

# PATENT LAW IN GREATER CHINA

EDITED BY  
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ELGAR INTELLECTUAL PROPERTY LAW AND PRACTICE

# Patent Law In Greater China Elgar Intellectual Property Law And Practice Series

**Nari Lee, Niklas Bruun, Mingde Li**



## **Patent Law In Greater China Elgar Intellectual Property Law And Practice Series:**

**Patent Law in Greater China** Stefan Luginbuehl, Peter Ganea, 2014-08-29 This book provides a comprehensive introduction to patent policy law and practice in Greater China and will be a go to book for patent practitioners who have client interests in that region Features Introduction to Chinese patent law *The Law and Practice of Trademark Transactions* Irene Calboli, Jacques de Werra, 2016-02-26 The Law and Practice of Trademark Transactions is a comprehensive analysis of the law governing trademark transactions in a variety of legal and business contexts and from a range of jurisdictional and cross border perspectives After mapping out the international legal framework applicable to trademark transactions the book provides an analysis of important strategic considerations including tax strategies valuation portfolio splitting registration of security interests choice of law clauses trademark coexistence agreements and dispute resolution mechanisms Key features include A comprehensive overview of legal and policy related issues A blend of approaches underpinning strategic considerations with analytical rigour Regional coverage of the key characteristics of trademark transactions in a range of jurisdictions Authorship from renowned trademark experts Practitioners advising trademark owners including trademark attorneys will find this book to be an invaluable resource for their practice particularly where cross border issues arise It will also be a key reference point for scholars working in the field Intellectual Property Jurisdiction Strategies Torsten Bjørn Larsen, 2017-10-27 This timely and practical guide compares the jurisdictional advantages of litigating a national IP right with those of the corresponding European unitary IP right The study offers IP practitioners a meticulous yet principled basis for their jurisdictional decisions and shows why it is advantageous for infringers to litigate based on a national IP right and rightholders to litigate based on a European unitary IP right **Certification and Collective Marks** Jeffrey Belson, 2017-10-27 Certification and Collective Marks is a thoroughly updated and augmented edition of Certification Marks first published in 2002 This comprehensive study forms a wide ranging inquiry with comparisons of the certification and collective mark systems of the UK EU and US whilst also referring to other systems In addition to the laws and policies impacting ownership and use of these marks also addressed are their historical development registration and protection certifiers liability legal and commercial significance use in regulatory and technical standardization frameworks and emergent sui generis forms of certification namely ecolabels and electronic authentication marks in digital content This publication is especially timely in light of the advent of the EU certification mark and the controversial EU proposals to extend the Geographical Indications system to include non agri food products **The Protection of Geographical Indications** Michael Blakeney, 2019-12-27 Encapsulating the most recent changes in the law this second edition of The Protection of Geographical Indications investigates the European laws which regulate the way that geographical indications can be used in the marketing of agricultural products food wines and spirits Key updates to this comprehensive second edition include two new chapters exploring the impact of Brexit and considering the protection of EU geographical

indications outside Europe and of foreign geographical indications within the EU      Pharmaceutical Patent Protection and World Trade Law Jae Sundaram, 2018-05-08 Patents including pharmaceutical patents enjoy extended protection for twenty years under the TRIPS Agreement The Agreement has resulted in creating a two tier system of the World Trade Organisation Member States and its implementation has seen the price of pharmaceutical products skyrocket putting essential medicines beyond the reach of the common man The hardest hit populations come from the developing and least developed countries which have either a weak healthcare system or no healthcare at all where access to essential and affordable medicines is extremely difficult to achieve Pharmaceutical Patent Protection and World Trade Law studies the problems faced by these countries in obtaining access to affordable medicines for their citizens in light of the TRIPS Agreement It explores the opportunities that are still open for some developing countries to utilise the flexibilities available under the TRIPS Agreement in order to mitigate the damage caused by it The book also examines the interrelationship between the world governing bodies and the right to health contained in some of the developing country s national constitutions      **Trade Secrecy and International Transactions** Elizabeth A Rowe, Sharon K Sandeen, 2015-08-28 Trade secret protection has long been of critical strategic importance to business interests and globalization of commerce has driven an increasing need to govern the preservation of confidentiality in international business transactions This book off      *Patents and Innovation in Mainland China and Hong Kong* Yahong Li, 2017-10-12 How do patents affect innovation in mainland China and Hong Kong How can two patent systems operate within one country and how is innovation affected by the one country two systems model For the first time this book links these challenging issues together and provides a comprehensive overview for government officials law makers academics law practitioners and students to understand the patent systems of mainland China and Hong Kong Themes examined include the interaction between the two distinctive patent regimes the impact of patents on innovation in China s specific industries such as green tech traditional Chinese medicines and telecommunications the role of utility models in inflating low quality patents and the application of good faith principle in enforcing FRAND in mainland China patent system reforms in Hong Kong and the impact of these changes on innovation in the two vastly distinctive yet closely connected jurisdictions      **The Oxford Handbook of Intellectual Property Law** Rochelle C. Dreyfuss, Justine Pila, 2018-04-12 We live in an age in which expressive informational and technological subject matter are becoming increasingly important Intellectual property is the primary means by which the law seeks to regulate such subject matter It aims to promote innovation and creativity and in doing so to support solutions to global environmental and health problems as well as freedom of expression and democracy It also seeks to stimulate economic growth and competition accounting for its centrality to EU Internal Market and international trade and development policies Additionally it is of enormous and increasing importance to business As a result there is a substantial and ever growing interest in intellectual property law across all spheres of industry and social policy including an interest in its legal principles its social and normative

foundations and its place and operation in the political economy This handbook written by leading academics and practitioners from the field of intellectual property law and suitable for both a specialist legal readership and an intelligent but non specialist legal and non legal readership provides a comprehensive account of the following areas The foundations of IP law including its emergence and development in different jurisdictions and regions The substantive rules and principles of IP and Important issues arising from the existence and operation of IP in the political economy

**Intellectual Property Law in China** Christopher Heath, 2021-02-19 Intellectual property law and practice in China has changed dramatically since the first edition of this influential book published in 2005 Today judicial and administrative application of law plays a major role and accordingly this entirely rewritten new edition draws on an abundance of court and administrative decisions clarifying how the law is applied In a thorough and systematic manner the authors clearly demonstrate the sophisticated level of legal certainty available for domestic and foreign entities doing business in China including the adaptation of the legal framework to new technologies broadened scope of protected subject matter improved quality of filings and significant enhancement of enforcement not only with regard to remedies but also to procedural aspects Providing comprehensive coverage of all aspects of intellectual property protection in China including analysis of IP related provisions of China's new Civil Code the book emphasizes issues of concern to foreign traders and investors such as the following copyright law and software protection protection of trademarks including Chinese character and Roman script trademarks well known marks and bad faith applications technology transfer enforcement of trade secret and patent protection criminal liability for infringement unfair competition and antitrust law role of the binding interpretations of the Supreme People's Court administrative regulations that supplement the laws co operation with administrative authorities protection of geographical indications protection of trade names domain name dispute resolution special patent related laws protecting such areas as plant varieties integrated circuit layout designs and relevant provisions of the distinct laws of Hong Kong and Macao Full descriptions of the competencies of China's IP related institutions are included with detailed attention to procedural matters Brief historical notes in each chapter feature the most significant changes in each amendment of law and regulation Because in China the laws are supplemented and interpreted by numerous guidelines and circulars issued by ministries or courts the up to date knowledge and awareness provided in this new edition is essential for all companies investing in China or considering such investment as well as for practitioners counselling their clients on strategies In addition officials and policymakers involved in trade or other relations with China will benefit from a comprehensive update of what the current law is and a critical view of what the challenges are the 2021 IPLCN is a recommended read for those who seek a well written English textbook which covers the main principles of Chinese IP Law Clearly outlined it is probably one of the best of its kind on the market Its existence is welcome and necessary in the current era where languages are still obstacles By Tian Lu Book Review for The IP Kitten September 2021

*Governance of Intellectual Property Rights in China and Europe* Nari

Lee, Niklas Bruun, Mingde Li, 2016-01-29 Intellectual property IP law has been widely discussed in recent scholarship though many recent works explore the topic from a largely descriptive perspective This book provides an analytical and comparative study of Chinese and European IP law as well as an analysis of system reforms in China The book highlights in three parts intellectual property for innovation and creativity in China comparing concepts and norms in Chinese and European IP law and governance of practices and IP enforcement Demonstrating that the governance of IP rights requires the adoption of a set of norms the contributors also argue that success is dependent on a transformation of the perspectives and implementation Students and scholars of IP law and Chinese IP law in particular will find this book to be a valuable resource to their work It will also be of interest to IP practitioners looking for an insight into system reforms in China *Cross-Border Copyright Licensing* Carlo Scollo Lavizzari, René Viljoen, 2018 Copyright Licensing can no longer be considered purely from the perspective of the licensor's home territory This practical and wide ranging reference work provides comprehensive coverage of the law and practice of cross border licensing in a number of major territories including China the EU India Mexico Russia Singapore South Africa and the USA The book written by expert authors with insight from practice and from their home jurisdictions focuses on both copyright licensing and competition law and specifically the inter relation between these legal fields The book is uniquely structured to provide both thematic coverage and detailed analysis of each territory's applicable laws and regulations highlighting and addressing the legal issues that are most critical in and relevant to licensing practice *Cross Border Copyright Licensing* is an essential starting point for anyone considering or advising on the implementation or enforcement of a copyright licensing program in either developed and emerging markets **Patent Law in Greater China** Stefan Luginbuehl, Peter Ganea, 2026-01-28 This thoroughly revised second edition presents a comprehensive assessment of the recently revised patent law and related secondary legislation in the People's Republic of China PRC It examines the latest policy and patent law related aspects in Greater China to reveal valuable insights into the evolving legal landscape Highly experienced professionals in the field provide practical guidance on the latest practices in technology transfer patent prosecution the reformed employee inventions system in the PRC and patent litigation Key Features Evaluates China's latest patent policy and strategy Gives important insights on the latest developments concerning substantive patent law as well as PCT and national patent application procedures Analyzes emerging issues around standard essential patents which are gaining traction in an increasingly globalized system Explores developments in patent law in relation to specific areas such as the pharmaceutical industry as well as software and AI related inventions Draws on extensive case law to shed light on claims interpretation and patent enforcement issues including infringement and invalidation proceedings dual enforcements by courts and administrative authorities Explains the latest developments in utility model and design protection Covers the latest patent system developments in the Special Administrative Regions of Hong Kong Macao and Chinese Taipei encompassing the entire Greater China region This updated edition of *Patent Law in*

Greater China is an essential resource for lawyers patent attorneys and other practitioners as well as policymakers active in the region with an interest in the broader context of patents as key intellectual property rights in an increasingly technology driven world

**IP Laws and Regimes in Major Asian Economies** Kung-Chung Liu,2022-08-11 This book systematically studies the structural characteristics of IP laws and regimes of major Asian economies including but not always China Hong Kong India Indonesia Japan Korea Malaysia Singapore Taiwan and Thailand It explores and crystallizes some worthy Asian models which could further help the development of international IP laws This book begins with an overview of Asian modern history and IP laws It discusses the three basic IP laws in Asia which are patent law trademark law and copyright law It looks at the pre established damages for copyright infringement and trademark counterfeiting The book also deals with problems with trade secret and its over protection It compares IP laws and four industries in India and China and examines what role have IP laws played in the development in those industries and how India and China can learn from each other Finally it examines one medium and one small sized Asian economy on its respective struggle Taiwan s efforts to build a coherent IP exhaustion regime and a success story how Singapore has utilized IP to secure its position in global value chains This book is a useful reference for law students scholars practitioners IP professionals who are interested in knowing Asia Asian IP laws and industries their struggles and finding ways to better global IP laws The case studies could provide helpful lessons for other Asian economies and beyond

*China in Global Governance of Intellectual Property* Wenting Cheng,2023-02-10 This book analyses how China has engaged in global IP governance and the implications of its engagement for global distributive justice It investigates five cases on China s IP engagement in geographical indications the disclosure obligation IP and standardisation and its bilateral and multilateral IP engagement It takes a regulation oriented approach to examine substate and non state actors involved in China s global IP engagement identifies principles that have guided or constrained its engagement and discusses strategies actors have used in managing the principles Its focus on engagement directs attention to processes instead of outcomes which enables a more nuanced understanding of the role that China plays in global IP governance than the dichotomic categorisation of China either as a global IP rule taker or rule maker This book identifies two groups of strategies that China has used in its global IP engagement forum and agenda related strategies and principle related strategies The first group concerns questions of where and how China has advanced its IP agenda including multi forum engagement dissembling and more cohesive responsive engagement The second group consists of strategies to achieve a certain principle or manage contesting principles including modelling and balancing It shows that China s deployment of engagement strategies makes its IP system similar to those of the EU and the US Its balancing strategy has led to constructed inconsistency of its IP positions across forums This book argues that China still has some way to go to influence global IP agenda setting in a way matching its status as the second largest economy

SEPs, SSOs and FRAND Kung-Chung Liu,Reto M. Hilty,2019-12-05 This book is a very useful reference guide on how de jure and de facto standards

are being developed and how these standards compete against each other The book also looks at how FRAND commitments are being determined across countries how these disputes have played out especially in Asia and how they can be better dealt with in future globally The book gives a broad overview of the business model of dominant SEP patentees and analyzes some standards for FRAND licensing of SEPs which are converging in major Asian jurisdictions It highlights the need for ex ante regulation in the FRAND licensing of SEPs and suggests how we can reconcile conflicts which may arise from different legal standards This book provides detailed and comprehensive analysis of recent SEP cases with an emphasis on Asia and will interest anyone who wishes to have more insight into the legal policy industrial and economic implications of such issues

**Emerging Markets and the World Patent Order** Frederick M. Abbott, Carlos M. Correa, Peter Drahos, 2013-12-27 The patent has emerged as a dominant force in 21st century economic policy This book examines the impact of the BRICS and other emerging economies on the global patent framework and charts the phenomenal rise in the number of patents in some of these countries

Advanced Introduction to International Patent Law Margo A. Bagley, Rochelle C. Dreyfuss, 2025-07-15 Concise yet comprehensive this book provides an eloquent overview of the international patent system outlining the requirements for protecting inventions and enforcing patent rights It explores the mechanisms that ensure compliance in relation to these obligations and how they have been interpreted by international bodies

**Conflict of Laws in the People's Republic of China** Zheng Sophia Tang, Yongping Xiao, Zhengxin Huo, 2016-07-27 The area of conflict of laws in China has undergone fundamental development in the past three decades and the most recent changes in the 2010s regarding both jurisdiction and choice of law rules mark the establishment of a modern Chinese conflicts system Jointly written by three professors from both China and the UK this book provides the most up to date and comprehensive analysis of Chinese conflict of laws in civil and commercial matters covering jurisdiction choice of law procedure judgment and awards recognition and enforcement and interregional conflicts in China

**Research Handbook on Empirical Studies in Intellectual Property Law** Estelle Derclaye, 2023-07-01 This comprehensive Research Handbook explores empirical legal studies of intellectual property law It covers research from four continents and offers unique conclusions to aid in the creation and understanding of policies and legislation



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