



# THE IP DIGEST

## BY TENGYU



May 14, 2025

### Legal Express on IP Related Laws and Regulations

1. The "Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Application of Law in Handling Criminal Infringement Cases of Intellectual Property Rights" was released on April 24, 2025 and effective on April 26, 2025
2. "Draft Amendment to the Patent Examination Guidelines (draft for comments) and Amendment Notes" were published for public opinion on April 30, 2025 through June 15, 2025.
3. "Regulation on the Protection of Trade Secrets (draft for comments)" was published for public opinion on April 25, 2025 through May 25, 2025.

### Typical Chinese IP Cases of 2024

#### Selected Typical Cases Regarding Trademarks, Patents and Administrative Protection Published by CNIPA

- Trademark opposition against mark No. 70283061 "L'OIE DES LANDES", which features equal protection to the foreign geographical indications and creates good business environment.
- Trademark opposition against mark No. 59554235 “阿波罗”(Apollo), wherein the innovative achievements of leading companies in the smart driving industry are protected and thus providing valuable reference for IP protection in new technology fields.
- Review against refusal for mark No. 74447834 "BRTV 北京时间" (BRTV

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Beijing Time). In this case, the actual usage of the mark is thoroughly considered by the examiner and thus approved the registration and protect the media brands.

- Invalidation against registration No. 8223462 for "童年时光" (Childhood Time) is another success case wherein the pre-emptive registration by former agent is found in bad faith and thus invalidated.
- Invalidation against registration No. 38247153 "" (CVF & device) making a breakthrough to Classification Book of Similar Goods and Services and providing cross-class protection of reputable commercial marks in the agricultural field, effectively suppressing the behavior of taking advantage of others' goodwill and contributing to high-quality development of agriculture.
- Invalidation against an invention patent named "Ruxolitinib Phosphate", issuing the decision to maintain the validity of the patent right. This case implemented the latest revision of the Patent Examination Guidelines in respect of the value orientation of encouraging invention and creation, providing examination rules for the priority recognition of cited patent documents.
- Invalidation against a design patent named "Toy (Bubble Tank)", wherein the CNIPA decided to maintain the validity of the patent right. This case clarified that the same or similar product types are not a necessary condition to establish a design combination. The case also provided three factors to determine whether the combination is established and explained the views and opinions for comparing the design combination.
- Shanghai Intellectual Property Office handled a series of patent Infringement disputes concerning the invention "Pyrido [1, 2-A] Pyrimidinone Analogs as Pi3K Inhibitors". In this case, the administrative authorities recognized the real operator of the e-platform via in-depth investigation through the platform's historical transaction data and outsider information. This case also provides clear guidelines for e-commerce platforms to standardize their operations and prevent legal risk.
- Series raids conducted by Shanghai Pudong District Administration for Market Regulation (Intellectual Property Office) against trademark infringement of "Rolls-Royce". In this case, the rental of infringing products is confirmed as a kind of trademark infringement action.

### **Selected 2024 China Typical IP Cases Published by the Supreme People's Court**

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- Trademark Infringement and Unfair Competition in real estate field: - This case clarified the review criteria and proof standards in protection of competitive interests of trade names under Article 6 (Item 2) of the Anti-Unfair Competition Law.
- The action of disclosing unpublished game characters constitutes Trade Secrets Infringement: - This case confirms that game character design and other information that are yet in public domain constitute trade secrets. Also, the preliminary injunction is confirmed to be effective means to stop further infringement in this case to prohibit the further leaking of game character information.
- “AI Face-Changing” constituted Copyright Infringement: - This case is a typical dispute in the application scenario of generative synthesis algorithms, involving the nature of the use of artificial intelligence technology to partially synthesize other people's copyrighted works (short videos). This case balances technological innovation and rights protection and clarifies the legal boundaries of the application of artificial intelligence technology.
- Unfair Competition of online evaluation of new products: - This case analyzed and determined the legitimacy of posting product reviews on the Internet. Starting from the legislative purpose of the Anti-Unfair Competition Law, the court clarified the legal boundaries of evaluation behavior and confirms that the actions of forging of evaluation data constitute unfair competition in terms of false advertising.
- Unfair Competition concerning ticket grabbing software - This case clearly pointed out that the ticket grabbing software used technical means to provide users with unfair advantages in ticket purchasing, undermined the platform's ticket selling rules, interfered the normal operation of the platform's ticket sales, and damaged the competitive interests of specific operators and thus constituted unfair competition.
- Criminal and Civil Lawsuit Concerning Copyright Infringement of popular film and television programs: - Dissemination of related film and television programs to the public through information networks constituted crime of copyright infringement over audiovisual works. This case fully reflects the advantages of the "three-in-one" trial mechanism of civil, criminal and administrative intellectual property rights, which not only solves the problems of conviction and sentencing of the defendants but also solves the problem of civil compensation for the victims, and provides timely and comprehensive protection for intellectual property rights holders.

#### **Selected 2024 Typical Cases Issued by Beijing Intellectual Property Court**

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- Administrative Dispute of patent invalidation on "a Rocuronium Bromide Crystal Form": - This case examined the inventiveness of drug crystal form patent based on its technical effect.
- Administrative Dispute of trademark invalidation on "Douhaiyin": - The core service mark "DOU YIN" is recognized as well-known trademark in this mark based on its actual use and market coverage, the increasing speed of users, etc. The duration of use of the mark is not regarded as core factors to be considered.
- Trademark Infringement and Unfair Competition against a registered trademark "Boss": - According to Chinese Corporation Law, the shareholders only hold limited liability based on its share. In recent years, more and more infringers use the above basic theories of corporate law as a shield to circumvent tort liability by establishing a company, or even establishing a company across borders or domains, to exempt the actual infringer from tort liability. In this case, through the shareholder responsibility penetration mechanism, the problem of accountability for "shell infringement" has been solved.
- Administrative Dispute concerning antitrust: - This is the first case wherein the standards for reviewing concentration of operators are confirmed.
- Unfair Competition Dispute: - This is the first anti unfair competition case relating to data wherein the authentication and validity of Data Intellectual Property Registration Certificate is confirmed.

#### About Tengyu

Beijing Tengyu Law Firm is a Chinese local general firm with over decade's history. Starting with practices in Intellectual Property, Tengyu gradually became a law firm who not only capable of providing legal services for both contentious and non-contentious IP issues, but also commercial dispute resolution, regulatory compliance, civil and criminal liability etc.

In the past years, Tengyu has made many significant achievements and breakthroughs, including recently listed as one of the "2025 ALB China Firms to Watch". We continue to explore new areas of business, enhance our lawyers' and experts' capabilities, and actively participate in social welfare activities. These efforts not only bring new business opportunities to our firm but also bring more value to our clients and society.

At this new starting point, we will continue to uphold the professional, efficient, honest service concept, continue to explore new service models, to provide better legal services for both our clients locally and aboard. Going forwards, we will share with you the most updated Chinese IP Laws and Practices, as well as the latest developments and successful experiences of our firm.

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