign</td>
<td>102836</td>
<td>107419</td>
<td>109401</td>
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</tbody>
</table>
Enforcement of IP Rights in China

- **Administrative proceedings**
  - Cease and desist orders
  - Fines
  - Confiscation of infringing products
  - NO monetary damages

- **Civil litigation**
  - Preliminary and permanent injunctions
  - Monetary damages
  - Public apologies

- **Criminal prosecution**
  - Prison terms
Enforcement of IP Rights in China

- Courts in large cities
  - Generally fair and efficient courts
  - Relatively competent judges
  - Insufficient monetary damages

- Enforcement of court judgment
  - Generally adequate enforcement against large companies
  - Difficult to enforce court judgment against small companies and individuals