

## Statistical Indications on IP Enforcement in China 2011

Figures released by the Supreme Court, during a conferences on intellectual property litigations held in Hangzhou city, China end of November, indicated strong growth of IP cases at courts.

Table 1. First-instance cases received and decided by courts all over China

Time	Cases Received			Cases Decided		
	Jan – OCT 2010	Jan – OCT 2011	Growth Rate	Jan – OCT 2010	Jan – OCT 2011	Growth Rate
Amount	37100	52700	42.2%	27700	38700	39.8%
Time	Year 2010			Year 2010		
Amount	42900			41700		

Table 2. IP related criminal cases received by courts all over China

Time	Jan – OCT 2010	Jan – OCT 2011	Growth Rate
Amount	3285	4544	38.3%
Time	Year 2010		
Amount	3992		

A speech made by XI Xiaoming, Vice President of the Supreme Court, at the conferences indicated that the courts will support to improve innovation competence of the country by strengthening protection of the IP rights. With respect to the determination of infringement, the courts will try to balance the interest between the patentee and the public by properly applying the principles for determination infringement including full coverage, estoppels, and dedication. In interpreting scope of claims, eclecticism will be adopted.

The Vice President also talked about the relation between the parallel procedures for patent invalidation and infringement litigation. The courts shall decide upon whether the litigation case is stayed or not by taking into account the possible outcome of the invalidation procedure. Once an invalidation decision is revoked, the patentee will have a chance to re-initiate a litigation case.