

China: National IP Court of Appeals Established

In an October 2018 decision, China's National People's Congress ("NPC") approved a proposal to establish a new specialized intellectual property appeals court within the Supreme People's Court (the "SPC") in Beijing, effective as of January 2019. The IP Tribunal will serve as a national IP appellate court overseeing patent disputes,[More](#)

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According to a statement by the NPC, establishment of the new IP Tribunal within the SPC is intended "to unify the standards of IP cases, further strengthen the judicial protection of intellectual property rights, optimize the environment for scientific and technological innovation, and accelerate the implementation of the innovation-driven development strategy."

The tribunal will only hear appeals regarding patent and other technology-related matters, namely, invention patents, utility model patents, new plant varieties, integrated circuit layout designs, technical trade secrets, and computer software. The tribunal will also hear administrative appeals involving design patents (but will not hear civil appeals). Trademark, unfair competition and copyright related appeals will continue to be heard by intermediate courts, specialized IP courts, or high courts of different provinces, and will not go before the new IP tribunal.

The tribunal will operate as a pilot program for three years, and will recruit judges from IP tribunals in 10 provinces with the relevant expertise (about 30% of whom will have a science or engineering educational background). The new court will offer litigants conveniences such as the ability to submit arguments and read materials online.

Primary Contacts

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