NEWSLETTER

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QUARTERLY

PANAWELL INTELECTUAL PROPERTY

Wishing you peace, joy and happiness through Christmas and the coming year.

Panawell & Partners LLC

MERRY CHRISTMAS

HAPPY NEW YEAR

Chinese Public Holiday in 2019

1. **New Year's Day, Dec. 30, 2018 to Jan. 1, 2019**
2. **Spring Festival, Feb. 4 to 10, 2019**
3. **Tomb-Sweeping Day, Apr. 5 to 7, 2019**
4. **Labor Day, May 1, 2019**
5. **Dragon Boat Festival, Jun. 7 to 9, 2019**
6. **Mid-Autumn Festival, Sept. 13 to 15, 2019**
7. **National Day, Oct. 1 to 7, 2019**

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Panawell Intellectual Property, consisting of Panawell & Parnters, LLC and Panawell & Partners Law Firm, provide full spectrum of services in all fields of intellectual property rights, such as patent, trademark, copyright, computer software, anti-unfair competition, trade secrets, custom protection, domain name, license, assignment, enforcement, administrative and civil litigation, IP consulting and management.

Amendments to the Patent Law (Draft) Passed

With a view to further strengthening the protection of the legitimate rights and interests of patentees, improving the mechanism to encourage invention and creation, and upgrading the mature, effective patent protection practice into law, the State Council held an executive meeting on December 5 to have approved the Amendments to the Patent Law of the People's Republic of China (Draft).

The Draft, focusing on stepping up efforts to crackdown on infringement of intellectual property rights and drawing on international practices, has substantially increased the amount of damages and fines for intentional infringements and passing off patents to significantly increase the costs of infringement and deter illegal activities, Also, the Draft has clarified the burden of proof for infringers to cooperated in providing relevant information and materials or documents, and proposed that the internet service providers be held jointly liable for failure to cease infringements in a timely manner. Furthermore, the Draft has also explicated the incentive mechanism for inventors and designers to reasonably share benefits of service invention-creations, and improved the patent grant system.

The meeting decided to submit the Draft to the Standing Committee of the National People's Congress for review.

(Source: official website of the State Council)

New Version of the Patent Certificate

China Intellectual Property Administration announced, on November 23, 2018, that for the patents granted on and after December 4, 2018, the CNIPA would issue the new version of Patent Certificate and any certified copy thereof, without a patent certificate cover. Besides, the new version of the Patent Certificate is still printed on the A4-sized paper in vertical typesetting, but no longer printed only on one side, with the back page printed a frame only and carrying no logo and seal. On the front page has been added the QR code in the former place of the stamp duty mark, which has been relocated on the back page of the Certificate. Also on the back page has been added names of the applicant(s) and inventor(s)/designer(s) initially recorded at the date of filing of the patent.

(Source: official website of CNIPA)

China to Establish Appeal Mechanism for IP Cases at National Level

At present, the Supreme People's Court is making great efforts to improve the IP case appeal mechanism for the Supreme Court to directly hear or review intellectual property (such as patent) appellant cases from the intellectual property courts and intermediate people's courts, so as to uniformly review appellant cases involving patents

with more technical nature across the nation, and put in place a mechanism to review intellectual property right-related appellant cases at the national level. On October 22, the Supreme Court submitted the Decision on Several Issues Concerning the Appeal Proceedings of Patents and Other Cases (Draft) to the Standing Committee of the National Congress for review. The Draft stipulates that any interested party that is not satisfied with the first-instance judgment or ruling of a civil or administrative case involving a subject matter of more technical nature shall appeal to the Supreme Court. The Supreme Court is about to set up an intellectual property tribunal on January 1, 2019.

According to the Draft, interested parties, not satisfied with the first-instance judgments or rulings in civil cases of more technical nature involving such subject matters as invention and utility model patents, new plant varieties, integrated circuits of layout designs, technical secrets, computer software, and monopoly, and those, not satisfied with the first-instance judgments or rulings in administrative cases of more technical nature involving such subject matters as invention and utility model patents, new plant varieties, integrated circuits of layout designs, technical secrets, computer software, and monopoly shall appeal to the Supreme Court within the statutory period.

Moreover, the Draft also stipulates that cases in which the trial supervision procedures are applied in accordance with the law in the events of requested retrial and protest of the first-instance judgments, rulings, and mediation decisions in the above-mentioned cases that have already had legal effect shall be tried by the Supreme Court, and the Supreme Court may also order, according to law, people courts at lower levels to retry them.

For the Intellectual Property Tribunal of the Supreme Court to hear all appellant cases involving invention and utility model patents is conducive to optimizing the environment for scientific and technological innovation and to strengthening the equal protection of intellectual property rights of Chinese and overseas enterprises, and helps to promote the creation of legalized, internationalized, and facilitative business environment. To bring all second-instance civil and administrative patent and other cases that are of special technical nature and high complexity into the jurisdiction of the Intellectual Property Tribunal of the Supreme Court to connect the litigation procedure and harmonize the judgment standards for the two major cases involving determination of the validity and infringement of the intellectual property rights is conducive to addressing, in terms of mechanism, the issue of inconsistent judgment benchmark that has been restricting technological innovation, improving the quality and efficiency of trial of intellectual property cases, reinforcing the judicial protection of intellectual property rights, and effectively improving the judicial credibility.

(Source: Xinhua News Agency)

China Ranked First in All Types of IP Filings in the World

On December 3, the World Intellectual Property Organization (WIPO) released the annual report of World Intellectual Property Index (WIPI), saying that in 2017, China was ranked first in the world in terms of intellectual property filings relating to all the categories of patents, trademarks, and industrial designs.

According to the report, in 2017, global innovators filed a total of 3,168,900 patent applications, 12.387 million trademark applications worldwide, and 1,242,100 industrial design applications. The numbers of applications for patents, trademarks, and industrial designs in China were 1,381,600, 5,739,800 and 628,700, respectively. The report pointed out that China was continuing to play a major driving role in promoting the growth of global IP filings, thanks to the continuous progress China had been making in the intellectual property protection.

"Demand for IP protection is rising faster than the rate of global economic growth, illustrating that IP-backed innovation is an increasingly critical component of competition and commercial activity," said WIPO Director General Francis Gurry. "In just a few decades, China has constructed an IP system, encouraged homegrown innovation, joined the ranks of the world's IP leaders - and is now driving worldwide growth in IP filings."

(Source: official website of WIPO)

Supreme Court to Introduce Regulations Explicating Time of Effect of Pre-Litigation Activities Preservation Relating to Intellectual Property Rights

In November, the Supreme People's Court held a plenary meeting of the Judicial Committee to have reviewed and approved in principle the Provisions of the Supreme People's Court on Several Issues Concerning Application of Laws in the Examination of Cases Involving Preservation of Intellectual Property Rights and Competition Dispute Activities. The "Provisions" would be revised according to the opinions discussed at the meeting, submitted for approval according to procedures, and released in due course.

The "Provisions" mainly include four aspects: i) procedural rules, including the applicants, the courts of jurisdiction, the matters to be specified in the application, the review procedure, reconsideration, enforcement of the measures for activities preservation, etc.; ii) the substantive rules, including the factors for considering the necessity for activities preservation, the guaranty, the time of the effect of the activities preservation measures, etc.; iii) determination of flawed activities preservation application and counterclaim lawsuit, dissolution of the activities preservation measures, etc.; and iv) other issues, such as treatment of simultaneous application for different types of preservation and treatment of the former judicial interpretations.

In 2001, in order to implement the provisions on interim measures in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), China's Patent Law, Trademark Law and Copyright Law were revised by addition of the provisions pertaining to pre-litigation cessation of infringement of intellectual property rights, thus establishing the system for pre-litigation preservation of intellectual property-related activities. At the same time, the Supreme Court promulgated the Several Provisions of the Supreme Court on the Application of Laws Concerning Pre-litigation Cessation of Patent Right Infringement (entering into force in July 2001) and the Interpretation of Supreme Court of Issues Pertaining to Pre-litigation Cessation of Infringement of Exclusive Right to Use Registered Trademarks (entering into force in January 2002).

In 2012, to the amended Articles 100 and 101 of the Civil Procedure Law was added the provisions relating to inter-litigation and pre-litigation activities preservation, extending the activities preservation system to such an extent as to cover all civil domains. In order to implement the amended Civil Procedure Law, the Supreme Court enacted the Interpretation of the Supreme Court on the Application of the Civil Procedure, and the Provisions of the Supreme Court on Several Issues Concerning Handling Cases of Property Preservation by the Courts, having further improved the preservation system.

According to the incomplete statistics, in the five years from 2013 to 2017, the courts across the nation accepted 157 and 75 cases of pre-litigation and inter-litigation cessation of infringement of intellectual property rights, with respectively 98.5% and 64.8% of these cases closed in decisions rendered in support of the requests for preservation. The activities preservation measures have played an important role in enabling intellectual property right owners to quickly cease infringements and obtaining judicial remedies in a timely manner.

(Source: People's Daily Online)

An International Comparative Study on ex officio Examination in Reexamination Proceedings

Mr. Feng XU, Patent Attorney, Panawell & Partners

Introductive Remarks

Views on the scope of examination made by the Patent Reexamination Board (PRB), *ex officio*, of those rather than defects in respect of which rejection decisions are made are always divided between patent applicants and the PRB as the PRB has considerable discretion to introduce *ex officio* examination on account of presence of "obvious substantive defects", which constantly draw criticism from applicants (especially those from Europe and the Unites States) for lack of consistency and predictability of the scope of such examination made in the reexamination proceedings.

In the Administrative Decision (No. Zhixingzi 2/2014), the Supreme People's Court defines the scope of "obvious substantive defects" as the following: during the substantive examination, reexamination and invalidation proceedings, "obvious substantive defects" should be examined according to the nature of the circumstances enlisted in the Part on Preliminary Examination in the Guidelines for Patent Examination and in line with the assessment of the specific circumstances of individual cases. In addition, the Supreme Court has explicitly excludes "inventiveness" from the "obvious substantive defects".

After the Administrative Decision took effect, however, it was found that the PRB continued to examine as to inventiveness *ex officio*, in the phase of reexamination on account of improving efficiency of the administrative examination and out of consideration of factors of individual cases. Therefore, it is necessary to probe into the rationality and legitimacy of the examination made by the PRB *ex officio*. Explorations of the kind have been made before from the perspective of the related law provisions. For this writer here, the PRB's *ex officio* examination should be made compatible with the operation of the reexamination. For this reason, it is hoped in the article that a comparative study is to be made according to the operation of the reexamination proceedings in the US, EU, and China and from the perspective of *ex officio* examination in these countries and region, and, as well, from other perspectives.

Practice in the United States

In many countries, after the patent office makes a decision that is not favorable to the applicant, the applicant can only choose to abandon or resort to reexamination/appeal. By contrast, the USPTO offers applicants more options in the forms of AECP, RCE, continuing application, or continuation application and appeal, and filing appeal is just one of the options that have been made available to the applicants in response to an unfavorable decision made by the USPTO. For this reason, the total number of cases of appeal remains at 10,000 annually. In the US, before filing a patent-related

appeal, one may also summit appeal brief for consideration to be made according to the response of the examiner, so as to make it certain whether the case of appeal would be heard before the Patent Trial and Appeal Board (PTAB). Once the PTAB decides to hear a case of the kind, an expert panel of three administrative judges will be appointed to reexamine the examiner's response and the appeal brief, and make a final decision. An applicant, not satisfied with the decision, may appeal the case to the US Court of Appeals for the Federal Circuit (CAFC) for final review.

The PTAB usually reviews the appeal brief and makes its decision, but it is provided in Section "New ground of rejection" of Rule 41.50, Title 37 of the US Federal Rules: *Should the Board have knowledge of any grounds not involved in the appeal for rejecting any pending claim, it may include in its opinion a statement to that effect with its reasons for so holding, and designate such a statement as a new ground of rejection of the claim. A new ground of rejection pursuant to this paragraph shall not be considered final for judicial review. The appellant can request reopen with respect to the new ground of rejection to avoid termination of the appeal as to the rejected claims: in which event the prosecution will be remanded to the examiner*. Further, in the US, for the time delayed for reasons on the part of the USPTO, it is allowable to make proper patent term adjustment.

As the above shows, with regard to an examination decision unfavorable to an applicant, the USPTO offers the applicant a variety of approaches to administrative remedies to, on the one hand, drastically reduce the number of cases of appeal requiring substantive examination by diverting different cases as much as possible, and, on the other, to fully ensure the independence and impartiality of the appeal examiners by setting up independent panels in the substantive examination authorities when an appeal case requiring substantive examination is to be heard this way. In situation like this, it is clearly provided in the relevant US laws and rules regarding examination procedures that when new refusal grounds are offered in the phase of appeal, it is allowed to send the case back for reexamination at the request of the applicant. This is a practice that will reduce the unfavorable influence of *ex officio* examination on applicants to the minimum.

Practice in Europe

In Europe, anyone, dissatisfied with a rejection decision made by the EPO, can appeal to the Board of Appeal. According to the EPO's Annual Report 2016, the Board of Appeal accepted 2,748 cases of appeal in the year. The Board is independent from the EPO in terms of personnel and office. A case of reexamination is generally heard by the Technical Board of Appeal (by two technical experts and one legal expert), and the Board's decisions are final.

Generally speaking, the scope of the examination to be made by the Board of Appeal depends on the appeal requests. However, in Article 114 of the European Patent Convention have been set forth

the provisions relating to its own examination, in which paragraph one provides that "*in proceedings before it, the European Patent Office shall examine the facts of its own motion; it shall not be restricted in this examination to the facts, evidence and arguments provided by the parties and the relief sought*". It is generally believed that the provision also applies to the Board of Appeal. In practice, however, according to the precedents of the Board of Appeal of the EPO (e.g. see G10/91, T23/10), the Board of Appeal is always cautious in making *ex officio* examination.

Thus, while the EPO gives applicants just one approach of remedy, it is widely known that applicants have the rights to resort to the three-member panel examination and oral proceeding, and make several requests, such as main requests and auxiliary requests, which makes it possible to have reduced, to a great extent, the number of cases of appeal. Similarly, fewer examiners of the Board of Appeal helps secure consistence and predictability of examination of appeals, which are also enhanced by the formation of the panel set up within the Board of Appeal. What's more, the Board of Appeal is generally careful about any harm done by *ex officio* examination to an applicant's remedial right and interests.

Practice in China

In China, an applicant who is not satisfied with a rejection decision made by the Patent Office is only allowed to file a reexamination request with the PRB. Generally, in the phase of examination as to substance, the examiner may make a rejection decision if he meets the basic hearing requirements, without the need for further communication or exchanges, such as holding meetings with applicants. According to the relevant data, in 2017, there were approximately 34,000 cases of reexamination on docket before the PRB, about 4,600 cases of patent invalidation, and 1,770 or so lawsuits. Besides, the PRB leads the world in terms of time cycle for closing cases of patent reexamination and invalidation.

Due to limited staff, now lots of reexamination cases are handled by many part-time reexaminers, who are on varied levels of practice proficiency, and the borderline of the reexamination and substantive examination become fuzzy to some extent both in procedure and in substance. The talk is often heard from within about the reexamination being turning into substantive examination. Furthermore, regarding a reexamination decision made by the PRB, one can institute administrative proceedings in the Beijing Intellectual Property Court for first instance and final second instance. In practice, to revoke an unfavorable reexamination decision, the applicant has to go through a prolonged administrative lawsuit and put in considerable resources.

The comparison made above with the practice in the U.S. and Europe clearly shows that the remedies available to reexamination applicants in China is actually minimal for at least the following reasons: i) limited remedial approaches; ii) limited

opportunity for pre-rejection appeal; iii) poor independence of reexaminers in reexamination, which makes implementation of consistent standards difficult; and iv) prolonged judicial remedial proceedings, and much delay in the Patent Office without any compensatory mechanism. For this writer, with such a low level of remedy available to reexamination petitioners in China, lack of constrain on PRB's *ex officio* examination is very adversely consequential.

Additionally, this writer believes that the *ex officio* examination is now not compatible with the present practical operation of reexamination since, given that a large part of reexamination is dealt with by part-time reexaminers and considering inconsistent standards implementation due to such heavy load of reexamination cases, numerous reexamination staffs, and their varied levels of practice proficiency in reexamination, it is very difficult to ensure defect-free and fair *ex officio* examination. The influence possibly brought about by *ex officio* examination was said to be controllable if the PRB received a smaller number of reexamination cases as in the past, and the PRB could conduct examination independently, but, to date, given the amplified effect caused by the huge number of cases and numerous reexaminers, lack of strict control of examination made *ex officio* expectedly affects applicants adversely.

Further, it needs to be pointed out that under the current law provisions in China, applicants may suffer heavy loss to rectify defects of *ex officio* examination, including, among other things, loss in value of their patent applications in the prolonged administrative lawsuit, loss of huge judicial resources in the proceedings of first and second instances, loss of tremendous resources of the applicants, and the PRB to be involved in lawsuit. For this reason, given such serious consequences the *ex officio* examination is likely to bring about, it is indeed necessary to strictly constrain the scope of examination of the kind.

To this end, this writer would like to call for reasonably constraining the scope of *ex officio* examination made by the PRB given the present practical operation of the reexamination, so as to guarantee patent applicants' lawful rights and interests, and allow them to have the administrative remedies of the level not obviously lower than those available in the United States and Europe as practice to this end is of realistic significance in our efforts to build up China with intellectual property and with improved business environment.

Author: Mr. Feng XU, Patent Attorney

Mr. Xu received his bachelor degree of mechanical engineering from Huazhong University of Science and Technology in 2008, and master degree of law from University of Political Science and Law in 2013. Mr. Xu was an examiner of mechanical invention in the China Intellectual Property Administration and the Patent Reexamination Board from 2008 to 2015, and worked as a patent attorney and lawyer from 2015. He joined Panawell in February 2017.

How to Obtain Customs Protection of Intellectual Property Rights?

Under the Regulations on Customs Protection of Intellectual Property Rights promulgated by the State Council, the intellectual property rights protected by China's Customs shall be the exclusive lawful right to trademarks, copyrights, copyright-related rights, and patents related to import and export goods. Accordingly, the following IP rights can be filed with the Customs for protection: i) trademarks approved by the CNIPA (except service marks); ii) international trademarks registered with the World Intellectual Property Organization and extended to China (except service marks); iii) invention, design, and utility model patents granted by the CNIPA; and iv) copyright and copyright-related rights owned by nationals or organizations of the member states of the Berne Convention for the Protection of Literary and Artistic Works.

Only intellectual property rights owners (i.e. trademark registrants, patentees, copyright proprietors, and owners of the rights related to copyright provided for in the Trademark Law, Patent Law and Copyright Law), can apply to the Customs for recordal of their intellectual property. A licensee using an intellectual property right may not apply for the IP recordal in his own name, but may be entrusted to do so by the aforesaid IP rights owners, and act as the agent of the right owner and in the owner's name. Non-Chinese mainland right owners are required to entrust natural persons, legal entities or other organizations (such as those established by overseas rights owners within the territory of the mainland) to apply to the General Administration of Customs.

To apply for the Customs recordal for IPR Protection, the applicant should submit the following documents, in addition to the Request Form for Customs of IPR for Protection Recordal:

- The right owner's ID, proof of the right owner's ID (and Chinese translation thereof), the power of attorney, and documents proving the agent's ID.

- To record a trademark, the applicant shall submit i) trademark registration certificate or proof thereof, ii) proof of any trademark assignment or change/modification, iii) proof of the trademark renewal, and iv) the trademark design.

- To record a copyright, the applicant shall submit i) proof of the copyright registration and photograph of the work certified by the copyright registration authorities (if the work has been registered overseas, attached with Chinese translation); and ii) other copyright-proofs.

- To record an invention patent, the applicant shall submit i) patent certificate, and ii) certified copy of patent register (to be submitted if the patent filing date is more than a year from the date on which the recordal request is filed or any bibliographic change has been made in the patent register).

- To record a utility model patent, the applicant shall submit i) patent certificate, ii) certified copy of

patent register (to be submitted if the patent filing date is more than a year from the date on which the recordal request is filed or any bibliographic change has been made in the patent register), iii) patent search report (to be submitted if the patent filing date or priority date is before October 1, 2009), and iv) patent evaluation report (to be submitted if the patent filing date or priority date is on or after October 1, 2009).

- To record a design patent, the applicant shall submit i) design patent certificate, ii) certified copy of patent register (to be submitted if the patent filing date is more than a year apart from the date on which the recordal request is filed or any bibliographic change has been made in the patent register), iii) patent evaluation report (to be submitted if the patent filing date or priority date is on or after October 1, 2009), iv) a copy of the figures of the published design patent, and v) other documents or evidence that the Customs considers necessary to submit.

The Customs IPR protection recordal shall take effect as of the date of certification and approval by the General Administration of Customs. If the term of an IP right is less than 10 years after the date of certification and approval by the Customs, the term of valid Customs recordal will be the term of the IP right. If the term of an IP right is more than 10 years after the date of certification and approval by the Customs, the term of valid Customs recordal will be 10 years. Within 6 months before the expiration of the validity period, the applicant can apply for renewal of the recordal, and each renewal is valid for 10 years.

In addition, special provisions in relation to the Customs recordal of patent right need to be noted, which are different from those on that of trademark right and copyright in terms of examination procedures. Under the Patent Law, the patentee needs to pay annuity within the prescribed time limit after the patent is granted to keep the patent valid, otherwise the patent will be terminated. Once the patent is terminated, the Customs recordal of this patent will also lose effect. Therefore, for the approved Customs recordal of patent right, the Customs will review it as to whether the annuity is timely paid to determine whether the Customs should continue to protect the patent right.

To this end, the patentee shall upload the annuity payment proof in the Customs IP filing system, that is, filling in the annuity form and uploading a copy of the patent register that proves the payment of the annuity. After the review by the Customs, the corresponding Customs recordal will be valid before the next year's validity period as stated in the copy of the patent register. If the patentee fails to upload the annuity payment proof in the Customs IP filing system on time, the term of the corresponding Customs recordal will be suspended at the expiration of the valid annuity period. In this event, the patentee may still upload the corresponding payment proof, and the validity of corresponding recordal will be restored upon review by the Customs.

The information of Customs IPR recordal is available

to the public on the official website of the General Administration of Customs.

There are many benefits with the Customs IPR recordal. Firstly, it is one of the prerequisites for the Customs to take active protective measures. Although, since the amendments made to the Regulations on Customs Protection of Intellectual Property Rights in December 2003, IP rights owners are no longer required to record their IPR before applying for the Customs protection, in absence of the IPR recordal, the Customs, even if finding that the infringing goods are about to enter or leave the country, would have no power to detain and actively suspend their import and export, nor do they have the power to investigate and deal with the infringing goods.

Secondly, recordal would help the Customs to find infringing goods. IPR owners need to apply to the relevant Customs for taking the protection measures when they find that the infringing goods are about to enter or leave the country, however whether the infringing goods would be found mainly depends on the inspection by the Customs. When applying for IPR recordal, the right owner needs to provide the legal status of the IPR, his contact information, the circumstances of lawful use of the IPR, the suspected infringing goods, relevant pictures and photos, etc., which will enable the Customs to find, and actively detain, the suspected infringing goods during their daily supervision of the goods. Therefore, the prior IPR recordal makes it possible for the right owners to secure the protection of their legitimate rights and interests in a timely manner.

Thirdly, the IPR owners will have relatively lighter financial burden. In the case of Customs investigation and handling *ex officio* (rather than at the request of the rights owners), the maximum guarantee provided by IPR owner to the Customs would generally not exceed RMB 100,000. Also, the owner of the exclusive right to use a trademark who has recorded such right with the Customs may also provide the general guarantee upon approval. By contrast, these who have not recorded his such right in advance would find it impossible to enjoy the above-mentioned treatment when the Customs investigates and handles a case ex officio as the Customs cannot take the initiative to protect his IPR *ex officio*. The owners have to provide the guarantee of the value equivalent to that of the goods requested to be detained as required by the Customs.

At last, recordal prevents possible future infringements. Since the Customs confiscates the import and export of infringing goods and imposes administrative penalty on import and export enterprises, early recordal of relevant intellectual property rights would send a warning to, and has deterrent effect on, those enterprises that have inadvertently imported and exported infringing goods in the past, and urged them to consciously respect the relevant intellectual property.

Is the HK Standard Patent Affected by Post-Grant Actions Relating to the Designated Patent?

Typically the Hong Kong standard patents stand alone and are not affected by post-grant actions relating to the designated patents which the Hong Kong standard patents extended from.

But there is an exception. Because grant in the European Patent Office is conditional upon there being no opposition within certain fixed time periods, grant of a standard patent in Hong Kong based on a European patent application is also subject to this condition. This means that if grant in Europe is revoked as a result of opposition in the European Patent Office, the Hong Kong standard patent based on the revoked patent will also be revoked, on application to the Intellectual Property Department of Hong Kong or to the court.

Similarly, post registration amendments to the Hong Kong standard patent can usually only be made by applying to the court. But if amendments arise as a result of opposition in the European Patent Office, amendments may be made to the corresponding standard patent by applying to the HKIPD within a short fixed time period.

15th Anniversary of the Establishment of Panawell

In 2018, Panawell & Partners, LLC has been in business operation for fifteen years.

Ms. Fenghua WANG and Ms. Cunxiu GAO (deceased), both the founders of the Firm, who had served the patent management department of the Chinese Academy of Sciences before and had rich patent practice and management experience, jointly founded Beijing Panawell & Partners, LLC in 2003. When Panawell & Partners, LLC, was established, there were 6 employees, mainly prosecuting patent applications for the Institute of Physics, the Institute of Physics and Chemistry, and the Institute of Acoustics of the Chinese Academy of Sciences. In the same year, the Firm had prosecuted and filed 206 patent applications. With more experience and better proficiency in patent prosecution, and more reputation among the clients, the Firm had, in 2006, served more than 40 clients, and filed 638 patent applications. After 2007, the Firm continued to expand in terms of scale of operation and number of partners, who had joined the Firm from large domestic patent agencies and the Patent Office, and the Firm operated in a more comprehensive manner. Since 2007, the Firm's business scope has covered all areas of intellectual property protection, including patent applications, trademark applications, copyright registration, custom protection, and legal proceedings for domestic and overseas clients. In 2015, the Firm officially established a law firm, and Panawell & Partners, LLC, now with 57 staff members, has become a medium-sized IP-related firm. Today, we are grateful to Ms. Fenghua WANG and Ms. Cunxiu GAO for the solid foundation they had laid for the Firm, and look forward to the Firm’s better and further development in the next fifteen and thirty years.

The Firm Offering Series of Lectures on Patent Prosecution for Patent Attorneys

Since September this year, the Firm has been offering a series of lectures on patent prosecution for patent attorneys with a view to improving the patent attorneys’ overall patent prosecution proficiency and capabilities. The lectures, with the Firm's partners as the main speakers, have provided a platform of interaction among the attorneys and a forum for in-depth discussion and analysis of specific cases based on the Firm’s

the Firm's practice procedures and rules.

So far, three lectures have been held: the partner Yong WANG's lecture on the issues and questions requiring attention in drafting patent applications; partner Guangxun GUO's lecture on the special characteristics of chemical invention patent applications as shown by Markush claims; and partner Shu XU's lecture on basic skills of patent attorneys. There will be altogether 8 lectures, with the last one expected to take place in July 2019. In addition, Ms. Li LIU, the Firm's trainee lawyer who teaches legal English writing at the University of International Business and Economics, will also give lectures on legal writing in the Firm.

Panawell opened Its WeChat Public Account

In order to enable clients to obtain, in a timely manner, information on domestic and international IP protection, about the IP-related laws and rules and concerning the guidelines pertaining to patent, trademark and copyright application, the Panawell & Partners, LLC opened its WeChat public account in November. Please click on the QR code below to follow the Panawell & Partners, LLC'public account.

Back Cover: Exterior of office block where Panawell locates

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