

Special Lectures at the East and West Local Chapter Meeting

Mr. Cheng Yongshun, who served as the deputy presiding judge of the Third Civil Tribunal (former Intellectual Property Tribunal) of the Beijing High People's Court, delivered a lecture about the "Chinese intellectual property litigation system and issues attracting attention from companies" on July 26 and 28.

Mr. Cheng Yongshun served as the deputy presiding judge of the Third Civil Tribunal (former Intellectual Property Tribunal) of the Beijing High People's Court up until the end of March 2005 whereupon he retired from office in April. He is one of the most famous and experienced judges for intellectual property-related litigation in China. He was engaged in the establishment of a Chinese patent system as well as proceeding intellectual property litigations, and rendered many prominent decisions in his 20-year engagement in official duties.

Companies that have expanded to China or are planning to do so cannot avoid intellectual property issues, and therefore, we asked Mr. Cheng to talk about the "Chinese intellectual property litigation system and issues attracting attention from companies."

The outline of the lecture is as follows.

When explaining the outline of the intellectual property litigation system of China, he introduced the internal organization of the People's Court and the sharing of roles, the four-level and two-instance system, and the types of civil cases relating to intellectual property rights which are under the jurisdiction of the People's Court. He then commented that, as the actual conditions of judicial protection of intellectual property in China, there has been a significant increase in the number of intellectual property-related civil cases accepted and terminated, an increase in the percentage of international cases, and the fact that administrative enforcement played an important role in judicial enforcement. Moreover, as for issues attracting attention from companies in relation to the judicial protection of intellectual property, he delivered a lecture based on case examples in regards to a desirable choice by a right holder between administrative and judicial routes in a case of infringement dispute, the issue of incentives and remunerations for inventors, creators of devices and so on, and problems with transferring a patent right or a right to file a patent application to a foreigner.