



II Legal Affairs and Examination Policies



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01 Legal system construction

Progress was made in the revision of laws, regulations and rules. The amendment to the *Implementation Regulations of the Patent Law of the People's Republic of China* was carried forward in cooperation with the legislature, with a draft amendment for public consultation and a draft amendment for review formulated, successively. Preliminary works were carried out for amending the *Trademark Law of the People's Republic of China* and its implementation regulations, with the first draft amendment to the trademark law completed. In-depth research was conducted for the special legislation on GI, and the basic framework and main content of the GI legal system were drawn up. Steady progress was made in the revision of regulations such as the *Measures for the Administration of Trademark Agency*, and the *Measures for the Registration and Administration of Collective Marks and Certification Marks*.

The top-level design for legal awareness raising in the IP field was enhanced. According to the overall requirements of the 8th Five-Year Plan on

Raising Public Legal Awareness, CNIPA drafted the *Implementation Plan on Raising Legal Awareness in the Intellectual Property System Nationwide for the 8th Five-Year Plan Period (2021-2025)*.

Continuous efforts were made to enhance governance by rule of law. Rigorous legitimacy reviews were conducted prior to promulgation of normative documents and major administrative enforcement decisions. Online training sessions were held for public attorneys in CNIPA to be better prepared for the related work.

Guidance and coordination on legislation at the local level were enhanced. Leveraging the related guiding and coordinating mechanism, CNIPA was engaged in supporting the optimization of IP-Related legal systems at the local level. A series of guidance and supports were provided for Hainan as the major target for legislative guidance. Guiding opinions and advice on improving IP-related legislation were offered to Beijing, Liaoning, Shanxi, Pudong District of Shanghai, Changsha, etc.

02 IP examination standards and rules

Patent and trademark examination rules were improved. Oriented to national needs and user satisfaction, the patent and trademark examination and management mechanism highlighted the coordination with national economic and sci-tech strategies. CNIPA issued the *Measures on Regulating Patent Application Behaviors* and drafted the *Measures on Fast-Track Examination of Applications for Trademark Registration* (issued in January 2022). Relevant transitional work was conducted on design patent examination as preparation for the accession to the *Hague Agreement Concerning the International Registration of Industrial Designs*.

Continuous efforts were made to improve patent and trademark examination criteria. Adaptive revisions of the *Guidelines for Patent Examination* were made in accordance with the amended patent law and its implementation regulations (under revision), and a draft was released for public comments. The *Guidelines for Trademark Examination and Review* was issued to standardize the rules on trademark procedures and provide the public with specific guidelines on trademark-related matters.

03 Administrative reconsideration and administrative litigation

In 2021, a total of 1,779 requests for administrative reconsideration involving patents, trademarks, IC layout designs, appellations of origin and GIs were received. In addition to administrative cases regarding reexamination and invalidation, CNIPA responded to 397 first-instance administrative cases involving patents, trademarks, IC layout designs, appellations of origin and GIs, in which 266 were first-instance cases newly received by courts, and 131 were carried over from the year 2020.

In 2021, 1,442 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 21,000 administrative proceedings were filed with the people's courts against the administrative rulings made by the trademark review and adjudication board. The prosecution rate for patent reexamination and invalidation cases and trademark review and adjudication cases were 2.4% and 5.4% respectively.