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SANYOU

January

1. The RMB standard for fees of the international phase of PCT applications is to be executed from January 1, 2025

Recently, CNIPA issued the RMB standard for fees of the international phase of PCT applications is to be executed from January 1, 2025. All fees are higher than those implemented on January 1, 2024. International application documents should not exceed 30 pages, marking a year-on-year increase of 3.48%. PDF format submissions have increased by 3.125%, and XML format submissions have increased by 3.33%.

I. International application fees collected on behalf of WIPO				
		2024.1.1	2015.1.1	
1	International application documents not exceeding 30 pages	10620	10990	+370
2	additional charge per page for over 30 pages	120	120	
3	Payment reduction for electronic filing (PDF format)	1600	1650	+50
4	Payment reduction for electronic filing (XML format)	2400	2480	+80
II. service charge for fee collection on behalf of WIPO		1600	1650	+50

2. Soliciting opinions on the Revised Draft of the Anti- Unfair Competition Law of the People's Republic of China

Recently, the revised draft of the Anti-Unfair Competition Law of the People's Republic of China was released. The major revisions are as follows.

Clarify the overall requirements for combating unfair competition. Improve and perfect the system of anti-unfair competition rules, strengthen the enforcement and judiciary of anti-unfair competition, and maintain fair competition order. Improve the description of departmental responsibilities and stipulate that the administrative department in charge of anti-unfair competition of the people's government at or above the county level shall investigate and deal with unfair competition behaviors. If laws and administrative regulations stipulate that other departments shall investigate and deal with unfair competition behaviors, their provisions shall be followed.

Improve regulations related to unfair competition behavior. The revised draft improves the regulation of confusion behavior, stipulating that operators shall not use others' new media account names, application names or icons that have certain influence without authorization, or set product names, enterprise names, etc. that have certain influence from others as their search keywords, causing confusion. Operators shall not provide convenience for others to engage in confusing behavior. Strengthen the governance of commercial bribery, adhere to the principle of "investigating bribery and corruption together", and add provisions prohibiting

organizations and individuals from accepting bribes in trading activities on the basis of the current prohibition of bribery. On improving the regulatory system for unfair competition on the internet, the revision draft stipulates that platform operators should clarify the fair competition rules within the platform in accordance with the platform service agreement and transaction rules, and take necessary measures in a timely manner to stop unfair competition behavior among platform operators. Operators shall not use data, algorithms, technology, platform rules, etc. to engage in malicious transactions and other unfair competition behaviors. The revised draft also improves the relevant provisions on false advertising, unfair prize sales, commercial defamation, and abuse of advantageous positions that harm the legitimate rights and interests of small and medium-sized enterprises.

Improve regulations on anti-unfair competition supervision and punishment. The revised draft follows the principles of proportionality between excessive penalties and the combination of punishment and education stipulated in the Administrative Penalty Law, enriches regulatory measures, and scientifically adjusts the amount of punishment. If an operator is suspected of violating the provisions of the Anti-unfair Competition Law, the supervisory and inspection department may hold talks with their legal representative or person in charge and require them to take measures to rectify in a timely manner. Enhance the punishment for unfair competition behavior. Add provisions for punishing the legal representative, main person in charge, and directly responsible personnel of operators who engage in commercial bribery at the individual level; Supplement relevant penalties for organizations and individuals who accept bribes in trading activities.

3. The Administrative Adjudication and Mediation Measures for Patent Disputes shall come into effect on February 1, 2025

The Measures for Administrative Adjudication and Mediation of Patent Disputes (hereinafter referred to as the "Measures") have been reviewed and approved, and will come into effect on February 1, 2025. The Measures clarify the specific rules for administrative adjudication and mediation of patent disputes, aiming to improve the efficiency of dispute resolution, safeguard the legitimate rights and interests of patent holders and the public, and promote the stability of the socialist market economy order.

1). Clarify the scope and rules of administrative rulings

The Measures provide a detailed division of the scope of administrative rulings on patent disputes, including patent infringement disputes, drug patent disputes, patent open license implementation disputes, etc., and particularly establish clear rules for jurisdiction over infringement disputes. Specifically, patent infringement disputes are under the jurisdiction of the department responsible for managing patent work in the place of infringement or the domicile of the requested party. Cases with significant impact are the responsibility of provincial or higher-level departments. In addition, the Measures have refined the arbitration procedures, including application, acceptance, trial, and arbitration, and set statutory time limits for each stage. It is usually required to close the case within 3 months, or no more than 5 months.

2). Standardization and innovation of mediation mechanisms

The Measures regulate various aspects of the mediation process, including the conditions for applying for mediation, the statement of opinions during the mediation process, and the production and effectiveness of the mediation agreement. It is particularly noteworthy

that the mediation agreement, after being jointly notarized by the parties, is legally compulsory.

3). Early resolution mechanism for drug patent disputes

The Measures have introduced an early resolution mechanism for drug patent disputes, which is an important supplement to the existing patent dispute resolution system. This mechanism not only protects the legitimate rights and interests of patent holders, but also avoids drug market delays caused by patent disputes, optimizing the patent protection environment in the pharmaceutical field.

4). Mediation of Patent Open License Implementation Disputes

The Measures have made specific provisions for mediation in the implementation of open licensing, clarifying the applicable circumstances and specific procedures. For example, if the open license agreement cannot be fulfilled or there is a dispute between the two parties over specific terms in the implementation of the technology, it can be quickly resolved through administrative mediation.

5). Mechanism designed to enhance execution and authority

The Measures emphasize the enforceability and authority of arbitration decisions, and clarify the measures for administrative enforcement for non-performance of arbitration decisions. At the same time, a punishment mechanism has been established for the dishonest behavior of the parties involved, and such behavior will be included in the management of the social credit system. In addition, to strengthen the legal effectiveness of administrative rulings and mediation results, the Measures stipulate that both rulings and mediation agreements can serve as important basis for judicial confirmation and enforcement.

6). Protecting vulnerable groups and handling diverse disputes

The Measures pay special attention to the protection of the rights and interests of vulnerable entities such as small and medium-sized enterprises. In terms of procedural settings, arbitration and mediation aim for efficiency and low cost, reducing the economic burden and time cost of the parties involved. At the same time, the Measures also provide diversified solutions, allowing parties to choose the most suitable path for their own interests between administrative rulings, mediation, and other remedies.

7). Promote transparency and digitization

The Measures put forward requirements for information disclosure and digital adjudication. The acceptance, trial process, and ruling results of the case must be made public in accordance with the law and can be operated through a dedicated online platform.

4. Congratulations to Sanyou for multiple client patent projects being shortlisted for the 25th China Patent Award

Recently, CNIPA announced the review results of the 25th China Patent Award, and several patent projects of Sanyou's clients were shortlisted.

Winning the China Patent Silver Award Project:

Patent number: ZL201510349577.8 Method for predicting overall production of multi-layer oil reservoirs

Patent Number: ZL201911115800.7 Probiotic Enhancement Combination for Butyric Acid Production

Winning the China Patent Excellence Award Project:

Patent number: ZL201611196005.1 Fan segment device for continuous casting slab under heavy pressure

Patent number: ZL201710009892.5 A water-based drilling fluid suitable for horizontal wells in shale gas long sections and its application

Congratulations to all award-winning clients, and we look forward to witnessing more brilliant achievements of our clients in the future!

5. General Manager of Sanyou, DANG Xiaolin, and Director of Trademark Department, SUN Qinghua, were invited to attend the Trademark & Brand Talent Annual Meeting

Recently, the 3rd Trademark & Brand Talent Annual Conference hosted by the China Trademark Association was held in Beijing. At the meeting, Sanyou was awarded the plaque of "Deputy Director Member of Talent and Education Professional Committee" and the honorary certificate of "Active Contribution to the Construction of Trademark Talent Pool Question Bank".





At the roundtable meeting, DANG Xiaolin and the guests present had in-depth exchanges and discussions on the theme of "Exploring Enterprise Brand Building and Trademark Talent Cultivation from the Perspective of New Quality Productivity Development".



SUN Qinghua, Head of the Trademark Department of Sanyou, shared her experiences on four aspects: the current situation and trend of Chinese enterprises' "going global", the opportunities brought by brand going global, the challenges posed by international trademark business to service agencies, and stressed talent cultivation and active participation in market competition.



- ▣ Sanyou Awarded 5A Patent Agency
- ▣ Sanyou TM has been recognized as a 'Well-known Trademark / Brand in Beijing' in 2023
- ▣ Sanyou won the Trademark Opposition Case against "aotomechanika"
- ▣ Sanyou was again awarded the honorary title of 'China's Outstanding Intellectual Property Service Team'