



北京知识产权法院十年审判工作白皮书

(2014-2024)

White Paper on the Judicial Work of Beijing Intellectual
Property Court in the Past Ten Years

二〇二四年十一月

November 2024

目录

前言.....	1
一、法院概况与审判数据.....	3
(一) 北京知识产权法院概况.....	3
(二) 审判数据.....	5
二、典型案例与裁判规则.....	15
(一) 激励科技创新，技术类案例树立领域标杆.....	15
(二) 完善治理规则，商标案例夯实体系基础.....	16
(三) 维护公平竞争，垄断竞争案例培树市场规则.....	17
(四) 繁荣文化创意，著作权案例探索保护路径.....	19
三、保护成效与工作成果.....	20
(一) 发挥职能作用，服务创新驱动发展战略实施.....	20
(二) 加大保护力度，助推新质生产力发展.....	23
(三) 积极参与立法，助力知识产权法律体系建设.....	24
(四) 优化创新环境，融入社会综合治理体系.....	25
四、司法改革与机制创新.....	26
(一) 坚持审判机制创新，优化司法资源配置.....	27
(二) 强化信息技术支撑，创新保护工作机制.....	28
(三) 加强司法协同创新，参与构建大保护格局.....	29
五、人才培养与队伍建设.....	30
(一) 突出人才培养专业化目标.....	30
(二) 强化专业人才综合性培养.....	31
六、涉外审判与国际交流.....	32
(一) 坚持依法平等保护，妥善处理涉外纠纷.....	32
(二) 坚持自信开放共赢，加强国际交流合作.....	33
结束语.....	34

北京知识产权法院十年审判工作白皮书

(2014-2024)

前言

2024年是党的二十届三中全会胜利召开之年，也是北京知识产权法院圆满履职的第十年，是步入新阶段、开启新征程的关键一年。

党的十八大以来，以习近平同志为核心的党中央把知识产权保护工作摆在更加突出的位置。2013年11月，党的十八届三中全会通过《中共中央关于全面深化改革若干重大问题的决定》，提出“探索建立知识产权法院”。2014年8月，第十二届全国人大常委会第十次会议通过《关于在北京、上海、广州设立知识产权法院的决定》。北京知识产权法院作为国家创新驱动发展战略实施和司法改革的成果之一，于2014年11月6日率先挂牌成立，成为加强知识产权司法保护的“排头兵”和司法改革先行先试的“试验田”。

十年来，北京知识产权法院始终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，认真落实中央关于知识产权保护与专门法院建设的相关部署要求，坚持专业立院，不断推进审判机制改革，持续提升知识产权司法保护水平，切实发挥知识产权审判激励保障科技创新、维护市场公平竞争、服务高水平对外开放等职能作用，重视人才培养，深化对外交流，在知识产权法院现代化建设

中努力实践与探索，以法治之力支撑和服务新质生产力发展。

为增进社会各界对北京知识产权法院工作的了解和监督，现将北京知识产权法院十年以来的审判工作情况以白皮书形式予以发布。

一、法院概况与审判数据

（一）北京知识产权法院概况

北京知识产权法院于2014年11月6日正式挂牌履职，标志着党的十八届三中全会部署的司法体制改革迈出重要一步，是中国知识产权审判体系建设的重要里程碑。

1. 人员与机构

根据2015年1月28日北京市编制委员会批复，核定北京知识产权法院政法专项编制100名。经2015年、2017年、2022年三次调整，政法专项编制增至180名，其中，法官员额72名。

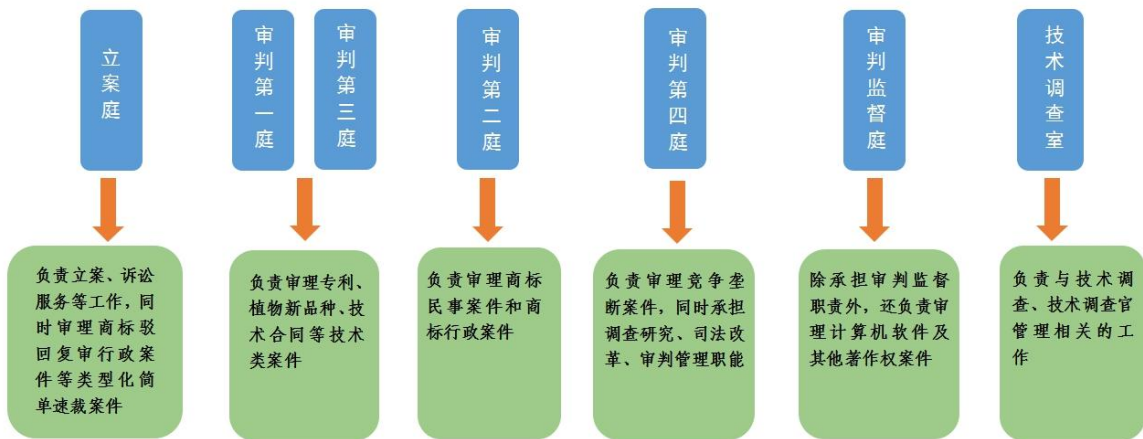
截至目前，全院共有立案庭、审判第一庭、审判第二庭、审判第三庭、审判第四庭、审判监督庭、技术调查室、司法警察支队、综合办公室9个内设机构，实有政法专项编174名，其中员额法官67名。

2. 案件管辖与分工

北京知识产权法院除管辖北京市域内的知识产权民事和行政案件，还专属管辖全国范围内的专利、商标、植物新品种、集成电路布图设计等知识产权授权确权行政案件；集中管辖针对国务院反垄断执法机构提起的反垄断行政案件和全国范围内的药品专利链接民事、行政案件。

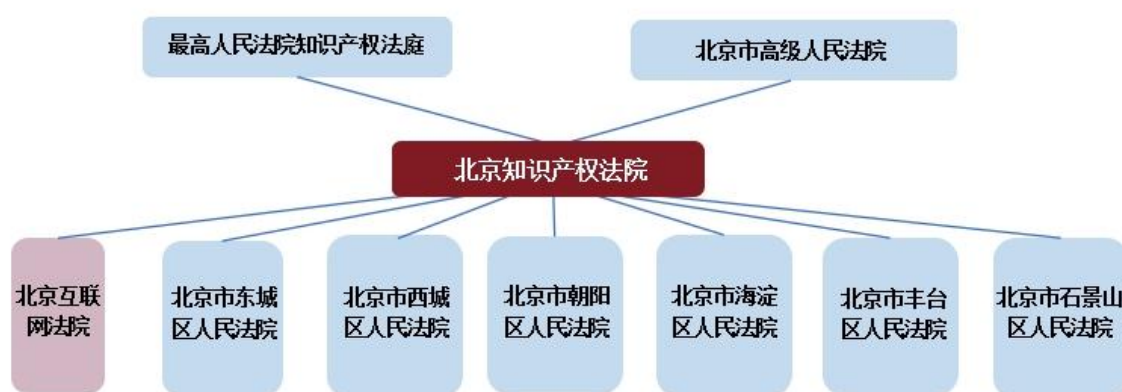


目前，立案庭负责立案、诉讼服务等工作，同时审理商标驳回复审行政案件等类型化简单速裁案件；审判第一庭和审判第三庭负责审理专利、植物新品种、技术合同等技术类案件；审判第二庭负责审理商标民事案件和商标行政案件；审判第四庭负责审理竞争垄断案件，同时承担调查研究、司法改革、审判管理职能；审判监督庭除承担审判监督职责外，还负责审理计算机软件及其他著作权案件；技术调查室负责与技术调查、技术调查官管理相关的工作。



最高人民法院知识产权法庭2019年1月1日成立，北京知识产权法院审结的一审技术类案件和垄断案件自此上诉到最高人民法院知识产权法庭审理。根据2023年11月1日《最高人民法院关于修改〈最高人民法院关于知识产权法庭若干问题的规定〉的决定》，最高人民法院知识产权法庭审理的上诉案件范围进行了调整。调整后，不服北京知识产权法院作出的专利、植物新品种、集成电路布图设计授权确权一审

行政裁判，发明专利、植物新品种、集成电路布图设计权属、侵权民事和行政一审裁判，重大、复杂的实用新型专利、技术秘密、计算机软件权属、侵权民事和行政一审裁判，垄断民事和行政一审裁判，上诉到最高人民法院知识产权法庭；不服北京知识产权法院作出的其他一审裁判，上诉到北京市高级人民法院。



（二）审判数据

1. 收结案整体数据

2014年11月至2024年10月，北京知识产权法院受理案件201 984件，审结195 506件。十年间，收案整体呈现前八年持续增长、后两年小幅回落的趋势。前八年（2014年至2022年）收案数量年均增长率14.04%，从2023年开始，收案出现拐点，2023年收案数量比2022年下降5.06%，2024年1-10月收案数量同比持续下降，降幅为10.3%。

2014年11月-2024年10月收结案情况



2. 主要案件收结案数据

从案件性质看，根据《全国人民代表大会常务委员会关于在北京、上海、广州设立知识产权法院的决定》，北京知识产权法院管辖的案件类型仅为行政案件和民事案件，不包括刑事案件。

2014年11月至2024年10月，北京知识产权法院受理行政案件149 486件，占同期受理案件总数的74.01%，年均增长率14.85%；审结行政案件144 186件，占同期审结案件总数的73.75%，年均增长率25.62%。行政案件收案从2023年出现拐点，2023年收案数量比2022年下降0.56%，2024年1-10月收案数量同比持续下降，降幅为3.49%。

行政案件收结案情况



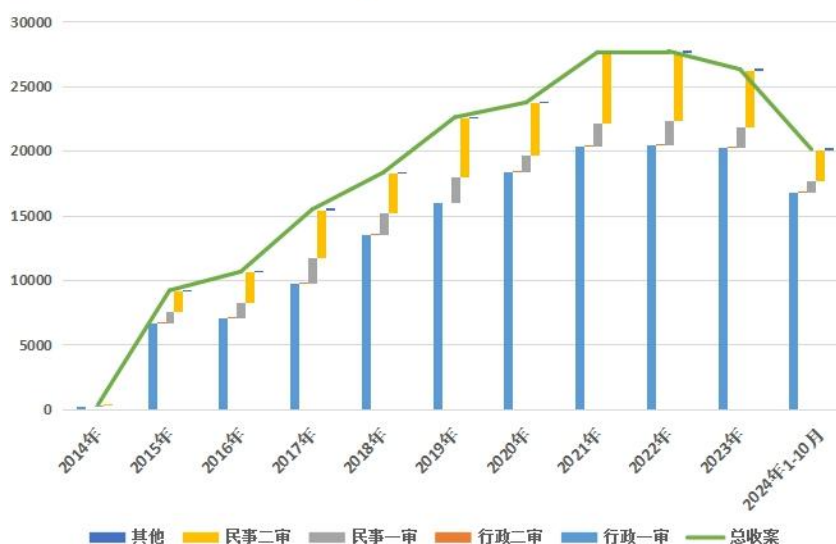
2014年11月至2024年10月，北京知识产权法院受理民事案件52 498件，占同期受理案件总数的25.99%，年均增长率11.64%；审结民事案件51 320件，占同期审结案件总数的26.25%，年均增长率20.36%。民事案件收案从2023年出现拐点，2023年收案数量比2022年下降17.71%，2024年1-10月收案数量同比持续下降，降幅为31.06%。

民事案件收结案情况



从审级看，2014年11月至2024年10月，北京知识产权法院受理一审案件164 871件，占受理案件总数的81.63%，其中行政一审案件受理149 440件，占一审案件受理数量的90.64%，民事一审案件受理15 431件，占一审案件受理数量的9.36%。受理二审案件36 677件（含管辖类），占受理案件总数的18.16%，其中行政二审案件受理20件，占二审案件受理数量的0.05%，民事二审案件受理36 657件，占二审案件受理数量的99.95%。特别程序、国家赔偿、审判监督类等案件受理436件，占受理案件总数的不到1%。

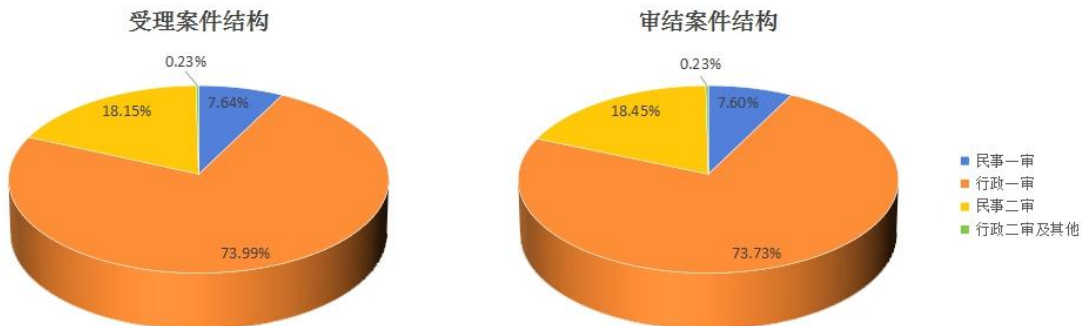
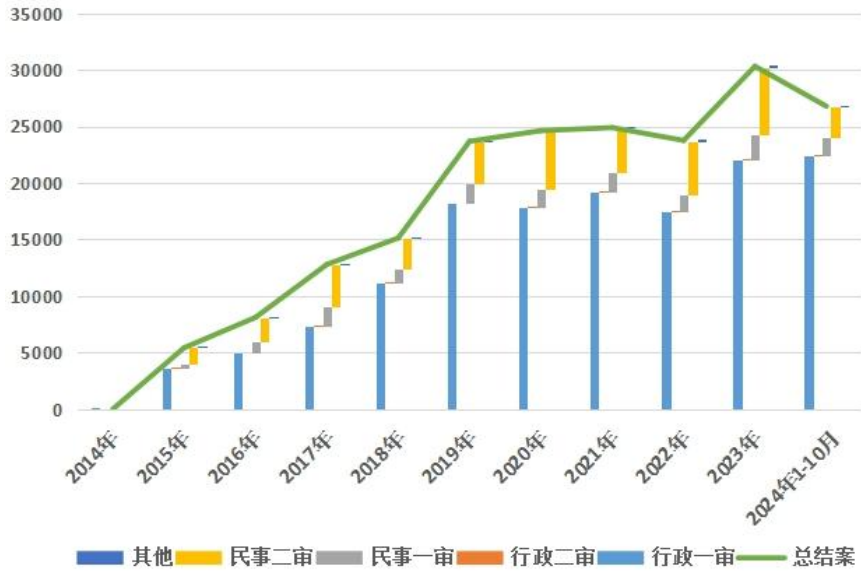
2014年11月-2024年10月收案情况



2014年11月至2024年10月，北京知识产权法院审结一审案件158 999件，占审结案件总数的81.33%，其中行政一审案件审结144 146件，占一审案件审结数量的90.66%，民事一审案件审结14 853件，占一审案件审结数量的9.34%。审结二审案件36 084件（含管辖类），占审结案件总数的18.46%，其中行政二审案件审结19件，占二审案件审结数量的0.05%，民事二审案件审结36 065件，占二审案件审结数量的99.95%。

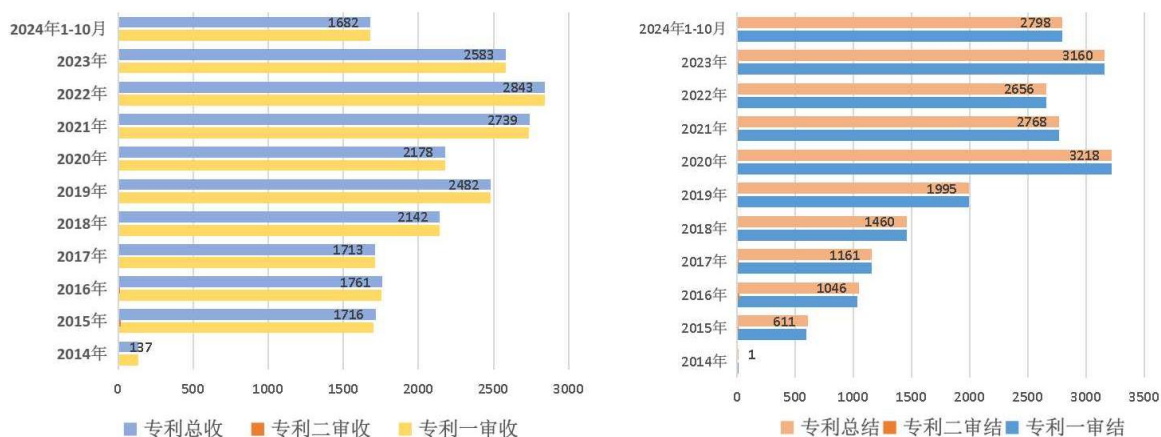
特别程序、国家赔偿、审判监督类等案件审结423件，占比不到1%。

2014年11月-2024年10月结案情况



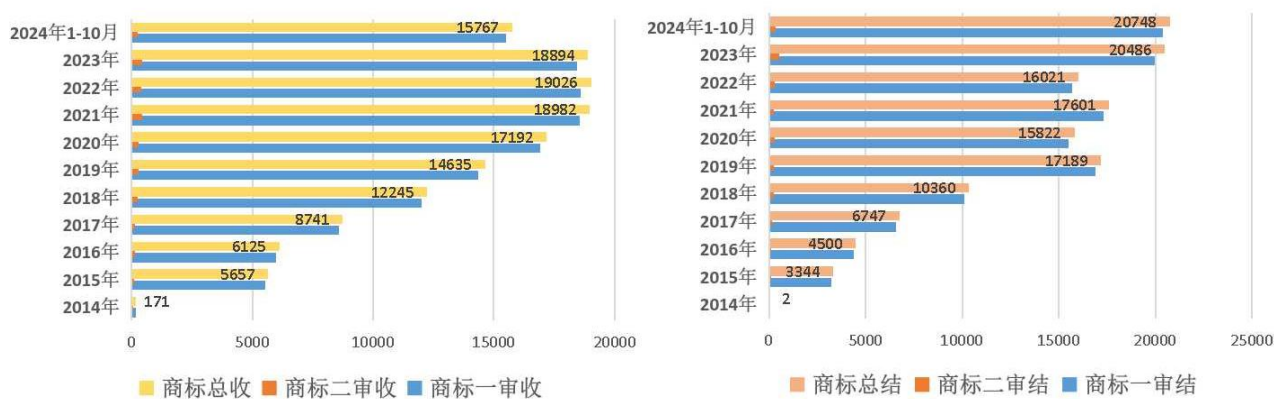
从知识产权权利类型看，2014年11月至2024年10月，北京知识产权法院受理专利案件21 976件，年均增长率5.24%，占受理案件总数的10.88%，其中一审案件21 942件，占该类案件受理数量的99.85%，二审案件28件，占该类案件受理数量的0.13%；审结专利案件20 874件，年均增长率22.80%，占审结案件总数的10.68%，其中一审案件20 843件，占该类案件审结数量的99.85%，二审案件25件，占该类案件审结数量的0.12%。

2014年11月至2024年10月专利类案件收结案情况:



2014年11月至2024年10月，北京知识产权法院受理商标案件137 435件，年均增长率16.27%，占受理案件总数的68.04%，其中一审案件134 650件，占该类案件受理数量的97.97%，二审案件2756件，占该类案件受理数量的2.01%；审结商标案件132 820件，年均增长率25.43%，占审结案件总数的67.94%，其中一审案件130 155件，占该类案件审结数量的97.99%，二审案件2638件，占该类案件审结数量的1.99%。

2014年11月至2024年10月商标类案件收结案情况:



2014年11月至2024年10月，北京知识产权法院受理著作权案件37 139件，年均增长率13.20%，占受理案件总数的18.39%，其中一审案件7101件，占该类案件受理数量的19.12%，二审案件29 880件，占该类案件受理数量的80.45%；审结著作权案件36 696件，年均增长率20.39%，占审结案件总数的18.77%，其中一审案件6886件，占该类案件审结数量的18.76%，二审案件29 656件，占该类案件审结数量的80.82%。

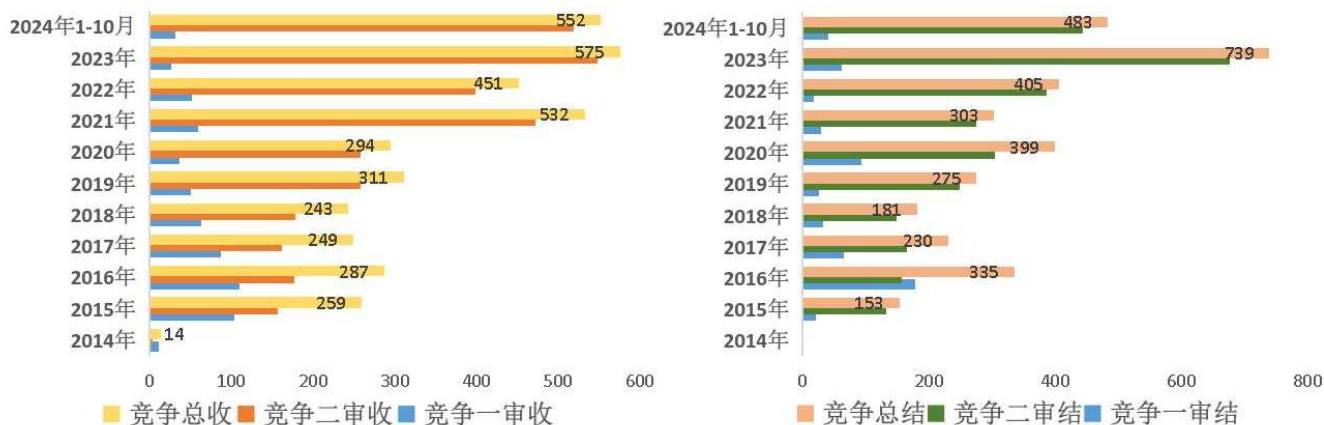
2014年11月至2024年10月著作权类案件收结案情况：



2014年11月至2024年10月，北京知识产权法院受理竞争类（含反不正当竞争、反垄断、特许经营合同、网络域名）案件3767件，年均增长率10.48%，占受理案件总数的1.86%，其中一审案件627件，占该类案件受理数量的16.64%，二审案件3130件，占该类案件受理数量的83.09%；审结竞争类案件3503件，年均增长率21.76%，占审结案件总数的1.79%，其中一审案件562件，占该类案件审结数量的16.04%，二审

案件2933件，占该类案件审结数量的83.73%。

2014年11月至2024年10月竞争类案件收结案情况：



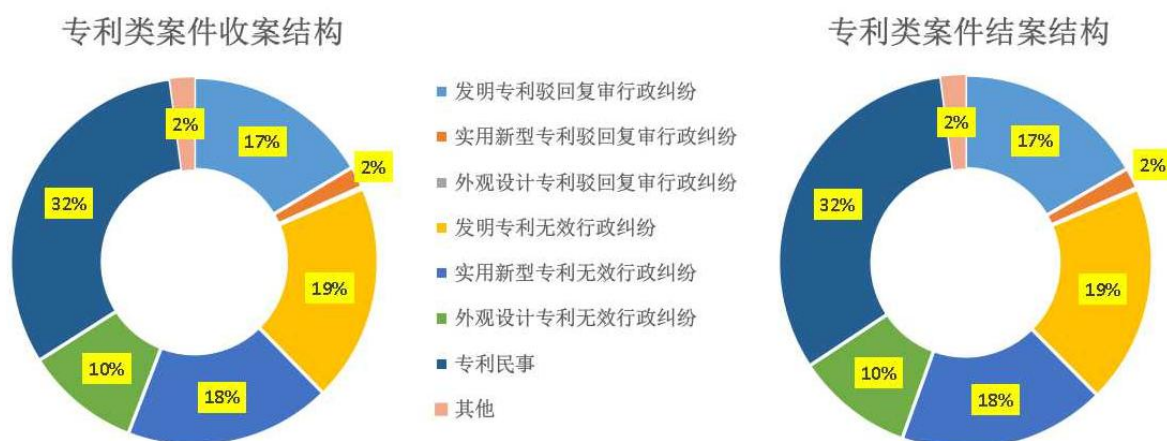
3. 细分案由收结案数据

专利案件：

2014年11月至2024年10月，北京知识产权法院受理的专利案件中，专利授权确权行政案件14 503件，占专利案件受理数量的65.99%，其中发明专利授权确权案件7822件（驳回复审案件3615件、无效宣告案件4207件），实用新型专利授权确权案件4408件（驳回复审案件410件、无效宣告案件3998件），外观设计专利授权确权案件2273件（驳回复审案件43件、无效宣告案件2230件）；专利民事案件7010件，占专利案件受理数量的31.90%。

2014年11月至2024年10月，北京知识产权法院审结的专利案件中，专利授权确权行政案件13 713件，占专利案件审结数量的65.69%，其中发明专利授权确权案件7431件（驳回复审案件3476件、无效宣告案件3955件），实用新型专利授权确权案件4129件（驳回复审案件381件、无效宣告案件3748

件），外观设计专利授权确权案件2153件（驳回复审案件26件、无效宣告案件2127件）；专利民事案件6724件，占专利案件审结数量的32.21%。



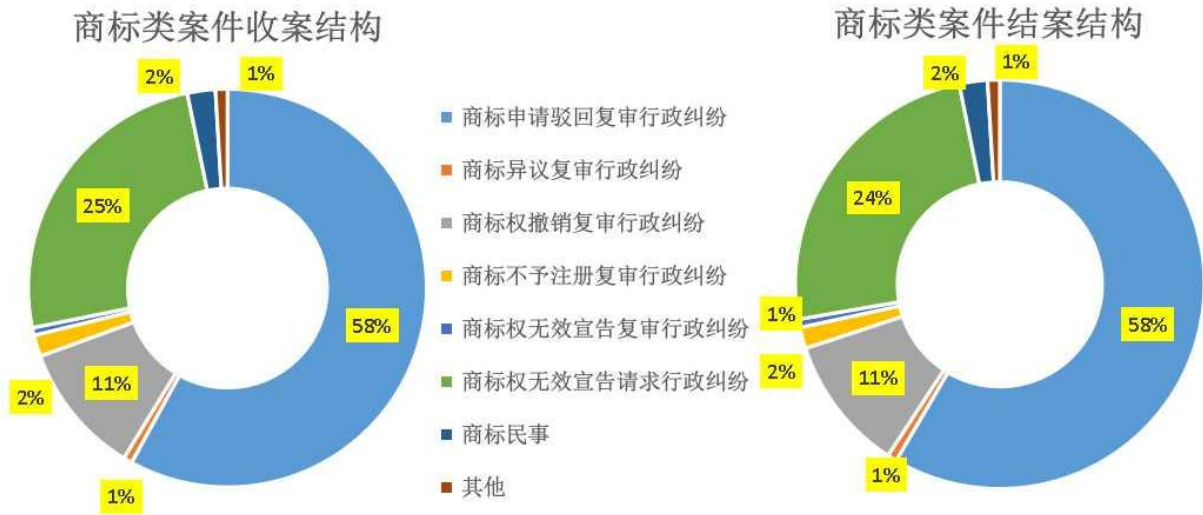
审结的专利行政案件中，撤销被诉行政决定的852件，占比6.21%。

商标案件：

2014年11月至2024年10月，北京知识产权法院受理的商标案件中，商标授权确权行政案件132 989件，占商标案件受理数量的96.77%，其中商标驳回复审案件79 712件，商标异议/不予注册复审案件3354件，商标无效宣告案件35 159件，商标撤销复审案件14 764件；商标民事案件3117件，占商标案件受理数量的2.27%。

2014年11月至2024年10月，北京知识产权法院审结的商标案件中，商标授权确权行政案件128 600件，占商标案件审结数量的96.82%，其中商标驳回复审案件77 651件，商标

异议/不予注册复审案件3210件，商标无效宣告案件33 488件，商标撤销复审案件14 251件；商标民事案件2951件，占商标案件审结数量的2.22%。



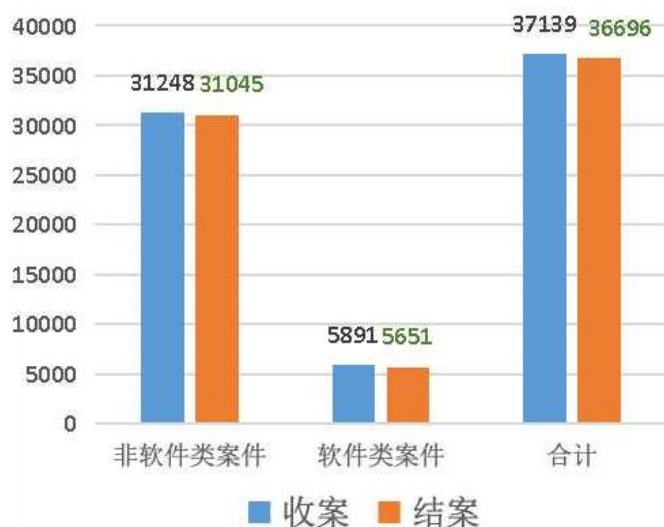
审结的商标行政案件中，撤销被诉行政裁决的29 117件，占比21.89%。

著作权案件:

2014年11月至2024年10月，北京知识产权法院受理的著作权案件中，计算机软件著作权案件5891件，占著作权案件受理数量的15.86%，其他著作权案件31 248件，占著作权案件受理数量的84.14%。

2014年11月至2024年10月，北京知识产权法院审结的著作权案件中，计算机软件著作权案件5651件，占著作权案件审结数量的15.40%，其他著作权案件31 045件，占著作权案件审结数量的84.60%。

著作权类案件收结案结构



从受理的专利案件产业分布看，涉新一代信息技术的案件占比7.7%，涉高端设备制造产业的案件占比5.6%，涉数字创意产业的案件占比3.9%，涉节能环保产业的案件占比2.5%，涉新材料的案件占比2.4%，涉新能源的案件占比2.0%，涉生物产业的案件占比1.9%。

二、典型案例与裁判规则

北京知识产权法院审理的案件体量大、类型全、专业性强、影响范围广，是司法案例的源头活水。建院以来，共有283篇案例获评各类型、各层级案例奖项或入选案例丛书，75件案件被最高人民法院评选为知识产权保护典型案例。阿某某公司诉国家知识产权局发明专利权无效案等4件专利权无效行政案入选联合国贸易和发展会议（UNCTAD）及南方中心“知识产权与公共卫生案例数据库”。

（一）激励科技创新，技术类案例树立领域标杆

北京知识产权法院积极贯彻落实国家知识产权战略要求，不断加强技术类案件审理，有效激励保障科技创新。从**科某某公司诉迪某公司侵害实用新型专利权案**探索适用举证妨碍规则确定经济损失计算依据并精细化计算赔偿数额，到**诺某某公司诉隆某公司侵害发明专利权案**中针对侵权人的重复恶意侵权行为，判决其承担2205万元惩罚性赔偿，北京知识产权法院不断传递出严格保护的司法导向。在**全国首例针对药品专利侵权行为采取诉前行为保全案**中，详细厘清诉前行为保全的适用要件，通过审慎稳妥采取保全措施，促成双方当事人快速和解，取得良好的法律效果和社会效果。

北京知识产权法院持续关注科技创新前沿领域案件，加强对专利授权确权行为的司法审查。在**全国首例“图形用户界面（GUI）”外观设计权无效行政案**中，对现有的外观设计专利确权规则在GUI这一新型保护对象上的具体适用进行了积极探索，成为类似案件审理的参考。在**全球十大抗肿瘤药物“恩杂鲁胺”化合物发明专利权无效行政案**中，判决充分解释了对补交实验数据予以审查的原因以及不予采信的理由，一审判决得到包括美方当事人、国家知识产权局在内各方当事人一致信服。在**全国首例药品专利链接诉讼案**中，对我国药品专利链接制度实践之初典型问题的法律适用进行了符合立法目的的探索，该案判决成为此后相关案件审理的起点和标杆。

（二）完善治理规则，商标案例夯实体系基础

商标授权确权行政案件是全国商标保护体系的基础和

枢纽，通过审理此类案件，北京知识产权法院与商标主管行政机关不断完善商标审查审理标准，加强商标法律体系建设。在全国首例声音商标驳回复审行政案中，明确了声音这一特殊类型商标获得注册的条件，为声音商标保护指明法律路径。在“晨光K35中性笔形状”立体商标驳回复审行政案中，明确商品形状类三维标志固有显著性和经使用获得显著性的判断标准，平衡了商标申请人与其他同业经营者之间的利益。在“摩卡”商标权撤销复审行政案中，全面分析了撤销通用名称案件的裁判标准，本案确立的“因成为通用名称而予以撤销的商品应仅限于通用名称所指向的商品，而不包括类似商品”的裁判规则，被国家知识产权局制定的《商标审查审理指南（2021）》吸收。

通过系列典型案例，引导当事人遵守诚实信用原则，合法、正当行使权利。在“维多利亚的秘密”系列商标权无效行政案等一批商标授权确权行政案件中，认定大量囤积、围绕特定主体抢注多枚在先知名商标等行为构成恶意注册商标，应当依法予以遏制。在“古北水镇”不正当竞争案中，将恶意抢注商标后滥用商标权利的行为纳入反不正当竞争法原则性条款予以规制，构建起区分恶意注册商标行为和滥用恶意注册商标权行为的裁判规则体系，有效维护商标注册和使用秩序。

（三）维护公平竞争，垄断竞争案例培树市场规则

党的二十大报告指出，构建高水平社会主义市场经济体制，要加强反垄断和反不正当竞争。2022年，北京知识产权

法院专设竞争垄断案件法官团队，并成立专业法官会议竞争垄断委员会，提升竞争垄断案件专业化审判水平。针对平台反垄断、商业秘密保护、数据治理等重点领域、新兴产业形成一批典型案例，确立系列裁判规则。在全国首例获得数据登记证数据集合竞争案中，明确数据知识产权登记证作为数据权益主体和数据来源合法性的初步证据效力，有利于满足数据流通使用需求。在涉“刷宝”APP不正当竞争案中，明确非独创性数据集合的收集处理者对于数据集合的收集、储存、加工、传输进行了实质性的投入，由此产生的经济利益受到反不正当竞争法的保护。

新修改的《中华人民共和国反不正当竞争法》规定了商业秘密构成要件和侵权行为认定的举证责任转移。北京知识产权法院在系列案件中，对该条款的适用作出有益探索。在全国首例海外并购被诉侵害商业秘密案中，深入阐明反不正当竞争法中关于“合理表明商业秘密被侵犯”规定的举证要求，明晰商事主体海外并购活动的正当边界。在涉侵害“视觉软件与算法”技术秘密案中，减轻权利人对技术秘密法定要件的举证负担，传递加强知识产权保护力度的明确信号。

新修改的《中华人民共和国反垄断法》将“强化竞争政策基础地位”上升为法律规定，平台反垄断等反垄断民事诉讼数量随之呈现明显上升趋势。北京知识产权法院高质量审理各类垄断案件，取得良好效果。在涉及两大头部平台互诉封禁行为涉嫌滥用市场支配地位系列案中，在法院的不懈推动下，双方各自撤回起诉，涉案系列垄断纠纷得以“一揽子”化解。“巴曲酶”原料药拒绝交易纠纷管辖权异议案中，裁

定确立通过侵权结果发生地确定拒绝交易纠纷管辖连结点的规则，对相关市场波及全国范围的垄断案件的管辖确定具有重要参考价值。

（四）繁荣文化创意，著作权案例探索保护路径

随着北京市深入推进全国文化中心建设，各类涉及影视、电子游戏、元宇宙等文化创意领域的新型纠纷多发。北京知识产权法院高质量审理涉新业态、新领域著作权案例，保护文化创意，促推产业发展。在北京首例涉NFT数字藏品著作权侵权案中，明确了NFT数字藏品交易过程中适用信息网络传播权规制作品传播行为的法律要件，平衡兼顾了NFT数字藏品版权方、制作方、平台方的权利义务关系，对于规范数字藏品交易市场的健康发展具有重要意义。在全国首例涉无障碍版电影侵害信息网络传播权纠纷案中，明确了“以阅读障碍者能够感知的无障碍方式向其提供已经发表的作品”构成合理使用仅限于供阅读障碍者专用的裁判规则，践行了我国坚定不移履行《马拉喀什条约》义务的承诺，在有力保护著作权人合法权益的同时，促进广大阅读障碍者平等参与文化生活、共享文明发展成果。

北京知识产权法院积极助力传统文化创新发展，为中华优秀传统文化继承发扬提供坚实的司法保障。在全国首例涉杂技艺术作品著作权侵权案中，确立了由具有一定艺术性的连贯动作编排和舞蹈动作设计构成的杂技节目可以作为杂技艺术作品受到保护的裁判规则，依法对杂技艺术作品予以保护。在涉历史文献汇编成果著作权权属、侵权案中，明确

了历史文献类汇编成果独创性的判断标准，进一步加大对历史文献类智力成果的保护力度。

步入工业4.0智能化时代，工业设计软件已成为智能制造、工业互联网的核心内容。北京知识产权法院对计算机软件案件实行专班审理模式，典型案例成果突出。在**涉某工业设计软件著作权侵权案**中，依据知识产权民事证据规则，对侵权人在证据保全过程中通过桌面软件隐匿终端系统软件的证据妨碍行为依法处理，在权利人提供充分证据证明其实际损失的情况下，全额支持赔偿请求，有力打击侵权行为，依法维护了软件权利人的合法权益。

在著作权审判工作中，北京知识产权法院注重纠纷实质性化解，兼顾文化传播和社会公共利益，通过辨法析理、示范性裁判等方式有效化解纠纷。在**学术期刊领域两大头部企业在北京法院互诉的系列案件**审理过程中，主持当事人就在诉的1000余件案件及未诉的数万起案件达成和解，彻底化解纠纷，有力保障和促进了学术资源平台行业的健康发展，为实质性化解著作权纠纷提供模范样板。

三、保护成效与工作成果

习近平总书记强调，知识产权保护工作关系国家治理体系和治理能力现代化，关系高质量发展，关系人民生活幸福，关系国家对外开放大局，关系国家安全。十年来，北京知识产权法院立足知识产权专业审判职能，在改革发展中守正创新，砥砺前行，司法保护成效不断凸显。

（一）发挥职能作用，服务创新驱动发展战略实施

积极融入首都新发展格局。作为北京市知识产权办公会议办公室、北京市科技体制改革专项小组等工作专班成员，积极参与市级知识产权相关专项工作及改革任务，将市级改革任务与全院重点工作融合一体推进。支持北京数据基础制度先行区建设，开展《数据登记制度》专项调研，为《关于更好发挥数据要素作用进一步加快发展数字经济的实施意见》落地贡献司法智慧。发布涉数据反不正当竞争典型案例，明确数据权益保护规则，为数据产业健康快速发展提供司法服务与支撑。切实落实《北京种业振兴实施方案》，发布种业知识产权典型案例，积极守护种业创新和成果转化。深度参与《“两区”建设知识产权全环节改革行动方案》，发布《侵犯商业秘密民事案件当事人诉讼问题解答》，加强商业秘密诉讼引导和规则指引，促进技术要素在市场上自由流动和优化配置。积极贯彻《中共北京市委 北京市人民政府关于北京市全面优化营商环境打造“北京服务”的意见》，发布竞争垄断典型案例，引导市场主体依法有序开展竞争，推动落实全国统一大市场建设，推进高水平对外开放，为首都高质量发展营造良好的法治环境。

依法加大战略性新兴产业保护。围绕药品专利链接制度开展调研，发布《关于申请注册的药品相关的专利权民事案件立案指引》，为药品专利链接制度顺利运行和医药产业健康发展提供司法保障。开展通信领域标准必要专利产业调研，调研成果《标准必要专利许可条件法律问题研究》获评最高人民法院 2022 年度司法研究重大课题优秀课题。发布

《计算机软件著作权民事案件当事人举证手册》及计算机软件著作权十大典型案例，保护软件产业核心技术成果，为工业信息化、人工智能、大数据和云计算等新兴产业发展提供有力支持。

服务保障数字经济发展。持续跟进数字经济发展，围绕数字经济领域知识产权保护开展专题调研，形成的《数字经济下新业态、新模式竞争行为司法规制研究》调研报告入选《中国法院知识产权司法保护状况（2022）》。在中关村论坛发布《涉数据产业竞争司法保护白皮书》，积极回应数字经济发展提出的新挑战和新需求，服务国家数字经济发展战略实施。

持续贯彻京津冀协同发展战略。积极构建跨区域知识产权司法保护协作机制，于2022年11月与天津市第三中级人民法院、河北雄安新区中级人民法院签署《加强知识产权司法保护合作框架协议》，推动三地法院携手解决司法难题，合力打造区域知识产权协同发展示范区。2023年7月，携手三地法院共同举办“加强数据知识产权保护，助力京津冀数字经济协同发展”研讨会，共议数字经济知识产权保护前沿问题，赋能区域经济高质量发展。探索建立三地法院技术调查官共享工作机制，在河北省石家庄中级人民法院审理的一起医药领域专利行政案件中，委派技术调查官参与技术事实查明，增强技术事实认定的中立性、客观性和科学性。与北京市高级人民法院联合报送的《京津冀知识产权保护司法协同机制 助推“同城效应”新发展》入选2024京津冀自贸试

验区改革创新实践案例和北京市“两区”建设第四批市级改革创新实践案例。

（二）加大保护力度，助推新质生产力发展

严格审慎适用惩罚性赔偿。按照习近平总书记关于“加大知识产权侵权行为惩治力度，让侵权者付出沉重代价”的重要指示，积极开展知识产权惩罚性赔偿司法适用研究，发布《关于审理侵害知识产权民事纠纷案件适用惩罚性赔偿参考》。惩罚性赔偿制度在知识产权领域全面建立以来，北京知识产权法院共在 16 起案件中适用惩罚性赔偿，平均判赔金额 1230.8 万元，最高判赔金额达 7056 万元，有效遏制侵权，激励创新。在“鄂尔多斯”商标侵权案中清晰阐明惩罚性赔偿适用规则，获评最高人民法院侵害知识产权民事案件适用惩罚性赔偿典型案例。在“香奈儿”商标侵权案中，顶格适用五倍惩罚性赔偿倍数，让侵权者付出更重代价，以严格公正司法树立鲜明导向。

依法积极采取临时性保护措施。充分发挥行为保全、财产保全、证据保全制度效能，坚持及时保护与稳妥保护兼顾原则，正确审查当事人的行为保全申请，实现及时保护和稳妥保护的效果。在“中国好声音”诉前行为保全案中，充分考虑被诉行为侵权可能性以及权利人合法权益遭受难以弥补损害的紧迫程度，及时发布禁令，有效维护了权利人的利益。制定《诉讼财产保全行为指引》，进一步规范和细化财产保全流程，健全财产保全制度机制。与北京市第一中级人

民法院搭建知识产权案件诉前及诉中财产保全委托执行新机制，大幅缩短保全执行周期。在“**古建彩绘制作方法**”**专利侵权案**中，积极与国家文物局沟通证据保全事宜，进入全国重点文物保护单位及时审慎固定证据，减轻权利人举证负担，有效保护创新者的合法权益。

依法严厉打击不诚信行为。严格落实《中共中央 国务院关于促进民营经济发展壮大的意见》中提出的“严厉打击恶意抢注商标等违法行为，为促进民营经济发展壮大保驾护航”的要求，依法规制商标恶意注册，发布规制商标恶意注册典型案例，将诚实信用原则作为判断商标注册、使用和保护是否合法正当的重要因素，积极维护商标注册秩序和市场竞争秩序。在“**家家 JIAJIA 及图**”**商标权撤销复审行政案**中，就商标权人提交伪证行为开出首例伪证罚单，严厉打击不诚信诉讼行为。发布商标案件涉伪证处罚典型案例，强力打击提供伪证行为，维护法律尊严，彰显司法权威。

（三）积极参与立法,助力知识产权法律体系建设

全面参与知识产权部门法修订。参与著作权法修订，就著作权法体系结构、权利客体、著作权集体管理组织、合理使用、损害赔偿等方面提出修改意见，并被立法机关采纳。参与专利法修订，提出调整法定赔偿上下限、建立惩罚性赔偿制度、完善有关标准必要专利规定等修改意见，均被立法机关采纳。参与新一轮商标法修改，统筹国内国际两个维度，提出建立分级分类、繁简适配的商标司法审查机制，商标授

权确权行政诉讼特殊程序规则等 16 条建议，为优化商标司法审查程序，提升商标制度整体运行效能贡献智慧。参与新一轮反不正当竞争法修订，结合审判工作实际就仿冒行为、虚假宣传、相对优势地位、恶意交易、商业数据保护等条款提出修改意见，为进一步发挥反不正当竞争法维护市场竞争秩序功能作用建言献策。

深度参与知识产权行政法规、规章修订。参与《专利法实施细则》修订，就延迟审查请求、无效审查程序等方面提出修改意见，并被采纳。就正在起草的国务院《职务发明条例》、国家知识产权局《地理标志产品保护规定》《商标行政执法证据规定》《商标侵权案件违法经营额计算办法》等行政法规、规章提出修改意见和建议。

积极参与北京市地方立法。针对《北京市优化营商环境条例》提出推进繁简分流快速审理机制、依法扩大独任制审理案件范围、健全技术调查官制度等建议；针对《北京市知识产权保护条例》提出完善知识产权审判机制，依法实施知识产权侵权惩罚性赔偿、知识产权行为保全制度等建议；针对《北京市数字经济促进条例》关于数字基础设施、数字化产品权益等内容提出修改建议；针对《北京市数据知识产权登记管理办法（试行）》提出数据知识产权登记对象应当具有智力成果属性的修改建议，上述立法建议均被采纳。

（四）优化创新环境，融入社会综合治理体系

强化司法建议成效。针对案件审理和调研中发现科创企

业在科技成果创造、运用和转化中存在的共性问题，积极通过发送司法建议参与市域社会治理。在涉自动驾驶核心算法技术秘密案件中，深挖案件背后深藏的产业问题，做好纠纷化解后半篇文章，向北京市高级别自动驾驶示范区工作办公室提出司法建议，为打造“首善”标准产业发展环境贡献司法力量。

创新信息专报机制。结合司法审判和调研成果形成各类信息专报，向市委市政府、最高人民法院、新华社等部门报送，为行业治理和社会治理提供有力的司法支持。2023年以来，围绕工业软件、自动驾驶、数据保护、生成式人工智能、种业保护、网络视频产业、京津冀协同发展等领域形成的7篇信息专报得到有关领导的批示肯定，为创新环境治理提供高质量决策参考。

健全巡回审判布局。在北京“三城一区”等重点园区和在京国家重点实验室建立巡回审判庭和法官工作站，通过开展“院领导领衔、优秀法官对接、各庭室支撑、全院资源协同”的巡回审判行动，靶向服务国家重大科技战略项目和首都高质量发展。

四、司法改革与机制创新

北京知识产权法院既是司法改革的产物，又肩负着全面推进司法改革、探索知识产权审判“中国样本”的重要使命。立足改革法院定位，北京知识产权法院将知识产权审判工作与知识产权领域各项改革有机结合，不断深化知识产权审判

体制机制改革，促进知识产权司法保护水平全面提升。

（一）坚持审判机制创新，优化司法资源配置

随着我国经济社会不断发展，知识产权纠纷数量快速增长，为满足人民群众对知识产权司法保护的期待，北京知识产权法院不断深化繁简分流机制改革，持续推进诉讼多元解纷，推动“简案快办、繁案精审”工作机制有效运行。

充分发挥繁简分流机制效能。2016年2月，北京知识产权法院探索在立案庭设立速审组，对商标驳回复审行政案件实行集中快速审理。2021年8月，逐步将商标驳回复审行政案件、侵犯信息网络传播权二审案件等简单案件通过适用简易程序、要素式审判等方式集中快速审理。截至2024年9月底，通过简案快审方式审结各类简单案件77357件，2023年，用全院17%的审判力量高效审结了超过46%的相对简单案件，商标授权确权行政案件平均审理时长同比缩短29.44%，商标驳回复审行政案件平均审理时长为87.59天，同比缩短36.48%，审判效率显著提升。

积极推进知识产权纠纷多元化解机制建设。持续加大民事纠纷源头化解，针对知识产权批量案件，采取“源头治理+行业调解+示范判决+诉中调解”模式，全面推进批量案件实质性化解。诉前约谈涉嫌恶意诉讼的当事人，规制非正常批量诉讼。深化落实“总对总”调解工作机制，陆续补充19家“总对总”行业调解组织，调解队伍专业能力不断增强。建立并推动示范裁判机制，确立裁判规则，形成“裁判+治

理”的司法导向，减少纠纷形成诉讼。建立诉中调解机制，制定《北京知识产权法院诉中委托调解工作流程》，组建诉中调解员队伍。民事案件近三年逐年下降，降幅达20%。探索行政案件源头化解，选任10名具有商标、专利知识背景的调解员参与专利、商标行政案件诉前化解。2023年，共922件商标行政案件于诉前成功化解。

（二）强化信息技术支撑，创新保护工作机制

北京知识产权法院积极借助外部专业力量，健全技术事实查明机制，大力推动集约化、信息化改革，不断提升现代化审判能力。

不断健全技术事实查明机制。北京知识产权法院于2015年10月22日成立技术调查室，陆续出台《技术调查官管理办法》《技术调查官工作规则》《技术调查官回避实施细则》等规范性文件，形成包含选任、培训、参诉、监督等全环节的工作机制。先后聘任4批次、297名技术调查官参与了4000余件案件的审理，其中参与勘验、保全、鉴定168次，参与庭审2654次，提交技术调查意见2400余份。吸收具有专业知识背景的人民陪审员组成技术类案件合议庭。2019年8月，首次采用3名法官和4名具有专业技术背景的人民陪审员组成7人合议庭方式审理的案件，入选最高人民法院人民陪审员参审十大典型案例。2021年6月，启动创新保护专家委员会，14位两院院士受聘成为北京知识产权法院创新保护专家委员会的首批专家，为高水平知识产权审判提供专业支持。

大力推动审判辅助事务集约化、信息化改革。2017年起，陆续将司法送达、诉讼服务、电子卷宗随案生成等审判辅助事务实行全院集约。2023年4月以来，主动探索知识产权诉讼全流程电子化和电子卷宗档案改革，推进信息技术手段在审判各环节深度应用。2024年10月，北京知识产权法院档案电子化管理通过北京市档案局评审，成为北京首家通过市档案局档案电子化管理试点评估的法院。截至2024年10月底，北京知识产权法院的网上立案率91.7%，电子送达覆盖率位居北京法院首位，现代化审判管理能力和诉讼服务水平不断提升。依托电子卷宗数据平台开发商标行政案件文书自动生成程序，一键生成商标行政案件裁判文书，助力法官团队进一步提升审理质效。

（三）加强司法协同创新，参与构建大保护格局

北京知识产权法院立足审判职能，不断深化与知识产权管理部门在知识产权保护工作中的合作，共同推动构建知识产权“严保护、大保护、快保护、同保护”工作格局。

深化与国家知识产权局的协同保护，促进知识产权全链条保护。加强与国家知识产权局在机制创新、业务交流与流程对接等方面的沟通协作，定期开展业务研讨，相互通报工作数据及典型案例，不断促进行政与司法标准统一。积极推动商标行政机关在行政程序中依法适用中止程序，从2023年7月至2024年10月，共有近10万件商标评审案件在行政阶段中止，有效防止诉讼程序空转。

多措并举形成跨地域、跨部门协同保护合力。与国家市场监督管理总局、北京市市场监管综合执法总队构建起上下贯通、纵横双向的反垄断反不正当竞争执法协同衔接机制。开展典型案例交流，加强研讨与培训，相互提供专业技术支持，共同促进反垄断行政执法与民事司法形成合力，提升反垄断工作质效。与海南自贸港知识产权法院就加强植物新品种保护建立案件协同审理机制，不断加大种业保护力度。与北京市农业农村局、北京市农林科学院签署《加强种业知识产权保护合作协议》，在平谷农业中关村园区设立知识产权巡回审判庭，积极发挥种业专班专业优势，协力加强种业知识产权全链条保护。

五、人才培养与队伍建设

北京知识产权法院始终坚持以“大人才观”选才育才，着力加强队伍革命化、正规化、专业化、职业化、国际化建设，为知识产权强国建设提供坚实的人才保障。

（一）突出人才培养专业化目标

通过参与重大疑难复杂案件审理、组建专业法官会议和专业调研组、成立审判专班、参加知识产权专门培训和专业论坛等多种形式，构建专业化人才发现养成机制。针对领军型、专家型人才，通过承办新类型、重大案件及参与国内外知名高端学术交流，充分发挥“头雁”作用。针对青年后备人才，通过承办疑难复杂案件，承担重点调研课题等方式，发挥中坚力量作用。十年来，近50人次受邀参加各类国际知

识产权机构组织的论坛、会议并进行发言交流。

（二）强化专业人才综合性培养

充分发挥北京法院“知识产权审判特色人才高地”和京津冀人才协同培养机制的优势作用，先后接收北京市各基层法院，以及河北雄安新区中级人民法院、新疆和田法院、兵团中院等京外法院青年法官、法官助理跟班培训60余人次，通过互学互促实现专业互补。持续推进培训品牌建设，借助外部优质资源提升干警综合素养。2023年以来，与北京大学、中国政法大学联合举办两期脱产培训班，选派110名业务骨干参加培训；举办“京知大讲堂”13期，围绕外交政策、传统文化、产业布局、大数据与算法等多领域开展培训，实现人才培养方式从“精”“专”向“宽”“厚”倾斜。积极探索司法与行政人才共建，通过常态化选任交流技术调查官，与国家知识产权局、北京市知识产权局等有关单位互派交流挂职干部，定期开展走访交流，丰富干警任职经历，拓宽成长渠道。广泛招募大学生志愿者，为知识产权审判储备人才梯队。截至2024年10月底，累计吸纳超过70所高校1800余名大学生志愿者，志愿服务时长约18.5万小时。

目前，北京知识产权法院现有1名“全国审判业务专家”¹、8名“北京市审判业务专家”²、2名“首都青年法学家”³。

¹ 全国审判业务专家1名：宋鱼水。

² 北京市审判业务专家共8名，分别是：张晓霞（第一届）、冯刚（第二届）、芮松艳（第二届）、张剑（第三届，2018）、谢甄珂（第四届，2019）、仪军（第四届，2019）、周丽婷（第四届，2019）、刘义军（第六届，2022）。

³ 首都青年法学家：宋鱼水、芮松艳。

3人获评“全国法院办案标兵”⁴，2人获评北京市司法实务研究专家⁵，8人获评“北京法院知识产权审判业务标兵”⁶，2人获评“北京法院办案标兵”⁷。

六、涉外审判与国际交流

北京知识产权法院深入贯彻习近平总书记关于涉外法治建设系列重要指示精神，深入推进涉外审判机制改革，积极参与国际交流，不断提升涉外案件审判质效，努力打造国际知识产权诉讼“优选地”。

（一）坚持依法平等保护，妥善处理涉外纠纷

十年来，北京知识产权法院共审理涉外知识产权案件36 201件，占比17.92%，当事人覆盖全球五大洲100多个国家和地区。坚持依法平等保护国内外主体，积极履行国际条约义务，妥善处理了“司美格鲁肽”药品专利无效行政案、OPPO诉诺基亚标准必要专利侵权等系列案件等一批与国际贸易有关的重大知识产权纠纷，受到国内外当事人的广泛认可和高度赞誉。针对外国当事人在中国法院参加诉讼的实际需求，总结涉外案件主体手续审查经验，吸收已生效的《取消外国公文书认证要求的公约》最新规定，以中英文编写发布了涉及18个主要国家的《涉外案件主体资格证明文件办理参考》，为涉外主体办理主体资格证明文件提供明确指引，

⁴ 全国法院办案标兵：冯刚、周丽婷、张晰昕。

⁵ 北京市司法实务研究专家：刘义军、李志峰。

⁶ 北京法院知识产权审判业务标兵：芮松艳、张剑、赵明、何暄、仪军、刘义军、张晓丽、兰国红。

⁷ 北京法院办案标兵：何暄、赵明。

并被最高人民法院知识产权法庭列为涉外公文书合规审查的重要参考。据国际商标协会反馈，《涉外案件主体资格证明文件办理参考》发布半年以来，外国企业提交诉讼文件的成本下降了40%，诉讼文件准备时间从三个月缩短至两周，办理流程更加透明。

（二）坚持自信开放共赢，加强国际交流合作

北京知识产权法院积极参与全球知识产权治理，努力提升中国知识产权审判的国际影响力。建院十年来，共接待20多个国家和国际组织机构117批次、1775人次的外事访问，来访人员涵盖外国驻华使节、知识产权官员、法官、律师、学者以及国际组织成员。作为首家与国际商标协会（INTA）召开双边会议的中国地方法院，不断深化与世界知识产权组织（WIPO）等国际组织间合作。连续多年深度参与中国国际服务贸易交易会、中关村论坛、全球数字经济大会等重大国际活动，发布多个知识产权领域审判白皮书和典型案例，积极阐明中国法院的裁判规则和司法导向，不断在国际舞台上传播知识产权保护的“中国好声音”。

结束语

党的二十届三中全会提出了进一步全面深化改革的总目标，北京知识产权法院必须加快现代化建设步伐，不断推进理念转变、机制创新、实践探索，履行好专门法院的职责与使命，以高质量的专业化审判服务保障高质量发展。

知识产权法院现代化建设的“中国探索”始终在路上。面向未来，**要更加重视审判理念现代化**。进一步深化繁简分流机制改革，积极探索与之相适应、符合知识产权司法规律的审判程序。**要更加严格保护知识产权**。加强行为保全等临时救济措施的适用，严格执行惩罚性赔偿制度，防止权利人“赢了官司输了市场”，让“真创新”受到“真保护”，“高质量”受到“严保护”。**要更加强调知识产权大保护格局**。持续推进多元解纷工作，探索实践知识产权争议仲裁机制，继续加大司法与行政协同保护，构建多元化的知识产权保护格局。**要更加重视高素质专业化人才培养**。依托北京法院知识产权审判特色人才高地，充分利用首都优质高等教育资源，通过内部挖潜和建强“外脑”，努力锻造出一支专业素养高、综合能力强、视野宽广的专业化知识产权审判人才队伍。**要更加重视知识产权保护与国际接轨**。主动契合新质生产力发展要求，积极参与并维护、发展世界知识产权组织框架下的既有知识产权规则体系，依法妥善适用国际规则，为数据、人工智能等新技术、新领域提供有力的司法保护。密切关注世界各国司法保护的最新动态，加深国际交流合作，共同推进科技创新、技术向善。

Table of Contents

Preface.....	1
I. Overview of the Court and Its Trial Data.....	4
(I) Overview of the Beijing IP Court.....	4
(II) Trial Data.....	7
II. Typical Cases and Adjudication Rules.....	22
(I) Encouraging Technological Innovation, and Setting Standards through Technology Cases.....	23
(II) Improving Governance Rules, and Strengthening the System Foundation through Trademark Cases.....	25
(III) Maintaining Fair Competition, and Establishing Market Rules through Monopoly and Competition Cases.....	26
(IV) Promoting Cultural Creativity, and Exploring Protection Paths through Copyright Cases.....	29
III. Protection Effectiveness and Achievements.....	32
(I) Playing a Functional Role to Serve the Implementation of the Innovation-driven Development Strategy.....	32
(II) Increasing Protection Efforts to Boost the Development of New Quality Productive Forces.....	37
(III) Actively Participating in Legislation to Contribute to the Construction of the Legal System for Intellectual Property Rights	39
(IV) Optimizing the Innovation Environment to Integrate into the Social Comprehensive Governance System.....	42
IV. Judicial Reform and Mechanism Innovation.....	44
(I) Upholding Judicial Mechanism Innovation and Optimizing Judicial Resource Allocation.....	44
(II) Enhancing Information Technology Support and Innovating	

Protection Mechanisms.....	47
(III) Strengthening Judicial Collaborative Innovation and Participating in the Construction of a Holistic Protection Framework.....	49
V. Talent Cultivation and Team-building.....	51
(I) Highlighting the Objective of Professional Talent Cultivation..	51
(II) Strengthen the Comprehensive Training of Professional Talents	52
VI. Foreign-related Cases and International Exchanges.....	54
(I) Upholding Equal Protection under the Law and Properly Addressing Foreign-related Disputes.....	54
(II) Adhering to Confident, Open and Win-win Cooperation, and Fostering International Exchange and Collaboration.....	56
Closing Remarks.....	58

White Paper on the Judicial Work of Beijing Intellectual Property Court in the Past Ten Years (2014-2024)

Preface

While witnessing the successful holding of the Third Plenary Session of the 20th Central Committee of the Communist Party of China (CPC), the year 2024 is also the tenth year that the Beijing Intellectual Property Court (“Beijing IP Court”) has started its performance of duties, a critical year for entering a new stage and embarking on a new journey.

Since the 18th National Congress of the CPC, the CPC Central Committee with General Secretary Xi Jinping at the core has placed intellectual property protection in a more prominent position. In November 2013, the Third Plenary Session of the 18th CPC Central Committee adopted the *Decision of the CPC Central Committee on Several Major Issues Concerning Comprehensively Deepening Reform*, in which it proposed “exploring the establishment of intellectual property courts”. In August 2014, the 10th Session of the Standing Committee of the 12th National People’s Congress adopted the *“Decision on Establishing Intellectual Property Courts in Beijing, Shanghai, and Guangzhou”*. As one of the

achievements in implementing the national innovation-driven development strategy and judicial reform, the Beijing IP Court was first established on November 6, 2014 as a “vanguard” of strengthening judicial protection of intellectual property rights and an “experimental field” of judicial reform.

Over the past 10 years, the Beijing IP Court has always adhered to the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, thoroughly implemented Xi Jinping’s Thought on the Rule of Law, carefully implemented the relevant deployment requirements of the central government on intellectual property protection and the establishment of specialized courts, adhered to the court development based on professionalism, constantly promoted the trial mechanism reform, continuously improved the level of judicial protection of intellectual property rights, and effectively played the role of intellectual property trials in stimulating and safeguarding scientific and technological innovation, maintaining fair market competition, and serving high-level opening up, etc., focused on talent education, deepened exchanges with foreign institutions, and devoted the court to practice and exploration of the modernization of intellectual property courts, so as to support and serve the development of new quality productivity with the power of the rule of law.

To enhance the understanding of and supervision over the

work of the Beijing IP Court by all sectors of society, we hereby release this white paper on the judicial work of the Beijing IP Court over the past 10 years.

I. Overview of the Court and Its Trial Data

(I) Overview of the Beijing IP Court

The official establishment of the Beijing IP Court on November 6, 2014 is an important step forward in the judicial system reform deployed by the Third Plenary Session of the 18th CPC Central Committee and an important milestone in building China's intellectual property trial system.

1. Personnel and organization

The reply of the Beijing Municipal Organization Committee on January 28, 2015 approved the headcount of 100 special political and legal persons for the Beijing IP Court. After three adjustments in 2015, 2017 and 2022, the special headcount of political and legal persons has been increased to 180, including 72 judges.

Up to now, the Court has a total of 9 internal organs, including the Filing Division, the First Trial Division, the Second Trial Division, the Third Trial Division, the Fourth Trial Division, the Trial Supervision Division, the Technical Investigation Office, the Judicial Police Team, and the General Office, with 174 headcount of 100 special political and legal persons, including 67 judges under a certain quota.

2. Case jurisdiction and division of labor

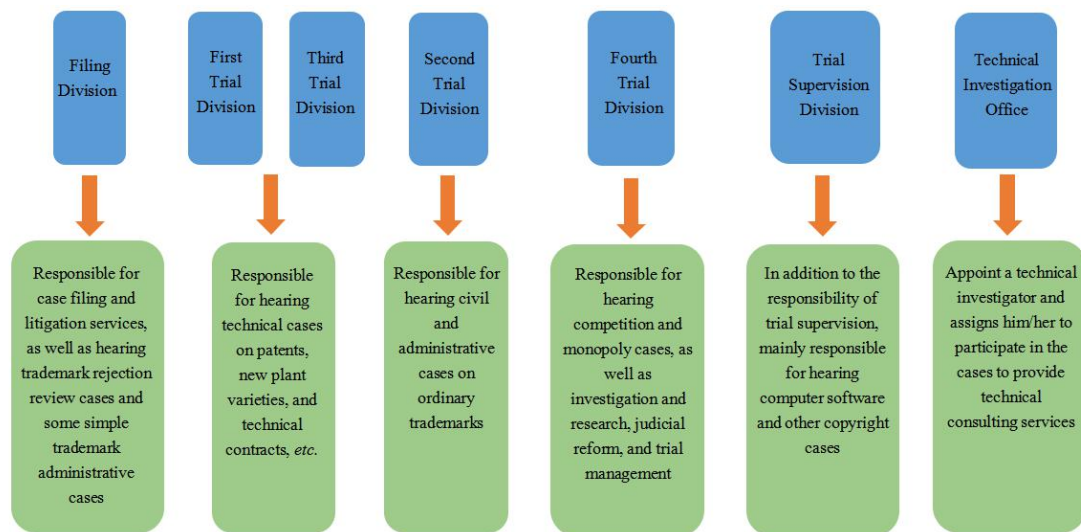
In addition to civil and administrative cases involving

intellectual property rights in Beijing, the Beijing IP Court also has exclusive jurisdiction over administrative cases of intellectual property rights authorization and confirmation such as patents, trademarks, new plant varieties, and integrated circuit layout designs throughout China; and has centralized jurisdiction over anti-monopoly administrative cases initiated by the anti-monopoly law enforcement authority of the State Council and civil and administrative cases involving drug patent linkage throughout China.



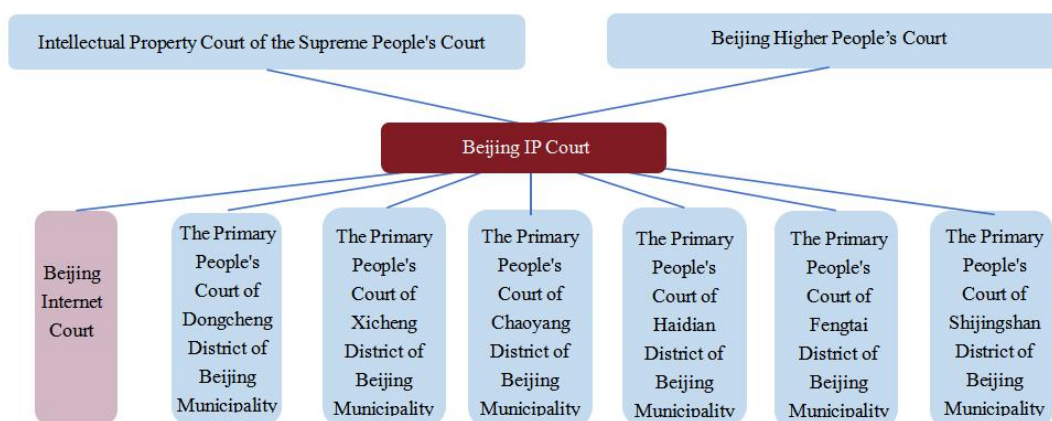
At present, the Filing Division is responsible for case filing, litigation services, etc., and handles simple and fast-track cases such as administrative cases of trademark rejection review; the First and Third Trial Divisions are responsible for hearing technical cases such as patents, new plant varieties, and technical contracts; the Second Trial Division is responsible for hearing trademark civil cases and trademark administrative cases; the Fourth Trial Division is responsible for hearing competition and monopoly cases, and undertakes the functions

of research, judicial reform, and trial management; the Trial Supervision Division, in addition to the responsibility of trial supervision, is also responsible for hearing computer software and other copyright cases; the Technical Investigation Office is responsible for technical investigation and management of technical investigators.



The Intellectual Property Court of the Supreme People’s Court was established on January 1, 2019. Technical cases and monopoly cases of the first instance concluded by the Beijing IP Court are appealed to the Intellectual Property Court of the Supreme People’s Court for trial. The *Decision of the Supreme People’s Court on Amending the Provisions of the Supreme People’s Court on Several Issues Concerning the Intellectual Property Tribunal* on November 1, 2023 adjusted the scope of appeal cases heard by the Intellectual Property Court of the Supreme People’s Court. After the adjustment, the Intellectual

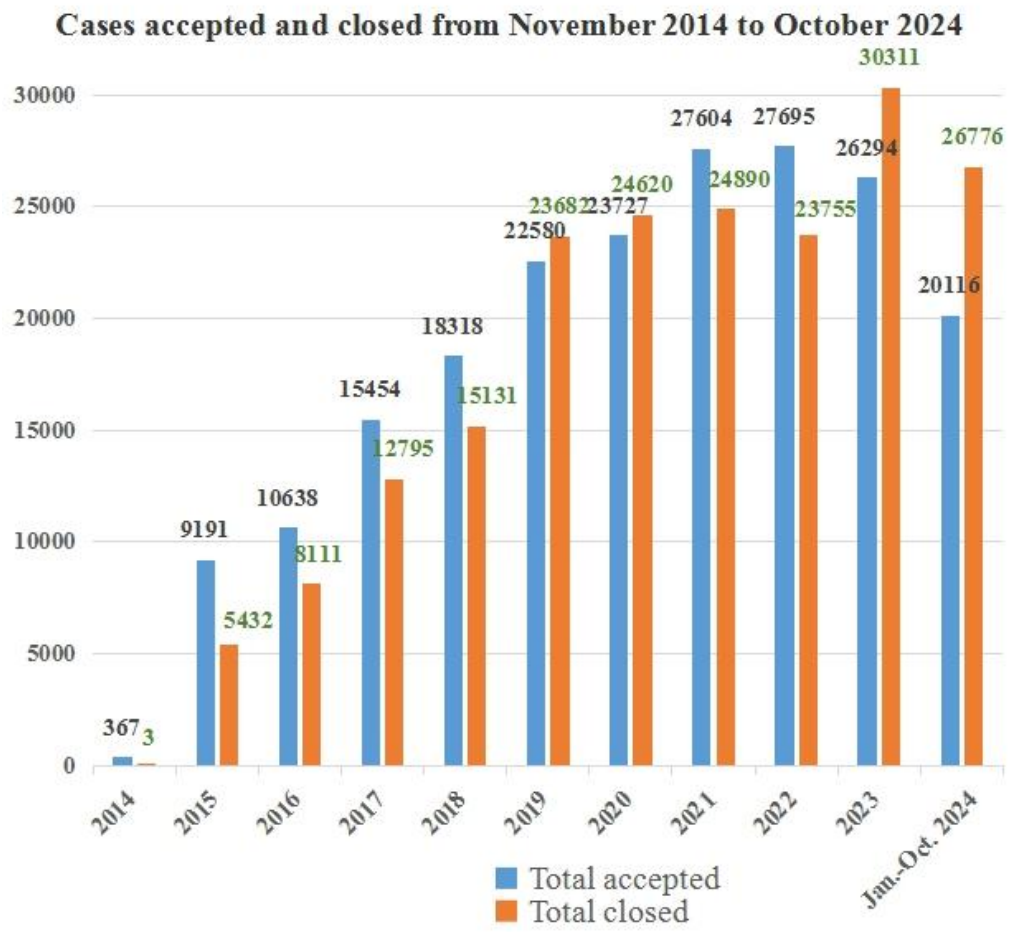
Property Court of the Supreme People’s Court receives appeals of the following dissatisfied judgments concluded by the Beijing IP Court, including judgments of the first instance for administrative cases on the authorization and confirmation of patents, new plant varieties, and integrated circuit layout designs; judgments of the first instance for civil and administrative cases on the ownership and infringement of invention patents, new plant varieties, and integrated circuit layout designs; judgments of the first instance for civil and administrative cases on the ownership and infringement of major and complex utility model patents, trade secrets, computer software; and judgments of the first instance for civil and administrative monopoly cases. Beijing Higher People’s Court receives appeals of other dissatisfied judgments of the first instance concluded by the Beijing IP Court.



(II) Trial data

1. Overall data on cases accepted and closed

From November 2014 to October 2024, the Beijing IP Court accepted 201,984 cases and closed 195,506 cases. The past 10 years witnessed continuous growth in cases accepted in the first eight years and a slight decline in the last two years. In the first eight years (2014 to 2022), the number of cases accepted increased at an average annual growth rate of 14.04%. A turning point appeared in 2023 in the number of cases accepted, where the cases accepted in 2023 decreased by 5.06% compared with 2022. From January to October 2024, the number of cases accepted continued to decline year-on-year by 10.3%.

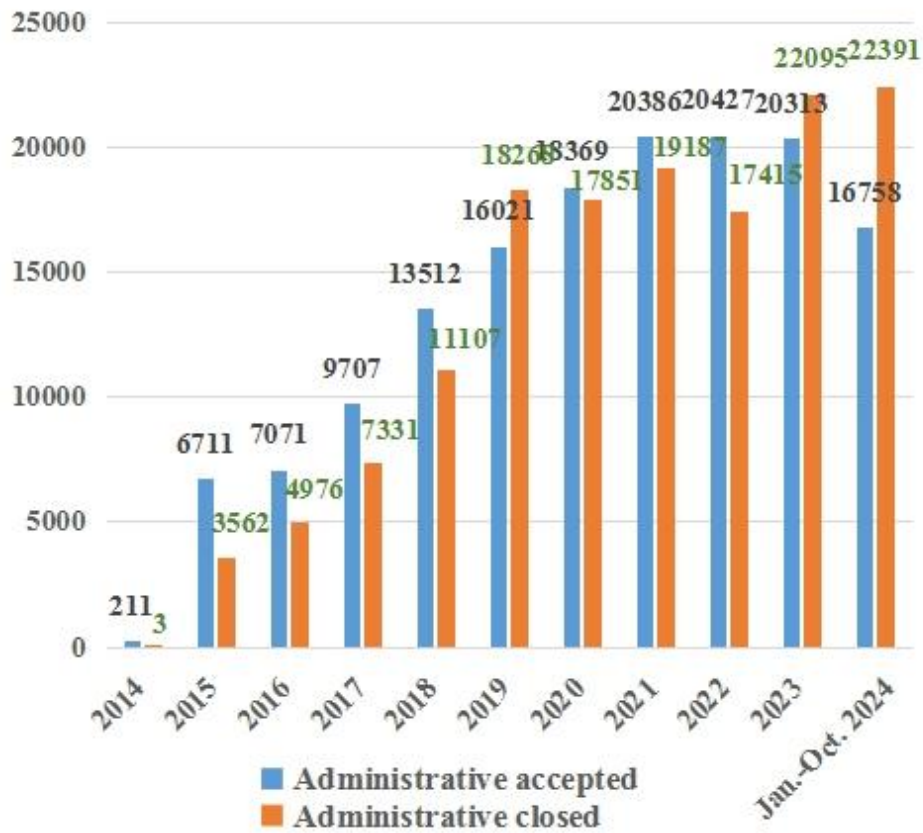


2.Main data on cases accepted and closed

In terms of the nature of the cases, subject to the *Decision of the Standing Committee of the National People's Congress on Establishing Intellectual Property Courts in Beijing, Shanghai, and Guangzhou*, the Beijing IP Court has jurisdiction only over administrative cases and civil cases, with no jurisdiction over criminal cases.

From November 2014 to October 2024, the Beijing IP Court accepted 149,486 administrative cases, accounting for 74.01% of the total number of cases accepted during the same period, with an average annual growth rate of 14.85%; and closed 144,186 administrative cases, accounting for 73.75% of the total number of cases closed during the same period, with an average annual growth rate of 25.62%. The number of administrative cases accepted experienced a turning point in 2023, where the number of cases accepted in 2023 decreased by 0.56% compared with 2022, and the number of cases accepted from January to October 2024 continued to decline year-on-year by 3.49%.

Administrative cases accepted and closed



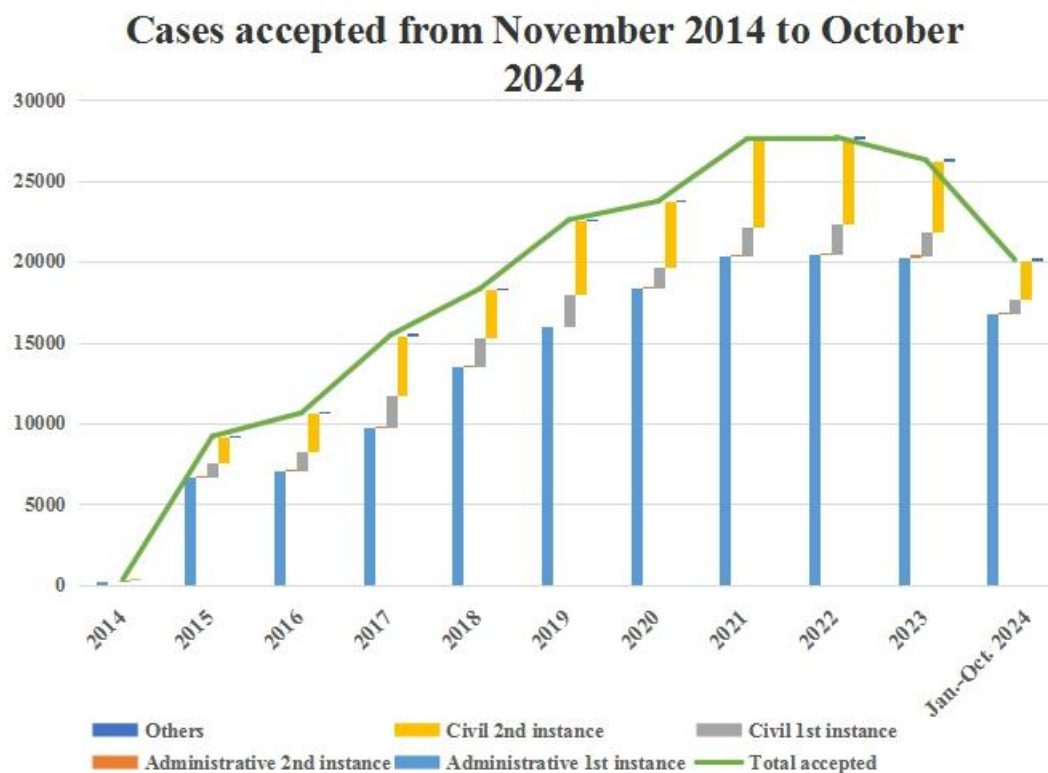
From November 2014 to October 2024, the Beijing IP Court accepted 52,498 civil cases, accounting for 25.99% of the total number of cases accepted during the same period, with an average annual growth rate of 11.64%; and closed 51,320 civil cases, accounting for 26.25% of the total number of cases closed during the same period, with an average annual growth rate of 20.36%. The number of civil cases accepted experienced a turning point in 2023, where the number of cases accepted in 2023 decreased by 17.71% compared with 2022, and the number of cases accepted from January to October 2024 continued to decline year-on-year by 31.06%.

Civil cases accepted and closed



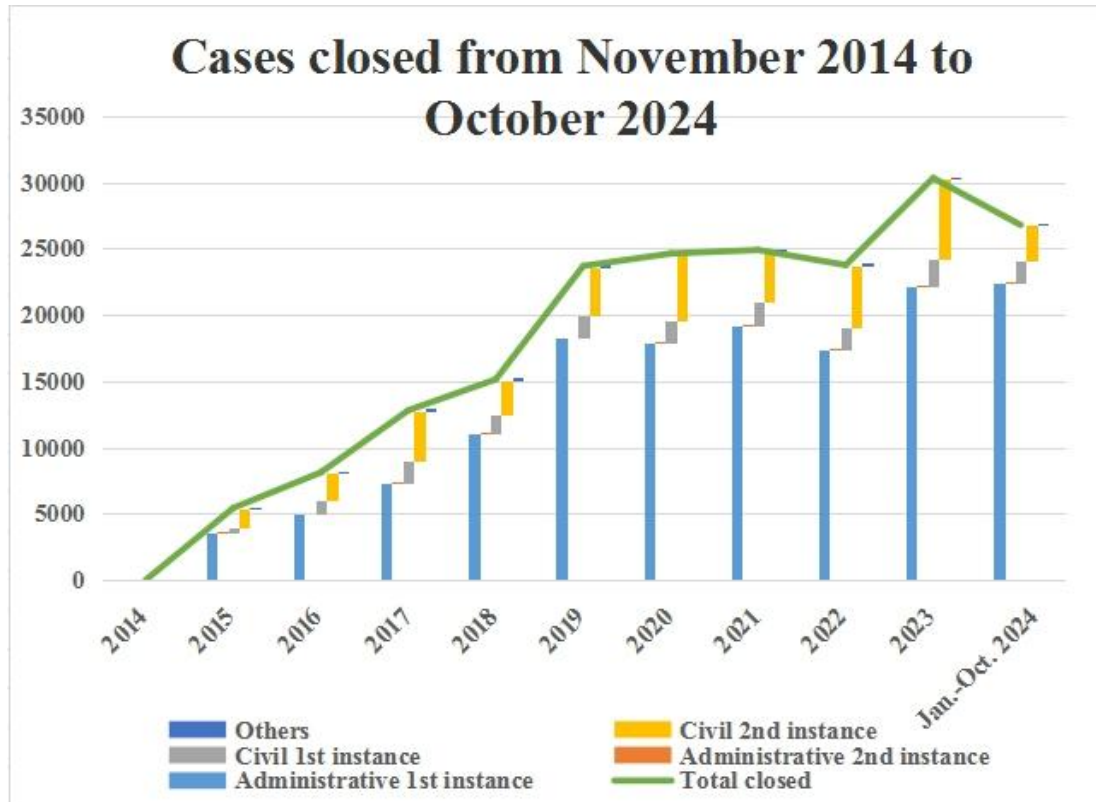
In terms of the trial level, from November 2014 to October 2024, the Beijing IP Court accepted 164,871 cases of the first instance, accounting for 81.63% of the total number of cases accepted, including 149,440 administrative cases of the first instance, accounting for 90.64% of the number of cases of the first instance accepted, and 15,431 civil cases of the first instance, accounting for 9.36% of the number of cases of the first instance accepted. In addition, it accepted 36,677 cases of the second instance (including jurisdictional cases), accounting for 18.16% of the total number of cases accepted, including 20

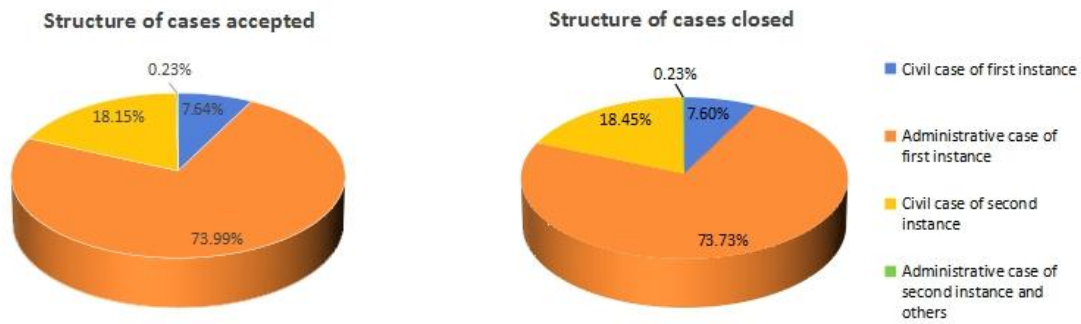
administrative cases of the second instance, accounting for 0.05% of the number of cases of the second instance accepted, and 36,657 civil cases of the second instance, accounting for 99.95% of the number of cases of the second instance accepted. It also accepted 436 cases of special procedures, state compensation, trial supervision, etc., accounting for less than 1% of the total number of cases accepted.



From November 2014 to October 2024, the Beijing IP Court closed 158,999 cases of the first instance, accounting for 81.33% of the total number of cases closed, including 144,146 administrative cases of the first instance, accounting for 90.66%

of the number of cases of the first instance closed, and 14,853 civil cases of the first instance, accounting for 9.34% of the number of cases of the first instance closed. In addition, it closed 36,084 cases of the second instance (including jurisdictional cases), accounting for 18.46% of the total number of cases closed, including 19 administrative cases of the second instance, accounting for 0.05% of the number of cases of the second instance closed, and 36,065 civil cases of the second instance, accounting for 99.95% of the number of cases of the second instance closed. It also closed 423 cases of special procedures, state compensation, trial supervision, etc., accounting for less than 1%.





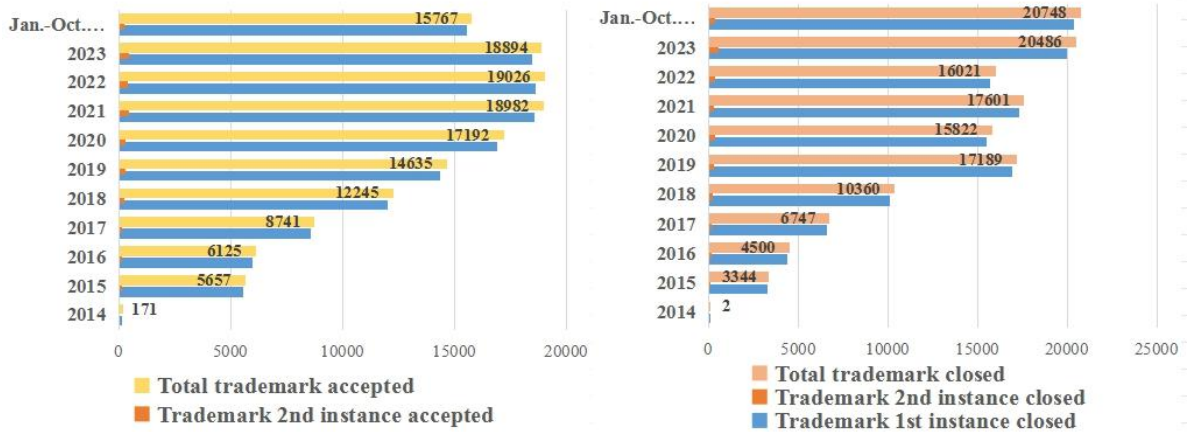
In terms of the type of intellectual property rights, from November 2014 to October 2024, the Beijing IP Court accepted 21,976 patent cases, with an average annual growth rate of 5.24%, accounting for 10.88% of the total number of cases accepted, including 21,942 cases of the first instance, accounting for 99.85% of the number of such cases accepted, and 28 cases of the second instance, accounting for 0.13% of the number of such cases accepted; and closed 20,874 patent cases, with an average annual growth rate of 22.80%, accounting for 10.68% of the total number of cases closed, including 20,843 cases of the first instance, accounting for 99.85% of the number of such cases closed, and 25 cases of the second instance, accounting for 0.12% of the number of such cases accepted.

Patent cases accepted and closed from November 2014 to October 2024:



From November 2014 to October 2024, the Beijing IP Court accepted 137,435 trademark cases, with an average annual growth rate of 16.27%, accounting for 68.04% of the total number of cases accepted, including 134,650 cases of the first instance, accounting for 97.97% of the number of cases accepted, and 2,756 cases of the second instance, accounting for 2.01% of the number of cases accepted; and closed 132,820 trademark cases, with an average annual growth rate of 25.43%, accounting for 67.94% of the total number of cases closed, including 130,155 cases of the first instance, accounting for 97.99% of the number of cases closed, and 2,638 cases of the second instance, accounting for 1.99% of the number of cases accepted.

Trademark cases accepted and closed from November 2014 to October 2024:



From November 2014 to October 2024, the Beijing IP Court accepted 37,139 copyright cases, with an average annual growth rate of 13.20%, accounting for 18.39% of the total number of cases accepted, including 7,101 cases of the first instance, accounting for 19.12% of the number of cases accepted, and 29,880 cases of the second instance, accounting for 80.45% of the number of cases accepted; and closed 36,696 copyright cases, with an average annual growth rate of 20.39%, accounting for 18.77% of the total number of cases closed, including 6,886 cases of the first instance, accounting for 18.76% of the number of cases closed, and 29,656 cases of the second instance, accounting for 80.82% of the number of cases accepted.

Copyright cases accepted and closed from November 2014 to October 2024:



From November 2014 to October 2024, the Beijing IP Court accepted 3,767 competition cases (including anti-unfair competition, anti-monopoly, franchise contracts, and network domain names), with an average annual growth rate of 10.48%, accounting for 1.86% of the total number of cases accepted, including 627 cases of the first instance, accounting for 16.64% of the number of cases accepted, and 3,130 cases of the second instance, accounting for 83.09% of the number of cases accepted; and closed 3,503 competition cases, with an average annual growth rate of 21.76%, accounting for 1.79% of the total number of cases closed, including 562 cases of the first instance, accounting for 16.04% of the number of cases closed, and 2,933 cases of the second instance, accounting for 83.73% of the number of cases accepted.

Competition cases accepted and closed from November 2014 to October 2024:



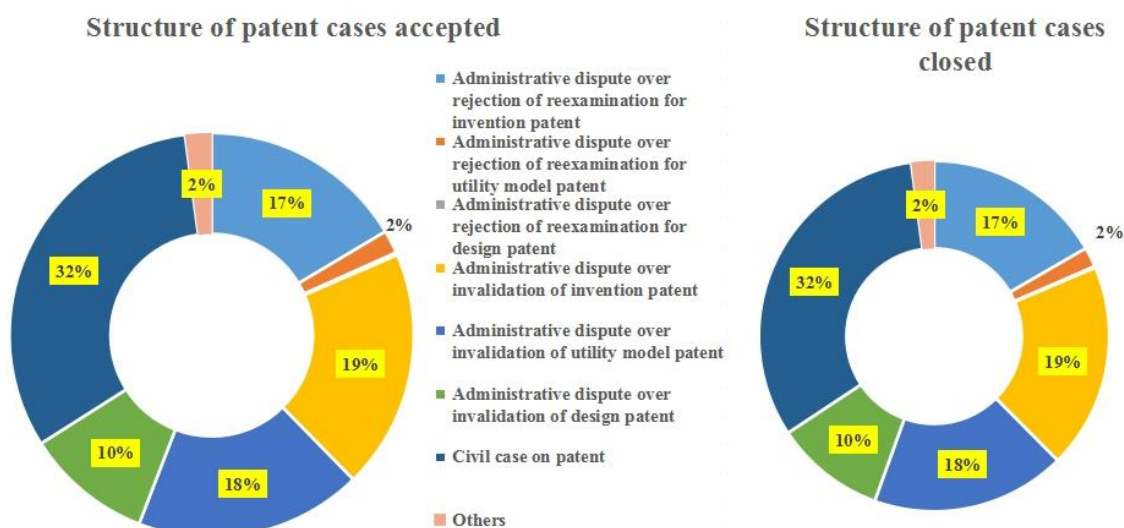
3. Data on cases accepted and closed by cause

Patent cases:

From November 2014 to October 2024, the patent cases accepted by the Beijing IP Court include 14,503 administrative cases of patent granting and confirmation, accounting for 65.99% of the number of patent cases accepted, including 7,822 cases of invention patent granting and confirmation (3,615 cases of rejection of the request for reexamination and 4,207 cases of invalidation), 4,408 cases of utility model patent granting and confirmation (410 cases of rejection of the request for reexamination and 3,998 cases of invalidation), and 2,273 cases of design patent granting and confirmation (43 cases of rejection of the request for reexamination and 2,230 cases of invalidation); and 7,010 patent civil cases, accounting for 31.90% of the

number of patent cases accepted.

From November 2014 to October 2024, the patent cases closed by the Beijing IP Court include 13,713 administrative cases of patent granting and confirmation, accounting for 65.69% of the total number of patent cases closed, including 7,431 cases of invention patent granting and confirmation (3,476 cases of rejection of the request for reexamination and 3,955 cases of invalidation), 4,129 cases of utility model patent granting and confirmation (381 cases of rejection of the request for reexamination and 3,748 cases of invalidation), and 2,153 cases of design patent granting and confirmation (26 cases of rejection of the request for reexamination and 2,127 cases of invalidation); and 6,724 patent civil cases, accounting for 32.21% of the total number of patent cases closed.

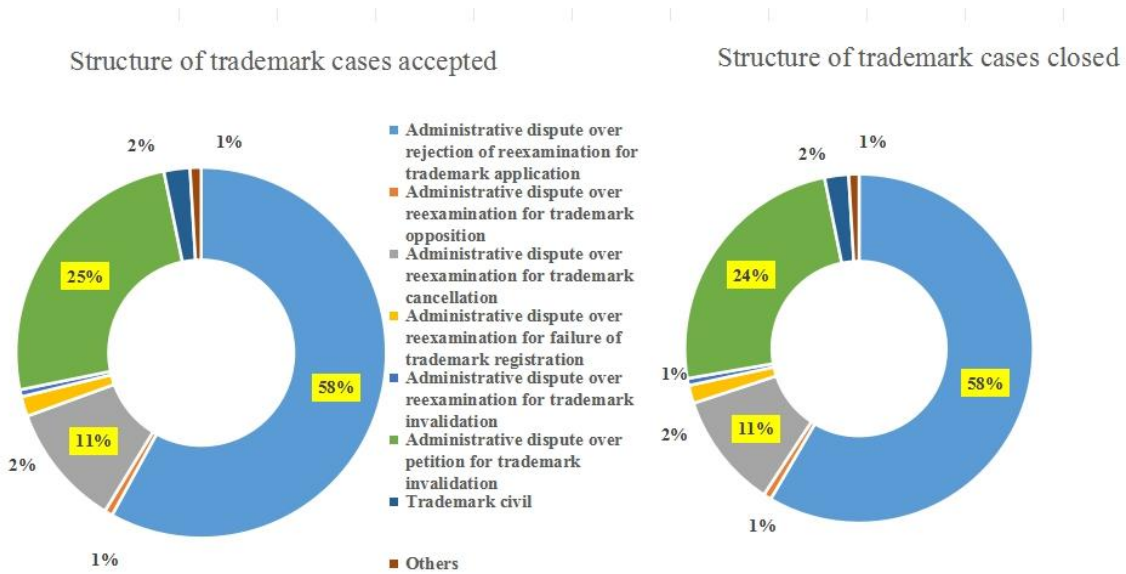


The patent administrative cases closed include 852 cases of revoking the administrative decisions in question, accounting for 6.21%.

Trademark cases:

From November 2014 to October 2024, the trademark cases accepted by the Beijing IP Court include 132,989 administrative cases of trademark granting and confirmation, accounting for 96.77% of the number of trademark cases accepted, including 79,712 trademark rejection of the request for reexamination cases, 3,354 trademark objection/refusal to register review cases, 35,159 trademark invalidation cases, and 14,764 trademark cancellation review cases; and 3,117 trademark civil cases, accounting for 2.27% of the number of trademark cases accepted.

From November 2014 to October 2024, the trademark cases closed by the Beijing IP Court include 128,600 administrative cases of trademark granting and confirmation, accounting for 96.82% of the total number of trademark cases closed, including 77,651 trademark rejection of the request for reexamination cases, 3,210 trademark objection/refusal to register review cases, 33,488 trademark invalidation cases, and 14,251 trademark cancellation review cases; and 2,951 trademark civil cases, accounting for 2.22% of the total number of trademark cases closed.



The trademark administrative cases closed include 29,117 cases of revoking the administrative decisions in question, accounting for 21.89%.

Copyright cases:

From November 2014 to October 2024, the copyright cases accepted by the Beijing IP Court include 5,891 computer software copyright cases, accounting for 15.86% of the total number of copyright cases accepted, and 31,248 other copyright cases, accounting for 84.14% of the total number of copyright cases accepted.

From November 2014 to October 2024, the copyright cases closed by the Beijing IP Court include 5,651 computer software copyright cases, accounting for 15.40% of the total number of copyright cases closed, and 31,045 other copyright cases, accounting for 84.60% of the total number of copyright cases closed.

Structure of copyright cases accepted and closed



In terms of the industrial distribution of the patent cases accepted, cases involving new-generation information technology account for 7.7%, cases involving the high-end equipment manufacturing industry account for 5.6%, cases involving the digital creative industry account for 3.9%, cases involving the energy-saving and environmental protection industry account for 2.5%, cases involving new materials account for 2.4%, cases involving new energy account for 2.0%, and cases involving biological industry account for 1.9%.

II. Typical Cases and Adjudication Rules

The Beijing IP Court hears a large number of cases with a broad range of types, strong professionalism and extensive influence, serving as a vital source of judicial precedents. Since

its establishment, a total of 283 cases heard by the Beijing IP Court have been granted case prizes of different types and at all levels, or been included in casebooks, and 75 cases have been selected as typical cases of IP protection by the Supreme People's Court. Four administrative cases of patent invalidation, including the case of a company v. the China National Intellectual Property Administration (CNIPA), have been included in the "Intellectual Property and Public Health Case Law Database" by the United Nations Conference on Trade and Development (UNCTAD) and the South Centre.

(I) Encouraging Technological Innovation, and Setting Standards through Technology Cases

The Beijing IP Court actively implements the national IP strategy, continuously enhances the trial of technology cases, and effectively promotes and safeguards technological innovation. The Beijing IP Court consistently conveys the judicial orientation of strict protection of intellectual properties. For example, in the case of **Company K v. Company D concerning utility model infringement**, the Court explored the application of rules on obstruction of evidence production, to determine the basis for calculating economic losses and calculate the damages in detail; and in the case of **Company N v. Company L concerning patent infringement**, the Court ordered the infringer to pay RMB22.05 million as punitive damages for its repeated malicious infringement. In **China's**

first case where pre-action preservation measures were taken against pharmaceutical patent infringement, the Court carefully determined the essential conditions for pre-action preservation, and through prudent preservation measures, facilitated a rapid settlement between the parties, yielding favorable legal and social outcomes.

The Beijing IP Court continuously monitors cases in the field of cutting-edge technological innovation, and strengthens judicial review of authorization and confirmation of patents. In **China's first case concerning the administrative decision on the invalidation of a design of Graphical User Interface (GUI)**, the Court actively explored the application of the existing rules for confirming design patents to GUI, a new type of protected object, setting a precedent for similar cases. In the **case concerning the administrative decision on the invalidation of an invention patent for "enzalutamide" compound**, a top ten anti-tumor drug in the world, the Court thoroughly explained in its judgment the reasons for reviewing and rejecting supplementary experimental data, which was unanimously accepted by the US party, the CNIPA and other parties involved. In **China's first case concerning drug patent linkage**, the Court explored the application of law to typical issues during the initial practice of China's drug patent linkage regulations in conformity with the legislative purposes, creating a starting point and benchmark for the trial of subsequent similar

cases.

(II) Improving Governance Rules, and Strengthening the System Foundation through Trademark Cases

Administrative cases concerning the authorization and confirmation of trademarks are the foundation and pivot for the national trademark protection system. Through the trial of such cases, the Beijing IP Court collaborates with the trademark authorities to continuously refine the standards for trademark examination and adjudication, and improve the legal system for trademarks. In **China's first case concerning the administrative decision on the re-examination of a refused sound trademark**, the Court clarified the conditions for registration of this special type of trademarks, and pointed the legal route for the protection of sound trademarks. In the **case concerning the administrative decision on the re-examination of a refused 3D trademark in the form of "M&G K35 gel pen"**, the Court clarified the criteria for determining the inherent distinctiveness and acquired distinctiveness through the use of 3D marks in the form of goods, balancing the interests between trademark applicants and peer operators. In the **case concerning the administrative decision on the re-examination of the cancellation of the Mocca trademark**, the Court comprehensively analyzed the adjudication criteria for the cancellation of trademarks with generic names. The adjudication rule established in this case,

that the goods cancelled because a trademark becomes a generic name should be limited to the goods specifically referenced by that generic name and not include similar goods, was adopted in *the Guidelines for Trademark Examination and Adjudication 2021* released by the CNIPA.

Through a series of typical cases, the Court guides the parties involved to adhere to the principle of honesty and good faith, and exercise their rights legally and properly. In a series of administrative cases concerning the authorization and confirmation of trademarks, such as the **invalidation of the “Victoria’s Secret” series trademarks**, the Court determined that squatting a large number of prior well-known trademarks owned by specific entities and similar acts constituted malicious trademark registration, and should be impeded according to law. In the **case of unfair competition concerning the “Gubei Water Town” trademark**, the Court determined that the principles of the Anti-Unfair Competition Law applied to malicious trademark registration and subsequent abuse of trademarks, and established a system of judicial rules that distinguishes between malicious trademark registration and abuse of maliciously registered trademarks, effectively maintaining the order of registration and use of trademarks.

(III) Maintaining Fair Competition, and Establishing Market Rules through Monopoly and Competition Cases

The report of the 20th National Congress of the Communist Party of China called for building a high-standard socialist market economic system, and taking stronger actions against monopolies and unfair competition. In 2022, the Beijing IP Court established a dedicated team of judges for competition and monopoly cases, and formed the committee of competition and monopoly under the professional judges' meeting system, to enhance the professional adjudication level for such cases. With respect to platform anti-monopoly, protection of trade secrets, data governance and other key areas and emerging industries, the Court summarized a series of typical cases, and established a set of adjudication rules. In **China's first case concerning competition over data sets involving a data IP registration certificate already obtained**, the Court admitted the effect of the data IP registration certificate as preliminary evidence of the legality of the holder of data rights and sources of data, which would be beneficial for satisfying the needs of data circulation and use. In the **case concerning unfair competition by the "Shua Bao" app**, the Court determined that the collectors and processors of non-original data sets made substantial investments in the collection, storage, processing and transmission of data sets, and the resulting economic benefits were protected under the Anti-unfair Competition Law.

The newly revised Anti-unfair Competition Law of the People's Republic of China sets forth the elements of trade

secrets and the transfer of the burden of proof for the determination of infringement. The Beijing IP Court has actively explored the application of the relevant provision in a number of cases. In **China's first case concerning alleged trade secret infringement in an overseas merger and acquisition**, the Court thoroughly explained the requirements of the Anti-unfair Competition Law for reasonably proving infringement of trade secrets, and defined the legitimate boundaries for business entities in overseas merger and acquisition activities. In a **case concerning alleged infringement of know-how related to “visual software and algorithms”**, the Court eased the rights holder's burden of proof in respect of the statutory elements of technical secrets, giving a clear signal of strengthening the protection of intellectual properties.

The newly revised Anti-monopoly Law of the People's Republic of China has elevated the requirement for enhancing the foundational status of competition policy to a legal provision, resulting in a significant increase in the number of civil actions against platform monopoly and other kinds of monopoly. The Beijing IP Court has conducted high-quality trials of various monopoly cases, yielding positive outcomes. In **a series of cross-actions between two leading platforms concerning alleged abuse of market dominant position**, through the Court's relentless efforts, both parties finally withdrew the

actions brought by them, and reached a “package” settlement of the disputes over monopoly. In the **case of objection to jurisdiction over the dispute in respect of refusal to trade in the ingredient “batroxobin”**, the Court established the rule for determining the jurisdictional connection point for disputes over refusal to trade based on the location where the result of infringement took place, setting an important precedent for determining the jurisdiction over monopoly cases affecting nationwide markets.

(IV) Promoting Cultural Creativity, and Exploring Protection Paths through Copyright Cases

Along with the progress of building a national cultural center in Beijing, new types of disputes in the field of cultural creativity, such as film and television, video games, and the metaverse, have arisen frequently. The Beijing IP Court has conducted high-quality trials of copyright cases related to new types of operation and fields, protected cultural creativity and promoted industrial development. In the **first case in Beijing concerning alleged infringement of copyright in NFT digital collections**, the Court clarified the legal conditions for the application of the right of communication via the information network to regulate the dissemination of works during transactions in NFT digital collections, balanced and took into account the rights and obligations of copyright holders, producers and platforms in respect of NFT digital collections,

which would be of great significance to the healthy development of the digital collection market. In **China's first case concerning alleged infringement by an accessible version of film on the right of communication via the information network**, the Court clarified the adjudication rule that “provision of published works in a manner accessible and perceivable by individuals with reading disabilities” constituted a reasonable use limited to the individuals with reading disabilities, which fulfilled China's commitment to unswervingly perform the obligations under the Marrakech Treaty, effectively protected the legal rights of copyright holders, and ensured that the individuals with reading disabilities would have equal opportunities to participate in cultural life and share the fruits of civilizational development.

The Beijing IP Court actively supports the innovative development of traditional culture, and provides strong judicial protection for the inheritance and promotion of excellent traditional Chinese culture. In **China's first case concerning alleged infringement of copyright in acrobatic artworks**, the Court established the adjudication rule that acrobatic performances composed of coherent movements and dance design with a certain artistic quality may be protected as acrobatic artworks according to law. In the **cases concerning the ownership and alleged infringement of historical literature compilations**, the Court clarified the criteria for

determining the originality of historical literature compilations, further enhancing the protection of intellectual achievements in respect of historical literature.

In the era of Industry 4.0, an era of intelligence, industrial design software has become a core component for intelligent manufacturing and industrial internet. The Beijing IP Court has adopted a mode of trying computer software cases by a dedicated panel, yielding remarkable results in typical cases. In **a case concerning alleged infringement of copyright in industrial design software**, the Court meted out punishment on the infringer for concealing terminal system software through desktop software during the evidence preservation process in accordance with the civil evidence rules in respect of intellectual properties, and fully upheld the right holder's claim for compensation after the right holder provided sufficient evidence proving its actual losses, effectively combating infringement and protecting the legitimate rights and interests of software right holders.

In copyright adjudication, the Beijing IP Court emphasizes on the substantive resolution of disputes, takes into account cultural dissemination and social and public interests, and makes efforts to effectively resolve disputes through legal analysis and reasoning, exemplary judgment or otherwise. In **a series of cross-actions between two leading companies in the field of academic journals**, the Court facilitated the settlement between

the parties of over 1,000 lawsuits and tens of thousands of cases not yet entering judicial proceedings, thoroughly resolving disputes between the parties, and strongly supporting, promoting the healthy development of the industry of academic resource platforms, and setting a model for the substantive resolution of copyright disputes.

III. Protection Effectiveness and Achievements

General Secretary Xi Jinping has emphasized that intellectual property protection bears upon the modernization of our national governance system and capacity, high-quality development, the happiness and well-being of the people, the big picture of China's opening up to the outside world, and national security. Over the past decade, with adherence to professional adjudication functions in intellectual property, the Beijing IP Court has achieved significant improvements in judicial protection by upholding fundamental principles, breaking new ground and forging ahead with enterprise and fortitude during the reform and development progress.

(I) Playing a Functional Role to Serve the Implementation of the Innovation-driven Development Strategy

The Court actively engages in Beijing's new development pattern. As a member of the Meeting Office under the Beijing Intellectual Property Office and the Beijing Science and Technology System Reform Task Force, the Beijing IP Court

actively engages in municipal-level intellectual property initiatives and reform assignments and integrates these municipal reform tasks with key work to ensure coordinated advancement. The Court supports the establishment of a pilot zone for a data basic system in Beijing, conducting specialized research on the Data Registration System to contribute judicial insights for implementing the *Opinions on Better Leveraging the Role of Data Elements to Accelerate the Development of the Digital Economy*. The Court also publishes typical cases related to data anti-unfair competition, clarifying the rules for data rights protection and providing judicial services that support the healthy and rapid development of the data industry. To effectively implement the *Beijing Seed Industry Revitalization Implementation Plan*, the Court publishes typical cases concerning intellectual property protection in the seed industry, actively safeguarding innovation and the transformation of achievements in this sector. The Court is also deeply involved in the *Action Plan for the Comprehensive Reform of Intellectual Property in the construction of the “Two Zones”* and releases the *Q&A on Litigation Issues Involving Parties in Civil Cases of Commercial Secret Infringement* to strengthen guidance and establish clear rule guidelines for commercial secret litigation, thereby promoting the free flow and optimal allocation of technological elements in the market. In alignment with the

Opinions of the Beijing Municipal Committee of the Communist Party of China and the Beijing Municipal People's Government on Comprehensive Optimization of the Business Environment and Creating “Beijing Services”, the Court publishes typical cases related to competition and monopoly to guide market entities in conducting competition lawfully and orderly, so as to advocate for the establishment of a national unified market and promote high-level opening up, thereby creating a favorable legal environment for the high-quality development of Beijing.

The Court is committed to strengthening the protection of strategic emerging industries in accordance with the law. The Court has conducted research on the drug patent linkage system and issued the *Guidelines for the Filing of Civil Cases Related to Patents for Drug Registration Applications* to provide judicial support for the effective operation of this system and the healthy development of the pharmaceutical industry. Additionally, the Court has conducted industry research on standard essential patents in the telecommunications sector. The research project titled *Study on Legal Issues of Licensing Conditions for Standard Essential Patents* was recognized as an excellent project in major judicial researches by the Supreme People’s Court in 2022. To protect core technological achievements in the software industry, the Court has published the *Handbook for Evidence Presentation of Parties in Civil Cases Involving*

Computer Software Copyright and the top ten typical cases of software copyright, which have provided robust support for emerging industries such as industrial information, artificial intelligence, big data, and cloud computing.

The Court also supports the development of the digital economy. The Court continuously monitors advancements in this field and conducts thematic research on intellectual property protection within the digital economy. The relative research report, titled *Research on Legal Regulation of Competitive Behavior in New Business Formats and New Models under the Digital Economy*, was included in the *Intellectual Property Protection by Chinese Courts* in 2022. At the Zhongguancun Forum, the Court released the *White Paper on Protecting the Data Industry under Competition Law*, addressing the new challenges and demands arising from the digital economy and aligning with the national digital economy development strategy.

As part of the coordinated development strategy for the Beijing-Tianjin-Hebei region, the Beijing IP Court has established a collaborative judicial mechanism for intellectual property protection across regions. In November 2022, we signed a *Framework Agreement on Strengthening Judicial Cooperation in Intellectual Property Protection* with the Tianjin Third Intermediate People's Court and the Intermediate People's

Court of the Xiongan New Area, Hebei. With this agreement, we have promoted joint efforts to address judicial challenges and fostered the creation of a demonstration zone for coordinated regional intellectual property development. In July 2023, we and the other two courts jointly organized a seminar titled *Strengthening Data Intellectual Property Protection to Support Collaborative Development of the Digital Economy in Beijing, Tianjin, and Hebei* to discuss cutting-edge issues related to intellectual property protection in the digital economy, empowering high-quality regional economic development. We have also explored a shared working mechanism for technical investigators among the three local courts. In a patent administrative case in the pharmaceutical sector heard by the Shijiazhuang Intermediate People’s Court in Hebei Province, we provided technical investigators to assist in clarifying technical facts, thereby enhancing the neutrality, objectivity, and scientific rigor of technical fact identification. The report titled *Judicial Coordination Mechanism for Intellectual Property Protection in Beijing, Tianjin, and Hebei to Promote a New Development of “Urban Integration Effect”* that was submitted in collaboration with the Beijing Higher People’s Court, has been selected as one of the 2024 reform and innovation practice cases for the Beijing-Tianjin-Hebei Pilot Free Trade Zones and included in the fourth batch of municipal-level reform and innovation

practice cases for the construction of the “Two Zones” in Beijing.

(II) Increasing Protection Efforts to Boost the Development of New Quality Productive Forces

The Beijing IP Court applies punitive damages strictly and prudently. In alignment with General Secretary Xi Jinping’s directive to “increase the punishment for intellectual property infringement and make infringers pay a heavy price”, the Beijing IP Court has actively researched the judicial application of punitive damages for intellectual property rights and issues the *Reference for the Application of Punitive Damages in Civil Disputes Involving Intellectual Property Infringement*. Since the enforcement of the punitive damage system in the IP field, the Court has applied punitive damages in 16 cases, with an average compensation amount of RMB 12.308 million, and a maximum award of RMB 70.56 million. This application of punitive damages has effectively curbed infringement and encouraged innovation. In the “Ordos” trademark infringement case, the Court clarified the applicable rules for punitive damages. This case has been recognized by the Supreme People’s Court as a typical case in this area. In the “Chanel” trademark infringement case, we imposed the maximum five-fold punitive damages to increase the cost for the infringer, thereby establishing a clear guiding principle for strict and fair law enforcement.

The Court actively adopts temporary protective measures in accordance with the law. Under the principle of balancing timely protection and prudent protection, the Court has maximized the effectiveness of systems for preserving behaviors, assets, and evidence. We thoroughly review applications for behavior preservation to ensure both timely action and careful consideration. In the pre-litigation behavior preservation case involving “The Voice of China”, we promptly issued an injunction after assessing the potential for infringement and the urgency of preventing irreparable harm to the rights holder’s legitimate interests, thereby effectively protecting the rights holder’s interests. To further standardize and refine the property preservation process, we developed the *Guidelines for Preservation Behaviors of Litigation Property*, enhancing the property preservation system and mechanisms. Together with the Beijing First Intermediate People’s Court, we have established a new mechanism for entrusted enforcement of property preservation in intellectual property cases, significantly reducing the enforcement cycle. In the patent infringement case concerning the “Painting Method for Ancient Buildings”, we coordinated with the National Cultural Heritage Administration for evidence preservation, facilitating prompt and careful evidence collection when entering national key cultural heritage protection entities. This collaboration alleviated the burden of

proof on rights holders and effectively safeguarded the legitimate rights and interests of innovators.

The Court severely cracks down on dishonest behaviors. To enforce the requirements outlined in the *Opinions of the Central Committee of the Communist Party of China and the State Council on Promoting the Development and Growth of the Private Economy*, which emphasize a strict crackdown on illegal activities such as malicious trademark registration, we have regulated malicious trademark registrations in accordance with the law and released typical cases of malicious trademark registration. In these cases, the principle of good faith has been deemed crucial in assessing the legality and legitimacy of trademark registration, usage, and protection, thus actively maintaining order in trademark registration and market competition. In the administrative case regarding the revocation of the trademark “家家, JIAJIA and the associated images”, we imposed the first fine for perjury against the trademark owner, sending a strong message against dishonest litigation behavior. The Court has also published typical cases involving penalties for false evidence, effectively combatting the provision of false evidence, upholding the dignity of the law, and reinforcing judicial authority.

(III) Actively Participating in Legislation to Contribute to the Construction of the Legal System for Intellectual Property

Rights

The Court is actively engaged in the revision of intellectual property laws. The Court has participated in revising the copyright law, contributing proposals concerning the structure of the copyright system, the objects of rights, collective management organizations, fair use, and damage compensation—many of which have been adopted by legislative bodies. In the ongoing revision of the patent law, the Court contributed proposals aimed at adjusting the upper and lower limits of statutory damages, establishing a punitive damage system, and improving regulations related to standard essential patents. All of these proposals have been accepted by legislative authorities. The Court has also taken part in the latest revisions to the trademark law, where we proposed 16 recommendations that consider both domestic and international perspectives. These include the establishment of a hierarchical and categorized trademark judicial review mechanism and the introduction of special procedural rules for administrative litigation concerning trademark authorization and confirmation. Through these suggestions, we have made contributions to the enhancement of the trademark judicial review process and the improvement of the overall operational efficiency of the trademark system. Additionally, the Court has participated in the most recent revisions to the anti-unfair competition law, offering

proposals related to counterfeiting, false advertising, relative advantageous positions, malicious trading, and the protection of commercial data to strengthen the law's role in maintaining fair market competition.

The Court is deeply involved in revising intellectual property administrative regulations and rules. The Court has participated in revising the *Implementation Rules of the Patent Law*, to amend delayed examination requests and invalidation examination procedures, which have been adopted. The Court has also proposed amendments to various administrative regulations, including the *Service-Related Invention Regulations* drafted by the State Council, as well as the *Regulations on the Protection of Geographical Indication Products*, *Regulations on Evidence in Trademark Administrative Enforcement*, and the *Calculation Method of Illegal Turnover in Trademark Infringement* drafted by the CNIPA.

The Court actively participates in the local legislation in Beijing. For the *Beijing Regulation on Optimizing the Business Environment*, the Court submitted suggestions such as implementing a fast-track and simplified review mechanism, legally expanding the scope of cases under the single-judge adjudication system, and improving the system for technical investigators. For the *Beijing Intellectual Property Protection Regulations*, the Court recommended enhancements to the

intellectual property trial mechanism, the legal implementation of punitive damages for infringement, and the establishment of a preservation system for intellectual property rights. In relation to the *Regulation on Promoting the Digital Economy in Beijing*, the Court suggested amendments concerning digital infrastructure and the rights associated with digital products. For the *Measures for the Administration of Beijing Municipal Data Intellectual Property Rights Registration (Trial)*, the Court proposed that the registration of data intellectual property should involve characteristics of intellectual achievements. All of these legislative suggestions have been adopted.

(IV) Optimizing the Innovation Environment to Integrate into the Social Comprehensive Governance System

The Court enhances the effectiveness of judicial suggestions. In response to common challenges faced by innovative enterprises in the creation, application, and transformation of scientific and technological achievements during case trials and research, the Court actively engages in municipal social governance by issuing judicial recommendations. In the case involving core algorithm technology secrets in autonomous driving, the Court conducted an in-depth exploration of the underlying industrial issues and worked on resolving subsequent disputes. The Court has proposed judicial recommendations to the Beijing High-level

Autonomous Driving Demonstration Area Work Office, aiming to bolster judicial support for creating a “first-class” standard industrial development environment.

The Court innovates the information special report mechanism. In conjunction with judicial trials and research findings, the Court has developed various types of information reports, which have been submitted to the Municipal Party Committee, the Municipal Government, the Supreme People’s Court, and Xinhua News Agency. These reports provide strong judicial support for industry governance and social governance. Since 2023, the Court has produced seven information briefs focusing on key areas such as industrial software, autonomous driving, data protection, generative artificial intelligence, seed industry protection, the online video industry, and the coordinated development of the Beijing-Tianjin-Hebei area. These briefs have received commendations from relevant leaders and officials, serving as high-quality decision-making references for innovative environmental governance.

The Court improves the layout of circuit trial systems. The Court has established circuit courts and legal service stations in key parks such as Zhongguancun Science City, Huairou Science City, Future Science City, Beijing Economic-Technological Development Area and key national laboratories in Beijing, and carried out circuit trial actions led by court leaders, docked by

excellent judges, supported by various courts and synergized with the resources of the whole court, so as to provide targeted services for the major national science and technology strategic projects and the high-quality development of Beijing.

IV. Judicial Reform and Mechanism Innovation

The Beijing IP Court is a product of justice reform, and it also carries the important mission of propelling comprehensive judicial reform and exploring the “Chinese Model” in intellectual property adjudication. Aligned with its role as a reform-oriented court, the Court integrates its judicial work with various reforms in the intellectual property sector, aiming to deepen the reform of the judicial system and mechanisms related to intellectual property, thereby enhancing the level of judicial protection afforded to intellectual property rights.

(I) Upholding Judicial Mechanism Innovation and Optimizing Judicial Resource Allocation

As China’s economy and society continue to thrive, there has been a corresponding surge in the number of disputes over intellectual property. To meet the public’s expectations for judicial protection of intellectual property rights, the Beijing IP Court continues to enhance its case division approach and promote diversified litigation and dispute resolution strategies. A work mechanism that emphasizes “quick handling of simple

cases and thorough attention to complex ones” has been effectively implemented.

Maximizing the efficiency of the case division approach. In February 2016, the Beijing IP Court established a pilot team dedicated to the rapid adjudication of administrative cases involving trademark rejection reviews. From August 2021, the Court has broadened its scope beyond trademark rejection review administrative cases to encompass second-instance cases related to the infringement of the right of communication through information networks and other simple cases for them to be addressed through summary procedures and element-based trials to ensure expedited resolution. As of the end of September 2024, 77,357 simple cases have been concluded through this rapid adjudication mechanism. In 2023, 17% of the court’s judicial forces efficiently handled over 46% of relatively simple cases. The average adjudication period for trademark authorization and confirmation administrative cases was reduced by 29.44% year-on-year, and for trademark rejection review administrative cases, it was 87.59 days, a 36.48% reduction year-on-year, significantly improving judicial efficiency.

Actively promoting a diversified intellectual property dispute resolution mechanism. The Court is enhancing its initiatives to address civil disputes at their source, adopting a comprehensive strategy that integrates “source governance,

industry-specific mediation, exemplary judgments, and litigation mediation” for the batch intellectual property cases, thereby advancing the effective resolution of these cases in a substantive manner. Pre-litigation interviews are conducted with parties suspected of malicious litigation to regulate abnormal batch litigation. The Court has further developed its “total-to-total” mediation work mechanism by incorporating 19 additional “total-to-total” industry mediation organizations, continuously enhancing the professional capacity of the mediation team. Additionally, the Court has established and promoted an exemplary adjudication mechanism, setting clear guidelines for adjudication and fostering an approach that combines “adjudication with governance”, which has reduced the escalation of disputes into litigation. Furthermore, the Court has formalized its litigation mediation mechanisms by developing the *Litigation Mediation Work Process of Beijing Intellectual Property Court* and establishing a dedicated team of litigation mediators. As a result, there has been a consistent annual decrease in civil cases over the past three years, with a significant 20% reduction. In the exploration of resolving administrative cases at their source, 10 mediators specialized in trademarks and patents have been appointed to participate in the pre-litigation resolution of patent and trademark administrative cases. In 2023, a remarkable 922 trademark administrative cases

were successfully resolved prior to litigation.

(II) Enhancing Information Technology Support and Innovating Protection Mechanisms

The Beijing IP Court is proactive in leveraging external professional resources to refine its mechanisms for ascertaining technical facts. It is also vigorously advancing reforms in centralization and digitalization, with ongoing efforts to further enhance its modern judicial capabilities.

Continuously improving mechanisms for ascertaining technical facts. On October 22, 2015, the Beijing IP Court established a Technical Investigation Office and successively introduced normative documents such as the *Technical Investigator Management Measures*, the *Technical Investigator Work Procedures*, and the *Technical Investigator Recusal Implementation Rules* to form a comprehensive work mechanism that covers selection, training, participation in litigation, and oversight. A total of 297 technical investigators have been appointed in four batches, participating in over 4,000 cases, including 168 instances of inspection, preservation and appraisal, and 2,654 court sessions, with more than 2,400 technical investigation opinions submitted. In addition, the Court has also integrated people's assessors with specialized professional knowledge into collegial panels for

technology-related cases. In August 2019, for the first time, a case was heard by a seven-member collegial panel, consisting of three judges and four people's assessors with technical expertise, which was later recognized by the Supreme People's Court as one of the top ten exemplary cases involving people's assessors. In June 2021, the Innovation Protection Expert Committee was inaugurated, with 14 academicians from the Chinese Academy of Sciences and the Chinese Academy of Engineering serving as the first group of experts, offering professional support for high-level intellectual property adjudication.

Vigorously advancing the centralization and digitalization of judicial support services. Since 2017, the Beijing IP Court has been streamlining its operations by centralizing judicial service, litigation services, and the synchronous creation of electronic case files, etc. Since April 2023, the Court has been leading the way in implementing full-process electronic litigation for intellectual property cases and innovating the management of electronic case file archives, which has significantly enhanced the use of information technology across the judicial process. In October 2024, the Court reached a milestone by becoming the first in Beijing to pass the electronic file management pilot assessment conducted by the Beijing Municipal Archives Administration with its electronic file management system. By the end of October 2024,

the Court had achieved an online case filing rate of 91.7%, with the highest electronic service coverage rate among Beijing courts, marking a significant enhancement in its modern judicial management capabilities and litigation service levels. Relying on its electronic case file data platform, the Court has developed an automated document generation program for trademark administrative cases, enabling one-click generation of adjudication documents and further bolstering the judicial team's ability to improve adjudication quality and efficiency.

(III) Strengthening Judicial Collaborative Innovation and Participating in the Construction of a Holistic Protection Framework

The Beijing IP Court, leveraging its judicial expertise, continuously intensifies its collaboration with intellectual property management agencies to safeguard intellectual property rights, jointly advancing the establishment of a robust and equitable intellectual property protection framework characterized by “strictness, breadth, speed, and fairness”.

Enhancing collaborative protection with CNIPA for full-chain intellectual property protection. The Court has strengthened its communication and collaboration with CNIPA, focusing on mechanism innovation, business exchange, and process alignment, among other aspects. Regular business

discussions, along with the sharing of work data and exemplary cases, have been pivotal in promoting the harmonization of administrative and judicial standards. Besides, the Court has been encouraging trademark administrative authorities to utilize the stay of proceedings. This initiative has led to the suspension of nearly 100,000 trademark review cases from July 2023 to October 2024 at the administrative stage, effectively curbing procedural churning.

Initiating multifaceted measures to establish a cross-region, cross-department collaborative protection framework. With the State Administration for Market Regulation and the Beijing Market Supervision Comprehensive Law Enforcement Team, the Court has created a comprehensive anti-monopoly and anti-unfair competition law enforcement collaborative network. Through the exchange of typical cases, strengthened discussions and training, and mutual provision of professional technical support, a synergistic effort between anti-monopoly administrative enforcement and civil justice has been formed, enhancing the quality and efficiency of anti-monopoly work. The Court has also established a case collaborative adjudication mechanism with the Hainan Free Trade Port Intellectual Property Court, aimed at strengthening the protection of plant varieties, which is expected to enhance the safeguarding of the plant variety industry as a whole. In

collaboration with the Beijing Municipal Bureau of Agriculture and Rural Affairs and the Beijing Academy of Agriculture and Forestry Sciences, the Court has signed a Cooperation Agreement on Strengthening Plant Variety Intellectual Property Rights Protection, establishing an intellectual property circuit trial court in the Pinggu Agricultural Zhongguancun Park. Through this initiative, the Court actively leverages the professional expertise of the plant variety industry team to enhance the full-chain protection of plant variety intellectual property rights.

V. Talent Cultivation and Team-building

The Beijing IP Court has always adhered to the “great talent concept” for the selection and cultivation of talents, and has been focusing on the construction of a revolutionized, standardized, specialized, professionalized and internationalized team, so as to provide solid support of talents for the construction of an IP power.

(I) Highlight the Objective of Professional Talent Cultivation

It has built a professional talent discovery and cultivation mechanism by various means, such as participating in the trial of major difficult and complex cases, organizing meetings of professional judges and professional research groups, setting up special trial teams, and participating in special IP training and

professional forums. It has enabled leading and expert talents to give full play to their role as “head geese” by handling new-type and major cases and participating in renowned high-end academic exchanges both at home and abroad. It has enabled young reserve talents to play their role as the backbone force by handling difficult and complex cases and undertaking key research topics. Over the past ten years, there have been nearly 50 participants from the Beijing IP Court in forums and conferences organized by various international IP organizations, who have delivered speeches and exchanges thereat.

(II) Strengthen the Comprehensive Training of Professional Talents

Giving full play to the advantages of the Beijing Court as a “talent highland for IP trials” and the collaborative talent training mechanism of Beijing, Tianjin and Hebei, it has successively received more than 60 trainees, who are young judges and judicial assistants from grassroots courts in Beijing as well as the Intermediate People’s Court of the Xiongan New Area, Hebei, the Hotan Court of Xinjiang, and Intermediate People’s Court of Xinjiang Production and Construction Corps, to achieve professional complementarity through mutual learning and mutual promotion. It has continued to promote the construction of its training brand, with the help of external high-quality resources to improve the comprehensive

capabilities of police officers. Since 2023, two sessions of full-time training have been held jointly with Peking University and China University of Political Science and Law, with 110 backbone staffers participating in the training; 13 sessions of “Beijing Knowledge Lecture Hall” have been held, which focus on foreign policies, traditional culture, industrial layout, big data and algorithms and other fields, to realize the transformation of the talent training mode from “fine” and “specialized” to “broad” and “in-depth”. It has actively explored the co-construction of judicial and administrative talents, carried out the regular selection and appointment of technical exchange investigators, exchanged temporary cadres with the CNIPA, the Beijing Municipal Administration of Intellectual Property and other relevant organizations, and had visits and exchanges on a regular basis, to enrich the experience of police officers and broaden their growth channels. It has been extensively recruiting college volunteers for the reserve of IT trial talents. As of the end of October 2024, more than 1,800 college student volunteers from more than 70 colleges have been recruited, with about 185,000 hours of volunteer services.

At present, the Beijing IP Court currently has 1 “National Trial Expert”⁸, 8 “Trial Experts of Beijing”⁹, 2 “Young Jurists of

⁸ 1 National Trial Expert: Song Yushui.

the Capital”¹⁰, 3 “National Court Case Handling Models”¹¹, 2 “Judicial Practice Research Experts of Beijing”¹², 8 “IP Court Trial Models of Beijing”¹³, and 2 “Court Case Handling Models of Beijing”¹⁴.

VI. Foreign-related Cases and International Exchanges

The Beijing IP Court is deeply committed to implementing the series of important directives from General Secretary Xi Jinping on the construction of foreign-related rule of law, promoting the reform of foreign-related trial mechanisms, actively engaging in international exchanges, and continuously improving the quality and efficiency of foreign-related case adjudications, aiming to make it a “forum of optimal choice” for international intellectual property litigation.

(I) Upholding Equal Protection under the Law and Properly Addressing Foreign-related Disputes

⁹ 8 Trial Experts of Beijing: Zhang Xiaoxia (1st session), Feng Gang (2nd session), Rui Songyan (2nd session), Zhang Jian (3rd session, 2018), Xie Zhenke (4th session, 2019), Yi Jun (4th session, 2019), Zhou Liting (4th session, 2019), and Liu Yijun (6th session, 2022).

¹⁰ Young Jurists of the Capital: Song Yushui, and Rui Songyan.

¹¹ National Court Case Handling Models: Feng Gang, Zhou Liting, and Zhang Xixin.

¹² Judicial Practice Research Experts of Beijing: Liu Yijun, and Li Zhifeng.

¹³ IP Court Trial Models of Beijing: Rui Songyan, Zhang Jian, Zhao Ming, He Xuan, Yi Jun, and Liu Yijun, Zhang Xiaoli, and Lan Guohong.

¹⁴ Court Case Handling Models of Beijing: He Xuan, and Zhao Ming.

Over the past decade, the Beijing IP Court has heard 36,201 foreign-related intellectual property cases, representing 17.92% of its caseload, with parties from over 100 countries and regions across five continents. Dedicated to ensuring equal legal protection for both domestic and international parties, and diligently fulfilling its international treaty obligations, the Court has adeptly managed numerous significant intellectual property disputes related to international trade. Notable cases include the invalidation of the “Semaglutide” drug patent in an administrative proceeding and the OPPO v. Nokia litigation concerning standard-essential patent infringement. These endeavors have garnered extensive recognition and high acclaim from parties both at home and abroad. In response to the practical needs of foreign parties participating in litigation in Chinese courts, the Court has distilled its experience in reviewing the subject qualifications in foreign-related cases and incorporated the latest provisions of the *Convention Abolishing the Requirement of Legalisation for Foreign Public Documents*, releasing the *Reference for Notarization and Legalisation of Subject Qualification Certificates in Foreign-related Cases* in Chinese and English, covering 18 major countries. This reference offers clear guidance for foreign parties on handling subject qualification certificate procedures and has been recognized by the Intellectual Property Court of the Supreme

People's Court as a crucial reference for the compliance review of foreign public documents. Feedback from the International Trademark Association indicates that since the release of the *Reference for Notarization and Legalisation of Subject Qualification Certificates in Foreign-related Cases*, the cost for foreign enterprises to file litigation documents has decreased by 40%, and the preparation time for litigation documents has been cut from three months to two weeks, while enhancing the transparency in the handling procedures.

(II) Adhering to Confident, Open and Win-win Cooperation, and Fostering International Exchange and Collaboration

The Beijing IP Court stands as a proactive force in the global arena of intellectual property governance, dedicated to enhancing the international influence of China's intellectual property adjudication. Over the past decade, the Court has welcomed 117 delegations comprising 1,775 person-times of foreign visits from over 20 countries and international organizations, encompassing foreign diplomats in China, intellectual property officials, judges, lawyers, scholars, and representatives from global organizations. Pioneering as the first local court in China to engage in bilateral dialogues with the International Trademark Association (INTA), the Court has persistently intensified its collaboration with international

bodies such as the World Intellectual Property Organization (WIPO). It has been a consistent participant in prestigious international events like the China International Fair for Trade in Services (CIFTIS), the ZGC Forum, and the Global Digital Economy Conference, where it has released numerous white papers on the judicial work and highlighted exemplary cases in the realm of intellectual property rights, actively articulating the judicial rulings and stance of Chinese courts and persistently championing the “Chinese voice” for intellectual property protection on the global stage.

Closing Remarks

The Third Plenary Session of the 20th CPC Central Committee has delineated the overarching objective of comprehensively deepening reform. In response, the Beijing IP Court must expedite its modernization efforts, persistently drive conceptual shifts, institutional innovation, and practical exploration, diligently fulfilling its role and mission as a specialized court, to deliver high-quality and professional judicial services to safeguard high-quality development.

The “China’s Exploration” in the modernization of intellectual property courts continues its journey. Moving forward, **it is crucial to further emphasize the modernization of judicial philosophy.** The Court must deepen the reform of the case division approach and actively explore a judicial procedure that is both adaptive and compliant with the judicial principles of intellectual property rights. **It is crucial to further afford stricter protection to intellectual property rights.** The Court will enhance the application of temporary relief measures, such as injunction, and rigorously enforce punitive compensation systems, to prevent rights holders from facing the paradox of “winning the lawsuit but losing the market”, and to ensure that “real innovation” receives “real protection” and that “high quality” is met with “stringent protection”. **It is also crucial to further highlight a holistic approach to intellectual property protection.** The Court will continue to advance

diversified dispute resolution efforts, explore the implementation of intellectual property dispute arbitration mechanisms, and enhance judicial and administrative collaboration to establish a multifaceted intellectual property protection framework. **Moreover, it is crucial to further attach importance to nurturing high-quality, specialized talent.** Leveraging the distinctive talent pool of Beijing's intellectual property judiciary and capitalizing on the city's exceptional higher education resources, the Court is committed to cultivating a team of intellectual property judicial professionals who are not only experts in their field but also versatile and globally minded, through a combination of internal development and the establishment of a strong "external brain". **Lastly, it is crucial to further prioritize the international dimension of intellectual property protection.** The Court will actively adapt to the evolving demands of new quality productive forces, engage in the maintenance and development of the existing intellectual property rule system under the World Intellectual Property Organization framework, and apply international rules lawfully to provide robust judicial protection for emerging technologies and fields such as data and artificial intelligence. The Court will keep a close eye on the latest trends in judicial protection globally, deepen international exchanges and cooperation, and collaboratively foster technological innovation for the betterment of society.

(In case of any discrepancy between the Chinese version and the English version, the Chinese version shall prevail.)