



24
Solar
term

VERNAL EQUINOX

On this day, the duration of the daytime and the nighttime is equal. Based on the observations of ancient Chinese, after this day, migratory birds will return to the north and plants will become lush. There are many rituals to commemorate the Vernal Equinox, including flying kites, erecting eggs, picking edible wild herbs, and putting sweet dumplings in fields to keep the birds from eating crops.

Chapter II



Pushing Forward the Implementation of the *Outline*, and Enhancing Law-Based Governance in IP

- 1 Implementation of the *Outline for Boosting Competitiveness of China in the Area of Intellectual Property*
- 2 Legal System Development
- 3 IP Examination Standards and Policies
- 4 Administrative Reconsideration and Administrative Litigation

01

Implementation of the *Outline for Boosting Competitiveness of China in the Area of Intellectual Property*

CNIPA formulated and released the plans on allocating major tasks for implementing the *Outline for Boosting Competitiveness of China in the Area of Intellectual Property (2021-2035)* (the “*Outline*”). The administration conducted annual monitoring of the implementation of the *Outline*, and produced a report on the annual monitoring of the implementation of the *Outline*. The *Evaluation Report on China’s Intellectual Property Development Status in 2022* was produced and released.

CNIPA offered guidance to 31 provinces (autonomous regions and municipalities) and the Xinjiang Production and Construction Corps to work out supportive policies for implementing the *Outline*. It organized the members of the State Council’s Inter-Ministerial Joint Conference on the Implementation of the Intellectual Property Strategy (the “*Joint Conference*”) and relevant authorities to promote

the implementation of the *Annual Plan for Advancing the Implementation of the Outline for Boosting Competitiveness of China in the Area of Intellectual Property and the Relevant Plan for the “14th Five-Year Plan”*.

The Expert Advisory Committee for Boosting Competitiveness of China in the Area of Intellectual Property, which is chaired by Ms. Yan Juanqi, Vice Chairman of the Standing Committee of the Twelfth National People’s Congress, and composed of 34 senior experts, was set up.

02

Legal System Development

Notable progress in amending the *Implementation Regulations of the Patent Law of the People's Republic of China*. CNIPA worked together with the Ministry of Justice to accelerate the amendment, and revised the *Interim Measures for Handling Relevant Examination Affairs after the Amendment to the Patent Law Became Effective*.

Accession to and implementation of the *Hague Agreement Concerning the International Deposit of Industrial Designs*.

Amendments were proposed to the *Implementation Regulations of the Patent Law and the Guidelines for Patent Examination* to incorporate new content concerning the *Hague Agreement*. CNIPA formulated, released, and amended in a timely fashion the *Interim Measures for Handling Relevant Affairs after China's Accession to the Hague Agreement*.

Accelerating the new round of amendments to the *Trademark Law* and the legislation on GIs. CNIPA has collected inputs from all parties to prepare the *Draft Amendment to the Trademark Law (Draft for Public Comments)* and the *Draft Regulations on Geographical Indications*.

Steady progress in promoting the revision of administrative rules. The *Provisions on the Supervision and Administration of Trademark Agency*, which became effective on December 1, proposed targeted measures relating to agency recordation, practice norms, regulatory measures, and penalties for violations, to help healthy development of the industry. The amendment to the *Administrative Measures Concerning the Registration of Collective Marks and Certification Marks* was expedited.

Continuous efforts to promote law-based governance.

Local legislation work received further guidance and was better coordinated, and the first nationwide seminar on IP legal system was held. CNIPA conducted legality and fair competition check over norms and policies, and reviewed the legality of major administrative law enforcement decisions. The administration also organized publicity and education events on law-based governance.

03

IP Examination Standards and Policies

Improving patent examination standards and policies. The *Draft Amendment to the Guidelines for Patent Examination (Draft for Second-Round Public Comments)* has been open for public comments since October 31. The administration imposed stricter regulation on patent filings, and actively promoted the amendment to the *Provisions on Regulating Patent Application Activities*, and provided guidance to patent examination.

Issuing new policies concerning trademark examination. CNIPA formulated and implemented the *Measures for Fast-Track Examination of Trademark Registration Applications (for Trial Implementation)* and related work plans to strengthen the protection of trademarks involving national interests and public good. CNIPA formulated and promulgated the *Opinions on the Examination Quality Management of Collective Marks and Certification Marks*

(including GI), the *Guiding Opinions on the Examination of METAVERSE-Related Trademarks*, the *Guiding Opinions on Examination and Hearing of Trademarks in the Catering Industry (1st Edition)*, and the *Guidelines for the Examination of GI Trademarks on Liquor*. The administration amended the *Guiding Opinions on the Examination of Trademarks Applications Filed on the Same Day (2nd Edition)*, released the *Guide to Application for Registration and Use of Trademarks in the Catering Industry (for Trial Implementation)*, the *Guide to Application for Registration and Use of Trademarks for Class 35 Commodities and Services*, the *Guide to Avoiding Conflicts with Prior Rights in Application for Registration and Use of Trademarks*, the *Directory of Signs Prohibited from Being Used as Trademarks*, and the *Guide to Application for Registration and Use of Trademarks Containing Geographical Names*, so as to guide market entities to file their trademark applications in compliance with relevant rules.

04

Administrative Reconsideration and Administrative Litigation

In 2022, CNIPA received a total of 2,594 requests for administrative reconsideration involving patents, trademarks, layout designs of integrated circuits, and geographical indications. In addition to the administrative cases regarding reexamination and invalidation, CNIPA responded to 288 first-instance administrative cases involving patents, trademarks, layout designs of integrated circuits, and geographical indications, of which 91 were first-instance cases newly accepted by courts, and 197 were carried over from the year 2022.

In 2022, 1,645 administrative proceedings were filed with the people's courts by the administrative counterparts against the administrative decisions made by the patent examination and invalidation department, and 22,206 administrative proceedings were filed with the people's courts against the administrative rulings made by the trademark review and adjudication board. The litigation rate for patent reexamination and invalidation cases and trademark review and adjudication cases were 2.3% and 5.7%, respectively.