



# Beijing RisingMark

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### ➤ **SIPO: 2016 China Patent Data Ranking**

On January 19, the State Intellectual Property Office of China (SIPO) published the statistics and other related information in 2016.

In 2016, SIPO received a total of 1.339 million invention patent applications with an increase of 21.5%, which ranks first in the world for 6 consecutive years. A total of 404,000 invention patents were granted, among which, there are 302,000 domestic invention patents, with an increase of 39,000 pieces compared to 2015, up 14.5%. Among the domestic invention patents, there are 276,000 service inventions, accounting for 91.4%; and 26,000 non-service inventions, accounting for 8.6%. (Source: SIPO website)

### ➤ **Chinese Trademark Filing Volume Ranked First in the World For 15 years in a Row**

According to State Administration for Industry and Commerce, in 2016 trademark applications in China amounted to 3.691 million, which ranks first in the world for 15 consecutive years. The top five domestic provinces for trademark application were Guangdong, Beijing, Zhejiang, Shanghai and Jiangsu, among which, Guangdong Province were found with over 2 million valid trademark registrations for the first time. (Source: People.cn)

### ➤ **IP5 PPH Test will extend for another 3 years effective Jan 6, 2017**

The European Patent Office, the Japanese Patent Office, the Korean Patent Office, the State Intellectual Property Office of the People's Republic of China and the US Patent and Trademark Office launched the five-point (IP5) Patent Prosecution Highway (PPH) pilot on January 6, 2014 for a period of three years, ending on January 5, 2017.

As agreed among all the five offices, this PPH pilot will be extended for three years from January 6, 2017. Please refer to the website of each office for details in requirements and procedures. (Source: SIPO website)

## Cases in Spotlight

### ➤ **China's first GUI patent dispute in litigation**

In 2016, a GUI design patent dispute drew public attention to Beijing Qihoo Technology Co. Ltd. and its affiliate company Qizhi Software (Beijing) Co. Ltd. (hereinafter referred to as "360 Company"), as well as Beijing Jiangmin New Technology Co., Ltd. (hereinafter referred to as "Jiangmin company"), and to GUI design patent.

In April 2016, 360 company started a lawsuit at Beijing IP Court alleging that the "Jiangmin optimization expert" software launched by Jiangmin company infringes 3 of 360 company's design patents, and requested the court to order Jiangmin company stop infringement immediately, eliminate influences, and compensate for the economic losses and reasonable costs for a total of 15 million yuan. Jiangmin company filed petitions to Patent Reexamination Board for invalidation of the three patents at issue and requested Beijing IP Court to suspend the trial. But Beijing IP Court found the three patents at issue are solid enough based on the patent right evaluation report submitted by 360 company, and rejected Jiangmin company's suspension request. An open hearing of the case was held on September 21, 2016, while the court has not yet made the ruling so far.

In recent years, many countries have GUI into the scope of design patent protection. This is the first domestic GUI design patent infringement case since China started to grant protection to GUI in 2014. Its typical significance is "being unprecedented". The determination of the relevant facts in this case and the application of law, including the determination of liability and the amount of compensation will be of great reference significance for similar cases in future. In addition, the GUI invalidation pending at the Patent Reexamination Board will also inspire the relevant practitioners.

## RSMK news

### ➤ **Company leader is employed as an enterprise mentor of Tianjin University**

Li Ji, leader of the company, was invited to Tianjin University on November 20 to give a report entitled "Biological Patent Protection". The report focuses on the related issues of patent application and protection in the field of biochemical industry. He has conducted in-depth discussions and extensive exchanges with the participating teachers and students, and has been employed as a student of the School of Chemical Engineering of Tianjin University. Enterprise engineer of "excellent engineer training plan".