



2026.04

QUARTERLY

NEWSLETTER

PANAWELL INTELLECTUAL PROPERTY



Cover: Interior of office block where Panawell locates

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Panawell Intellectual Property, consisting of Panawell & Partners, 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.

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China Launches New Versions of IPC and Nice Classification

Starting from January 1, 2026, the China National Intellectual Property Administration (CNIPA) has started using the new versions of the International Patent Classification (IPC) and the International Classification of Goods and Services for the Registration of Trademarks (Nice Classification).

Compared with the old version (2025.01 version), the new version of IPC (2026.01 version) has revised a total of 1,615 classification codes, including 517 new codes and deleting 206 old codes. The CNIPA has translated and compiled relevant materials for the new IPC, including the IPC classification table, classification definitions, and comparison tables between the new and old versions. The public can access via official website <https://www.cnipa.gov.cn/col/col3161/index.html>.

The new version of the International Classification of Goods and Services for the Registration of Marks (Nice Classification) is the 2026 text of the 13th edition. For trademark registration applications with a filing date on or after January 1, 2026, the new version of the Nice Classification shall apply when classifying goods and services items; for applications with a filing date before this date, the old version of the Nice Classification shall

apply. Based on the Nice Classification, CNIPA has made corresponding adjustments to the Classification Table for Distinguishing Similar Goods and Services. For details, the public can access the document via <https://sbj.cnipa.gov.cn/sbj/tzgg/202512/W020251226396036585534.pdf>.

(Source: official website of the CNIPA)

2025 China Intellectual Property Development Summary

On January 7, 2026, the nationwide intellectual property office directors conference was held in Beijing, at which Mr. Changyu Shen, the CNIPA Director General, systematically summarized the remarkable achievements made in the intellectual property work in China in 2025.

China Breaks Into Top 10 for First Time in 2025 Global Innovation Index

The Global Innovation Index Report 2025 released by the World Intellectual Property Office (WIPO) shows that China's ranking has risen to 10th in the world, successfully entering the global top ten for the first time. Furthermore, China has 24 of the world's top 100 innovation clusters, maintaining the world's No. 1 position for 3 consecutive years.

Simultaneous IP Quantity and Quality Improvement

By 2025, the number of valid invention patents in China had exceeded 5 million, with the number of high-value invention patents per 10,000 people reaching 16. The number of valid invention patents in strategic emerging industries exceeded 1.4 million, maintaining rapid growth. The number of PCT international patent filings ranked first in the world for several consecutive years, while filings for industrial designs under the Hague System and international trademarks under the Madrid System are both among the top in the world. The number of valid domestic trademark registrations reached 50.816 million. More than 40,000 data intellectual property registration certificates were issued in pilot regions, and the amount of financing credit enhancement and license transactions approached RMB 15 billion yuan.

Examination Efficiency and Quality Steadily Improved

By the end of 2025, the average time for the examination of invention patents had been reduced to 15 months, and that for trademark registration remains stable at 4 months in China. Throughout the year, 972,000 invention patents were granted, and 4.206 million trademarks were registered. The accuracy rate of invention patent examinations and reexaminations exceeded 95%, while the pass rates for trademark examination, opposition, and adjudication spot checks all exceeded 97%.

IP Protection System Constantly improved

By 2025, the number of national-level intellectual property protection centers and rapid enforcement centers had reached 129, cumulatively handling 480,000 intellectual property enforcement cases. The overseas intellectual property dispute response guidance work platforms reached 116, cumulatively guiding responses to over 4,200 disputes, helping enterprises recover nearly RMB 41 billion yuan. The CNIPA, in collaboration with the Ministry of Justice, promoted the issuance of the Guiding Opinions on Strengthening Arbitration Work for Intellectual Property Disputes, and in cooperation with the Ministry of Industry and Information Technology, formulated and issued the Opinions on Further Strengthening Intellectual Property Protection in the Photovoltaic Industry. Together with the Supreme Court, it released typical cases of diversified mediation in intellectual property disputes, and work has been accelerated on the construction of a credit system in the field of intellectual property.

New Breakthroughs Made in IP Transformation and Utilization

In the past year, CNIPA had deeply advanced special actions to facilitate transformation and utilization of patents, strengthened construction of intellectual property operation centers, and issued

operational guidelines for construction of patent pools to guide the establishment of patent pools in key industries. It had jointly carried out comprehensive pilot projects for the intellectual property financial ecosystem with the Financial Regulatory Bureau, held the 14th China International Patent and Technology Products Fair at a high standard, and thoroughly implemented the Trademark Brand Value Enhancement Initiative for Thousands of Enterprises and in Hundreds of Cities.

Also at the meeting the key tasks were planned for 2026, including: continuously improving the quality of intellectual property grant and validity, improving the long-term regulatory mechanism for the agency industry, increasing efforts to regulate patent application acts and trademark malicious squatting that violate the principle of good faith, strengthening guidance for regional brand trademark registration applications, and promptly addressing trademarks with significant adverse impacts; accelerating the promotion of a new round of comprehensive amendments to the Trademark Law and the revision of the Regulations on the Protection of Layout Designs of Integrated Circuits, improving the intellectual property protection system in emerging fields, strengthening special legislation research for geographical indications, and speeding up the establishment of data IP protection rules;

increasing the intensity of administrative adjudication work and advancing diversified intellectual property dispute resolutions; focusing on building a long-term mechanism for the transformation and utilization of intellectual property, improving the pre-application evaluation of patents and the due diligence and liability exemption system for patent transfer and transformation, exploring the use of artificial intelligence to promote patent transformation and utilization models, supporting key regions to deepen comprehensive pilot projects of intellectual property finance ecosystems, vigorously implementing trademark brand strategies and geographical indication application promotion projects, supporting the cultivation of internationally renowned trademark brands, and vigorously developing geographically indicated specialty industries; deeply participating in global intellectual property governance within the WIPO framework, promoting the formulation of international rules for intellectual property in new fields and new business activities such as artificial intelligence, supporting all regions to orderly deepen intellectual property exchanges with foreign countries.

(Source: official website of the CNIPA)

Supreme Court Released List of Major Achievements Made by the IP Tribunal to Mark Its Seventh Anniversary

In January 2026, the Supreme People's Court (SPC) released a list of major achievements made by the Intellectual Property Tribunal (IPT) to mark its seventh anniversary, comprehensively summarizing the significant results the IPT has made since its establishment in promoting and safeguarding technological innovation, maintaining fair market competition, serving high-level opening-up, and deepening judicial system reform.

The Intellectual Property Tribunal, established on January 1, 2019, is a permanent adjudicatory body dispatched by the SPC and committed to mainly hear appellant cases involving patent and other technology-related intellectual property, and monopoly-related appellant cases nationwide. Over the 7 years, IPT has accepted a total of 24,602 cases and concluded 23,069, with significant progress made in the following aspects:

1. Further Harmonizing Ruling Standards

By centralizing jurisdiction over nationwide technical intellectual property and monopoly appellant cases, the lack of unified ruling standards has been addressed systemically, and

concerns about local protectionism are effectively resolved. As a result, many adjudicative rules have been evolved, with 9 cases becoming the guiding cases, 369 cases included in the court case database, and the key points of cases from the previous year published regularly, amounting to 453 cases and 510 items already released. The judicial authority operation mechanism has been improved, maintaining the substantial operation of collegiate panels, holding 558 professional justice meetings, and discussing 3,803 cases. Ensuring consistent rulings to be followed in similar cases, implementing comprehensive case retrieval, and establishing a system for disclosure of related case information. Supervision and guidance of lower-level courts have been strengthened, a mechanism for case-by-case reporting and feedback on the quality and efficiency of first-instance trials, established, and more than 1.52-million-word analysis reports on overturned cases issued annually.

2. Further Improving Trial Quality and Efficiency

Trial management has been continuously strengthened, and various trial quality indicators have been significantly optimized. Adhering to the principles of "correcting rather than issuing" and "mediating wherever possible", the reversal rate for civil substantive cases such as infringement and property rights in second-instance trials is

20.9%, and the mediation and withdrawal rate 37.7%, both significantly higher than those before the reform and also higher than the national average for civil second-instance cases during the same period. The reversal rate for administrative substantive cases such as patent grant and validity cases in second-instance trials is 7.3%, basically equivalent to those before the reform. The rate of remanding cases for retrial in second-instance trials is far lower than the national level, with only 2 cases in 2024 and zero cases in 2025. The average trial time for cases is shorter than before the reform, with jurisdictional cases in 2025 taking only 25.3 days. Focus has been placed on building litigation integrity, resulting in 13 judicial penalties, 17 referrals of illegal or criminal clues, 3 judicial recommendations, 1 case determined as false litigation, and 8 as malicious litigation.

3. Further Enhancing Judicial Credibility and International Influence

Many cases have had significant impacts both domestically and internationally. Four cases entered the Top Ten Cases Driving the Rule of Law in the New Era, and over 270 cases were published by the Supreme Court as various thematic typical cases. Equal protection of rights for domestic and foreign rights holders is ensured under the law, with 2,546 international-related cases accepted, accounting for 10.3%, growing at an average annual rate of 18.7%. A total of 2,046 cases were concluded, and an increasing number of foreign entities are choosing Chinese courts to resolve

their intellectual property disputes. By focusing on international frontiers, active exploration has been carried out on issues such as jurisdiction over global standard-essential patent licensing disputes, injunctions and anti-injunctions, permanent injunctions, and determination of rates.

Domestic and international attention on court work has been high, with the case database of international organizations such as WIPO recording nearly 80 court rulings. Efforts have been made to tell the story of Chinese judicial work well, with court annual reports published in both Chinese and English. Website visits in both Chinese and English have exceeded 620 million, visits to the English website have exceeded 160 million, and the official social media accounts have 130,000 followers.

4. Further Boosting Judicial Protection for Implementation of the National Innovation-Driven Development Strategy and Intellectual Property Strategy

Effectively serving and safeguarding the development of new types of productive forces, 6,745 cases involving strategic emerging industries were accepted, increasing from 17.6% in 2019 to 32.4% in 2025; 6,543 administrative cases on grant, registration and validity of patent and other types of intellectual property rights were

accepted, with an average annual growth of 31.8%, of which 3,704 administrative cases involving invention patent grant and validity were accepted, with an average annual growth of 26.0%; 5,354 invention patent infringement cases were accepted, with an average annual growth of 11.5%; 183 cases involving standard essential patents were accepted; 41 pharmaceutical patent cases were accepted; 923 cases involving new plant varieties were accepted, with an average annual growth of 46.2%, and the patentees' win rate reached 90% in 2025. Protection efforts were substantially increased, with 58 cases awarded punitive damages totaling 2.05 billion yuan, averaging over 35 million yuan per case; there were 73 cases with high damages exceeding 10 million yuan, totaling 5.24 billion yuan, averaging nearly 72 million yuan per case. Judicial antitrust function was effectively utilized, and 203 monopoly cases were concluded, of which 66 were found constituting monopoly, covering numerous technology and livelihood areas such as pharmaceuticals, communications, e-commerce, education, construction, and funeral services. The IP tribunal continuously improved the trial rule system, producing many rulings of industry guidance significance. By holding 558 professional justice meetings to discuss 3,803 cases, implementing classified case searches, and disclosing information on related cases, consistency was delivered in handling technology-related intellectual property cases, providing clear judicial frame of references for legal practice.

In the future, the IP tribunal will vigorously promote

the reform of the appellate trial mechanism for intellectual property cases at the national level, continuously improve the quality and efficiency of case trials, and provide legal protection for intellectual property and fair competition.

(Source: official website of the Supreme Court)

SAMR Released 2025 IP Enforcement Report and 2026 Work Plan

On February 6, 2026, the State Administration for Market Regulation (SAMR) held a special press conference on the 2025 intellectual property enforcement situation in China, comprehensively introducing the significant achievements of IP enforcement work over the past year, and planning for the key tasks in 2026.

I. Review of IP Enforcement Work in 2025

Conducting special campaigns and strictly investigating major cases. In 2025, the SAMR continued to carry out the specific enforcement campaign of intellectual property protection, strictly cracking down on illegal activities in trademarks, patents, geographical indications, and other areas. Throughout the year, a total of 37,000 illegal cases were investigated and handled, involving an amount of RMB 677 million yuan, and 1,130 suspected criminal cases were transferred

to judicial authorities. The SAMR directly organized the investigation and handling of multiple major cases, and at this press conference, it released the top ten typical intellectual property enforcement cases handled by the Market Regulation Department in 2025.

Promoting institutional development. In recent years, enforcement by market supervision authorities has revealed that it is very common for online stores involved in cases not to operate at their publicly listed addresses, making it difficult to locate them during enforcement actions. In response to the prominent issue of these "ghost online stores", SAMR organized the drafting of the Regulations on the Obligation of E-Commerce Platforms to Cooperate in Investigating Trademark Infringement Cases, further strengthening platform obligations and optimizing investigation procedures. These regulations were made publicly available for comments at the end of 2025. In addition, to address the difficulty in identifying illegal acts such as counterfeiting well-known trademarks in trademark enforcement, efforts are underway to develop the Rules for Administrative Enforcement in Market Regulation on Determining Trademark Similarity Infringement, providing stronger and more effective legal support to combat prominent issues like "shanzhai" or non-authentic or non-genuine brands and "piggybacking on famous brands".

Deepening government-enterprise collaboration and promoting social co-governance. At present,

acts of infringement and counterfeiting are increasingly concealed. To more efficiently detect clues of infringements and illegal activities and to quickly investigate and collect evidence, SAMR has organized the establishment of the Government-Enterprise Collaboration Mechanism for Brand Protection, which requires market regulation departments to respond promptly to enterprise reports, investigate case clues in a timely manner, and for enterprises to actively cooperate with market regulation departments, actively report case clues, promptly provide opinions on authenticity identification, and assist in enforcement investigations. The first batch of 60 enterprises participating in the government-enterprise collaboration comprehensively covers key industries such as food, clothing, electrical appliances, and daily necessities. Among them are state-owned enterprises, private enterprises, as well as foreign-invested enterprises, reflecting equal protection of intellectual property enforcement by the market regulation departments.

Expanding international exchanges. In November 2025, the SAMR and WIPO jointly held the International Conference on Intellectual Property Enforcement Exchange, which was attended by international organizations, representatives from multiple countries, and 104 Chinese and foreign companies. The conference showcased China's

practices and achievements in intellectual property enforcement, and the typical cases handled had a positive international impact.

II. Work Plan for 2026

This year, the SAMR will continue to strengthen the enforcement of IP rights, with a particular focus on cracking down on and regulating infringement and counterfeiting activities in e-commerce.

i) Fully leverage the role of the government-enterprise collaboration mechanism for brand protection and organize the investigation and handling of multiple major cases that run across provincial boundaries, involve large amounts of damage, and have significant impact.

ii) Conduct a "look-back" review of 81 e-commerce platforms on their implementation of the 2024 Self-discipline Convention for Improving Intellectual Property Protection on E-Commerce Platforms.

iii) Organize research on e-commerce platforms to develop specific measures for implementing the Provisions on the Obligations of E-Commerce Platforms to Cooperate with Investigations of Trademark Infringement Cases and supervise their implementation.

The SAMR will continue to strengthen development of laws and regulations, comprehensively promote cultivation of professional teams for intellectual property enforcement, further boost international exchanges and cooperation, and serve high-level

opening-up to the outside world.

(Source: official website of the State Administration for Market Regulation)

Technical Contribution and Inventive Step Examination under the Three-Step Approach: Comments on the Revision of Inventive Step Examination Rules in the 2025 Edition of the "Patent Examination Guidelines" and Practical Response

Mr. Richard Wang, Patent Attorney, Panawell & Partners

The China National Intellectual Property Administration (CNIPA) issued Order No. 84 on November 10, 2025, refining Section 6.4 of Chapter 4 in Part II of the "Patent Examination Guidelines" (hereinafter referred to as the "Guidelines"), clarifying that "features that do not contribute to solving the technical problem" generally do not affect the assessment of inventive step. Since the standards for inventive step examination have always been a focal and challenging issue in patent applications and examinations, this revision has sparked widespread attention and discussion within the industry. This article will analyze the impact of this revision on inventive step examination from four dimensions: the background of the revision, the legal rationale, the analysis of contribution under technical problems, and practical responses.

Before-and-After Comparison Table

"Patent Examination Guidelines" (Order No. 77)	"Patent Examination Guidelines" (Revised pursuant to Order No. 84)
Chapter 4 of Part II 6.4 Examination on the Claimed Invention The determination of whether an invention involves an inventive step shall be directed to the claimed invention, and therefore the evaluation of inventive step shall concern the technical solutions as defined in the claims. The technical features by which the invention makes contribution over the prior art, such as the technical features bringing about unexpected technical effects for the invention, or the technical features reflecting how the invention overcomes a technical prejudice, shall be included in the claims; otherwise, they shall not be taken into account in evaluating the inventive step of the invention, even if they have been set forth in the description. Moreover, the	Chapter 4 of Part II 6.4 Examination on the Claimed Invention The determination of whether an invention involves an inventive step shall be directed to the claimed invention, and therefore the evaluation of inventive step shall concern the technical solutions as defined in the claims. <u>When assessing inventive step, the evaluation shall be directed to the whole of each technical solution defined in the claims, that is, it is the technical solution as a whole, rather than the individual technical features, that shall be evaluated as to whether involving an inventive step.</u> The technical features by which the invention makes contribution over the prior art, such as the technical features bringing about unexpected technical effects for the invention, or the technical features reflecting how the invention overcomes a technical prejudice, shall be included in the claims; otherwise, they shall not be taken into account in evaluating the inventive step of the invention, even if they have been set

"Patent Examination Guidelines" (Order No. 77)	"Patent Examination Guidelines" (Revised pursuant to Order No. 84)
evaluation of inventive step shall be directed to the whole of each technical solution defined in the claims, that is, it is the technical solution as a whole, rather than the individual technical features, that shall be evaluated as to whether involving an inventive step.	forth in the description. Moreover, the evaluation of inventive step shall be directed to the whole of each technical solution defined in the claims, that is, it is the technical solution as a whole, rather than the individual technical features, that shall be evaluated as to whether involving an inventive step. <u>Features that do not contribute to solving the technical problem, even if included in the claims, generally do not affect the inventive step of the technical solution.</u> <u>【For example】</u> <u>An invention relates to a camera, where the technical problem to be solved is how to achieve more flexible control of the shutter. This technical problem is addressed by improving the relevant mechanical and circuit structures inside the camera. After the examiner pointed out that the claims lacked inventive step, the applicant added features to the claims, including the shape of the camera casing, the size of the display screen, and the location of the battery compartment. The specification does not indicate any connection between the newly added features in the claims and the solution to the technical problem. These newly added features are either conventional components inherently implied by the subject matter of the claims or can be obtained by a person skilled in the art based on their ordinary technical knowledge and routine experimental means. The applicant also did not provide evidence or sufficient reasoning to demonstrate that these technical features could bring any further technical effect to the claimed technical solution. Therefore, the aforementioned technical features do not contribute to solving the technical problem and do not confer inventive step to the claimed technical solution.</u>

I. Nature of the Revision: Radical Shift or Refinement of Rules?

Regarding this revision, the industry's primary concern is whether there has been a substantive change in the criteria for inventive step examination. Based on official interpretations and an analysis of legal principles, the author contends that this revision demonstrates notable characteristics of "stability" and "guidance."

1. Stability of the Examination System

This revision explicitly states that the assessment of inventive step should still follow the "three-step approach" stipulated in the original "Guidelines": determining the closest prior art, identifying the actual technical problem to be solved by the invention, and judging whether the prior art provides technical inspiration. This indicates that the underlying logic and criteria for inventive step examination have not undergone fundamental changes. Therefore, examiners must still establish a baseline through prior art searches when reviewing claims, identify distinguishing technical features by comparing them with prior art references, and determine whether the improvement would have been obvious from the perspective of a person skilled in the art. Thus, this revision does not constitute a fundamental change to the inventive step examination system but rather represents a localized optimization of the existing examination framework.

2. Formalization of Practical Experience into Guidelines

In fact, in examination practice over the past years, examiners have developed a routine and mature approach for cases where claims include an accumulation or dispersal of extensive common knowledge or conventional technical means. Specifically, when a claim contains numerous distinguishing features, if these features are merely conventional means in the field and do not produce a synergistic effect, examiners typically

consolidate and collectively address them, arguing they do not contribute to inventive step. This revision essentially elevates this long-standing examination practice into formal rules and regulations. Its purpose is to provide clear guidance to both examiners and the industry, enhance the consistency and predictability of examination standards, and reduce inconsistencies arising from subjective interpretation differences among examiners.

II. Analysis on Core Amendment: Technical Contribution and Holistic Evaluation

1. Relocating the Position of the "Holistic Principle"

This revision moves the statement that "the evaluation shall be based on the technical solution as a whole as defined by the claims" from the end of the section to the first paragraph. This adjustment carries symbolic significance, as it requires examiners to adopt a "holistic view" of the technical solution from the very first step of reviewing the claims, rather than falling into the trap of "feature-by-feature comparison." Additionally, it clearly conveys to applicants that the "quantity" of distinguishing technical features does not equate to the "quality" of inventive step. If multiple distinguishing features are merely simple accumulations or combinations of existing technical features, their inventive merit may be far inferior to that of a single transformative core feature.

2. Deep Integration of the "Contribution Analysis" Method

This revision emphasizes the role of "contribution analysis" in assessing inventive step. According to this provision, the distinguishing features of a claim can be categorized into two sets: features that contribute and features that do not. Features that contribute refer to those that produce unexpected technical effects or reflect the overcoming of technical prejudice, thereby contributing to solving the technical problem addressed by the invention. These features represent the "soul" of inventive step and must be included in the claims; otherwise, even if described in the specification, they are not considered during the evaluation of inventive step. Features that do not contribute refer to those unrelated to the technical problem solved by the invention, or those that are conventional or implicit in the field. The new "Guidelines" explicitly state that such non-contributory features should be disregarded in the evaluation of inventive step, even if they are included in the claims.

III. In-depth Analysis: Feature Correlation and Combination Analysis under Technical Problems

In both prosecution and examination practice, the most complex and common scenario involves claims with multiple distinguishing features. These features may be directed toward the same technical objective, addressing one or multiple technical problems, or they may be directed toward different technical objectives, addressing

distinct technical problems. Determining which technical features "contribute" in accordance with the new "Guidelines" will be a challenging aspect in future inventive step evaluations. The author proposes that analysis and argumentation can proceed from the following two perspectives:

1. Integrated Contribution to a Single Technical Problem

If all the distinguishing technical features of an independent claim collectively and directly or indirectly address the same technical problem, and there exists a functional relationship of mutual support or interaction among them, then each distinguishing technical feature can be regarded as contributing to the solution of that problem and must be considered as a whole. In such cases, when responding to inventive step objections, applicants should emphasize the "chemical reaction" or "synergistic effect" among the features, for example, how feature A creates the precondition for the application of feature B, or how the combination of features A and B produces a technical effect where $1+1>2$. In this context, each feature constitutes a component of the inventive step.

2. Scenario Involving Multiple Technical Problems

In practice, it is common for the multiple distinguishing technical features of an independent claim to "operate independently." Taking the example provided in this revision: distinguishing technical features A (mechanical structure),

B (circuit structure), and C (control method) are related to the camera's shutter structure, collectively improving the shutter control mechanism to address the issue of "shutter control flexibility" (Problem X). Meanwhile, distinguishing technical features D and E involve the color of the casing or the size of the display screen, aiming to address issues of "aesthetics" or "portability" (Problem Y). In accordance with examination practice and the spirit of this revision, if the specification does not indicate any connection between features D and E and the resolution of the core problem X, and if these features constitute conventional means in the field, they will be deemed "non-contributory features" with respect to solving technical problem X when evaluating inventive step.

Meanwhile, since there is no synergistic effect between the distinct technical feature sets {A, B, C} and {D, E}, which do not collectively address a same technical problem but instead solve different technical issues separately, the claim is essentially regarded in legal theory as a simple combination of two different technical solutions. The applicant may choose either technical solution (typically selecting the relatively most innovative one, such as the solution addressing problem X) for arguments supporting inventiveness. Of course, if both technical solutions potentially possess inventiveness, the applicant may also present separate arguments for inventiveness for each solution. This situation usually arises from improper drafting of the application documents,

as experienced patent attorneys could have drafted them as different independent claims from the outset, protected them in separate applications, or structured them hierarchically based on their respective levels of inventiveness.

Therefore, the applicant must clearly recognize that since technical features D and E have been determined to "not contribute to" technical problem X, they cannot provide additional inventive value to the overall solution. If the core distinguishing technical features {A, B, C} are covered by prior art or deemed obvious, then adding any number of D and E features will not save the patent or patent application.

IV. Practical Strategy Recommendations

1. Drafting Phase

Patent attorneys and inventors must fully recognize the technical problems that the invention aims to solve and is capable of solving during the drafting stage. They should precisely distill the inventive concept and focus on the core technical contribution. Correspondingly, independent claims should center on the features that genuinely contribute to solving a specific technical problem, ensuring the features are "few but essential." This not only makes it easier to establish the inventive step but also avoids the inclusion of unnecessary technical features in the claims, thereby expanding the scope of protection as much as possible while maintaining the inventive step. Additionally, when drafting the specification, it is essential to clearly

document the correspondence between all key features in the claims and the technical problems. Causal links between technical features and technical problems should be established through logical reasoning, theoretical deduction, or experimental verification.

Continuing with the example provided in this amendment, the applicant may draft the application documents by highlighting the technical contribution as follows:

Distinguishing Technical Features: Add a specific signal feedback loop to the circuit control module (Feature A), and correspondingly improve the current compensation algorithm for the shutter drive electromagnet (Feature B).

Corresponding Technical Problem: Address the issue of inconsistent shutter response delays during high-speed continuous shooting, enabling more flexible and precise shutter control.

Corresponding Technical Effect: By utilizing Feature A to monitor the shutter status in real time and Feature B to dynamically compensate the current, the deviation in shutter response time is reduced, effectively preventing out-of-focus images during high-speed continuous shooting.

It is obvious that Features A and B directly contribute to solving the technical problem and should therefore serve as the foundation for assessing inventiveness.

In contrast, if the description and claims include

the following distinguishing technical features: a streamlined design of the housing (Feature C) and an increased display size of 5.5 inches (Feature D), the corresponding technical problem is to enhance the camera's aesthetic appeal and viewing clarity.

During the examination process, if the core inventive problem is determined to be "shutter control," features such as C and D bear no functional correlation to solving this problem. In the assessment of inventiveness, these features will be deemed non-contributory to resolving the technical problem.

If a specific feature (such as a particular display size) does indeed influence the core functionality (for example, assisting with shutter focusing speed) in a given scenario, the description must thoroughly document this causal relationship, supported by data, structural explanations, or theoretical evidence.

2. Response Phase

When responding to inventive step objections, it is essential to completely abandon the tactic of simply amassing features and instead shift towards argumentation based on "contribution", focusing the argument on explaining why and how the distinguishing technical features contribute to solving the technical problem. This requires the patent agent to possess a deeper technical understanding, enabling them to argue from fundamental principles—such as physical mechanisms, circuit logic, or chemical reactions—to

demonstrate the indispensability of the distinguishing features for resolving the technical issue. Simultaneously, it is crucial to strengthen evidence awareness by proactively utilizing comparative experimental data or test reports to prove the existence of the technical effects. When demonstrating these effects, priority should be given to the comparative experimental data, test reports, or simulation results documented in the specification. Objective evidence serves as the most powerful weapon to refute any assertion of "non-contribution."

V. Conclusion: Emphasizing the Legal Essence of Inventiveness

The revision of the 2025 Guidelines does not raise the threshold for inventiveness. Instead, by refining examination operational rules, it blocks speculative practices like "feature amassment" at the institutional gate. It conveys a clear message to applicants and patent agents: inventiveness represents the legal respect for the height of innovation; it has nothing to do with the length or complexity of claim wording but is solely concerned with the substantive contribution the invention makes to the prior art. For genuine innovators, this represents a higher level of protection. It ensures examination resources are focused on technologies with substantive innovative value, enhancing the consistency and authority of the examination process. In the future patent landscape, only those inventions that can clearly construct a logical chain linking

"features-problems-effects" and genuinely solve technical pain points will secure robust and high-quality patent protection.

Author:

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Mr. Wang received his bachelor's degree in 1991 from the department of computer science of East China Normal University and his master's degree from the Institute of Computing Technology of the Chinese Academy of Sciences in 1994. In 2005, he received degree of master of laws from Renmin University of China. Mr. Wang joined Panawell in January 2007.

In the past years, Mr. Wang has handled thousands of patent applications for both domestic and foreign clients, and he has extensive experiences in application drafting, responding to office actions, patent reexamination and invalidation proceeding, patent administrative litigation, infringement litigation, software registration and integrated circuit layout design registration. As a very experienced patent attorney and attorney-at-law, Mr. Wang also participated in many patent litigation cases on behalf of a number of multinational companies as leading attorney. Mr. Wang's practices include computer hardware, computer software, communication technology, semiconductor devices and manufacturing process, automatic control, household electrical appliances, and etc.

Supreme Court Released Guiding Cases on Boosting Judicial IP Protection for Technological Innovation

On February 28, 2026, the Supreme People's Court (SPC) held a press conference on boosting the judicial protection of intellectual property for technological innovation, releasing seven thematic guiding cases to guide the courts at all levels in hearing new-type and complex cases of intellectual property disputes, further improving quality and efficiency of trials of IP cases, and boosting judicial protection for technological innovation.

According to the information released at the press conference, in 2025, national courts concluded 63,971 first-instance civil cases involving technical intellectual property, including 51,211 patent cases, 1,279 new plant variety cases, 1,079 trade secret cases, and 10,402 technology contract cases; 2,471 first-instance administrative cases involving patents and other technical intellectual property were concluded; 505 intellectual property cases heard with the awarded punitive damages totaling 1.8 billion yuan. In 2025, the Supreme Court, together with the Supreme Procuratorate, issued a criminal judicial interpretation on intellectual property, further specifying the threshold for criminal liability in cases of trade secret infringement and increasing the severity of penalties. Currently, SPC is drafting the third judicial interpretation on patent infringement, which will lay out regulations on issues such as

case jurisdiction determination, trial of overlapping civil and administrative cases, determination of scope of protection, review of non-infringement defenses, and identification of malicious litigation. In addition, in terms of technical fact investigation, by the end of 2025, the national judicial technology investigation talent database established by the Supreme Court had 1,327 technical experts included, delivering nationwide resource sharing and dispatch as needed.

The guiding cases released this time actively explore such specific difficult issues as characterization of complex infringement acts, investigation of technical facts, manner of fulfilling obligation to cease infringement, determination of damages amount, and curbing abuse of rights, and will positively impact the technological innovation protection and industry governance promotion.

Case 1: A trade secret infringement case caused by the company's many technical staff leaving within a short period

Case Number: (2018) Shanghai Civil First Instance No. 102 ; (2023) Supreme Court Intellectual Property Civil Final No. 1590

Major Ruling Point:

If the alleged infringer recruits professional staffers from other enterprises, thereby creating a channel or opportunity to obtain technical secrets of that enterprise, and produces products related to the enterprise's technical secrets within a period significantly shorter than the reasonable

time that would otherwise require for independent research and development, it is presumable that the alleged infringer has engaged in an act of misappropriating trade secrets, except when the alleged infringer provides contrary evidence that is sufficient to rebut the presumption.

If the court rules that the alleged infringer of the trade secrets must cease and desist from the infringement, it may, based on a comprehensive consideration of factors such as the nature of the protected interests, the severity of the infringement, and the possibility of future continued infringement, lawfully clarify the specific requirements for the alleged infringer to cease and desist from the infringement, including: ceasing the use of the trade secrets to manufacture products themselves or to outsource the manufacture of related products; ceasing the sale of products manufactured using the trade secrets; not implementing or otherwise disposing of related patents applied for using illegally obtained trade secrets without permission, including maliciously abandoning patent rights; destroying the relevant media containing trade secrets held or controlled by the infringer and related units or personnel under court supervision and in the presence of the rights holder, or transferring them to the rights holder; and informing company shareholders, senior management, employees who have left the rights holder to join the infringer or its affiliated companies, personnel involved in relevant R&D work, all employees, affiliated companies, and upstream and downstream manufacturers who

may have knowledge of the trade secrets in the case of the court's requirements to stop the infringement, whether by announcement or internal notice, and signing confidentiality agreements regarding the trade secrets involved in the case and non-infringement commitments with the relevant personnel or units.

If the court orders the alleged infringer to cease the infringement, it may comprehensively consider factors such as the nature and circumstances of the infringement and the damage that may result from a delay in fulfilling the obligation to cease the infringement. The court may also explicitly determine the damages for delayed performance by the alleged infringer in ceasing the infringement. The relevant payment standards can be calculated on a daily, monthly, or other period basis, based on the number of product units or other scales, or determined as a one-time fixed amount.

Court Analysis:

The highlight of this case lies in the detailed specification of the concrete method for ceasing the infringement and strengthening the enforceability of the judgment. The judgment in this case lists in detail what to cease, how to cease, until when to cease, the consequences of not ceasing, and even the template for the letter of undertaking needed during the process of ceasing the infringement, so that the infringer "knows how to cease and understands that not ceasing is not an option". This is key to ensuring that the liability for ceasing infringement is enforced.

Case 2: Clarify how civil liability for infringement in promised sales is assumed

Case Number: (2019) Shandong 02 Civil First Instance No. 169; (2020) Supreme Court Civil Final No. 1658

Major Ruling Point:

An infringer who engages in promised sale without the patentee's permission shall not only bear the civil liability under law for ceasing the infringement and paying for the reasonable enforcement expenses, but also bear civil liability for the damages under law. This liability for damage does not require actual sales to occur. Regarding the amount of damages, when the losses caused to the patentee by the promised sale infringement, the benefits obtained by the infringer, and the patent license fee are all difficult to determine, the court may reasonably determine it within the range of statutory damages, taking into account the infringer's fault and the circumstances of the infringement.

Court Analysis:

This case makes it clear that the liability for damages for promised sales does not depend on actual sales, providing strong support for moving forward the threshold for ceasing infringement and claiming damages. It allows the right holder to obtain relief even when the infringing seller has not yet actually made sales or when it is difficult to prove actual sales, reflecting the basic legal principle that relief is available when there is

and damages are due when infringement exists.

Case 3: Clarify the rules for determining the nature of "organized sales acts" in seed sales industry

Case Number: (2020) Jiangsu 01 Civil First Instance No. 773 (2021); Supreme Court Intellectual Property Civil Final No. 816

Major Ruling Point:

The alleged infringers who organize the buying and selling of the allegedly infringing seeds, and actually take the lead in determining specific transaction conditions such as the transaction price, transaction quantity, and performance time, constitute the organizers and decision-makers of the transaction, it can be determined that they have directly carried out the act of selling the allegedly infringing seeds.

Court Analysis:

This is a typical case of determining and regulating new forms of infringement in the online environment. The case legally determined that the operator of the platform which, under the name of providing "information matching" intermediary services, organized the platform for the sale and purchase of the allegedly infringing seeds by creating WeChat groups and other trading platforms, actually carried out the seed sales. This reflects the judiciary's timely response and effective regulation of the new forms of illegal online sales of infringing seeds, highlighting the court's full-chain, penetrating protection of plant

variety rights, and its judicial orientation to effectively encourage and safeguard agricultural technological innovation.

Case 4: How to apply the "three-step method" to determine inventiveness of patents in the field of chemistry and biology

Case Number: (2018) Beijing 73 Administrative First Instance No. 6483; (2019) Supreme Court Intellectual Property Civil Final No. 235

Major Ruling Point:

In the examination of patent cases in the fields of chemistry and biology, when applying the "three-step method" to determine whether the patent in question possesses inventiveness, whether a person skilled in the art has a reasonable expectation of success for the relevant invention is a factor for considering the presence of motivation to improve or technical revelation, and not a factor for identifying the closest prior art. If a party attempts to deny the identification of the closest prior art on the grounds of lacking a reasonable expectation of success, the court will not support it. In the examination of patent cases in the fields of chemistry and biology, when determining whether there is a reasonable expectation of success, the standard should be whether a person skilled in the art would consider it "worth trying", rather than requiring certainty of success or a high likelihood of success. If a person skilled in the art is motivated to attempt starting from the closest prior art and can reasonably expect to achieve the patentable technical solution, it can be determined

that the patented technical solution does not possess inventiveness.

Case 5: How to determine patent infringement when there are objective obstacles to obtaining or disassembling the alleged infringing product, making it impossible to use the physical product as a basis for technical comparison.

Case Number: (2018) Jiangsu 01 Civil First Instance No. 366; (2021) Supreme Court Civil Appeal No. 3831

Major Ruling Point:

In determining patent infringement, if there are objective obstacles to obtaining or disassembling the allegedly infringing product, making it impossible to use the product itself as a basis for technical comparison, but there is evidence proving that the allegedly infringing product drawings are highly consistent with the physical product, the court may use these drawings as the basis for technical comparison. For the technical features specified in the claims that are present when the product operates normally, a comparison can be made using the technical features exhibited by the allegedly infringing product under normal operation as determined by a person skilled in the art through analysis of the drawings.

Case 6: Acts of malicious litigation resulting from abuse of litigation right shall be subject to infringement liability under law

Case Number: (2022) Fujian 02 Civil First Instance

No. 151; (2022) Supreme Court Intellectual Property Civil Final No. 1861

Major Ruling Point:

If a party knowingly brings a patent infringement lawsuit against another party despite his claims obviously lacking legal basis or factual grounds, thereby harming the rights and interests of the other party, it constitutes malicious litigation for his abuse of the right to sue; if the other party requests that the malicious litigant bear liability for infringement, the court shall support it under law.

Court Analysis:

Civil litigation is an important channel for parties to enforce their rights, and actions to defend one's rights should not be overly criticized. Therefore, determination of malicious litigation should be conducted with strict caution. This case clearly defines the constitutive elements of malicious litigation, aiming to delineate the boundary between lawful rights enforcement and malicious litigation. In this case, the party knew that his patent right no longer existed but still filed a lawsuit, which was clearly intended to harm the other party, constituting malicious litigation. It can thus be seen that the key to distinguishing between lawful right enforcement and malicious litigation lies in two aspects: first, whether the lawsuit objectively lacks legal basis or factual grounds; and second, whether the party's subjective purpose in filing the lawsuit is to harm others or to enforce his own legitimate rights.

Case 7: How to prove that the allegedly infringing software is substantially similar to the copyrighted software in a case of dispute over computer software copyright infringement

Case Number:(2018) Guangdong 73 Civil First Instance No. 1099; (2020) Supreme Court Intellectual Property Civil Final No. 155; (2021) Supreme Court Civil Appeal No. 4246

Major Ruling Point:

In a dispute over infringement of computer software copyright, if the software copyright proprietor or owner can provide evidence showing that the allegedly infringing software shares the same specific information as the copyrighted software, such as the name, version number, and ownership information, or that the software interface design is highly similar, the court would generally determine that the two software programs are substantially similar without comparing the software codes, unless the alleged infringer presents contrary evidence sufficient to refute this. In a dispute over intellectual property infringement, if the alleged infringer obstructs the preservation of evidence by the court through violence, coercion, or other means, the court can make adverse factual inferences against them under the law, including determining that products preservation of which failed under law constitute infringement, and may take the act of obstructing evidence preservation into account as a factor of infringement when determining the specific amount of damages.

Since it issued the Provisions on Case Guidance Work in 2010, the Supreme Court has officially established the system of guiding cases, which would serve as a frame of reference for trial and enforcement work of courts at all levels and should be referred to when hearing similar cases. In July 2023, the Supreme Court decided to create the People's Court Case Database, which collects guiding cases and reference cases that the SPC reviews and deems to have guiding and exemplary value for the trial of similar cases. Up to now, the SPC has issued 49 batches of 279 guiding cases, which play an important role in harmonizing the ruling standards, promoting judicial fairness, and enhancing the public's awareness of the rule of law.

(Source: the Supreme Court)

What Are the New Changes to the Filing of Chinese Patent Applications in 2026?

The Patent Examination Guidelines revised by the China National Intellectual Property Administration (CNIPA) in November 2025 has taken effect since January 1, 2026, bringing about several new changes to the filing of Chinese patent applications.

1. Citizenship of Inventors

At the filing of a Chinese patent application, the citizenship of all inventors shall be provided. For new applications filed through the CNIPA's e-filing system, the citizenship of all inventors is mandatory, and the application cannot be transmitted without this information.

2. ID Numbers of Chinese Inventors

If any inventor is Chinese, his Citizenship Identification Card Number (or other ID numbers, such as the passport number) will be also required. For new applications filed through the CNIPA's e-filing system, if an inventor's citizenship is entered as "China", the ID number field will become mandatory. If this info is not entered, the application cannot be transmitted; if the info is entered incorrectly, the CNIPA will issue a notification to request the applicant to make rectification.

3. Telephone Number of Chinese Applicants

Applicants with a nationality or registered place of

business in China shall provide their telephone number. For new applications filed through the CNIPA's e-filing system, if the applicant's "nationality or country/region of registration" is entered as "China", the telephone number field becomes mandatory. This can be entered as a mobile phone number or in the format "area code + landline number". The application cannot be transmitted without this info.

It should be noted that the citizenship of inventors, inventors' ID numbers, or applicants' telephone numbers are not public information, and will not be disclosed in the publication documents or the CNIPA's online database.

4. Application Documents in XML Format

Following the upgrade of the CNIPA's e-filing system on January 1, 2026, new patent application documents filed through this system can only be submitted in XML format. Application documents in non-XML formats can no longer be submitted electronically.

Moreover, according to the "Notice on Further Promoting the Use of Extensible Markup Language (XML) Format for Filing Electronic Patent Applications" issued by the CNIPA on May 20, 2025, if applicants submit application documents in paper form, they will be deemed to have automatically waived the right to benefit from special examination procedures such as prioritized examination, quick examination, Patent Prosecution Highway (PPH),

deferral of examination, and concentrated examination.

5. Official Fee for Excessive Specification

Because of changes in the formatting of XML documents from January 1, 2026, the number of pages occupied by the description with the same word count is generally reduced, which helps to lower the official excessive specification fee.

Furthermore, according to the newly revised Patent Examination Guidelines, for application filed on or after January 1, 2026, nucleotide or amino acid sequence listings submitted in ST. 26 format will no longer be counted in the page calculation for the excessive specification fee. In other words, applicants will no longer be required to pay excessive specification fees for sequence listings.

2026 INTA Annual Meeting



INTA 2026 ANNUAL MEETING
London, England | May 02 - 06, 2026

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PANAWELL & PARTNERS

Our firm, PANAWELL & PARTNERS is being represented by the following members at INTA Annual Meeting this year:

Mr. William YANG
Mr. Alex WANG

To schedule a meeting, please email us at
mail@panawell.com
william.yang@panawell.com

We look forward to seeing you in London!

From May 2 to 6, 2026, Panawell will send a delegation to participate in the 2026 annual meeting of International Trademark Association (INTA) in London, the United Kingdom. Hereby, we cordially invite you to schedule a meeting.

Looking forward to meeting you in London!

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