



中国法院知识产权 司法保护状况

2023年

Intellectual Property Protection by
Chinese Courts in 2023

最高人民法院知识产权审判庭 编

人民法院出版社

中国法院知识产权司法保护状况（2023年）

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特别说明：

《中国法院知识产权司法保护状况（2023年）》以中英两种文本发布，以中文文本为准。

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This paper is published in both Chinese and English. The Chinese version shall be the authoritative version for interpretation purposes.

中国法院知识产权司法保护状况 (2023年)

前 言

创新是引领发展的第一动力，保护知识产权就是保护创新。2023年，人民法院坚持以习近平新时代中国特色社会主义思想为指导，深入贯彻习近平法治思想，聚焦“公正与效率”工作主题，依法发挥审判职能作用，切实严格保护知识产权，全年新收各类知识产权案件544126件，审结544112件，在激励创新创造、维护公平竞争、促进文化繁荣等方面发挥了重要作用，有效促进知识产权转化运用，有力支撑和服务中国式现代化。

知识产权司法对创新创造的保护力度进一步加大。人民法院坚持严格保护理念，准确适用民法典和知识产权法律法规，落实落细惩罚性赔偿制度，充分发挥刑罚对侵犯知识产权犯罪的威慑预防功能，依法从严惩治侵权假冒，显著提高侵权代价和违法成本。2023

年，全国法院在 319 件案件中适用惩罚性赔偿，同比增长 117%，判赔金额 11.6 亿元，同比增长 3.5 倍。注重依法及时救济，用足用好知识产权证据规则，积极发挥行为保全制度效能，有效破解知识产权维权“周期长”“成本高”难题。

知识产权司法服务新质生产力发展的作用进一步发挥。加强知识产权保护是发展新质生产力的内在要求和重要保障，知识产权司法保护的力度和水平，直接关系到保护创新成果、激发创新活力的效果，直接影响创新驱动发展战略的实施和推进。人民法院立足司法的引领、规范和保障作用，不断完善高新技术成果和新业态新模式司法裁判规则，持续加大对大数据、人工智能、高端芯片和生物技术等关键技术、重点领域、新兴产业的知识产权司法保护力度，助推技术创新、产业创新、制度创新，有力支撑和服务新质生产力发展。

知识产权司法专业化审判体制机制进一步健全。以最高人民法院知识产权审判业务部门为牵引、4 个知识产权法院为示范、27 个地方法院知识产权法庭为重点、各级法院知识产权审判业务部门为支撑的专业化审判体系基本形成，国家层面知识产权案件上诉审理机制运行取得积极成效，全国具有知识产权民事案件管辖权的基层人民法院达 558 家，知识产权案件“三合一”审判机制改革深入推进，充分发挥知识产权专门化审判体系在统一裁判标准、优化科技创新法治环境、服务知识产权强国建设等方面的积极作用。

知识产权司法推动构建大保护格局的作用进一步加强。人民法院坚持能动履职，积极融入知识产权全链条保护，不断加强司法审

判与行政执法衔接协作，促进知识产权行政执法标准与司法裁判标准有机协调。坚持和发展新时代“枫桥经验”，做实“抓前端、治未病”，坚持系统治理、依法治理、综合治理、源头治理，针对性提出司法建议，加强知识产权纠纷多元化解，推动版权、数据权益保护等领域合作，参与知识产权诉讼诚信体系建设，积极开展法治宣传教育，切实推动知识产权保护标本兼治。

知识产权司法营造一流营商环境的成效进一步凸显。人民法院依法维护中小企业、民营企业合法权益，消除市场封锁，增强竞争动力，维护诚信经营，促进生产要素在更大范围内畅通流动，保障加快建设全国统一大市场。坚持统筹推进国内法治和涉外法治，公正高效审理涉外知识产权案件，平等保护中外当事人合法权益，越来越多外国当事人选择在中国解决知识产权纠纷，有力服务构建以国内大循环为主体、国内国际双循环相互促进的新发展格局。

一、加强科技创新保护，支撑科技强国建设

人民法院充分发挥知识产权审判对科技创新的激励和保障作用，充分发挥发明专利等技术类案件集中管辖和审理的优势，总结提炼科技创新司法保护规则，统一技术类案件裁判尺度，强化对创新成果保护的规则引领和价值导向，激发自主创新的信心和活力，有力服务高水平科技自立自强，助力我国经济高质量发展。

（一）推动技术类案件审判质效提升

人民法院积极完善司法解释，切实加强案例指导，推动技术

类案件审判质效不断提升。最高人民法院修改《关于知识产权法庭若干问题的规定》，根据审判实际情况，调整技术类知识产权案件管辖布局，促进技术类案件审判资源进一步优化。下发《关于健全完善技术类知识产权和垄断案件审判质效通报反馈机制的意见（试行）》，切实强化对下监督指导。不断完善多元化技术事实查明机制，719名技术调查专家纳入“全国法院技术调查人才库”，实现机械、电学、化学、光电、通信、生物医药等主要技术领域全覆盖，全国范围共建共享、按需调派，有效缓解技术类案件事实查明难题。发布第39批指导性案例8件，其中5件涉及侵害专利、集成电路布图设计及技术秘密，有效指导审判实践。发布第三批人民法院种业知识产权司法保护典型案例15件，总结司法实践经验，指导种业知识产权纠纷处理，提升种业知识产权司法保护水平，推动健全种质资源保护和利用体系。

（二）加大技术创新成果保护力度

人民法院贯彻严格保护的司法理念，依法加强对专利授权确权行政行为合法性审查，提升专利授权确权质量。积极运用诉讼保全、惩罚性赔偿等救济手段，显著提高侵权代价和违法成本，让“真创新”受到“真保护”，“高质量”受到“严保护”，妥善审理涉及5G通信、量子技术、人工智能、生物医药、高端装备制造、种业种源等高新技术领域知识产权案件，加强关键领域、核心技术、新兴产业知识产权司法保护，有力服务保障技术创新和产业升级。最高人民法院审理“蜜胺”发明专利及技术秘密侵权案，依法判令侵权方赔偿2.18亿元，执行中促成全面和解，侵权方获得使用许可，权利

人最终获偿 6.58 亿元，刷新国内知识产权案件纪录，入选“新时代推动法治进程 2023 年度十大案件”。审结“橡胶防老剂”技术秘密侵权案，判赔 2.02 亿元，创技术秘密侵权判赔新高。稳妥化解两家科技“独角兽”企业系列侵权互诉案，促成 10 多起专利纠纷达成一揽子和解，使创新主体轻装上阵，集中精力进行科研攻关。2023 年，人民法院新收专利民事一审案件 44711 件，同比上升 14.73%。安徽高院提级审理一起涉植物新品种权益纠纷案，促成一次性解决 15 个杂交水稻新品种纠纷，并就案外 2 个植物新品种达成合作共识，有力促进种业振兴。河南高院提出 14 项具体措施，服务和保障“中原农谷”建设，加大对具有自主知识产权的重大农业科技成果和植物新品种的保护力度。北京知识产权法院审结集成电路、标准必要专利等高新技术知识产权案件 140 件，同比增长 35.2%。杭州、宁波、温州知识产权法庭集中优势审判资源，跨区域审结技术类案件 2000 件，积极服务区域科技创新水平提升。

二、规范商标注册使用，服务品牌强国建设

人民法院加强与行政执法机关协同配合，不断健全完善商标司法保护的制度、机制和裁判规则，支持鼓励商标实际使用，依法制止权利滥用行为，有力维护商标注册秩序，保护市场主体诚信经营，推动筑牢商标保护和品牌经济发展的法治基础。

（一）维护商标注册秩序

人民法院不断提高商标授权确权行政案件审理质量，坚决打击

不以使用为目的的商标恶意注册行为，促进商标申请注册秩序正常化和规范化。2023年，人民法院审结商标行政一审案件20090件。最高人民法院审结“洋河”商标撤销复审行政纠纷案，明确不应因《类似商品和服务区分表》项目变更，而限缩此前商标注册人的权利范围或作出对注册人不利的解释，贯彻商标法鼓励商标实际使用的立法精神。审结“任诚意”商标权无效宣告请求行政纠纷案，厘清老字号传承发展关系，认定以公司经营者前人名义注册的商标合法有效。北京高院与国家知识产权局加强商标行政案件沟通协调，完善诉源治理工作举措，6月至12月商标驳回复审行政纠纷一审案件月平均收案量较1月至5月下降23%。共同探索商标恶意注册行为信息共享机制，精准识别处置恶意囤积商标行为，推动规范商标注册秩序。

（二）依法保护诚信经营

准确适用商标法，依法加强驰名商标、传统品牌和老字号司法保护，呵护更多有国际影响力的“中国制造”品牌；加大对侵犯商标类犯罪的刑事打击力度，严厉惩治商标攀附、仿冒搭车，遏制侵犯地理标志权利行为。合理平衡界定商标权权利边界与保护范围，实现保护范围和强度与显著性相适应，维护公共利益和市场秩序。2023年，人民法院新收商标民事一审案件131429件，同比上升16.85%。新收侵犯注册商标类刑事一审案件6634件，审结6357件，同比上升33.45%和24.67%。最高人民法院审结“新百伦”商标侵权和不正当竞争纠纷案，在被诉侵权人构成举证妨碍情形下，全面、客观审核在案证据，判决赔偿权利人经济损失及合理开支

3004 万元。审结“盼盼”商标侵权及不正当竞争纠纷案，对明知他人注册商标知名度和影响力，仍然大量使用近似商标进行恶意攀附的，适用 4 倍惩罚性赔偿，全案判决赔偿 1 亿元经济损失及合理开支 65 万元。审结“金银花”商标侵权案，明确注册商标中含有本商品主要原料名称，注册商标专用权人无权禁止他人正当使用，充分保护正当、诚信经营。福建、广西、四川、云南、甘肃、宁夏等地法院立足本地区位优势，建立地理标志司法保护工作机制，助力地方特色品牌发展壮大。

三、促进作品传播利用，助推文化强国建设

人民法院充分发挥著作权案件审判对于优秀文化的引领和导向功能，大力弘扬社会主义核心价值观，加强人工智能技术司法保护研究，持续提升传统文化和传统知识等领域的著作权保护水平，促进文化产业健康发展。

（一）探索新类型著作权案件裁判规则

最高人民法院发布 8 件人民法院电影知识产权保护典型案例，涉及盗录传播院线电影、保护作品完整权、改编权、信息网络传播权、著作权合理使用等多方面内容，有效指导各级人民法院依法审理涉电影著作权保护案件，激发电影产业创新创造活力。审结酒店提供影视作品点播服务著作权侵权案，明确信息网络传播权侵权界限，为酒店、民宿经营者合法提供观影服务作出规则指引。审结涉“开源软件”著作权侵权案，依法保护开源软件二次开发者的权利，

平衡软件开源社区建设和软件开发者利益保护之间的关系。审结“自助创建网站”侵害计算机软件著作权系列纠纷案，合理确定判赔标准，引导权利人溯源维权。北京知识产权法院开展网络著作权司法保护规则研究，就推荐算法运用下的平台责任问题形成调研报告，探索涉推荐算法平台版权责任案件的裁判思路优化与规则完善。北京互联网法院审结 AI 文生图著作权案，探索人工智能生成物著作权保护路径。

（二）保护文化遗产创新发展

2023 年，人民法院审结著作权民事一审案件 246013 件。人民法院立足司法审判职能，加大对著作权人和相关权利人的保护，依法引领新兴技术规范运用，促进中华优秀传统文化创造性转化、创新性发展，服务保障文学、艺术和科学作品的繁荣发展。上海高院加强涉无障碍作品著作权侵权纠纷案件审判指导，保障阅读障碍者以无障碍方式获取作品，平衡保护著作权人、阅读障碍者的合法权益。江西高院联合有关单位举办专题研讨会，持续加大对景德镇陶瓷文化传承与创新的司法保护，优化陶瓷产业营商环境。新疆高院向自治区广播电视局发出司法建议，推动加强节目内容著作权权属审查，从源头上减少矛盾纠纷，取得良好效果。辽宁沈阳中院与省版权局加强司法协助、信息交流、诉调对接，推动构建知识产权协同保护治理模式。湖北襄阳中院审理侵犯听书作品著作权案，获评“2022 年度全国打击侵权盗版十大案件”。山东枣庄中院加强图书盗版案件调研，推动行政执法部门开展打击盗版专项整治行动。

四、维护公平竞争秩序，激发创新创造活力

人民法院通过严格公正司法，充分保护经营者、消费者合法权益，积极营造诚实守信的市场环境，持续探索完善数据保护规则，规范引导互联网健康发展，以优质高效司法审判促进公平竞争的全国统一大市场的建设和运行。

（一）规范市场竞争行为

加快推进反垄断民事诉讼司法解释制定，做好与反垄断法规政策衔接，健全完善反垄断案件裁判规则，细化明确垄断行为判断标准。调研反不正当竞争司法解释适用情况，加强对混淆、虚假宣传、侵害技术秘密、网络不正当竞争案件的审判指导。持续加强反垄断和反不正当竞争审判，依法规范和引导资本健康发展。在 2023 年中国公平竞争政策宣传周期间，发布 10 件人民法院反垄断和反不正当竞争典型案例，回应民生关切，强化规则指引，推进公正高效审理垄断及不正当竞争案件，依法惩治损害竞争行为。2023 年，人民法院审结垄断、不正当竞争民事一审案件 10336 件。最高人民法院审结涉“枸地氯雷他定”原料药滥用市场支配地位案，妥善处理专利权保护与反垄断的关系，兼顾鼓励创新与保护竞争。审结“商砼联营”反垄断行政处罚案，细化“固定或者变更商品价格”“分割销售市场”等横向垄断协议的认定标准，依法监督和支持反垄断行政执法部门的行政执法，维护市场公平竞争。审结“新骨瓷”虚假宣传不正当竞争案，明确行业协会作为适格原告的资格条件，厘清在特定商品名称前冠以“新”字进行宣传构成不正当竞争的考量因素，

有效引导行业经营者进行良性竞争。

（二）加强数据创新权益保护

坚持从有利于创新、有利于公平竞争、有利于消费者长远利益角度，用足用好法律规则，加强新技术、新领域、新业态知识产权司法保护，积极回应新质生产力市场化司法保护新需求。探索健全完善数据知识产权保护规则，合理划分数据权益权属及使用行为边界，维护用户数据权益和隐私权，促进数字经济与实体经济深度融合，服务保障数字经济创新发展。最高人民法院组织开展“加强数据产权保护，推动数字经济高质量发展”课题调研，推动数据权益案件裁判规则不断完善。北京高院推出司法服务保障数字经济发展22项举措，为打造数字经济发展“北京样板”提供有力支持。江苏高院与省知识产权局强化数据知识产权协同保护，联合省发展改革委、司法厅推动完善数据知识产权登记管理制度，促进数据产业规范发展。北京法院审结“刷宝 App”不正当竞争纠纷案，探索明确非独创性数据集合的法律性质，依法有力保护平台经营者收集、存储、加工、传输数据形成的合法权益。广东法院审结数据不正当竞争纠纷案，充分考虑数据要素市场价值，判决2000万元赔偿。

五、深化审判理念变革，引领保护效能提升

最高人民法院召开第五次全国法院知识产权审判工作会议，全面总结知识产权审判工作情况，系统谋划新时代新发展阶段知识产权审判工作。会议着重强调，要深化知识产权审判理念变革，引领、

促进知识产权审判工作高质量发展。

（一）深化审判体制机制改革

人民法院持续加强知识产权审判体制机制建设，全面促进知识产权案件审理专门化、管辖集中化、程序集约化、人员专业化。最高人民法院组织开展“关于构建公正高效的知识产权司法保护体制”课题调研，以构建公正高效的知识产权司法保护体制为目标，以破解制约科技创新的体制性难题为导向，从推动相关制度建设、增强审判能力等方面，明确促进知识产权审判工作水平提高的具体举措，加快推进知识产权诉讼特别程序法列入立法规划。开展“关于深化国家层面知识产权案件上诉审理机制改革及人财物保障问题研究”课题调研，持续深化国家层面知识产权案件上诉审理机制改革。山西高院加强和规范知识产权案件指定管辖、提级管辖机制，切实排除地方保护，确保知识产权案件公正高效审理。重庆两江新区（自贸区）法院创新知识产权小额诉讼审判模式入选知识产权强国建设第二批典型案例。深入推进知识产权民事、行政和刑事案件“三合一”审判机制改革，全国已有 25 个高级人民法院、242 个中级人民法院和 287 个基层人民法院有序开展知识产权民事、行政和刑事案件集中管辖。天津、内蒙古、黑龙江、江苏、浙江、安徽、江西、河南、海南、新疆、陕西、青海等地法院实现辖区内知识产权案件“三合一”审判机制全覆盖，有效提升知识产权司法保护整体效能。

（二）能动参与知识产权治理

人民法院坚持“请进来”与“走出去”相结合，依法能动履职，

积极参与构建知识产权大保护工作格局，推动实现案结事了政通人和、双赢多赢共赢。最高人民法院针对涉电影知识产权纠纷特点和成因，发布《关于加强知识产权保护 服务推动电影产业高质量发展的司法建议书》，推动在 2023 年金鸡百花电影节首次举办知识产权保护论坛，并由相关行业组织发布保护知识产权的倡议，有效促进涉电影知识产权纠纷的源头治理，推动电影产业高质量发展。江苏法院全年提出司法建议 25 份，无锡中院在审理多起计算机软件著作权侵权案件中发现共性问题，向行业协会及时发出司法建议，开展座谈、授课，提升企业知识产权保护能力。

最高人民法院会同中央有关单位完善协同配合机制，推进业务交流、数据交换和信息共享。与国家知识产权局联合印发《关于强化知识产权协同保护的意見》，健全常态化交流会商机制。与农业农村部联合举办全国种业知识产权保护培训。积极参与配合民事诉讼法、反不正当竞争法、商标法等法律修改工作，对专利法实施细则、著作权集体管理条例、植物新品种保护条例等有关法规文件提出意見。浙江高院与省市场监督管理局推动建立失信联合惩戒机制，加强跨市域专利案件司法行政协作。河北高院与省农业农村厅等部门就种业、中医药知识产权协同保护开展专题座谈。海南高院与省知识产权局等 8 家单位携手推进全省知识产权领域信用体系建设。长春知识产权法庭与市场监管等部门加强协作，创建知识产权维权援助示范站，服务相关园区企业 500 余家。黑龙江齐齐哈尔中院与齐齐哈尔海关等单位联合建设一站式海外知识产权维权援助平台。内蒙古呼和浩特中院与自治区知识产权保护中心成立知识产权诉源治

理工作站、知识产权保护联络点，形成知识产权保护合力。各级人民法院还积极做好线索移送工作，及时向知识产权行政执法机关及公安机关移送案件审理中发现的违法犯罪线索，有力推动知识产权协同保护。

深化落实“总对总”在线诉调对接工作机制，全国范围内实现知识产权调解组织全覆盖，入驻调解组织、调解员数量持续增长，人民法院委派诉前调解纠纷9万余件，调解成功率超过80%，有效满足人民群众多层次、多样化司法需求。西藏高院与自治区市场监督管理局推动知识产权纠纷行政调解协议司法确认程序健全完善。湖南法院建立著作权纠纷“专业审判+专业定价+行业调解”联合解纷工作机制。贵州贵阳中院与市知识产权保护中心设立知识产权诉讼服务中心，成功调解多起知识产权纠纷。

积极落实“谁执法谁普法”，深化司法公开，扩大知识产权司法保护影响力。最高人民法院在知识产权宣传周期间组织系列活动，全面展示人民法院知识产权司法保护成果。天津高院编印法律风险防范手册，提升企业知识产权维权意识和维权能力。新疆生产建设兵团法院深入社区和企业，提高群众尊重知识产权意识，了解企业品牌建设状况和维权需求。成都知识产权法庭在大运会开幕当日参与主题直播，讲解知识产权知识，取得热烈反响。各地法院严格落实裁判文书公开，精心组织典型案例发布，增强全社会尊重和保护知识产权意识。

六、坚持依法平等保护，积极开展国际交流

人民法院坚持统筹协调理念，妥善审理与国际经贸活动有关的重大知识产权纠纷，依法平等保护中外当事人及各类市场主体合法权益，积极参与知识产权领域国际合作，为全球知识产权治理贡献中国司法智慧。

2023年，全国法院新收一审涉外案件7883件。最高人民法院审结涉“西门子”侵害商标权及不正当竞争纠纷案，综合考虑“西门子”字号及商标知名度，侵权行为的性质、情节等因素，判令被告赔偿1亿元经济损失及相关合理开支，依法保护德国西门子公司的合法权益，传递出中国法院加大知识产权保护力度、平等保护中外当事人的鲜明态度。审结涉“运动机构”发明专利侵权案，适用惩罚性赔偿，判令赔偿外方权利人1200余万元，彰显我国加强知识产权保护的责任大国形象。通过公正高效审理涉外知识产权案件，中国日益成为值得信赖的国际知识产权诉讼优选地。

人民法院积极参与世界知识产权组织框架下的全球知识产权治理，推动全球知识产权治理体制向着更加公正合理方向发展。2023年，最高人民法院同世界知识产权组织签署加强交流与合作谅解备忘录，参与世界知识产权组织“旗舰出版物”——《法官专利案件管理国际指南》“中国专章”的编写，入选2023年“中国法治国际传播十大典型案例”。指导上海、福建、海南、广东四地法院与世界知识产权组织仲裁与调解中心建立合作关系、签订交流合作协议、开展诉调对接。加强与“一带一路”共建国家和地区知识产权司法

协助和务实合作。举办中欧知识产权司法论坛，派员参加世界知识产权组织“2023年知识产权法官论坛”，国际商标协会2023年年会，国际保护知识产权协会版权论坛等国际会议，向国际社会展现我国开放包容、平等公正的良好形象，为全球知识产权治理贡献中国司法智慧。

结束语

2024年是新中国成立75周年，是实现“十四五”规划目标任务的关键一年。人民法院知识产权审判工作将坚持以习近平新时代中国特色社会主义思想为指导，深入贯彻习近平法治思想，深化理念变革、制度创新、素能提升，增强知识产权审判质量、效率和司法公信力，以高质量知识产权司法营造市场化、法治化、国际化一流营商环境，为加快建设知识产权强国提供有力司法服务和保障。

附录

2023 年全国法院知识产权案件重点数据

2023 年，全国法院新收一审、二审、申请再审等各类知识产权案件 544126 件，审结 544112 件（含旧存，下同），比 2022 年分别上升 3.41% 和 0.13%。

全国法院新收知识产权民事一审案件 462176 件，审结 460306 件，比 2022 年分别上升 5.4% 和 0.55%。其中，新收专利案件 44711 件，同比上升 14.73%；商标案件 131429 件，同比上升 16.85%；著作权案件 251687 件，同比下降 1.57%；技术合同案件 6492 件，同比上升 53.19%；竞争类案件 10230 件，同比上升 8.97%；其他案件 17627 件，同比下降 0.51%。（见图 1、图 2）全国法院新收知识产权民事二审案件 37214 件，审结 38713 件，同比分别下降 24.79% 和 20.37%。

(单位：件)

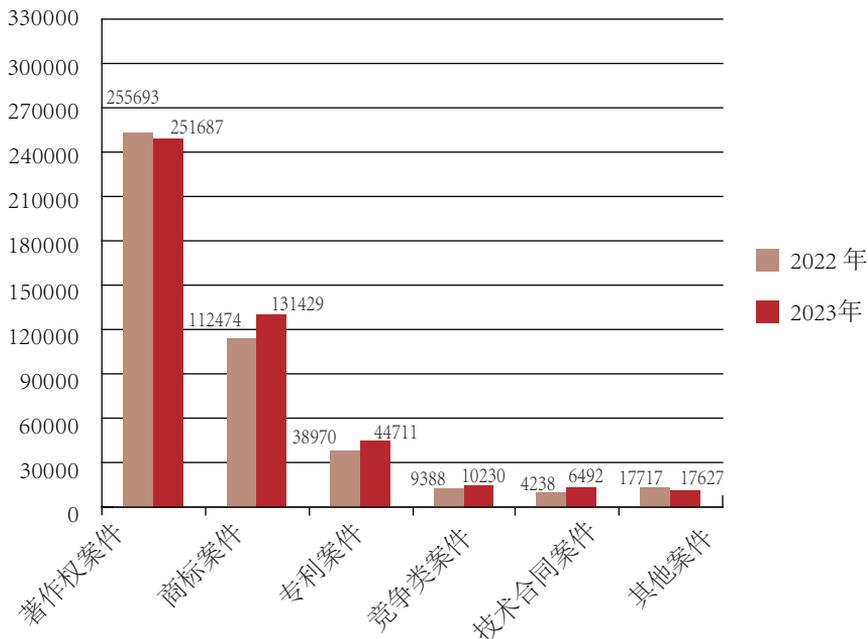


图 1 2023年与2022年全国法院新收知识产权民事一审案件数量对比

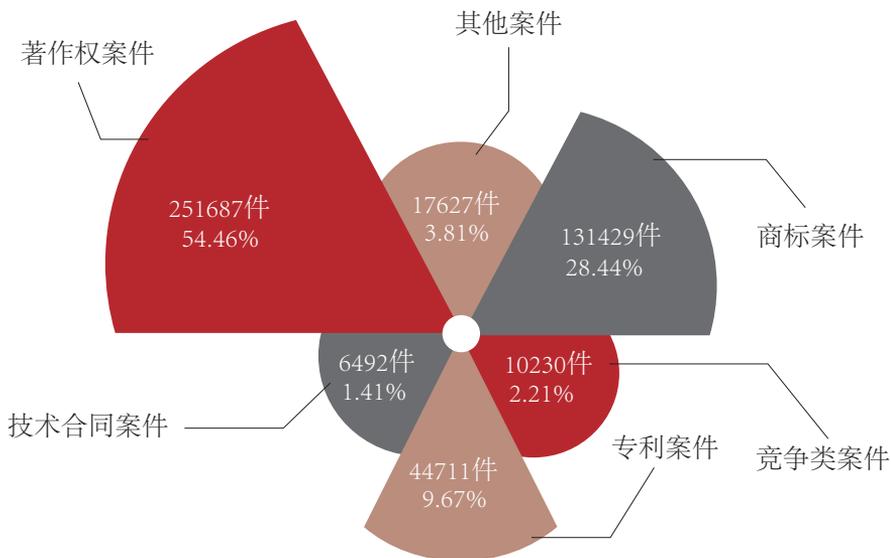


图 2 2023年全国法院新收知识产权民事一审案件类型与数量

全国法院新收知识产权行政一审案件 20583 件，审结 22340 件，比 2022 年分别下降 0.28% 和上升 26.7%。其中，新收专利案件 1990 件，同比上升 5.85%；商标案件 18558 件，同比下降 0.97%；著作权案件 11 件，比 2022 年减少 1 件；其他案件 24 件，同比上升 166.67%。（见图 3、图 4）全国法院新收知识产权行政二审案件 10053 件，审结 9259 件，比 2022 年分别上升 54.64% 和 17.99%。其中，维持原判 7477 件，改判 1551 件，发回重审 1 件，撤诉 208 件，驳回起诉 3 件，其他 19 件。

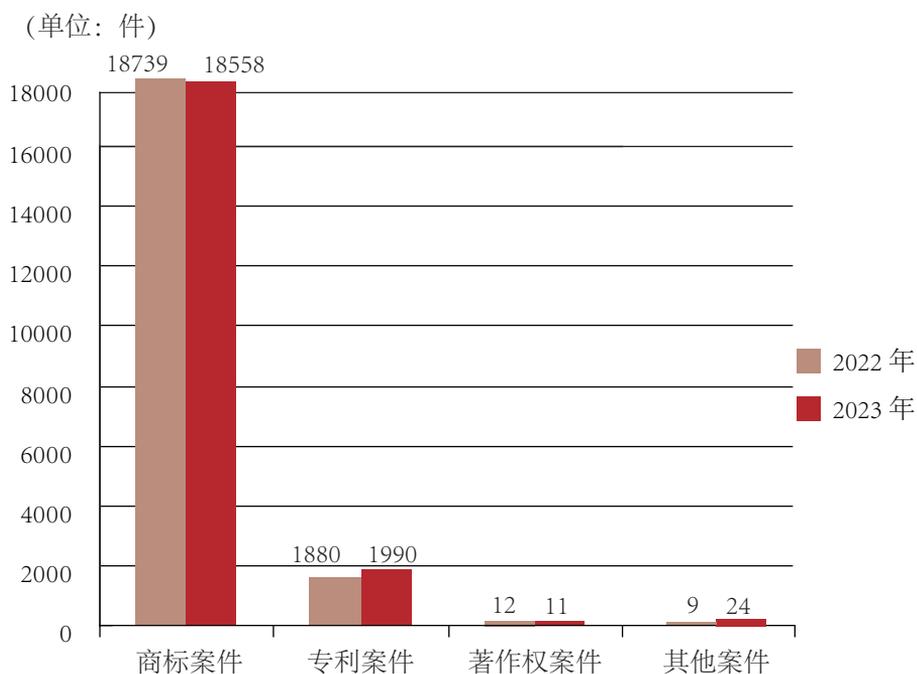


图 3 2023 年与 2022 年全国法院新收知识产权行政一审案件数量对比

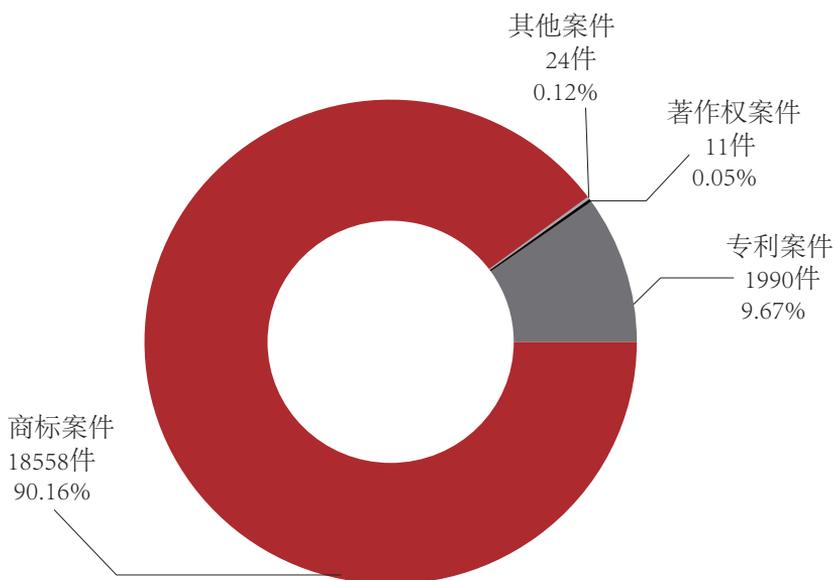


图 4 2023年全国法院新收知识产权行政一审案件类型与数量

全国法院新收侵犯知识产权刑事一审案件 7335 件，审结 6967 件，比 2022 年分别上升 37.46% 和 27.69%。其中，新收假冒专利刑事案件 1 件，审结 1 件；新收侵犯注册商标类刑事案件 6634 件，审结 6357 件，同比上升 33.45% 和 24.67%；新收侵犯著作权类刑事案件 627 件，审结 543 件，同比上升 106.25% 和 79.8%；新收其他案件 73 件，审结 66 件，同比上升 19.67% 和 20%。（见图 5、图 6）

全国法院新收知识产权刑事二审案件 956 件，审结 965 件，同比分别下降 2.35% 和 1.23%。

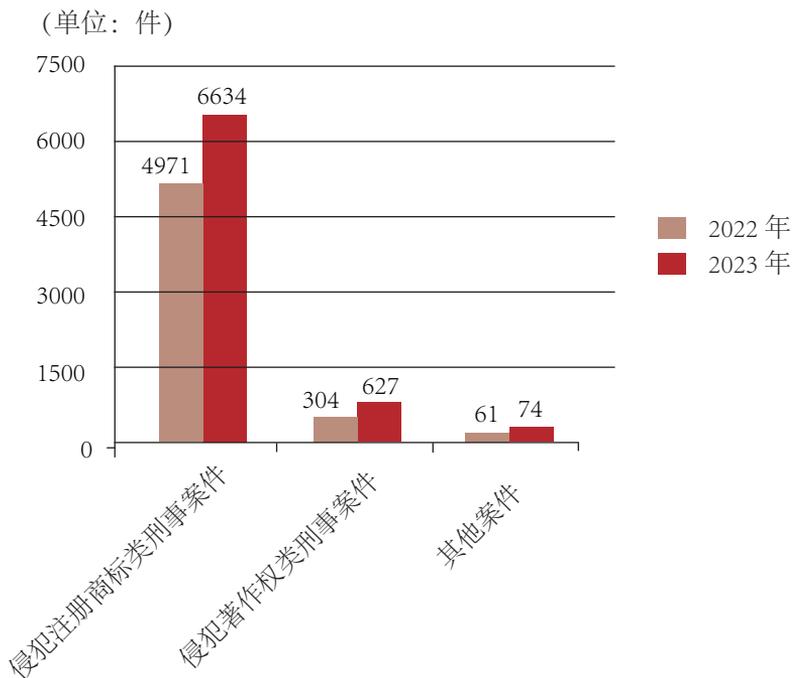


图 5 2023年与2022年全国法院新收知识产权刑事一审案件数量对比

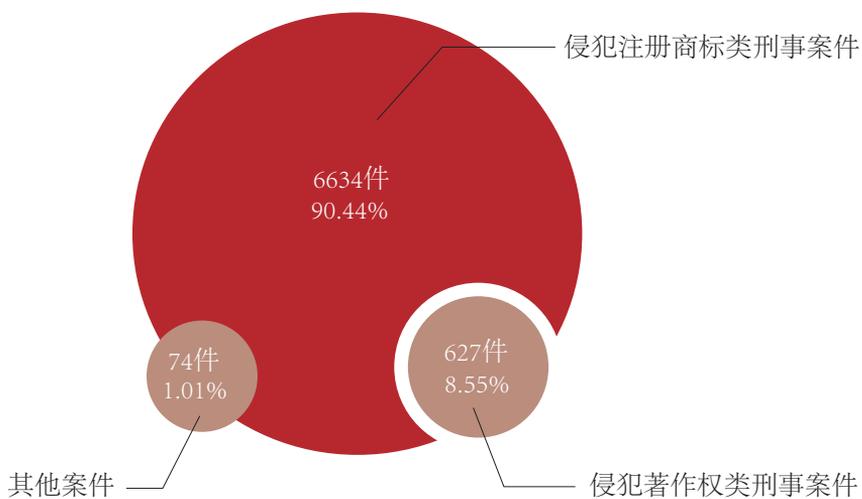


图 6 2023年全国法院新收知识产权刑事一审案件类型与数量

Judicial Protection of Intellectual Property Rights in Chinese Courts (2023)

Introduction

Innovation is the primary driving force for development, and protecting intellectual property rights (IPRs) is tantamount to safeguarding innovation. In 2023, Chinese courts adhered to Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, fully implemented Xi Jinping Thought on the Rule of Law, focused on the working theme of “justice and efficiency”, fulfilled judicial functions in accordance with the law, and effectively and rigorously protected IPRs. A total of 544,126 IPR cases in various types were newly received in 2023, with 544,112 concluded. This played a significant role in stimulating innovation and creation, maintaining fair competition, and boosting cultural prosperity. Meanwhile, it also effectively facilitated the transformation and

utilization of IPRs, providing solid support and services for the Chinese path to modernization.

The protection of innovation and creation by IP judicial system further intensified. Chinese courts remained steadfast to the concept of strict protection, precisely applied the *Civil Code* as well as laws and regulations on IPRs, implemented the mechanism of punitive damages in an effective and detailed manner, fully exerted the deterrent and preventive functions of penalties for IPR infringement crimes, resolutely cracked down on infringements and counterfeits according to the law, and significantly raised the cost of infringement and violations of laws. In 2023, punitive damages were applied in 319 cases by courts nationwide, a year-on-year increase of 117%, with a total awarded amount reaching 1.16 billion yuan, increased by 3.5 times from the previous year. Efforts were made to stress timely relief according to the law, fully utilize the rules of evidence for IPRs, and actively exert the efficiency and function of behavior preservation measure, effectively resolve problems of “Long duration of trialing” and “high litigation cost” in IPR protection.

The role of IP judicature in serving the development of new quality productive forces was brought into further play. Strengthening the protection of IPRs is an inherent requirement and important guarantee for the development of new quality productive forces,

while the intensity and level of the judicial protection of IPRs have a direct bearing on the effectiveness of protecting innovative achievements and stimulating innovation vitality, as well as on the implementation and progress of the innovation-driven development strategy. Based on the guiding, regulating and protecting role of judicature, Chinese courts made consistent efforts to improve the judicial adjudication rules for high-tech achievements, new business forms and models, step up the judicial protection of key technologies, critical areas, and emerging industries such as big data, artificial intelligence (AI), high-end chips and biotechnology to inject impetus into technological, industrial, institutional innovation, and substantially support and serve the development of new quality productive forces.

The specialized trial system and mechanism for IP judiciary system witnessed further improvement. With the IP Trial Departments of the Supreme People’s Court (SPC) as the leading force, 4 specialized IP courts as demonstrations, 27 IP divisions of local courts as focal points, and the IP trial departments of courts at all levels as supports, a specialized trial system basically took shape. A national-level appellate trial mechanism for IP cases achieved positive results. Local courts at various levels with jurisdiction over civil IP cases reached 558 across the country. The reform of the “three-in-one” trial mechanism for IP cases further forged ahead. The specialized trial

system for IP cases fully played a positive role in unifying judgment standards, optimizing the legal environment for scientific and technological innovation, and serving the construction of China into an IP powerhouse.

Endeavors were made to further enhance the role of IP judiciary in promoting the development of a comprehensive IPR protection framework. Chinese courts resolutely abode by proactive performance of duties, actively integrated themselves into the comprehensive protection of the entire IP chain, constantly strengthened the link-up between judicial adjudication and administrative law enforcement, improved the organic coordination between standards of administrative law enforcement and those of judicial adjudication. Chinese courts developed and stuck to the “Fengqiao Experience” in the new era, took practical measures to “implement a proactive approach in preemptive prevention,” and clung to systematic, law-based, synthetical, and original resolutions. Chinese courts also proposed targeted judicial recommendations with diversified solutions to IP disputes, drove cooperation in copyright, data rights protection and other fields, participated in the building of an honesty system for IP litigation, actively carried out publicity and education to raise public awareness of the law and took practical measures to solve both symptoms and root problems in IPR protection.

The effective role of IP judicature was further highlighted to create a first-class business environment. Chinese courts upheld the legitimate rights and interests of small and medium-sized enterprises (SMEs) and private enterprises in accordance with the law, eliminated market blockade, enhanced competitive dynamics, maintained integrity in business operations, facilitated the smooth flow of production factors on a larger scale and ensured the accelerated construction of a unified national market. Chinese courts steadfastly took a coordinated approach to the rule of law at home and in matters involving foreign parties, impartially and efficiently adjudicated IP cases involving foreign parties, and equally protected the legitimate rights and interests of both Chinese and foreign parties. As more and more foreign parties chose to resolve IP disputes in China, unremitting efforts were made to foster a new development paradigm with domestic circulation as the mainstay, domestic and international circulations reinforcing each other.

I. Strengthened the Protection of Scientific and Technological Innovation to Supporting the Building of a Scientific Technological Powerhouse

Chinese courts gave full play to the role of IP adjudication in stimulating and guaranteeing scientific and technological innovation

as well as the advantages of centralized jurisdiction and adjudication of technology-related cases such as invention patents, summarized judicial protection rules for scientific and technological innovation, unified the criteria of judgment for technology-related cases, reinforced the rule guidance and value orientation for protecting innovative achievements, inspired confidence and vitality in independent innovation, vigorously served high-level technological self-reliance, and greatly contributed to the high-quality development of the Chinese economy.

(I) Promoted the Improvement of the Adjudication Quality and Efficiency of Technology-related Cases

Chinese courts actively improved judicial interpretations, effectively strengthened case guidance, and resolutely pursued continuous improvement in the adjudication quality and efficiency of technology-related cases. The SPC amended the *Provisions on Several Issues Concerning the SPC Intellectual Property Court* and adjusted the jurisdiction layout of technology-related IP cases according to the actual circumstances of adjudication, further optimizing the adjudication resources for technology-related cases. The SPC also issued the *Opinions on Improving the Notification & Feedback Mechanism for the Quality and Efficiency of Adjudication of Technical IP and Monopoly Cases (Trial Implementation)* to conscientiously

strengthen supervision and guidance of lower courts. The SPC made persistent efforts to improve the diversified mechanism for ascertaining technical facts, and succeeded in including 719 technical investigation experts in the “National Court Technical Investigation Talent Pool”. The experts are from major technical fields such as mechanics, electronics, chemistry, optoelectronics, communications, and biomedicine, etc. The talent pool is jointly established and shared by people’s courts nationwide with experts dispatched according to demand, effectively alleviating the difficulty in ascertaining facts for technology-related cases. The SPC released the 39th batch of 8 guiding cases, including 5 cases of patent infringement, integrated circuit layout design, and technical secret, effectively shedding light on judicial practice. The SPC also released the third batch of 15 model cases regarding IP judicial protection in the seed industry by people’s courts, summarized experience from judicial practice, guided the handling of IP disputes in this field, enhanced the IPR judicial protection level in the seed industry, and improved the protection and utilization system of germplasm resources.

(II) Reinforced Efforts for Protection of Technological Innovation Achievements

Chinese courts implemented the judicial concept of strict protection,

stepped up reviews of the legitimacy of administrative acts involving patent granting and invalidation in accordance with the law, and improved the quality of patent granting and invalidation. Chinese courts actively resorted to litigation preservation, punitive damages, and other remedies to significantly raise the cost of infringement and illegality to ensuring that “authentic innovation” enjoys “true protection” and “high quality” receives “strict protection”. Chinese courts properly adjudicated IP cases involving high-tech fields such as 5G communications, quantum technology, AI, biomedicine, high-end equipment manufacturing, and seed industry and germplasm resources, reinforced judicial protection of IPRs regarding key areas, core technologies and emerging industries, and provided solid support for technological innovation and industrial upgrading. The SPC heard the “Melamine” case involving infringement of invention patent and technology secret, ordering the infringer to compensate 218 million yuan according to the law, while a comprehensive settlement was achieved during enforcement that the infringer ultimately paid 658 million yuan for a licensing from the right holder, which set a new record for IP cases in China. The case was selected as one of the “Top Ten Cases in 2023 on Promotion of the Process on the Rule of Law in the New Era”. The SPC also concluded the case involving infringement of the technical secret of “Rubber Anti-Aging Agent”, ordering a compensation of 202 million yuan

in damages, setting a new record for damages in cases involving infringement of technical secret. The SPC resolved a series of mutual infringement lawsuits between two “unicorn” technology companies in a trustworthy manner, enabling over 10 patent disputes to reach a package settlement, which helped the two innovative entities to run without any burdens and focus their efforts on scientific research. In 2023, Chinese courts newly accepted 44,711 patent civil cases of first-instance with an increase of 14.73% over the previous year. Anhui High People’s Court tried a dispute over the right of new plant variety by upgraded jurisdiction, achieving a one-off resolution of disputes involving 15 new varieties of hybrid rice, and facilitating a cooperation consensus on two new varieties besides the case, which effectively promoted the revitalization of the seed industry. Henan High People’s Court proposed 14 specific measures to serve and guarantee the construction of the “Central Plain Agricultural Valley”, fortifying the protection of major agricultural scientific and technological achievements and new varieties of plants with independent IPRs. Beijing Intellectual Property Court (BIPC) concluded 140 cases involving IPRs of high technologies such as integrated circuits and standard-essential patents with an increase of 35.2% over the previous year. The IP divisions of Hangzhou, Ningbo, and Wenzhou pooled advantageous adjudication resources and concluded across regions 2,000 cases related to technologies,

vigorously advancing local technological innovation capabilities.

II. Standardized Trademark Registration and Usage to Serve the Construction of a Brand Powerhouse

Chinese courts consolidated coordination and cooperation with administrative law enforcement agencies, continuously improved the system, mechanism, and adjudication rules for judicial protection of trademarks, supported and encouraged the actual use of trademarks, prohibited the abuse of rights by law, effectively maintained the order of trademark registration, protected the operations in good faith by market entities, and promoted to lay a solid legal foundation for trademark protection and brand development.

(I) Maintained Order in Trademark Registration

Chinese courts made continuous efforts to improve the adjudication quality of administrative cases involving trademark granting and reviewing, resolutely cracked down on malicious trademark registration activities without the purpose of use, and facilitated the normalization and standardization of trademark application and registration orders. In 2023, Chinese courts concluded 20,090 administrative cases of first-instance involving trademark registration. The SPC concluded the administrative dispute involving

revocation of re-examination decision of the trademark “Yanghe”, clarifying that any changes to the items in the *List of Classes of Similar Goods and Services* should neither restrict the rights scope of the trademark registrant completing the registration prior to such change nor make unfavorable interpretations against the registrant, which is an implementation of the legislative spirit of the *Trademark Law* to encourage actual use of trademarks. The SPC also concluded the administrative case involving the application for invalidation declaration of the trademark “Renchengyi”, clarified the relationship between the inheritance and development of the time-honored brand, and determined the legal validity of the trademark registered under the name of an ancestor of the company operator. Beijing High People’s Court (BHPC) joined hands with the China National Intellectual Property Administration (CNIPA) to intensify communication and coordination on trademark administrative cases, improved measures for litigation source resolution, and reduced the monthly average filing volume of first-instance administrative re-examination cases of trademark rejection from June to December by 23% compared to the volume from January to May. Chinese courts made concerted efforts to explore the establishment of an information sharing mechanism about doers of malicious trademark registration, accurately identified and handled the behavior of malicious trademark hoarding, and pushed ahead with the

standardization of trademark registration order.

(II) Protected Operations in Good Faith by Law

Chinese courts accurately applied the *Trademark Law*, and strengthened the judicial protection of well-known trademarks, traditional brands, and time-honored brands in accordance with the law, nurturing more “Made in China” brands with global influence. Efforts were increased to crack down upon trademark infringement crimes, severely punish trademark passing-off, counterfeiting and free riding, and deter infringements on geographical indication rights. Meanwhile, Chinese courts reasonably delimited the boundaries and protection scope of the trademark rights, adapted the protection scope and intensity to the distinctiveness, and upheld public interests and market order. In 2023, Chinese courts accepted 131,429 first-instance civil cases involving trademarks, a year-on-year increase of 16.85%. A total of 6,634 first-instance criminal cases involving infringement of registered trademarks were newly accepted, and 6,357 of them were concluded, with year-on-year increases of 33.45% and 24.67% respectively. The SPC concluded the case involving trademark infringement and unfair competition of “New Balance”, The SPC comprehensively and objectively reviewed the evidence in the case where the defendant constituted an obstruction to evidence, and ordered the defendant to

compensate the right holder 30.04 million yuan for economic losses and reasonable expenses. The SPC also concluded the case involving trademark infringement and unfair competition of “Panpan” , applying 4 times punitive damages for malicious parasitic use of similar trademarks while knowing the popularity and influence of others’ registered trademarks, and ruling the defendant to compensate the plaintiff 100 million yuan for economic losses and 650,000 yuan for reasonable expenses. Besides, the SPC concluded the “Honeysuckle” trademark infringement case, clarifying that the right holder of a registered trademark does not have the right to prohibit others from legitimate use since the trademark contains the main raw material name of the product, fully protecting legitimate and honest operations. Local courts in Fujian, Guangxi, Sichuan, Yunnan, Gansu, Ningxia and other regions, by resorting to their regional advantages, established judicial protection mechanisms for geographical indications to boost the development and growth of brands with local characteristics.

III. Promoted the Spreading and Utilization of Works to Construct a Cultural Powerhouse

Chinese courts fully exerted the role of copyright case adjudication in leading and guiding the development of excellent culture, vigorously

promoted the core socialist values, stepped up research on judicial protection of AI technologies, continuously improved copyright protection in such fields as traditional culture and knowledge, and gave an impetus to the sound development of cultural industry.

(I) Explored Rules for Adjudicating New Types of Copyright Cases

The SPC released 8 model cases of judicial protection of film IPRs, which covered various aspects including unauthorized recording and spreading of cinema film, protection of right to integrity of works, right of adaptation, right of communication through information network, and reasonable use of copyright. These cases effectively guided local courts at all levels to adjudicate cases involving the protection of film copyrights in accordance with the law and motivated innovation and creativity in the film industry. The case involving copyright infringement by hotels providing on-demand services for film and television works were also concluded by the SPC, which determined the boundaries of infringement of the right of communication through information networks and provided regulatory guidance for hotel and guesthouse operators to legally provide movie-viewing services. Another case concluded involved copyright infringement of “open-source software”, in which the rights of secondary developers of open-source software were

legally protected, while efforts were made to keep balance between the construction of open-source software communities and the protection of software developers' interests. Furthermore, a series of disputes involving computer software copyright infringements by "self-help building of websites" were concluded, where reasonable compensation standards were determined, and guidance was given to right holders in tracing source of infringement and safeguarding their rights. The BIPC conducted research on judicial protection rules for online copyrights, compiled a research report on the issue of platform liabilities under the application of recommendation algorithms, exploring the optimization of adjudication ideas and the improvement of rules in copyright liability cases involving recommendation algorithm platforms. Beijing Internet Court concluded a copyright case involving AI-generated images based on texts, exploring pathways for the protection of copyrights of AI-generated works.

(II) Protected Inheritance and Innovative Development of Culture

The year 2023 witnessed the conclusion of 246,013 first-instance civil cases related to copyright by Chinese courts. Based on the function of judicial adjudication, efforts were intensified to protect holders of copyright and related rights. The normatively application

of emerging technologies were guided in accordance with the law, facilitated the innovative transformation and development of Chinese excellent traditional culture, served and ensured the prosperity of literature, art, and scientific works. Shanghai High People's Court strengthened the judicial guidance for cases involving copyright infringement of accessible works, ensuring that individuals with reading disabilities can access works in an accessible manner while balancing the legitimate rights and interests of copyright owners and individuals with reading disabilities. Jiangxi High People's Court, in collaboration with relevant units, held seminars to continuously ramp up the judicial protection of the inheritance and innovation of Jingdezhen ceramic culture, and to optimize the business environment for the ceramic industry. Xinjiang High People's Court issued judicial recommendations to local radio and television bureaus of the autonomous region, and urged for stricter examination of copyright ownership of program content to reduce conflicts and disputes from the source, achieving positive results. Shenyang Intermediate People's Court in Liaoning Province, in collaboration with Liaoning Provincial Copyright Bureau, enhanced collaboration on judicial assistance, information exchange, coordination between litigation and mediation, and rendered assistance to the construction of a collaborative governance model for IPR protection. Xiangyang Intermediate People's Court in Hubei

Province heard a case involving copyright infringement of audiobook works, which was recognized as one of the “Top Ten Model Cases for Combating Copyright Infringement and Piracy in China 2022”. Zaozhuang Intermediate People’s Court in Shandong Province invested more efforts in conducting research on cases of book piracy, and advanced for special law enforcement actions against piracy by administrative law enforcement departments.

IV. Maintained Fair Competition Order to Spurring Vitality for Innovation and Creation

Chinese courts fully protected the legitimate rights and interests of operators and consumers, and actively created a market environment boasting honesty and trustworthiness by means of strict and impartial judicial proceedings. The courts persisted in exploring and improving rules for data protection, normatively guiding the healthy development of the internet, and contributing to the construction and operation of a unified national market with fair competition through high-quality and efficient judicial trials.

(I) Regulated Market Competition

Significant efforts were made to expedite the formulation of judicial interpretations of civil anti-monopoly litigation, coordinate

with anti-monopoly laws and policies, improve and perfect the adjudication rules of anti-monopoly cases, and specify the criteria for determining monopoly behaviors. Research was conducted on the application of judicial interpretations of unfair competition law, while judicial guidance was strengthened for cases involving confusion, false publicity, infringement of technical secret, and cyber unfair competition. Continuous endeavors were made to strengthen the adjudication of anti-monopoly and unfair competition cases, and normatively guide the healthy development of capital in accordance with the law. During 2023 China Fair Competition Policy Publicity Week, the SPC released 10 model cases of anti-monopoly and unfair competition adjudicated by courts nationwide, addressed public concerns, reinforced regulatory guidance, urged for the fair and efficient adjudication of monopoly and unfair competition cases, and penalized anti-competitive behaviors in accordance with the law. In 2023, Chinese courts concluded 10,336 first-instance civil cases related to monopoly and unfair competition. The SPC concluded the case involving the abuse of a dominant position in the market in relation to an active pharmaceutical ingredient(API), desloratadine citrate disodium, properly handling the relationship between patent protection and anti-monopoly, and balancing the encouragement of innovation and the protection of competition. In a case involving an anti-monopoly administrative penalty for a commercial ready-

mix concrete joint venture, the criteria for determining horizontal monopoly agreements such as “fixing or changing product prices” and “dividing sales markets” were detailed, while the administrative law enforcement by anti-monopoly law enforcement departments was supervised and supported in accordance with the law to maintain fair competition on the market. In an unfair competition case of false publicity involving “new bone china”, the qualifications of industry associations as eligible plaintiffs were confirmed and factors to consider when determining whether using the word “new” before specific product names constitutes unfair competition were clarified, effectively guiding industry operators to engage in fair competition.

(II) Reinforced the Protection of Data Innovation Rights and Interests

Staying committed to the perspectives in favor of innovation, fair competition and the long-term interests of consumers, Chinese courts utilized legal rules fully and effectively to strengthen judicial protection of IPRs in new technologies, fields, and business forms, and energetically responded to the new demands of market-based judicial protection for new quality productive forces. Endeavors were made to explore and improve the rules for protecting data IPRs, reasonably divided the ownership of data rights and boundaries

of usage behaviors, safeguard the data rights and privacy of users, advanced the deep integration of the digital economy with the real economy, and served to ensure the innovative development of the digital economy. The SPC launched a research project titled “Strengthening the Protection of Data Property Rights and Driving the High-Quality Development of the Digital Economy” with the aim of constantly improving the adjudication rules of data rights cases. The BHPC introduced 22 measures for judicial services to support the development of the digital economy, offering strong support for creating a “Beijing Model” for the development of the digital economy. Jiangsu High People’s Court collaborated with Intellectual Property Office of Jiangsu Province to solidify coordinated protection of data IPRs, and joined hands with the Jiangsu Development and Reform Commission and the Jiangsu Provincial Department of Justice to jointly improve the data IP registration and management system, in a concerted effort to promote the standardized development of the data industry. By concluding a case involving unfair competition related to the Shuabao App, the courts in Beijing explored and determined the legal nature of non-original data sets and effectively protected the legitimate rights and interests such as collection, storage, processing, and transmission of data attributed to platform operators’ in accordance with the law. The courts in Guangdong province concluded an unfair competition case related to data, and

ruled a compensation of 20 million yuan after fully considering the market value of data elements.

V. Deepened the Reform of Trial Idea to Lead the Improvement of Protection Efficiency

The SPC convened the 5th National Court Intellectual Property Right (IPR) Trial Work Conference, comprehensively summarizing the work of IPR trials and systematically planning the work of IPR trials in the new era and new development stage. The conference underlined particular efforts to deepen the reform of IPR trial ideas, and thereby to lead and drive the high-quality development of IPR judiciary.

(I) Deepened the Reform of the Trial System and Mechanisms

Chinese courts made incessant efforts to consolidate the construction of the IPR trial system and mechanism, and to thoroughly promote the specialization of adjudication, centralization of jurisdiction, streamlining of procedures, and professionalization of talent for the trial of IPR cases. The SPC organized research on the topic of “Constructing a Fair and Efficient Judicial Protection System for IPRs.” Aiming to build a fair and efficient judicial protection system for IPRs, and oriented towards overcoming systemic

challenges restricting technological innovation, the research focused on the main line of promoting the specialization of adjudication, centralization of jurisdiction and streamlining of procedures, clearly outlined specific measures to enhance the level of IPR trial, such as advancing construction of relevant systems, and strengthening judicial capabilities, etc. Moreover, the inclusion of special procedure law on IP litigation on the legislative agenda picked up the pace. An investigation was also conducted on the topic of “Research on Deepening the Reform of the Appellate Trial Mechanism of IP Cases at the National Level and the Issue of Personnel, Financial, and Material Support”, to deepen such reform with continuous efforts. Shanxi High People’s Court, by reinforcing and standardizing the designated jurisdiction and upgraded jurisdiction mechanisms for IP cases, effectively eliminated local protectionism and ensuring fair and efficient trial of IP cases. The innovative model for the trial of small-sum IP lawsuits launched by Chongqing Liangjiang New Area (FTZ) Primary People’s Court was selected as one of the second batch of Model Cases for building a powerful country with intellectual property rights. The reform of the “three-in-one” trial mechanism for civil, administrative, and criminal IP cases forged further ahead, with 25 high people’s courts, 242 intermediate people’s courts, and 287 primary-level people’s courts nationwide orderly conducting centralized jurisdiction over civil, administrative, and criminal IP

cases. Local courts in Tianjin, Inner Mongolia, Heilongjiang, Jiangsu, Zhejiang, Anhui, Jiangxi, Henan, Hainan, Xinjiang, Shaanxi, Qinghai, and other regions achieved full coverage of the “three-in-one” trial mechanism for IP cases within their jurisdictions, effectively improving the overall efficiency of judicial protection of IPRs.

(II) Proactively Participated in IP Governance

By combining the approaches of “Inviting People to Visit and Know Courts” and “Sending Court’s personnel to the Primary Level”, Chinese courts proactively fulfilled their duties in accordance with the law, and energetically participated in the development of a comprehensive IPR protection framework, achieving “conclusion of cases giving rise to harmony between people under the rule of an efficient government” and a win-win situation for all parties involved. The SPC, in response to the characteristics and causes of IP disputes related to films, issued the *Judicial Recommendations on Strengthening IP Protection and Promoting the High-Quality Development of the Film Industry*, and contributed to the establishment of the first IP Protection Forum held during the 2023 Golden Rooster and Hundred Flowers Film Festival. Furthermore, relevant industry organizations also issued initiatives to protect IPRs, effectively promoting the reduction of IP disputes related to films at the source and achieving the high-quality development of the film industry.

Throughout the year, courts in Jiangsu Province proposed 25 judicial recommendations. Wuxi Intermediate People's Court, after identifying some common problems while handling multiple cases of computer software copyright infringement, timely issued judicial recommendations to industry associations and organized discussions and lectures to enhance the IP protection capabilities of enterprises.

The SPC, together with relevant central authorities, improved the mechanism of coordinated cooperation, and facilitated daily communication, data exchange, as well as information sharing. In collaboration with CNIPA, it issued the *Opinions on Strengthening Coordinated Protection of Intellectual Property Rights* to improve the mechanism for routine exchange and consultation. The court jointly held national training sessions on IP protection for the seed industry with the Ministry of Agriculture and Rural Affairs, actively participated in revision of laws such as the *Civil Procedure Law*, the *Anti-Unfair Competition Law*, and the *Trademark Law*, and provided opinions on relevant regulatory documents such as the *Rules for the Implementation of the Patent Law*, the *Regulations on the Collective Administration of Copyright*, and the *Regulations on Protection of New Plant Variety*. Zhejiang High People's Court, in cooperation with Zhejiang Administration for Market Regulation, promoted the establishment of a joint punishment mechanism for dishonesty and bolstered up judicial and administrative cooperation in handling

cross-municipality patent cases. Hebei High People's Court held special seminars with the Department of Agriculture and Rural Affairs of Hebei Province and other departments on the coordinated protection of IPRs for seed industry and traditional Chinese medicine. Hainan High People's Court, together with 8 other units including Hainan Provincial Intellectual Property Administration, jointly pressed ahead with the construction of a credit system for IPRs covering the whole province. Changchun Intellectual Property Court fortified cooperation with market regulators and other departments to establish a demonstration station for assistance to IPR defenders, which served more than 500 enterprises in related industry parks. Qiqihar Intermediate People's Court in Heilongjiang Province jointly built a one-stop platform offering assistance to defenders of overseas IPRs disputes with units such as Qiqihar Customs. Inner Mongolia Hohhot Intermediate People's Court in cooperation with Intellectual Property Protection Center of Inner Mongolia Autonomous Region, established a IP disputes workstation for litigation resolution from source and a liaison point for IP protection to form a joint force for IP protection. Courts nationwide at all levels also timely transferred clues for illegal and criminal activities discovered during case trials to IP law enforcement agencies and public security organs, effectively boosting coordinated protection of IPRs.

The “Top-to-Top” online litigation and mediation connection mechanism was deepened and implemented, IP mediation organizations achieved full coverage nationwide, with continuous growth in the number of both mediation organizations and mediators. Chinese courts entrusted pre-litigation mediation for more than 90,000 disputes with a success rate of over 80%, effectively meeting the multi-level and diverse judicial needs of the people. Tibet High People’s Court worked together with TAR Administration for Market Regulation to improve the judicial confirmation procedure for administrative mediation agreements in IP disputes. Courts in Hunan Province established a joint dispute resolution mechanism featuring “professional trial + professional pricing + industry mediation” for copyright disputes. Guiyang Intermediate People’s Court in Guizhou, together with Guiyang Municipal IP Protection Center, successfully mediated multiple IP disputes after establishing a litigation service center for IPRs.

Active endeavors were made to implement the principle of “law is popularized by those who enforce the law” by deepening judicial openness, the influence of IP judicial protection was expand. During the IPR Publicity Week, the SPC organized a series of activities to comprehensively showcase the achievements of IP judicial protection by Chinese courts. Tianjin High People’s Court compiled and printed a manual on legal risk prevention to raise the awareness and ability

of enterprises to protect IPRs. Xinjiang Courts in the Production and Construction Corps deeply engaged with communities and enterprises to bolster the awareness of respecting IPRs among the public and learning about the brand building of enterprises and their needs for rights protection. Chengdu Intellectual Property Court participated in themed livestreaming on the opening day of the Universiade to explain IP knowledge, receiving enthusiastic responses. Courts nationwide strictly implemented the accessibility of judicial documents to the public, conscientiously organized the release of model cases, and enhanced the public awareness of IPRs protection.

VI. Persevered in Equal Protection by Law, and Actively Engaged in International Communication and Cooperation

Chinese courts stayed committed to the idea of overall coordination, properly handled major IP disputes pertinent to international economic and trade activities, protected the legitimate rights and interests of both Chinese and foreign parties as well as market players equally in accordance with the law, and actively participated in international cooperation in the field of IPRs, contributing Chinese judicial wisdom to global IP governance.

In 2023, the courts nationwide received 7,883 first-instance cases involving foreign parties. The SPC concluded trademark infringement and unfair competition case of “Siemens”. In light of multiple factors such as the reputation of the trade name and trademark “Siemens”, as well as the nature and circumstances of the infringement, the SPC ordered the defendant to compensate the plaintiff, Siemens AG of Germany, with 100 million yuan for economic losses and associated reasonable expenses, thereby protecting the legitimate rights and interests of Siemens AG by law and demonstrating the firm stance of Chinese courts in intensifying IP protection and equally protecting the rights of both Chinese and foreign parties. In the judgement of invention patent infringement case involving “motion mechanism,” punitive damages were applied, and the foreign rights holder was awarded compensation over 12 million yuan, which manifested China’s profile as a responsible major power in strengthening IP protection. Underpinned by fair and efficient adjudication of IP cases involving foreign parties, China is increasingly becoming a trusted choice of destination for international IP litigation.

As active participants in global IP governance under the framework of the World Intellectual Property Organization (WIPO), Chinese courts exerted themselves for a more just and reasonable global IP governance system. In 2023, the SPC signed a memorandum of understanding on enhanced communication and cooperation

with the World Intellectual Property Organization (WIPO), and participated in its flagship publication drafting of the China Chapter of *An International Guide to Patent Case Management for Judges*. This project was selected as one of the Top Ten Model Cases of Global Publicity of China's Efforts in Rule of Law in 2023. The SPC also provided guidance to courts in Shanghai, Fujian, Hainan, and Guangdong to establish cooperation with the WIPO Arbitration and Mediation Center by signing exchange cooperation agreements, and engage in link-up with it in terms of mediation and litigation. The courts also heightened IPRs judicial assistance and practical cooperation with countries and regions participating in the Belt and Road Initiative. By hosting the EU-China Judicial Forum on IPR, and sending delegates to participate in many international conferences such as the 2023 WIPO Intellectual Property Judges Forum, 2023 Annual Meeting of International Trademark Association, and Copyright Forum of the International Association for the Protection of Intellectual Property (AIPPI), etc, China's image of openness, inclusiveness, fairness, and justice was presented to the international community, and Chinese judicial wisdom was also contributed to the global IP governance.

Conclusion

The year 2024 marks the 75th anniversary of New China's founding, and is a milestone year for achieving the goals and tasks outlined in the 14th Five-Year Plan. Regarding the work of IP case adjudication, Chinese courts will remain dedicated to the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, thoroughly implement Xi Jinping Thought on the Rule of Law, deepen idea reforms, institutional innovations and capability improvement, upgrade the quality, efficiency, and judicial credibility of IP adjudication. By creating a high-quality IP judicial system, Chinese courts will remain committed to fostering a market-based, law-based and world-class business environment and offering well-grounded judicial services and guarantees for accelerating the building of an IP powerhouse.

Appendix

China's Courts Key Data of IP Cases in 2023

In 2023, the courts nationwide accepted 544,126 IP cases of various types including first-instance, second-instance, and applications for retrial, 544,112 were concluded (including carried over cases, the same hereinafter), with increases of 3.41% and 0.13% respectively over 2022.

The courts across the nation accepted 462,176 first-instance civil IP cases and concluded 460,306, year-on-year increases of 5.4% and 0.55% respectively. Specifically, there were 44,711 received patent cases with an increase of 14.73% year-on-year; 131,429 were trademark cases with an increase of 16.85% year-on-year; 251,687 were copyright cases, a decrease of 1.57% year-on-year; 6,492 were technology contract cases with an increase of 53.19% year-on-year; 10,230 were competition cases, an increase of 8.97% year-on-year;

and 17,627 were other types with a decrease of 0.51% year-on-year. The courts across the nation accepted 37,214 second-instance civil IP cases and concluded 38,713, decreases of 24.79% and 20.37% respectively over 2022.

The courts nationwide accepted 20,583 first-instance administrative IP cases and concluded 22,340, a decrease of 0.28% and an increase of 26.7% respectively over 2022. Specifically, there were 1,990 patent cases with an increase of 5.85% year-on-year; 18,558 were trademark cases, a decrease of 0.97% year-on-year; 11 were copyright cases, 1 less than in 2022; and 24 other cases with an increase of 166.67% year-on-year. The courts across the nation accepted 10,053 second-instance administrative IP cases and concluded 9,259, increases of 54.64% and 17.99% respectively over 2022. Specifically, 7,477 cases were sustained, 1,551 were overruled, 1 was remanded for retrial, 208 were withdrawn, 3 were dismissed, and 19 were handled in other means.

The courts nationwide accepted 7,335 first-instance criminal IP cases and concluded 6,967, with increases of 37.46% and 27.69% respectively over 2022. Specifically, there was 1 criminal case related to patent counterfeiting, 1 case concluded; 6,634 were registered trademark infringement criminal cases, 6,357 were concluded, increases of 33.45% and 24.67% respectively over 2022; 627 were

copyright infringement criminal cases , with 543 ones concluded, increases of 106.25% and 79.8% respectively over 2022; 73 other cases with 66 concluded, year-on-year increases of 19.67 and 20% respectively. The courts across the nation accepted 956 second-instance criminal IP cases and concluded 965, decreases of 2.35% and 1.23% respectively over 2022.