

# **Judicial Protection Conditions of Shanghai Intellectual Property Court (2015)**

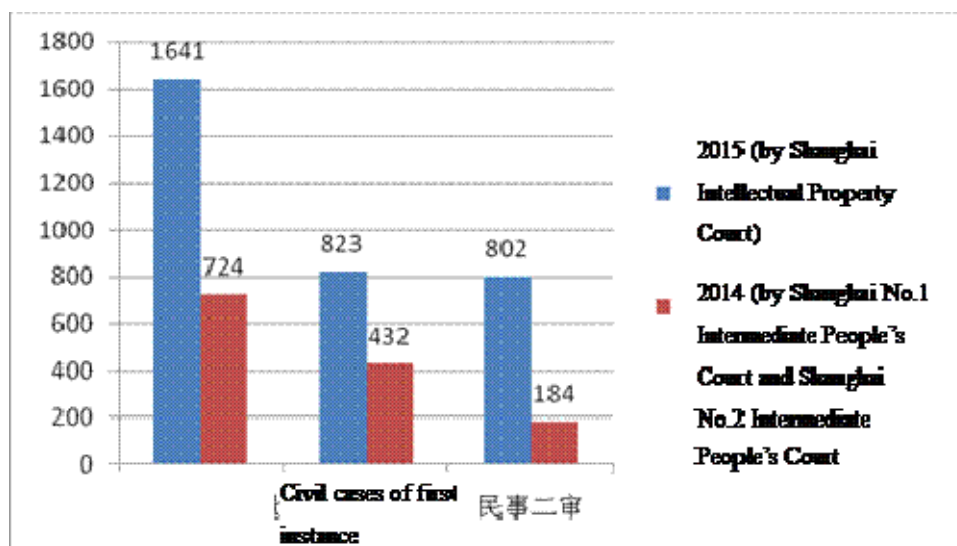
The year of 2015 saw the start-up phase of Shanghai Intellectual Property Court. Under the supervision and guidance of the Supreme People's Court and Shanghai High People's Court, Shanghai Intellectual Property Court comprehensively fulfilled the gist of the Eighteenth National Congress of the CPC, and the Third, Fourth and Fifth Plenary Sessions of the 18th Central Committee of the CPC; by focusing on the objective of "delivering equality and justice in each judicial case", basing on the positioning of professionalism, internationalization, authority and influence, and adhering to the development principles of being professional, innovative, open and overall, the Court brought to full play judicature's dominant role to protect the intellectual property right and provided a sound judicial guarantee in boosting implementation of the strategy of innovation-driven development, accelerating the building of a powerful country in the aspect of intellectual property and a technological innovation center with global influence in Shanghai, as well as facilitating the economical and social development.

## **I. Adhering to Adjudicate According to Law and Bringing to Full Play the Function as an Intellectual Property Court**

### **(I) Highlighting Equality and Efficiency & Enhancing Effective Protection**

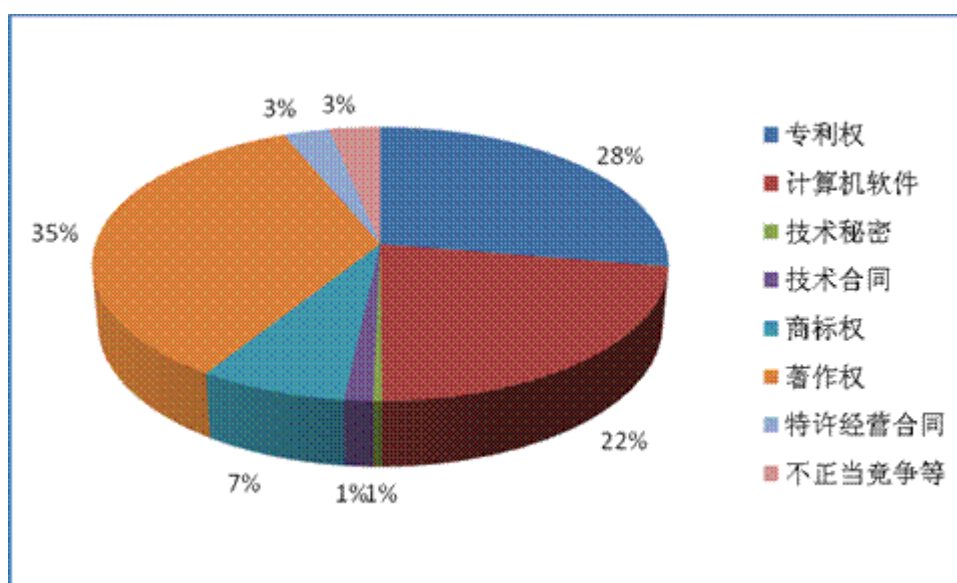
In 2015, Shanghai Intellectual Property Court totally accepted and heard 1,641 cases concerning intellectual property rights, including 823 civil cases of first instance, 802 civil cases of second instance, 1 retrial civil case, 14 cases involving pretrial injunction and pretrial property preservation and 1 administrative case. Compared with the number of intellectual property cases accepted by Shanghai No.1 Intermediate People's Court and Shanghai No.2 Intermediate People's Court in 2014, the number of intellectual property cases accepted by Shanghai Intellectual Property Court in 2015 increased by 126.66%. Among them, the number of civil cases of first instance increased by 90.51% and that of civil cases of second instance increased by 335.87% (See Figure 1). There were 25 cases in which the amount of subject exceeded RMB 5 million.

Figure 1 Comparison of Case Numbers



570 cases were related to copyright, 453 to patent right, 366 to computer software, 119 to trademark right, 54 to unfair competition and other disputes, 49 to franchise contracts, 23 to technical contracts and 7 to technical secrets. (See Figure 2)

Figure 2 Distribution of Case Causes



Totally 1,047 cases were concluded . The clearance rate within the trial term was 98.19%. The sentence acceptance rate of cases of first instance reached 85.49% and that of cases of second instance reached 100%. For cases of second instance, no case was commuted, remanded or found of any defect, no case was retried, and no validated case was commuted or remanded. A great number of typical cases with great influence were concluded. Four cases, including the case of dispute over infringement on trademark right

- BURBEERY LIMITED v. Chen and Lu, were selected as the typical cases of the Supreme People's Court. 1 case, 2 judgments and 1 court trial were selected into 100 typical cases, 100 excellent judgments and 100 demonstrative court trial of Shanghai Intellectual Property Court in 2015.

**1. The Court enhanced protection over the right of action in technological innovation cases, which accounted for over 90% of all cases of first instance.** There were totally 805 technological cases related to patent, computer software and technical secrets, which accounted for 97.81% of all cases of first instance. Most of these cases were related to profit distribution, achievement ownership and protection of rights and interests in technical development, achievement transfer, industrialization and other technological innovations.

**2. The Court enhanced protection over the equality of both Chinese and foreign litigants and dealt with foreign-related cases in a large coverage.** Totally 285 cases involving litigants from foreign countries, Hong Kong, Macao and Taiwan were accepted in 2015, accounting for 16.13% of all cases being accepted. Litigants were from some 15 countries and regions, including the United States, Germany, France, UK, Italy, Switzerland, Sweden, Norway, Luxembourg, Scotland, Japan, South Korea, Singapore, Taiwan, and Hong Kong. There were Fortune 500 companies, such as General Electric, Hewlett-Packard Development Company, BASF and Microsoft Corporation, and also owners of famous international brands, including BURBERRY, BMW, BOSS, LV, LAFITE, GUCCI, Zo Jirushi, E-LAND, Hugo Boss and Louis Vuitton, etc.

**3. The Court maintained a good market order of fair competition and resolved infringement and unfair competition disputes according to law.** 1,257 cases concerning infringement and unfair competition disputes were accepted, which accounted for 76.60% of all cases throughout the year. They were related to copyright, trademark right, patent right, technical secrets, false publicity, commercial discrediting, bidding and some other fields.

**4. The Court promoted practical resolution of disputes and over 40% cases were withdrawn by mediation.** The Court focused on the role of mediation and conciliation in the course of dispute settlement and maximized industrialization of technological innovations and the realization of intellectual property value. Totally 394 cases of various types were withdrawn by mediation in the whole year, accounting for 42.23% of all concluded cases. The case of dispute over infringement on patent for invention - Hewlett-Packard Development Company v. Shanghai Yinjia International Trade Co., Ltd. was the first case being accepted and heard by the Court after its establishment. Since the case attracted great attention from the society and involved rather complicated technical facts, under the presidency of the collegiate bench, the plaintiff and the defendant came to a package of agreements, which led to the successful mediation and conclusion of totally 6 cases, including the abovementioned one and its relevant cases. The case of dispute over the infringement on trademark right - Whirlpool China Co., Ltd. v.

Shanghai Royalstar Technology Co., Ltd. related to the conflict of rights between the brand “Royalstar” of the defendant and the trademark “Royalstar” of the plaintiff and boundary definition of each side. Under the presidency and mediation of the Court, two parties reached an agreement on the normalized use of the trademark “Royalstar” and the brand “Royalstar”. This clearly defined the boundary of action of each side and exerted a great significance on standardization of the market competition order.

**5. The Court unified the judicial standards and made efforts to establish judicial rules with effect of direction.** The case of dispute over the infringement on trademark right - BURBERRY LIMITED v. Chen and Lu required the determination of reasons for discontinuance of the action limitation of cases of both the criminal and civil nature. The Court held that the criminal procedure of prosecution may suspend the action limitation of civil tort. The case of dispute over the ownership of copyright - Shanghai Animation Film Studio v. Qu and Publishing House of Electronics Industry related to the ownership of copyright of the work composed in the era of planned economy. In consideration of the social background that the works was composed in the era of planned economy, the Court set the rule that both the author and the two involved units share copyright of the work for a long term and they may use and promote the work separately without any objections. The case of dispute over the infringement on trademark right and unfair competition - GUCCIO GUCCI S.P.A v. Jiaxing Panduofu Trade Co., Ltd. related to the boundary of reasonable use of trademark concerned by genuine product dealer. The Court held that the dealer must meet three requirements in fair use of the trademark: (a) the dealer must use the trademark in good faith; (b) the dealer must not use the trademark as its own trademark of products or services; and (c) the dealer must use others’ trademark within necessary scope, e.g. in depicting or describing products it provides.

## **(II) Highlighting the Institutional Efficiency and Strengthening Strict Protection**

**1. The Court actively adopted pretrial and on-trial preservation institutions according to law.** In accordance with the Civil Procedure Law of the People’s Republic of China and related judicial interpretation, the Court actively took such provisional judicial measures as pretrial evidence preservation, on-trial evidence preservation and act preservation to truly improve timeliness, convenience and effectiveness of judicial remedies and cut down the cost in safeguarding rights and interests from the perspective of institution. The Court concluded 14 cases related to pretrial injunction application and pretrial evidence preservation and ruled in 105 cases related to pretrial and on-trial property preservation and evidence preservation. The two cases in which Autodesk and Adobe applied for pretrial evidence preservation raised a requirement to preserve the evidence of software being alleged of infringement in nearly 400 computers in large workplaces of the respondent, which is of high difficulty and professionalism. After accepting the case, the Court vigorously innovated an evidence preservation institution based on the feature of professionalism of intellectual property cases. The Court worked out the working mechanism where trial and execution are interlinked, technical experts fully participate and evidence is preserved by separate panels and districts. In this way, it

preserved the evidence related to the alleged infringement in a timely, complete and correct form and provided a reference working method in the course of improving preservation system of technological cases.

**2. The Court constantly increased compensation for intellectual property infringement.** The Court attached importance to the role of damage compensation in infringement sanction and judicial remedies. By increasing damage compensation for intellectual property infringement, the Court endeavored to realize market value of intellectual property. In the serial cases that Hangzhou Naide Refrigerating Appliance Plant sued for disputes over infringement on utility patent right, the Court affirmed that the act of the defendant constituted an infringement. Given the high selling price of alleged infringing products, high sales volume on online sales platforms (e.g. Tmall), advertising by aid of well-known stars and contribution of related patent in the alleged infringing products, the Court ruled that the defendant must stop infringement and compensate a total of RMB 1 million for economic losses and reasonable expenses of the plaintiff. This case was a typical one of the Court in increasing compensation for intellectual property infringement.

**3. The Court strictly punished willful intellectual property infringement.** The Court intensified punishment toward repeated infringement, nonperformance of effective judgment and other willful infringement acts. It increased cost of infringement to effectively inhibit and deter infringement. In the case of appeal over infringement on trademark right - Jiangsu Hongmayi Decoration, Design and Engineering Co., Ltd. v. Shanghai Hongmayi Decoration and Design Co., Ltd., although Shanghai Hongmayi Decoration and Design Co., Ltd. and its branches had been ordered to stop infringement in the former case, they rejected to observe the effective judgment strictly and committed infringement of trademark right continuously. Though Jiangsu Hongmayi Decoration, Design and Engineering Co., Ltd. did not develop business in Shanghai and there was no economic loss, given the willful infringement by Shanghai Hongmayi Decoration and Design Co., Ltd., the Court increased the cost of its infringement and ruled that Shanghai Hongmayi Decoration and Design Co., Ltd. and its branches compensate over RMB 160,000.

## **II. Guaranteeing the Overall Situation in a Service-oriented Manner and Actively Creating a Fine Environment for Innovation**

### **(I) Issued The Opinions of Shanghai Intellectual Property Court on Providing Services to Facilitate Building of Shanghai into a Technological Innovation Center with Global Influence**

In order to faithfully fulfill the Opinions on Deepening Institutional Mechanism Reform and Accelerating Implementation of the Strategy of Innovation Driven Development issued by the Central Committee of the CPC and the State Council, the Opinions on Accelerating Building of a Powerful Country in Intellectual Property under New Situations issued by the

State Council and the Opinions on Accelerating Building of a Technological Innovation Center with Global Influence issued by Shanghai Municipal Committee and Shanghai Government, the Court developed and released the Opinions of Shanghai Intellectual Property Court on Providing Services to Facilitate Building of Shanghai into a Technological Innovation Center with Global Influence (hereinafter referred to as the Opinions). Following the general idea of highlighting demand-orientation, innovation thinking, concept of ruling by law and global view, the Opinions put forward that six principles should be followed in the course of providing services to facilitate the building of Shanghai into a technological innovation center with global influence by the Court, i.e. ruling by law, equal protection, interests balance, proportion principle, judicial convenience for people and professionalism. The Court should make efforts to tackle difficulties in proof presentation, identification of technical facts, determination of compensation and execution. It should continuously improve such three mechanisms as multi-method resolution of intellectual property disputes, communication and coordination with intellectual property authorities and organizations as well as publicity of judicial protection of intellectual property. By elaborately ruling technological innovation related cases, e.g. patent right cases, copyright cases, trademark cases and unfair competition cases, the Court should provide good judicial services and sound judicial guarantee in deepening implementation of the strategy of an innovation-driven development, building of China (Shanghai) Pilot Free Trade Zone and accelerating building of Shanghai into a technological innovation center with global influence.

## **(II) Signed Memorandum of Cooperation with the Management Committee of Zhangjiang High-tech Industrial Development Zone**

To further draw on the advantages of Shanghai Zhangjiang National Innovation Demonstration Zone and the Court, and jointly promote the work concerning intellectual property right in Zhangjiang National Innovation Demonstration Zone, both parties, under the principles of “information exchange, resource sharing, advantage complementation, and coordinated promotion”, comprehensively carried out all-round cooperation in such aspects as joint creation of a legal environment, provision of guidance and consultation services, organization of special legal advocacy, setup of a bidirectional service platform, for the purpose of jointly creating a good intellectual property protection environment, constructing a good innovation and entrepreneurship ecology, serving public entrepreneurship and innovation, and promoting the creation, application, management and protection levels of intellectual property of enterprises in the park.

## **(III) Establishment of the “Office of Judge Chen Huizhen, National Adjudication Expert”**

To bring into full play the brand effect of the Court’s famous professional judges, and to realize the inheritance and sharing of intellectual property protection experience, the “Office of Judge Chen Huizhen, National Adjudication Expert” was established and an excellent judge panel represented by Judge Chen Huizhen was formed to be stationed in

Zhangjiang High-tech Industrial Development Zone (covering one district and 22 parks in Shanghai) to develop the dynamic investigation and research of intellectual property situation and dispute, provide consultation and guidance on intellectual property dispute mediation, publicize laws, regulations and typical cases, and carry out such practical activities as early warning for trial extension, dispute prevention, etc. An email box was set up for the office to drive the innovative and creative vitality of the park.

#### **(IV) Intensification of Publicity on Judicial Protection for Intellectual Property**

Legal documents that should be put online were put online totally according to law, with all legal provisions attached, so that they may be reached by the public conveniently and be subject to the supervision by the parties concerned and the public. Websites of both the Chinese and English language were opened to fully introduce the Court's work to domestic and overseas visitors. The public WeChat account and Weibo were opened to timely post the latest adjudication information, research result and work status through new media, so that the society could timely master the dynamics on intellectual property protection in real time and at any time, and the obligee's intellectual property can be respected. Enterprises in Zhangjiang High-tech Industrial Development Zone, Shanghai Advanced Research Institute of the Chinese Academy of Sciences, biomedical companies, intellectual property agency companies, students, family members of cadres and police officers, etc. were invited to visit the Court and be present at the hearing to gain direct knowledge about the intellectual property trial. 7 press conferences and concentrated interviews were held, and the Court took part in the press conference of the Supreme People's Court to introduce the Court's situation; 10 special interviews were accepted by the Court's leaders. The Xinhua News Agency, People's Daily, People's Court Daily, CCTV, China National Radio and other central media issued (broadcasted) 31 relevant reports, and the provincial and municipal media issued (broadcasted) 104 relevant reports. The trials were broadcasted live through TV, network, mobile TV, Weibo, etc. The live broadcast of the No. 1 Civil Case heard by a leader of the Court as the presiding judge was greeted with a good social effect.

#### **(V) Active Promotion of a Standardized Development of the Intellectual Property Service Industry**

The judicial suggestion was actively sent to relevant notary organizations for such problems found in case hearing as nonstandard preservation of notary evidence for intellectual property. In the case of dispute over the infringement on trademark right-Leshi Stationary Commodity Store at Yangjing Street, Pudong New District, Shanghai v. Beijing Youka Board Game Culture Development Co., Ltd., the judge found that more than 20 case-related and relevant notarial certificates were subject to such problems as date conflict, violation of Rules for Notarial Procedure and so on. On the basis of further investigation and research, the judicial suggestion was sent to the relevant notary office, suggesting that it should strictly perform the investigation responsibilities, fully refine the notarial flow, enhance training of the staff, and put forward the suggestions on how to

improve the notarial procedure. After receiving the judicial suggestion, the notary office attached great importance to it, and came to the Court to listen to the judge's suggestion on how to improve the preservation of notary evidence, and indicated that it would further standardize the notarization procedures to practically promote the accuracy and effectiveness of notary evidence preservation.

### **III. Adhering to Pioneering Spirit, and Further Advancing the Reform of the Intellectual Property Adjudication Mechanism**

#### **(I) Issuance of the Shanghai Intellectual Property Court Development Plan (2015-2017)**

To make the function of the intellectual property court and the demonstration role of the new-type People's courts better work, and to drive forward the reform, construction and development of the intellectual property court, the Court issued the Shanghai Intellectual Property Court Development Plan (2015-2017) to clarify the Court's development principle, target positioning and major task according to the Scheme on Setup of Intellectual Property Court of the Central Leading Team for Comprehensively Deepening Reform, the Decision on Setup of Intellectual Property Courts in Beijing, Shanghai and Guangzhou of Standing Committee of National People's Congress as well as the guiding idea of the Supreme People's Court, with the four main development principles as sticking to drawing on advantages, professional development, initiative and innovative development and the objective of becoming one of the most welcomed first-choice places for intellectual property case lawsuit in the Asian-Pacific Region taking professionalism, internationalization, authority and influence as the development positioning, and planned such six key tasks and work measures as deploying the innovative adjudication system mechanism, executing the high quality case strategy, constructing the transparent judicial platform, driving establishment of famous judge team, extending judicial function via multiple channels, and enhancing the international and domestic exchanges.

#### **(II) Fully Implementation of the Judicial Reform Measures**

**Drive forward, in an orderly manner, the reform of classified management of personnel:** Explore and execute the classified management of judges as well as judicial assistants and administrative staff, advance the realization of optimal configuration of various personnel and promote the working efficiency. Establish and promote the judge number system. The first batch of 10 outstanding intellectual property judges who were 43.6 years old on average and had been devoted to the intellectual property adjudication work for 8.4 years on average were selected from courts citywide, with an educational background higher than bachelor degree, including 3 doctors and 10 masters, 2 of whom were national adjudication experts. The first batch of judges was enrolled according to the uniform deployment of courts around the city. **Further promote the reform of the**



**judicial responsibility system:** establish the normalized case handling mechanism of the president and the presiding judge, bring to full play the advantage of being sophisticated in trials of the president and the presiding judge, and ascertain that any difficult, complex and new cases should be handled under the leadership of the president and the presiding judge. The number of cases handled by the president and the presiding judge throughout the year accounted for 19.58% of the total number of cases handled by the court. Improve the working mechanism of the adjudication committee, the operating mechanism of the collegiate bench and the meeting mechanism of professional judges and implement the responsibility system of collegiate bench. The president and the presiding judge shouldn't sign or issue the judgment document for any case in which the president and the presiding judge does not participate, so as to realize, in a true sense, the concept that "the inquisitor judges, and the judge takes the responsibility". **Actively explore the new working mechanism of judge assistants:** Appoint the first batch of judge assistants, and fully exert the role of the judge assistant in the trial, laying a foundation for reserving and cultivating young judges. Formulate the Specification on Responsibility and Work Division of Trial Assistants, to ascertain the responsibility and work division of judge assistant and court clerk to help the judge handle various affairs. Actively explore the role of the judge assistant in participating in case trial, site investigation, evidence preservation and pretrial conference, so that not only the case handling function of the judge assistant is fully played but the judicial efficiency is promoted. Moreover, importance is attached to promoting all capabilities of the judge assistant, really having an effect of "reservoir" of future high quality judges.

### **(III) Strengthening the Construction of a Masses-oriented Judicial Mechanism**

The Court enhanced, in a comprehensive manner, the level of humanism and convenience of the litigation service, which is based on lists in the whole process, to create an all-around, distance-and-obstacle-free "First-window". It comprehensively implemented the filing registration system, and pioneered in the classified filing material listing system among the courts nationwide. For seven types of cases, namely, patent, new plant variety, layout designs of integrated circuit, technical secrets, computer software, well-known trademark identification and monopoly, the filing materials required for different cases were listed out. The parties concerned may download the list from the website and prepare in advance which significantly improved the filing efficiency of the involved parties, and the cases meeting filing conditions were filed on the scene. The Court pioneered in developing the instant one-time scan software system of files to achieve instant scan of litigation files of pending case under trial and to bring convenience for the judge, lawyer as well as parties concerned to refer to those files on-line. The Court set up special lawyer filing window for intellectual property cases as most of the cases of this type were handled by lawyers. To further guarantee the legal practicing right of the lawyer, the Court established a new type of relationship between the judge and the lawyer based on equal treatment, mutual respect, mutual support, mutual supervision, rightful association and benign interaction; it issued the Implementation Opinions on Guaranteeing Practicing Right of Lawyer in accordance with the Law, and specifically

implemented the guarantee work for practicing activities of the lawyers centering around the following aspects, namely, providing convenience for lawyers participating in litigious activities, guaranteeing the lawyer's exercise of the rights to act as an agent, to file as per the law, to collect evidence, to apply for preservation, to refer to files, to be well-informed, to fully exercise rights during court trial, and to participate in litigation and conflict resolution, guaranteeing personal right, unblocking the complaint channel, strengthening communication, etc. The Court jointly established a legal volunteer service platform with Shanghai Bar Association, Shanghai University of International Business and Economics and Shanghai University of Political Science and Law, and established a volunteer team consisting of more than 300 law major undergraduates and graduate students and more than 40 professional lawyers. Each day one law major student will be arranged to serve as a public consultant. Every Thursday is the public consulting day when lawyer volunteers provide comprehensive and professional litigation services for parties concerned, such as consulting and question answering, litigation guidance, conflict resolution, law propaganda and psychological counseling, etc. The working experiences, business expertise and other basic information of the lawyer will be posted on Weibo and WeChat one week in advance for targeted consulting by parties concerned. Based on the litigation service platform 12368 of Shanghai Court, more than 100 matters were timely treated, such as parties concerned contacting judges, case query, etc.

#### **(IV) Promotion of the Construction of a Professional Adjudication System and Mechanism**

The adjudication divisions conducted professional division of work according to the type of cases and carried out centralized case trials, which ensures the unification of applicable laws and enhances professional trial ability of judges. Based on jurisdiction of intellectual property civil and administrative cases according to law, and in combination with the “co-located office” feature of Shanghai Intellectual Property Court and Shanghai No.3 Intermediate People’s Court, the court promoted and implemented centralized jurisdiction of Shanghai No.3 Intermediate People’s Court for intellectual property criminal cases, and sent procurators to participate in intellectual property criminal cases tried by the collegiate bench to achieve “2+1” combined effect of intellectual property trials and guarantee the coordination and unification of judgment principles, protection standards, and applicable laws for various cases. A “four in one” technical fact investigation and verification system of technical investigation, technical consultation, expert assessor, and technical appraisal was established, and the objectivity, accuracy and efficiency of technical fact verification were improved. A professional “think tank” for intellectual property trial was established, and 18 science and technology consultant experts invited from CAS, CAE, etc. and 18 intellectual property consultant experts have been engaged. Consultation Method of Invited Science and Technology Consultant Experts and Working Rules for Participation in Litigation Activities of Technical Investigation Officer were prepared, expert assessor teams were enriched, establishment work for technical investigation officer teams was commenced, and the first batch of 11 technical investigation officers were appointed. An independent third-party juridical credibility

assessment mechanism of intellectual property rights was established, and the fairness, criterion and efficiency of intellectual property trial were promoted. 38 expert consultation activities and 8 expert assessor activities were carried out throughout the year.

#### **(V) Exploration and Establishment of a Diversified Mediation Mechanism for Intellectual Property Disputes**

The Cooperation Agreement of Diversified Dispute Resolution Mechanism Linking Litigation and Non-litigation was signed by Shanghai Commercial Mediation Center, Mediation Center of Internet Society of China, Shanghai Mediation Center for Copyright Disputes, Shanghai Rights and Interests Safeguard Center for Litterateurs and Artists, Shanghai Intellectual Property Mediation Center of Legal Service Platform for Cultural Creative Industry, Shanghai Software Industry Association, Shanghai Biopharmaceutics Industry Association, and Shanghai Computer Industry Association to determine the scope of meditative cases, mediator appointment, mediation method, effectiveness confirmation, mediation term, and specific processes to start and terminate mediation, etc. Through operation with mediation organizations and industry associations, pre-litigation mediation and litigation-mediation linking were promoted, fair mediation, creative mediation, convenient mediation, professional mediation, and combined mediation were strengthened, and a diversified dispute resolution mechanism with advantage complementation, resource sharing and interconnection was formed.

### **IV. Adhering to Cooperation, Communication and Open Development to Continually Enhance the Influence of Judicial Protection**

#### **(I) Strengthening Domestic and International Exchanges on Judicial Protection for Intellectual Property**

The Court successively received over 20 batches of domestic and foreign professional intellectual property organizations, associations and its counterparts such as WTO Intellectual Property Division, International Trademark Association, Intellectual Property Department of EU Directorate General of Trade, American Business Software Alliance, British Embassy in China, Ministry of Law of Korea, Intellectual Property Association of Japan, Intellectual Property Delegation of Singapore, Music Copyright Association of China, Beijing Intellectual Property Court, Guangzhou Intellectual Property Court, etc. The court leader led delegations to visit the Patent Reexamination Board of National Intellectual Property Bureau, Shanghai Intellectual Property Bureau, Shanghai Bar Association, Beijing Intellectual Property Court, Guangzhou Intellectual Property Court, etc. for learning and communication. The court leader was invited by Shanghai Representative Office of National Committee for US-China Trade and High-quality Brand Protection Board of Foreign-invested Enterprise Committee of China to deliver keynote speeches to foreign-funded enterprises, introducing basic information of the Court as well as exploration and outlook of judicial protection for intellectual property. The court leader

and several judges respectively participated in international exchanges such as the 16th Conference of China-Europe Intellectual Property Working Team, the 10th Anniversary of Establishment of China-Europe Intellectual Property Communication Mechanism, “Intellectual Property Law Enforcement Training Class” held by the World Intellectual Property Organization, etc.

## **(II) Promoting Court-College Cooperation and Co-Construction for Advantage Complementation**

In order to take full advantage of the respective resource advantages of the Court and colleges and achieve advantage complementation, cooperation and co-construction agreements have been signed with East China University of Political Science and Law and College of Law/College of Intellectual Property of Tongji University. Personnel exchanges about the cultivation of professional talents in the sphere of intellectual property rights were conducted on an irregular basis. Comprehensive and in-depth cooperation was carried out in such aspects as joint establishment of a practice base, sharing of information sources, jointly carrying out academic discussions, and organizing of personnel training. East China University of Political Science and Law established “Scientific Research Practice Base for Post- graduates of East China University of Political Science and Law” and “Intellectual Property Law Education Practice Base of East China University of Political Science and Law” in the Court. Win-win development was achieved through cooperation and co-construction.

## **(III) Active Organization and Participation into Various Academic Seminars**

The Court actively organized and participated in various academic seminars and communications for a total of 50 times. It fully played the function of “Chinese Courts International Exchanges Base (Shanghai) for Judicial Protection of Intellectual Property Rights”, and participated in the “International Forum on Intellectual Property Rights and Trade—Judicature, Administration and Innovation” where a total of more than 500 intellectual property judges and experts from the US, UK, Germany and other countries were present. It established the first Judicial Protection Forum jointly with the Intellectual Property Society of Shanghai Law Society and College of Law/College of Intellectual Property of Tongji University, which had “Construction of Intellectual Property Professional Adjudication Pattern” as the theme, with more than 50 leaders, experts, scholars and judges from relevant universities and courts participating in a heated discussion around case jurisdiction, professional trial, technical fact verification, etc.

## **(IV) Enhancement of Theoretical Researches of the Judicial Protection of Intellectual Property Rights**

The Court conducted investigation and research closely around the new demands arising during the process when the intellectual property court operates and provides services to guarantee the economic development, successively finished the research on

Thinking on Critical Path for Construction of Intellectual Property Trial Service Guarantee Shanghai Science and Technology Innovation Center, Function Positioning and System Coordination of Technical Investigation Officer in Intellectual Property Trial and other subjects. The main leaders published an article named Why was the Intellectual Property Court Established? on the Qiushi magazine and obtained good response. The Court actively summarized the experience during the reform of the intellectual property judicial system and mechanism and judicial protection, published more than 20 academic research articles on The People's Judicature, Journal of Law Application, China Trial, Patent Law Research, China Trademark, China Intellectual Property News and other journals. Many papers were awarded in academic meetings like Chinese Intellectual Property Judicial Protection High-End Seminar, Shanghai Court Academic Seminar, etc. In addition, it undertook the compilation work of Case for Patent Law (7th Edition) which will be published soon.

## **V. Adhering to the Consolidation of the Development Foundation and Team-Building of Expert Judges**

**Active efforts were made to organize training and study programs on business.** The Court created such learning brands and associations as “Sanwei Lecture Room” and “Sanwei School House” centering on the construction of a “learning court” to develop such activities as master forums, judge lectures, youth salons, and special seminars. The trial business knowledge lecture was actively organized to develop the special discussion and communication, broaden the vision and promote the capability cultivation. Such intellectual property experts with some prestige nationwide as Li Guoguang—an intellectual property consultation expert specially invited by the Court and former vice president of the Supreme People's Court, Liu Chuntian—Chairman of China Intellectual Property Law Research Association, Wu Handong—former president of Zhongnan University of Economics and Law were invited to offer special themed business lectures and offer training programs to help newly recruited personnel improve their business skills so that they can be competent in their work as quickly as possible. The Court actively organized the judges to participate in the intellectual property business training organized by Shanghai High People's Court. **Several judges obtained honors and awards.** Vice president Li Shulan was selected among the second batch of experts of the national intellectual property expert base, and Vice president Li Shulan and Presiding Judge Chen Huizhen were engaged as the first batch of researcher fellows of the Intellectual Property Judicial Protection Center of the Supreme People's Court; the second-class collective merit of Shanghai Courts was won by the Adjudication Division 1 of Shanghai Intellectual Property Court ; Presiding Judge Chen Huizhen obtained the honor of second-class personal merit of Shanghai courts. In addition, one judge assistant won the honor of third-class personal merit of Shanghai courts, and several judges were conferred such titles as Zou Bihua-like Good Judge, Good Cadre, Case Handling Model, Research Model of Shanghai courts.

The year 2016 marks the beginning of the decisive phase in the national effort to build China into a comprehensive moderately prosperous society. Shanghai Intellectual Property Court will consistently stick to the development concepts of innovation, coordination, greenness, openness and sharing, make new achievements in innovating the judicial protection mechanism of intellectual property rights, collect new experience in leading and serving the nationwide judicial reforms of intellectual property, make new contributions to creating a fair competition environment that is beneficial for public entrepreneurship and innovation, and provide more energetic judicial services and guarantee for accelerating the construction of a powerful intellectual property country, driving the establishment of China (Shanghai) Pilot Free Trade Zone and constructing Shanghai into a technological innovation center with global influence and a central city of intellectual property in the Asian-Pacific Region.