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PATENT NEWSLETTER

REGULATION

- CNIPA and JPO Finish Report of Comparative Study on AI-Related Inventions
- China revises rules for implementing patent law
- CNIPA Releases Amended Patent Examination Guidelines
- China revises catalogue of technologies subject to export bans, restrictions

NEWS

- Huawei successful against Amazon in dispute over wifi routers
- Shein sued by rival Temu for alleged 'mafia-style intimidation'
- Bissell Wins US Import Ban of Tineco Mop-Vacuums at Trade Agency

Regulation

Dec. 2023

CNIPA and JPO Finish Report of Comparative Study on AI-Related Inventions

In recent years, there have been rapid technological advances in the area of "AI-related inventions" which have resulted in significant increases in AI-related patent applications. The China National Intellectual Property Administration (CNIPA) and the Japan Patent Office (JPO) have jointly conducted a comparative study on AI-related inventions and finished the related report, with the aim of providing applicants insights into AI-related examination criteria and practices.

The report comprises of two parts, examination rules, regulations and guidelines and study of example cases. The part of examination rules, regulations and guidelines elaborately introduces the two offices' examination criteria on eligible subject matter, novelty, inventive step, enablement requirement/sufficiency of disclosure, claims supported by the description. The part of example case study selects 16 typical cases, comparing and analyzing the two offices' examination processes and outcomes.

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China revises rules for implementing patent law

Chinese Premier Li Qiang has signed a decree of the State Council to unveil a set of revised rules for implementing the patent law.

The rules specify that the electronic form of documents shall be regarded as written form to facilitate the patent application for applicants.

The rules refine the patent review system and improve the quality of patent review.

Regarding safeguarding the legitimate rights and interests of patentees, the rules add a dedicated section on compensation during the patent term, specifying the conditions and time for applying for compensation and compensation scope.

The revised rules will take effect on Jan. 20, 2024.

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CNIPA Releases Amended Patent Examination Guidelines

On December 21, 2023, China's National Intellectual Property Administration (CNIPA) released the Patent Examination Guidelines (专利审查指南) in conjunction with the Implementing Regulations of the Patent Law and effective January 20, 2024.

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China revises catalogue of technologies subject to export bans, restrictions

China has revised the catalogue of technologies that are subject to export bans and restrictions, the Ministry of Commerce (MOC) said in a statement Thursday.

The revised catalogue, released jointly by the MOC and the Ministry of Science and Technology, has 34 fewer items, while four new ones have been added, the MOC said, adding that the technical parameters of 37 items were revised.

In the revision, the number of items in the catalogue was slashed from 164 to 134, comprising 24 items with export bans and 110 with export restrictions.

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News

Dec. 2023

Huawei successful against Amazon in dispute over wifi routers

Amazon may no longer sell its own wifi routers in Germany, as they infringe a Wifi 6 patent from Huawei. This was decided by Munich Regional Court last week following the oral hearing. The ruling does not affect the sale of third-party wifi routers via the Amazon platform.

Two European subsidiaries of Amazon and Eero – a manufacturer of wifi routers also owned by Amazon – have infringed European patent EP 3334112 and may now no longer sell Wifi-6-capable products in Germany. The Regional Court Munich handed down this ruling on December 15, on the same day as the hearing.

Huawei had sued for injunctive relief, information and accounting, destruction, recall and damages (case ID: 7 O 10988/22).

However, the ruling only affects wifi routers that Amazon and Eero manufacture themselves, such as the Amazon Fire TV Stick 4k. Other manufacturers may continue to sell their products via the Amazon platform.

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Shein sued by rival Temu for alleged ‘mafia-style intimidation’

Fast-fashion retailer Shein has been hit with a lawsuit by rival Temu, alleging the company has used aggressive and unlawful tactics to thwart competition — adding another layer to the hostilities between the two Chinese-owned e-commerce sites as they fight to dominate the bargain shopping market in the US.

The lawsuit, filed Wednesday in the US District Court of the District of Columbia by Temu’s US-based parent company, WhaleCo, alleges that Shein has engaged in “mafia-style intimidation” tactics against Temu and its suppliers. Temu alleges that Shein employees have even gone so far as to falsely imprison merchants who do business with Temu in Shein’s offices for “many hours.”

Shein, which sells clothing and other lifestyle goods, allegedly engaged in the “subversion of the US legal process to disrupt Temu’s operations and damage Temu’s valuable brand,” including by illegally claiming copyright registrations for products sold on Temu’s website, according to the lawsuit.

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Bissell Wins US Import Ban of Tineco Mop-Vacuums at Trade Agency

US imports of two Tineco Intelligent Technology Co. products that both mop and vacuum will be blocked in mid-February barring presidential action after the US International Trade Commission found they infringe two Bissell Inc. patents.

Tineco's iFloor3 and Floor One S3 devices infringe three claims of US Patent No. 11,076,735 and one claim of US Patent No. 11,071,428, according to the ITC's notice of final determination issued Monday in Washington. The agency found no violation regarding three other Bissell patents.

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