Multi -Track Protection of IP Rights In China
------Administrative Protection of Patent Right

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Multi-Track Protection of IP Rights In China

**Basic Structure**

**IP Disputes**
- Judicial
  - Civil
  - Criminal
- Administrative
  - AIC/MSA
  - Copyright Office
  - CNIPA/Local IPO/MSA
  - Customs
Administrative Protection of Patent Right

Patent Cases Received by the Courts and Administrative Authorities

- Civil Cases
- Administrative Cases

<table>
<thead>
<tr>
<th>Year</th>
<th>Civil Cases</th>
<th>Administrative Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>12357</td>
<td>20859</td>
</tr>
<tr>
<td>2017</td>
<td>16010</td>
<td>28157</td>
</tr>
<tr>
<td>2018</td>
<td>21699</td>
<td>34600</td>
</tr>
<tr>
<td>2019</td>
<td>22272</td>
<td>39000</td>
</tr>
<tr>
<td>2020</td>
<td>28528</td>
<td>42000</td>
</tr>
</tbody>
</table>
Administrative Protection of Patent Right

Administrative Procedure for Patent Infringement

- Petition
- Service
- Request for patent invalidation and stay
- Response, not requesting stay
- Trial (oral or paper)
- Mediation
- Mediation Paper
- Administrative Decision
- No Stay
- Stay
- Validity Affirmed
- Patent invalid
- Rejection
- Withdraw
## Comparison of Civil and Administrative Tracks for Patent Infringement

<table>
<thead>
<tr>
<th>Tracks</th>
<th>Time</th>
<th>Possible Measures</th>
<th>Remedies</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil</td>
<td>First Instance: 6 months; Second Instance: 3 months</td>
<td>Evidence Preservation; Property Preservation</td>
<td>Damages, Injunction, Preliminary Injunction</td>
<td>Court fees, Attorney fees</td>
</tr>
<tr>
<td>Administrative</td>
<td>3-4 months</td>
<td>On site investigation</td>
<td>Injunction</td>
<td>Attorney fees</td>
</tr>
</tbody>
</table>
Q&A?
Thanks

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