



北京法院知识产权
专业化审判三十年白皮书
(1993-2023)

White Paper on Beijing Courts'
Specialized Trial of Intellectual Property
Cases for Three Decades

北京市高级人民法院

北京法院知识产权 专业化审判三十年白皮书 (1993-2023)

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北京法院知识产权 专业化审判三十年白皮书 (1993-2023)

北京市高级人民法院

前言

自1993年8月5日北京市高级、中级人民法院在全国法院率先设立知识产权审判庭以来，北京法院开展知识产权专业化审判已有三十年。三十年来，北京法院知识产权专业化审判不断迈上新的台阶。特别是党的十八大以来，以习近平同志为核心的党中央把知识产权保护工作摆在更加突出的位置。习近平总书记围绕知识产权工作作出一系列重要指示，提出一系列重要论断，为新时代知识产权事业发展提供了根本遵循和行动指南，引领我国知识产权事业取得历史性成就。北京法院紧紧围绕党和国家发展大局，坚持以习近平新时代中国特色社会主义思想为指导，深入学习贯彻习近平法治思想和习近平文化思想，心怀“国之大者”，深刻领会并贯彻落实习近平总书记关于知识产权保护工作“五个关系”的重要论述，从国家战略高度和新时代首都发展的实际需求出发，不断提升知识产权司法保护水平，切实发挥知识产权审判激励自主创新、维护公平竞争秩序等作用，为深入实施知识产权强国建设，服务北京“四个中心”“两区”“三平台”建设，推动首都高质量发展提供有力司法保障。

一、北京法院知识产权专业化审判三十年基本情况

（一）案件基本情况

1.北京法院收结案整体情况

（1）总体情况

1993年至2023年9月，北京法院共计新收一审、二审、申诉、再审等各类知识产权案件¹624577件，审结598228件。其中，2002年，新收与审结知识产权案件均突破1000件，2010年均突破10000件。党的十八大以来，我国加快推进科技自立自强，战略性新兴产业不断发展壮大，一些关键核心技术实现突破，进入创新型国家行列，知识产权法治化水平不断提高，北京法院知识产权案件也随之增长。2013年至2023年9月，北京法院共计新收各类知识产权案件549160件，审结524090件，占三十年来新收、审结各类案件总数的比例均达87.5%以上；其中，2021年新收各类知识产权案件达86130件，创三十年最高记录。

（2）一、二审案件情况

1993年至2023年9月，北京法院共计新收一、二审知识产权案件²621762件，年均增长率为21.8%；审结595520件，年均增长率为22.2%（详见图1）。党的十八大以来，随着我国知识产权综合实力和科技创新能力的显著提升，北京法院受理的知识产权案件迅速增长。2013年至2023年9月，北京法院新收一、二审知识产权案件546871件，审结

¹ 各类知识产权案件，从审级上包括一审、二审、申诉、再审等各类程序的知识产权案件，从案由上包括民事、行政、刑事各类案由的知识产权案件。

² 一、二审知识产权案件，从审级上包括一审、二审程序的知识产权案件，从案由上包括民事、行政、刑事各类案由的知识产权案件。

521902 件，分别为此前二十年新收、审结各类知识产权案件总数的 7.3 倍和 7.1 倍。

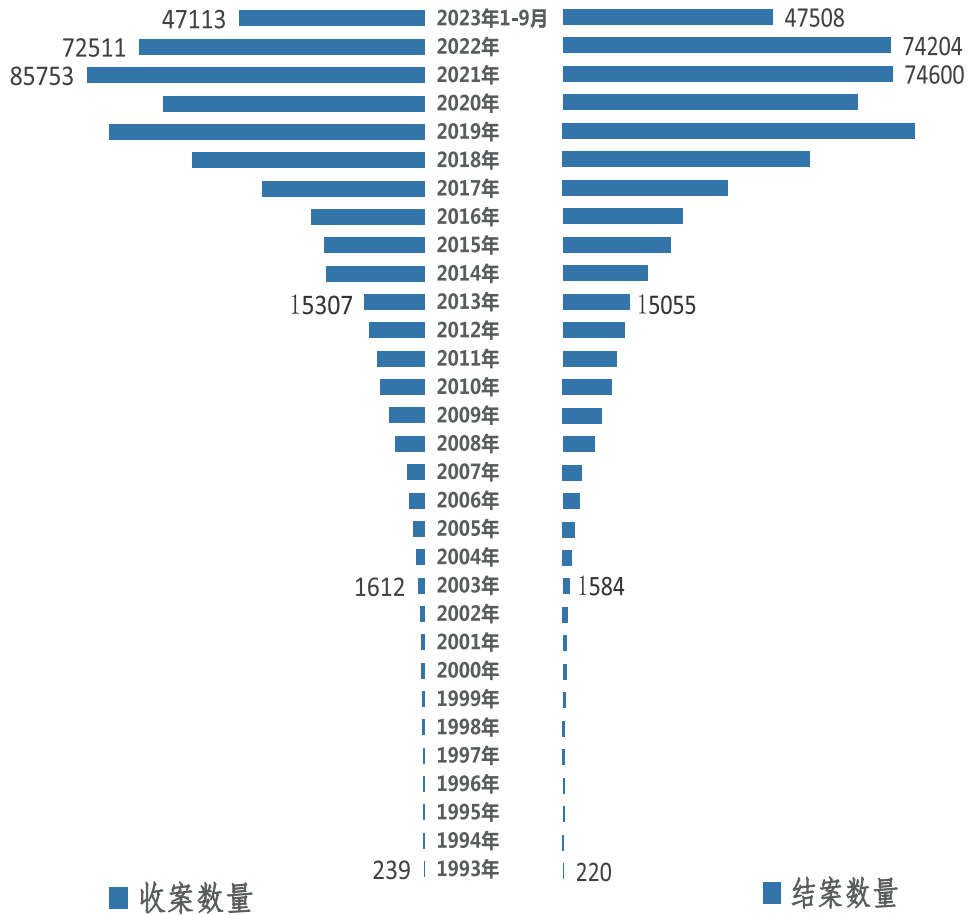


图1 1993年至2023年9月北京法院一、二审知识产权案件收结案情况

从一审收结案情况来看，1993年至2023年9月，北京法院共计新收一审知识产权案件525076件，年均增长率为21.3%；审结502286件，年均增长率为21.6%（详见图2）。

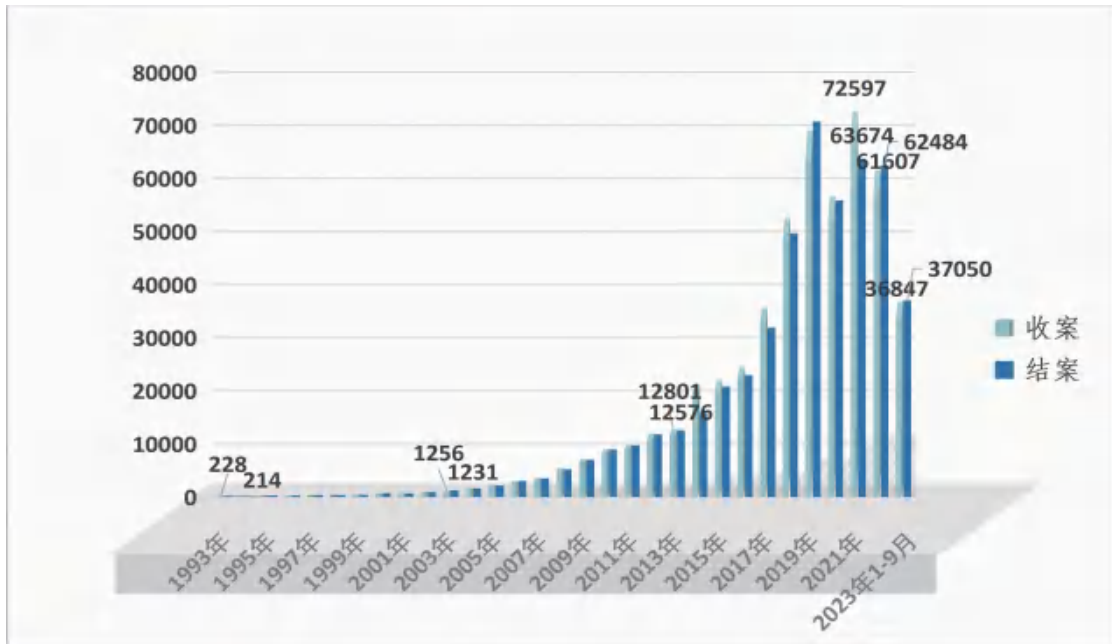


图2 1993年至2023年9月北京法院一审知识产权案件收结案情况

从二审收结案情况来看，1993年至2023年9月，北京法院共计新收二审知识产权案件96686件，年均增长率为26.9%；审结93234件，年均增长率为29.9%（详见图3）。

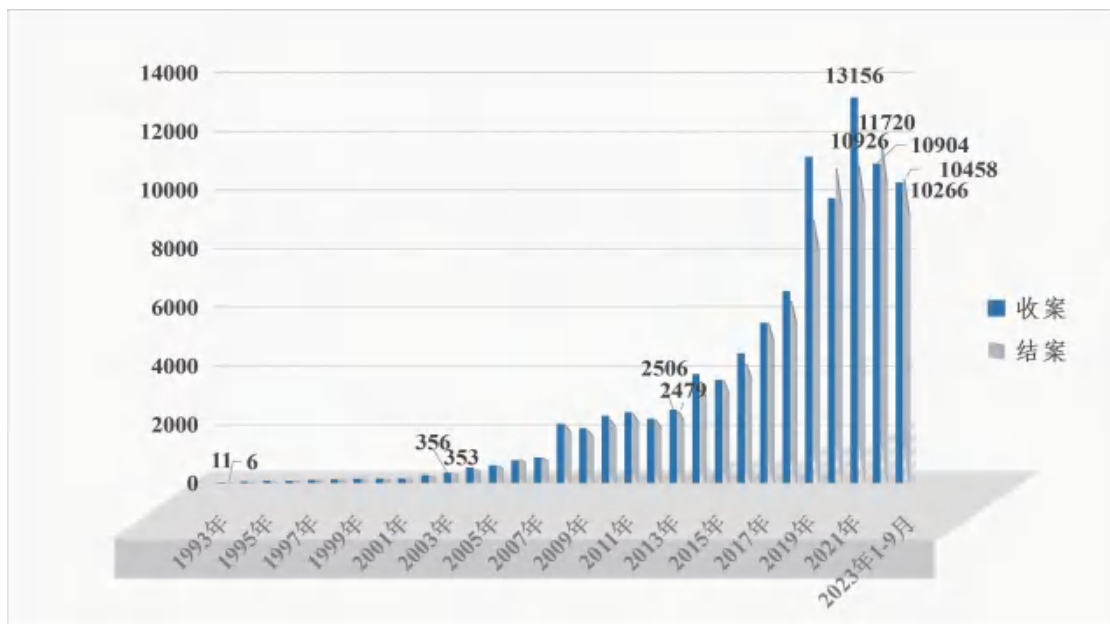


图3 1993年至2023年9月北京法院二审知识产权案件收结案情况

（3）管辖分工情况

从三级法院的管辖分工情况来看，北京市各基层法院、中级法院新收一审案件占全市法院新收一审案件的比例分别为 65.64%和 34.35%，北京市高级人民法院（以下简称北京高院）仅受理少数的一审案件（详见图 4）；北京市中级法院与北京高院新收二审案件占全市法院新收二审案件的比例分别为 38%和 62%（详见图 5）。党的十八大以来，人民法院知识产权审判工作迎来了历史性跨越，知识产权专门化审判体系建设不断深入。北京知识产权法院作为全国首家知识产权专门法院，自 2014 年 11 月 6 日成立至 2023 年 9 月，新收一、二审知识产权案件 169769 件，其中 2015 年至 2023 年 9 月新收的一、二审案件占全市法院同时期新收一、二审案件的 33.4%。

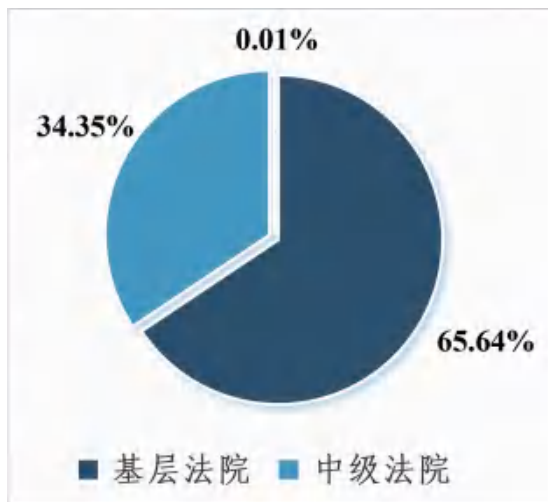


图 4 北京各级法院受理一审案件比例

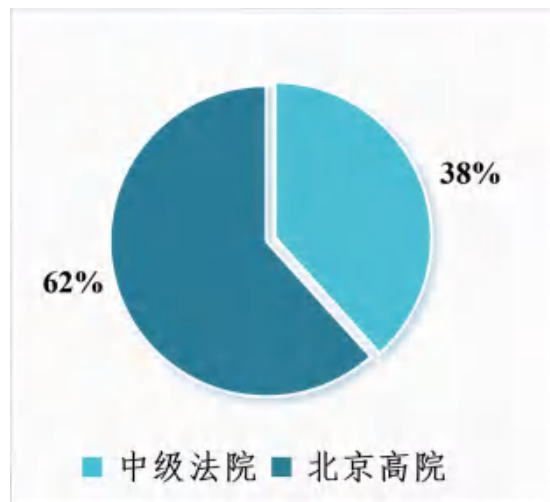


图 5 北京中、高级法院受理二审案件比例

2.行政案件收结案情况

(1) 总体情况

2002 年以前，北京法院仅受理少量的知识产权行政案件。2001 年新修正的专利法和商标法将专利、商标授权确权行政行为纳入司法审查范围以后，北京法院受理的知识产权行政案件开始迅猛增长。2002 年至 2023 年 9 月，北京法院共计新收一、二审知识产权行政案件 211341 件，占同时期新收一、二审知识产权案件的 34.2%，年均增长率为 26.5%；共计审结 192803 件，占同时期审结一、二审知识产权案件的 32.6%，年均增长率为 27.6%（详见图 6）。除占比较小的著作权、植物新品种、垄断等行政案件外，北京法院受理的知识产权行政案件主要为专利行政案件和商标行政案件，且绝大部分为专利授权确权行政案件和商标授权确权行政案件。党的十八大以来，我国专利和商标申请量持续领跑，连续多年稳居世界第一，北京法院充分发挥审判职能，强化对知识产权授权确权行政行为合法性的审查，不断提升专利、商标审查质量。

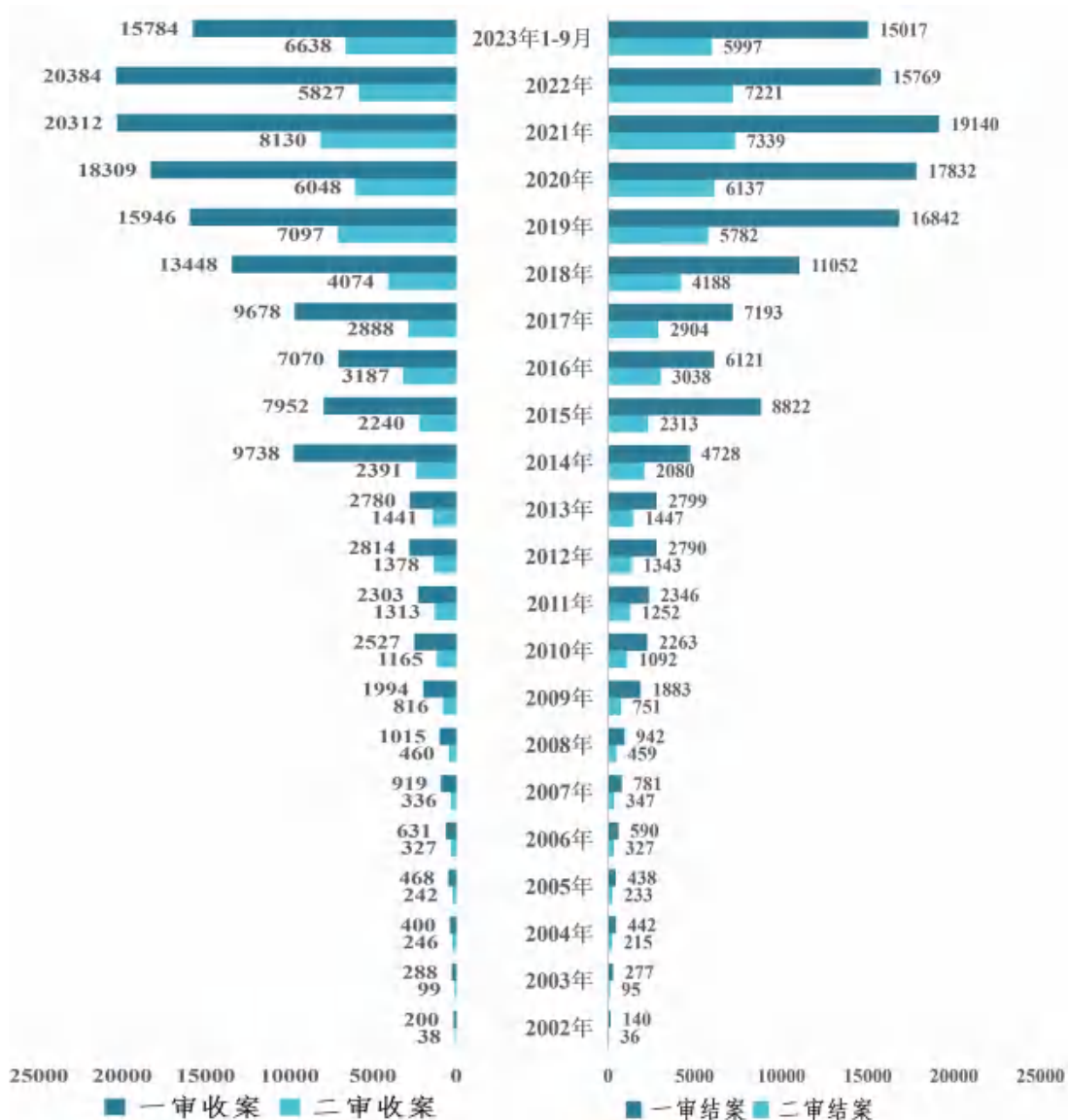


图6 2002年至2023年9月北京法院一、二审知识产权行政案件收结案情况

(2) 专利行政案件

2002年至2023年9月，北京法院新收一审专利行政案件19328件，占新收一审知识产权行政案件的12.5%，占新收一审知识产权案件的3.7%，年均增长率为12.2%；审结17527件，年均增长率为13.4%（详见图7）。党的十八大以来，北京法院积极服务创新驱动发展，2013年至2023年9

月共计新收一审专利行政案件 14497 件，是 2002 年至 2012 年新收该类案件的 3 倍；审结 12916 件，是 2002 年至 2012 年审结该类案件的 2.8 倍。2019 年 1 月 1 日最高人民法院知识产权法庭成立后，二审专利行政案件均集中至最高人民法院审理。自此，北京高院不再受理此类案件。

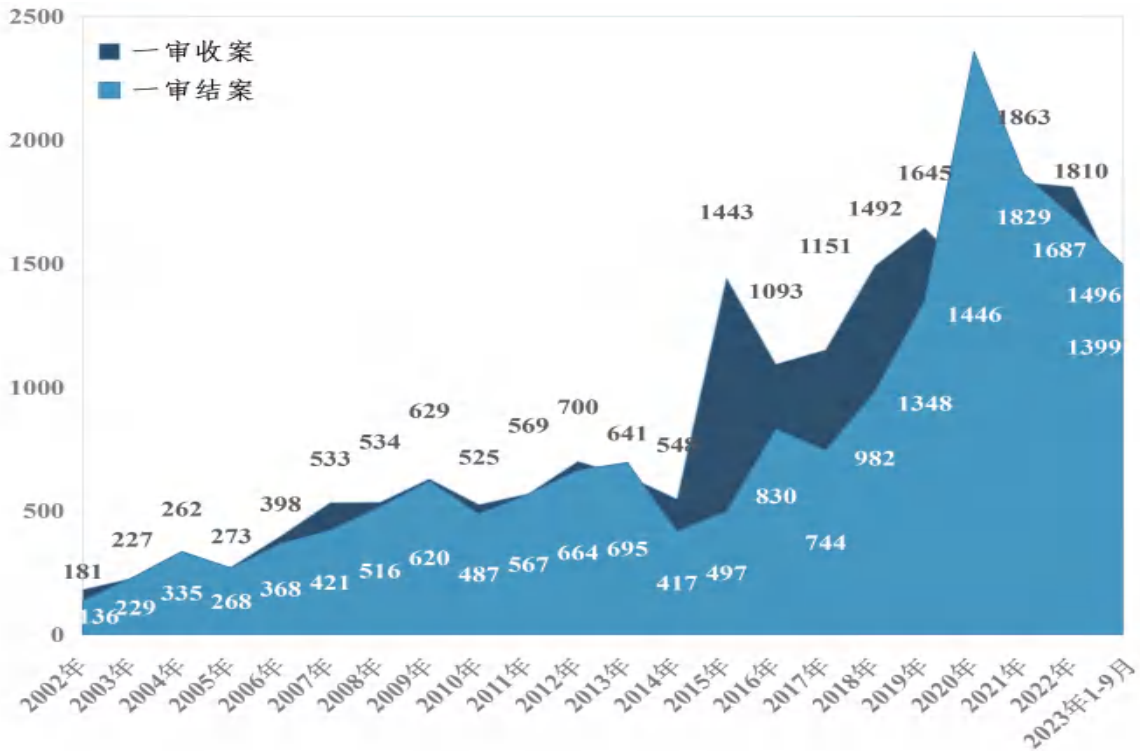


图 7 2002 年至 2023 年 9 月北京法院一审专利行政案件收结案情况

（3）商标行政案件

2002 年至 2023 年 9 月，北京法院新收一审商标行政案件 135461 件，占同时期新收一审知识产权行政案件的 87.4%，占同时期新收一审知识产权案件的 26%，年均增长率为 41.1%；审结 121877 件，年均增长率为 50.4%（详见图 8）。党的十八大以来，我国深入实施商标品牌战略，商标品牌建设取得显著成效。与此同时，北京法院受理的商标行政案件

呈快速增长态势。2013年至2023年9月，共计新收一审商标行政案件126765件，是2002年至2012年新收该类案件的14.6倍；审结113601件，是2002年至2012年审结该类案件的13.7倍。

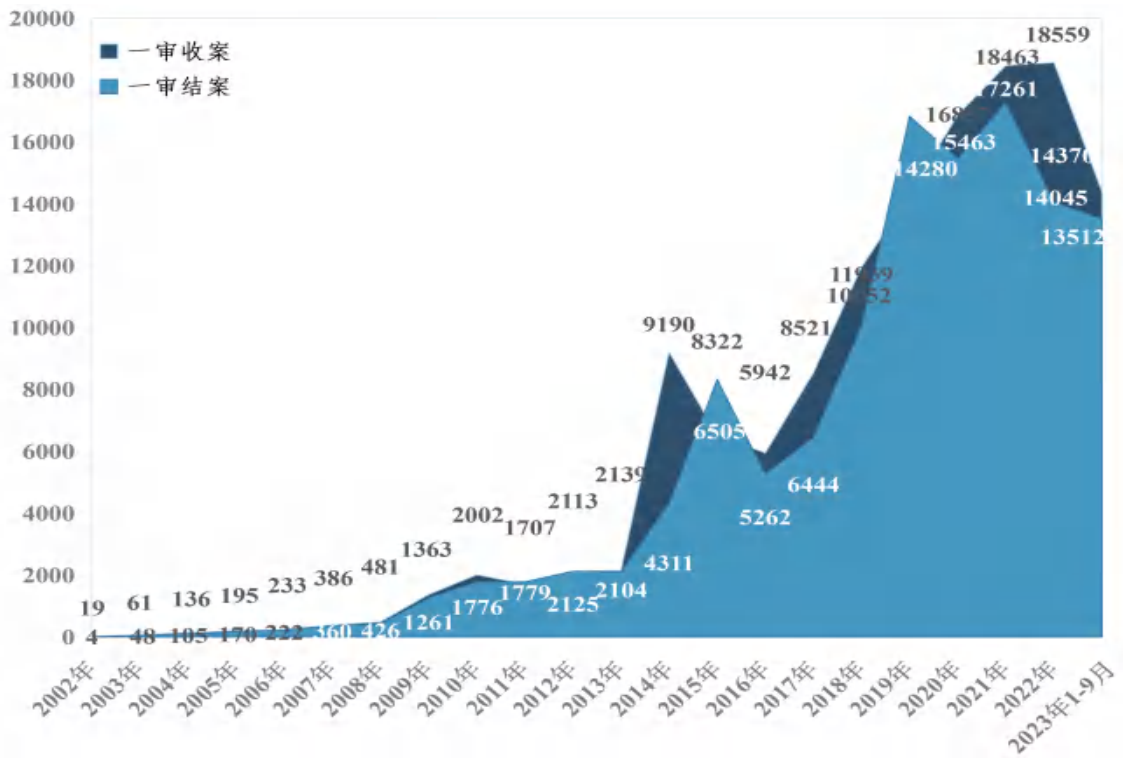


图8 2002年至2023年9月北京法院一审商标行政案件收结案情况

3. 民事案件收结案情况

(1) 总体情况

1993年至2023年9月，北京法院共计新收一、二审知识产权民事案件407374件，占新收一、二审知识产权案件的65.5%，年均增长率为19.9%；共计审结399690件，占审结一、二审知识产权案件的67.1%，年均增长率为20.7%（详见图9）。党的十八大以来，北京法院新收、审结一、二审

知识产权民事案件始终保持高位运行，其中 2019 年新收、审结该类案件的数量已超过 1993 年至 2012 年二十年新收、审结该类案件数量的总和。

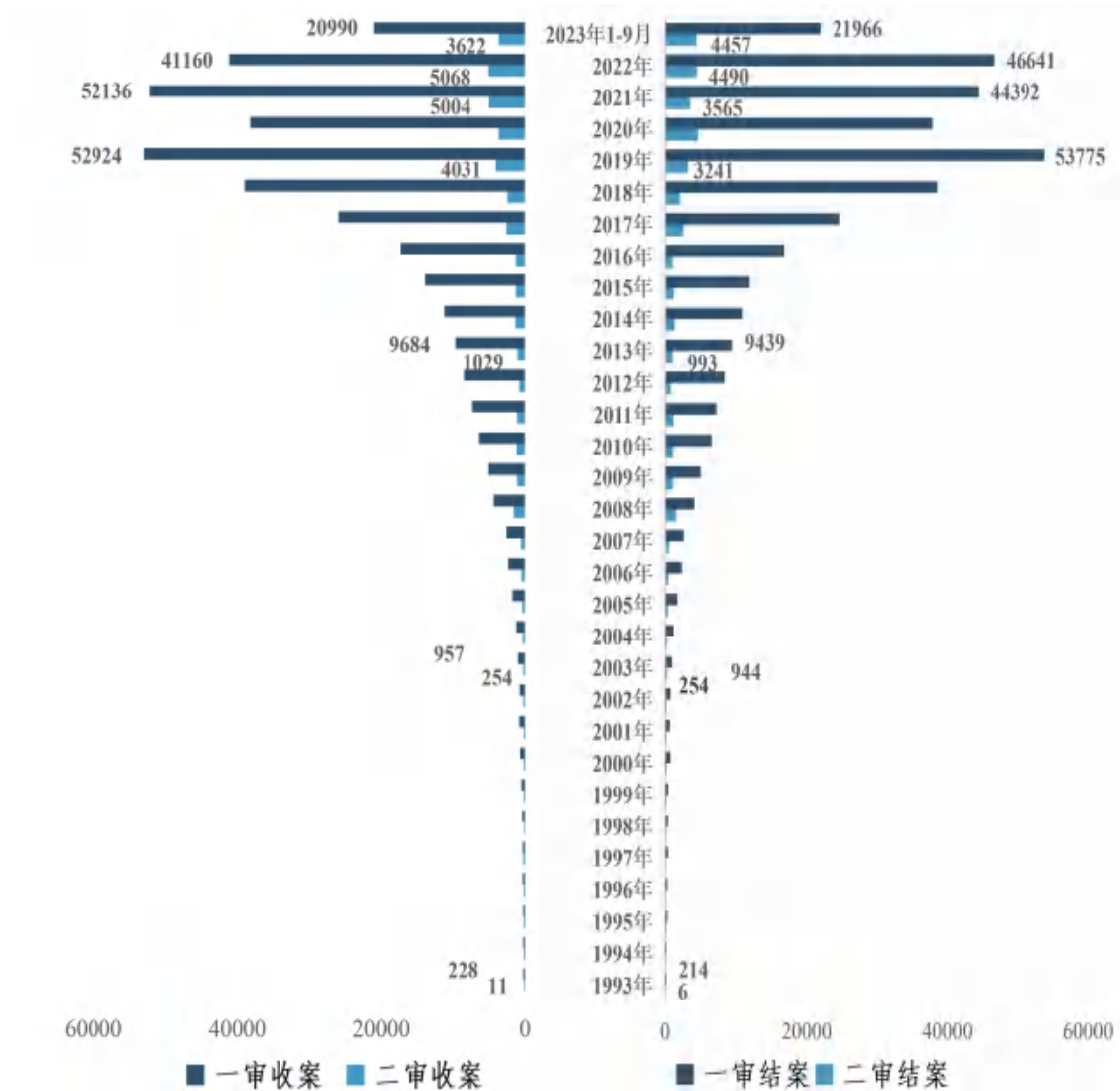


图 9 1993 年至 2023 年 9 月北京法院一、二审知识产权民事案件收结案情况

从所占全国法院的比例来看，党的十八大以来，北京法院新收、审结一审知识产权民事案件在全国地方各级人民法院新收、审结该类案件的占比平均分别为 11.6%、11.4%（详

见图 10、11)，收结案数量均居于全国前列。



图 10 2013 年至 2022 年北京法院新收一审知识产权民事案件占全国地方各级人民法院新收一审知识产权民事案件的比例情况



图 11 2013 年至 2022 年北京法院审结一审知识产权民事案件占全国地方各级人民法院审结一审知识产权民事案件的比例情况

(2) 著作权民事案件

1993 年至 2023 年 9 月，北京法院新收一审著作权民事

案件 306993 件，占新收一审知识产权民事案件的 83.6%，占新收一审知识产权案件的 58.5%，年均增长率为 23.6%。每年新收一审著作权民事案件在新收一审知识产权民事案件的占比平均为 68%，在新收一审知识产权案件的占比平均为 42.5%（详见图 12）。党的十八大以来，随着信息技术的快速发展，北京法院受理的涉网络著作权纠纷迅猛增长，其中 2013 年至 2023 年 9 月新收一审侵害作品信息网络传播权纠纷案件 160656 件，年均增长率为 22.8%。



图 12 1993 年至 2023 年 9 月北京法院新收一审知识产权民事案件情况

（3）其他类型民事案件

除著作权民事案件外，其他类型民事案件占一审知识产权民事案件的数量与比例依次为：商标民事案件 27370 件，占比 7.4%；专利民事案件 10143 件，占比 2.8%；不正当竞

争案件 7124 件，占比 1.9%；技术合同案件 5676 件，占比 1.5%；垄断纠纷案件 373 件，占比 0.1%。此外，涉及植物新品种、集成电路布图设计合同、网络域名、因恶意提起知识产权诉讼损害责任纠纷等类型案件不断涌现，占一审知识产权民事案件的比例为 2.6%（详见图 13）。

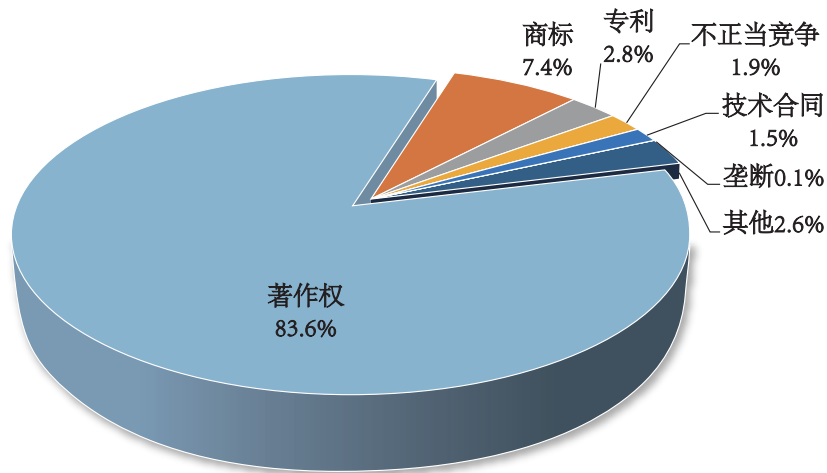


图 13 1993 年至 2023 年 9 月北京法院新收各类一审知识产权民事案件占比情况

4. 刑事案件收结案情况

2002 年至 2023 年 9 月，北京法院共计新收侵犯知识产权刑事案件³3109 件，年均增长率为 10.1%；共计审结 3089 件，年均增长率为 11.4%。其中，新收假冒注册商标罪、销售假冒注册商标的商品罪等侵犯注册商标类一审刑事案件 1721 件，年均增长率为 12.1%；审结 1710 件，年均增长率

³ 根据《中华人民共和国刑法》及相关司法解释的规定，涉及侵犯知识产权刑事案件共计八种罪名，分别为：（1）假冒注册商标罪；（2）销售假冒注册商标的商品罪；（3）非法制造、销售非法制造的注册商标标识罪；（4）假冒专利罪；（5）侵犯著作权罪；（6）销售侵权复制品罪；（7）侵犯商业秘密罪；（8）为境外窃取、刺探、收买、非法提供商业秘密罪。

为 14.6%。新收侵犯著作权罪一审刑事案件 923 件，年均增长率为 4.1%；审结 918 件，年均增长率为 5.2%。新收侵犯商业秘密罪等其他一审刑事案件 56 件，审结 55 件（详见图 14）。北京法院新收侵犯知识产权二审刑事案件 323 件，年均增长率为 7.8%；审结 321 件，年均增长率为 11.6%。

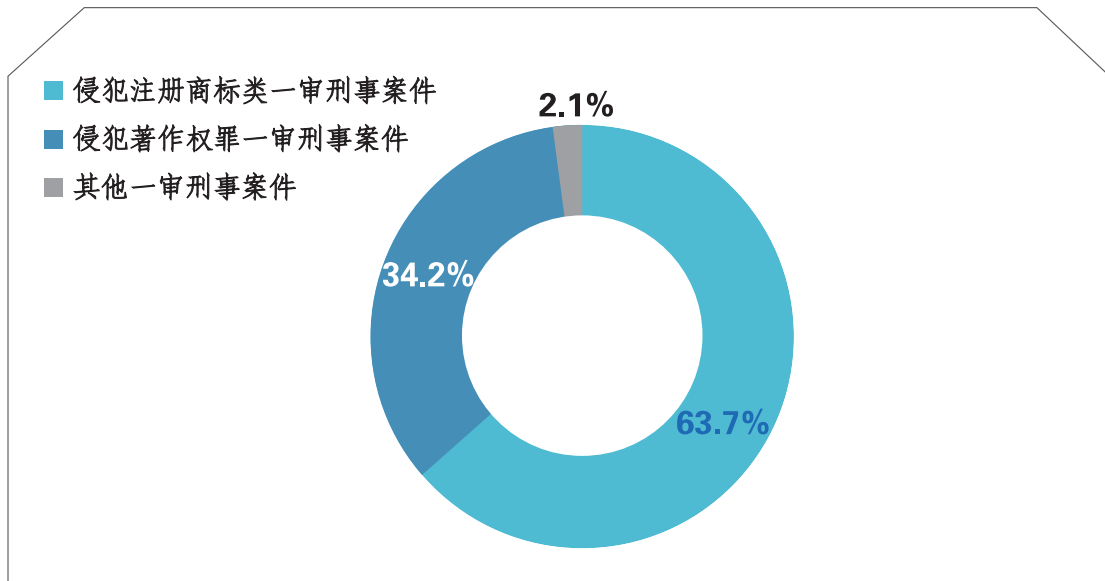


图 14 2002 年至 2023 年 9 月北京法院新收各类侵犯知识产权一审刑事案件占比情况

5. 涉外涉港澳台案件情况

1993 年至 2023 年 9 月，北京法院共计新收涉外涉港澳台知识产权案件 75636 件（详见图 15）。党的十八大以来，伴随我国高水平对外开放的持续推进，北京法院受理的涉外涉港澳台案件数量持续攀升。2013 年以来，北京法院新收涉外涉港澳台案件在新收知识产权案件的占比平均为 13.4%。其中 2021 年新收 7987 件，为历年最高。



图 15 1993 年至 2023 年 9 月北京法院新收涉外涉港澳台知识产权案件情况

（二）案件主要特点分析

一是案件数量持续攀升，反映经济社会高质量发展对知识产权司法保护需求的日益增长。北京法院新收及审结的各类知识产权案件均持续增长，特别是党的十八大以来，新收各类知识产权案件从 2013 年的 15394 件增长至 2022 年的 72854 件，年均增长率为 18.9%，反映社会公众对知识产权司法保护的强烈需求及充分信赖；审结案件从 2013 年的 15138 件增长至 2022 年的 74592 件，年均增长率为 19.4%，通过公正高效的审理，为服务首都高质量发展、满足人民美好生活需要提供有力司法保障。

二是专利与商标授权确权行政案件增幅明显，通过发挥专属管辖优势走出具有北京特色的专业化审判道路。2001 年 12 月 21 日，我国正式加入世界贸易组织（WTO），为了

与 TRIPs 协议的相关规定接轨，将专利、商标授权确权行政行为纳入司法审查范围。自此，全国范围内的专利、商标授权确权行政案件由北京市中高两级法院专属管辖，其中自 2019 年起，二审专利授权确权行政案件集中至最高人民法院知识产权法庭审理。党的十八大以来，北京法院受理的专利、商标授权确权行政案件增幅明显。通过履行专属管辖职能，不断促进专利审查质量提升，助力推动商标申请注册秩序正常化和规范化。

三是涉网络著作权民事案件占比高，保护文化创作和促进作品传播效果明显。随着我国互联网技术的迅猛发展，党的十八大以来，北京法院受理的涉网络著作权一审案件呈迅速增长态势，在同时期受理的一审著作权民事案件中约占 70%。北京法院充分发挥著作权审判对文化建设的规范、引导、促进和保障作用，适应全媒体传播格局变化，依法妥善处理互联网文化创作及传播的著作权新问题，激发文化创新活力，助力文化产业繁荣发展，为落实党的二十大关于实施国家文化数字化战略，深化北京全国文化中心建设提供有力司法服务。

四是积极回应知识产权刑事保护新要求，依法加大对知识产权犯罪的打击力度。北京法院充分发挥刑罚惩治和震慑知识产权犯罪的功能，严厉打击知识产权犯罪行为。审理周某全等 7 人涉思路网侵犯著作权罪案，对打击互联网环境下的著作权犯罪、保护知识产权具有重要意义，该案同时入选最高人民检察院、最高人民法院年度全国十大知识产权案

件。结合电子商务支付平台数据及“手游”营销模式的新特点，在巨石在线、黄某侵犯著作权罪案中，确立了通过第三方平台数据认定被告单位销售盗版网络游戏的犯罪数额、印证涉案犯罪情节的规则，对打击新类型犯罪具有示范意义。审理全国首例侵犯北京冬奥吉祥物形象美术作品著作权刑事案件，以刑事手段追究严惩侵犯冬奥知识产权的犯罪行为，充分展现冬奥知识产权保护应有的大国担当，提升了我国保护冬奥知识产权的国际形象。此外，北京法院不断提升对侵犯数字版权、服务商标、商业秘密等新型犯罪的研判和打击力度，积极回应数字经济的蓬勃发展及数字技术的深度运用对知识产权刑事司法保护提出的新挑战。

五是涉外案件审判便利高效，北京法院日益成为国际知识产权争端解决的优选地。党的十八大以来，北京法院涉外知识产权审判影响力日益增长，在维护良好市场环境、促进扩大对外开放等方面发挥了积极作用。2013年至2023年9月，北京法院共计新收涉外涉港澳台知识产权案件63370件，案件数量持续攀升，年均增长率为10.4%，当事人遍及全球五大洲超过100多个国家和地区。通过优化涉外送达机制、推进智慧法院建设、完善互联网审判，不断提升案件审判效率、节约当事人诉讼成本、依法平等保护中外当事人合法权益，使北京法院逐渐成为国际知识产权争端解决的优选地。

六是新类型案件不断涌现，对知识产权审判水平提出更高要求。党的十八大以来，随着创新驱动发展战略的深入实施，北京法院受理的涉及生物医药、高端装备制造、新材料

新能源等高新技术产业的知识产权案件日益增多，复杂技术事实认定和法律适用难度加大，新领域新业态知识产权保护的权利边界、责任认定均对知识产权司法能力和裁判水平提出了更高要求。北京法院创设技术调查官全程参与技术事实查明机制，实现全市三级法院技术调查官共享共用；审理的涉及4G、5G通信领域标准必要专利的一系列国际平行诉讼，促成了全球范围内相关知识产权纠纷的和解；审结了“红牛”商标权属纠纷案等具有国际影响力的案件，知识产权审判水平不断提升。

（三）专业化审判布局沿革

党的十八大以来，我国在加快知识产权战略实施步伐的进程中，知识产权审判体制建设取得重大进展，专业化审判新格局逐渐形成。北京法院知识产权司法保护工作在服务首都高质量发展大局中发生深刻变革、实现长足进步，审判格局不断向专业化、集中化调整，形成与国际接轨的知识产权审判体系。总体来看，北京法院知识产权审判布局可分为三个发展阶段：

1. 初创起步阶段

北京法院作为知识产权司法审判的先行者，知识产权审判工作起步早、起点高。1993年8月，北京市高级、中级人民法院在全国法院率先设立知识产权审判庭；1995年2月，北京市海淀区人民法院（以下简称海淀法院）知识产权审判庭成立，是全国基层法院中成立最早的知识产权审判庭之一；1995年4月，北京市中级人民法院正式分设为北京市第

一、第二中级人民法院，并分别设立知识产权审判庭；1998年5月，北京市朝阳区人民法院（以下简称朝阳法院）知识产权审判庭设立，除海淀法院、朝阳法院外，其他基层人民法院不再受理知识产权案件。

2. 扩大提升阶段

随着知识产权案件的不断增长，知识产权司法需求不断突显。2007年，北京市丰台区人民法院、北京市东城区人民法院（以下简称东城法院）、北京市西城区人民法院相继成立了知识产权审判庭。此后，北京市石景山区人民法院、北京市昌平区人民法院等8个基层法院陆续成立知识产权审判庭。2010年，在东城区和崇文区、西城区和宣武区行政区划合并后，上述法院的知识产权审判庭也进行了相应合并。2013年4月，海淀法院中关村法庭成立，成为全国第一家以审理知识产权案件为主、全市唯一具有知识产权案件管辖权的派出法庭。2013年8月，北京市第三中级人民法院成立，并设立了知识产权审判庭。

至此，北京法院形成了由11个基层法院12个具有知识产权案件管辖权的庭室、3个中级法院知识产权审判庭和北京高院知识产权审判庭共同组成的审判布局，知识产权审判力量进一步加强。

3. 高质量发展新阶段

党的十八届三中全会通过《中共中央关于全面深化改革若干重大问题的决定》，明确提出“探索建立知识产权法院”的改革任务。2014年11月6日，北京知识产权法院作为全

国首家知识产权专门法院正式成立，标志着党的十八届三中全会部署的司法体制改革迈出重要一步，是中国知识产权保护的重要里程碑。北京市第一、第二、第三中级人民法院原知识产权审判庭管辖的案件统一由北京知识产权法院管辖。

为有效发挥北京法院专业化审判的作用，进一步统一裁判尺度，2015年，北京高院对基层法院知识产权审判庭的整体格局进行了适当调整，保留东城、西城、朝阳、海淀（知识产权审判庭）、丰台、石景山区6个基层法院知识产权案件管辖权。2018年7月6日，中央全面深化改革委员会第三次会议审议通过《关于增设北京互联网法院、广州互联网法院的方案》，同年9月9日，北京互联网法院正式挂牌成立，成为北京市第七家具有一审知识产权案件管辖权的基层法院。目前，北京法院已形成“一高一中七基层”的知识产权审判格局。

同时，北京法院坚决贯彻习近平总书记对法治专门队伍“四化”建设要求和党中央关于人才工作的决策部署，认真落实北京市委和最高人民法院对人才队伍建设的工作要求，围绕首都城市战略定位，创新人才培养模式，着力打造北京法院“特色人才高地”。自2019年至今，北京知识产权法院、海淀法院、朝阳法院、东城法院分别建成“北京法院知识产权审判特色人才高地”“北京法院科技创新审判特色人才高地”“北京法院涉外审判特色人才高地”“北京法院涉文化领域审判特色人才高地”，为推动首都高质量发展提供坚强的智力支持和人才保障。

北京法院在北京市知识产权保护中心、中日创新合作示范区、中关村科学城等园区设立八个知识产权巡回审判庭，建成服务北京“三城一区”主平台建设的知识产权巡回审判体系。至此，北京法院已形成紧紧围绕北京“四个中心”建设，推动“五子”联动，符合人民群众司法需求，与首都市场化、国际化、法治化营商环境相适应的知识产权专业化审判新格局。

二、北京法院知识产权专业化审判职能不断发挥

习近平总书记在中央政治局第二十五次集体学习时强调，“全面建设社会主义现代化国家，必须从国家战略高度和进入新发展阶段要求出发，全面加强知识产权保护工作，促进建设现代化经济体系，激发全社会创新活力，推动构建新发展格局。”北京法院依法公正高效审理各类知识产权案件，不断提高知识产权司法保护水平，充分发挥知识产权审判激励创新创造、维护公平竞争、促进文化繁荣等重要职能作用。

（一）依法履行专属管辖职能，妥善审理授权确权行政案件

除全国其他法院审理的知识产权民事、行政、刑事案件外，北京法院还专属管辖专利、商标等知识产权授权确权行政案件，肩负着专利、商标等知识产权授权确权行政行为的司法审查职能。因此，北京法院所受理的知识产权案件类型最为全面。作为专属管辖专利、商标授权确权行政案件的法院，此类案件的审理与我国科技创新成果的保护范围，以及

我国专利、商标保护的水平密切相关，也关乎我国在国际社会中的知识产权保护形象。党的十八大以来，在专利、商标授权确权行政案件数量迅速增长的形势下，北京法院通过充分发挥专业化审判优势，先后审理了涉及“移动通信交互”5G相关发明专利权无效行政纠纷案、GUI外观设计专利权无效行政纠纷案、马库什化合物发明专利权无效行政纠纷案，“聚丰园”“曼松”等涉及老字号和地理标志保护的案件，涉及“耐克”“乔丹”等驰名商标或知名品牌保护的商标行政纠纷案件，不断强化对专利、商标授权确权行政行为的司法审查，规范行政机关的具体行政行为，提高专利、商标审查质量，依法保护行政相对人的合法权益。

（二）依法服务保障科技创新，推动科技创新发挥引领作用

党的十八大以来提出实施创新驱动发展战略，强调科技创新是提高社会生产力和综合国力的战略支撑，必须摆在国家发展全局的核心位置。北京法院积极回应新产业、新业态、新模式知识产权保护司法需求，审理了“小度”语音指令不正当竞争纠纷案、“艾地骨化醇软胶囊”药品专利链接纠纷案、玉米“农大372”植物新品种申请权权属纠纷等案件，加大关键核心技术的知识产权保护，充分发挥知识产权审判对科技创新的激励和保障作用，强化司法裁判在科技创新成果保护中的规则引领和价值导向功能，促进技术和产业不断升级。

（三）依法保护文化创意成果，促进文化产业健康有序发展

习近平文化思想重视新时代条件下中华优秀传统文化的守正创新，蕴含着历史文脉传承发扬的精髓要义。北京法院长期以来加强文学、艺术和科学领域著作权保护，尤其注重保护传统文化和红色经典，妥善审理了涉民歌、剪纸、杂技、古籍点校等传统文化的著作权案件，促进中华优秀传统文化在新时代创造性转化、创新性发展。审理了一批涉人工智能生成物、涉网络游戏、体育赛事直播、短视频等新类型著作权案件，促进传统产业创新，推动文化产业跨越式发展。在批量维权案件中，北京法院积极探索与作品市场价值相符的损害赔偿数额确定机制，依法保护著作权人合法权利的同时，有效规制滥用著作权行为。

（四）依法保护商标品牌权利，规范维护市场公平竞争秩序

习近平总书记指出，“要统筹做好知识产权保护、反垄断、公平竞争审查等工作，促进创新要素自主有序流动、高效配置。”保护知识产权，促进公平竞争，是营造市场化、法治化、国际化营商环境、建设现代化经济体系、完善社会主义市场经济体制的内在要求。北京法院通过商标案件审判，服务保障品牌强国建设，全面加强驰名商标、传统品牌和老字号司法保护，重点惩治假冒商标、攀附商誉、商标恶意抢注等行为，提升企业竞争力，助力企业品牌做大做强。加强反垄断和反不正当竞争司法，充分发挥司法裁判在维护

市场公平竞争中的规则引领和价值导向作用，强化企业公平竞争意识，引导形成崇尚、保护和促进公平竞争的市场环境。依法妥善审理数据确权、数据交易等案件，探索完善数据权益保护规则，推动营造开放、健康、安全的数字生态，为北京加快建设全球数字经济标杆城市提供有力司法保障。

（五）依法审理涉外知产案件，平等保护中外当事人合法权益

习近平总书记指出，“坚持统筹推进国内法治和涉外法治，是建设法治强国的必然要求。”北京法院在涉外知识产权案件审理中，妥善处理与国际贸易有关的重大知识产权纠纷，切实履行 TRIPs 协议、马德里协定、伯尔尼公约等我国加入的国际条约，坚持依法平等保护中外当事人合法权益，积极营造开放、公平、公正、非歧视的科技发展环境和市场化、法治化、国际化营商环境，展示我国保护创新、开放包容的自信与决心。依法审理涉外知识产权纠纷，不折不扣贯彻落实党中央决策部署，积极服务党和国家对外工作大局；注重强化中外当事人平等保护和高水平保护，促进国家和首都的对外开放，实现互利互惠、合作共赢和共同发展；坚持统筹协调国际国内两个大局，妥善处理我国知识产权司法保护与国际知识产权保护的关系。

（六）依法加大司法保护力度，严格实施侵权惩罚性赔偿制度

习近平总书记强调，“要加大知识产权侵权违法行为惩治力度，让侵权者付出沉重代价。”为有效执行知识产权侵

权惩罚性赔偿制度，依法惩处严重侵害知识产权行为，加大知识产权司法保护力度，充分发挥惩罚性赔偿制度的震慑作用，北京法院在知识产权案件审理中，依法积极审慎适用惩罚性赔偿，发布《关于侵害知识产权民事案件适用惩罚性赔偿审理指南》，严格统一惩罚性赔偿制度的适用标准。侵害著作权、商标权、商业秘密等知识产权民事案件中适用惩罚性赔偿的数量逐步增长，多起案件判赔金额超过1000万元，大幅度提高侵权成本，依法惩处并切实阻遏严重侵害知识产权行为。

三、北京法院知识产权专业化审判机制不断优化

2018年2月6日，中共中央、国务院办公厅印发了《关于加强知识产权审判领域改革创新若干问题的意见》。意见提出，要不断深化知识产权审判领域改革，加快推进知识产权审判体系和审判能力向现代化迈进。北京法院切实贯彻落实中央两办意见，立足首都知识产权审判工作实际，着力于破解制约北京知识产权审判发展的体制机制障碍，积极探索审判机制创新，在繁简分流、诉源治理、协同保护、“三合一”审判等方面均取得良好成效。

（一）繁简分流机制强化案件诉讼程序多元供给

习近平总书记指出，“要强调诉讼制度改革，推进繁简分流、轻重分离、快慢分道”。北京法院出台在部分知识产权民事案件适用简易程序的相关规范，并探索在涉图片、音乐作品著作权侵权纠纷、商标权侵权纠纷等法律关系较为简单、证据同质化程度较高的一审民事案件中适用简易程序，

科学配置和高效运用审判资源，“简案快办、繁案精审”的工作机制有效运行。尤其是2019年开始，依托北京法院“多元调解+速裁”工作机制，北京各基层法院知识产权审判部门构建知识产权民事案件速裁机制，在快调速裁上持续发力，进一步畅通了速裁和精审的衔接流转。以朝阳法院为例，该院开展类型化案件要素式审判，2022年简易程序和小额诉讼程序适用率达48.73%，普通程序独任制适用率高达90.3%。

北京知识产权法院为深化行政诉讼制度改革，推进构建商标行政案件繁简分程序，实现商标行政案件的快慢分道、繁简分流。自2021年8月开展商标授权确权行政案件繁简分流试点工作以来，共有5403件商标驳回复审一审行政案件适用简易程序审理，平均审理时长仅37天，简易程序适用率提升至24.6%。

（二）非诉解纷机制促进纠纷源头预防前端化解

党的十八大以来，为贯彻习近平总书记关于“法治建设既要抓末端、治已病，更要抓前端、治未病”“把非诉讼纠纷解决机制挺在前面，构建起分层递进、衔接配套的纠纷解决体系，从源头上减少诉讼增量”的重要指示精神，北京法院持续深入推进“多元调解+速裁”工作，加强与知识产权行政管理部门、行业协会、专业调解组织的协调配合，创新纠纷解决方式。2016年至2023年9月期间，诉前调解各类知识产权纠纷53862件，多元解纷工作成效显著。

同时，北京法院积极回应知识产权矛盾纠纷的新变化，针对商标授权确权行政纠纷、网络平台知识产权纠纷的有效

化解，不断完善矛盾纠纷预防化解机制。2019年至2023年7月，海淀法院运用“源头回溯”诉源治理机制，成功化解网络平台间不正当竞争纠纷近百件，涉诉标的额超过4亿元。2023年，北京高院与国家知识产权局初步就商标行政程序中涉在先权利不稳定的行政审查“应中止尽中止”、商标恶意注册行为人信息共享、强化商标转让行为审查、加强商标代理机构监管等举措达成共识，为双方推动商标授权确权行政案件诉源治理工作奠定了基础。

（三）构建大保护工作格局延伸专业化审判职能

习近平总书记在河北省雄安新区考察时强调，“京津冀作为引领全国高质量发展的三大重要动力源之一，要强化协同创新和产业协作，在实现高水平科技自立自强中发挥示范带头作用。”为深入贯彻落实习近平总书记的重要指示精神，服务保障京津冀协同发展，北京高院与天津高院、河北高院在前期三地高院、中院协作的基础上，联合签署《加强知识产权司法保护协作框架协议》，推动京津冀知识产权协同保护共同体建设迈上新的台阶。

为积极延伸审判职能，主动服务首都高质量发展，北京法院通过与市知识产权局等单位签署数据知识产权合作框架协议等形式，为北京市数据知识产权试点工作贡献司法智慧，共同推动数据要素市场的规范健康发展。此外，北京高院与市经济和信息化局、市市场监督管理局、市版权局等单位协同合作，在推进北京全球数字经济标杆城市建设、推动加快建设全国统一大市场、强化反不正当竞争领域的行政执

法与司法协同、构建北京地区版权全链条保护体系、惩治知识产权恶意诉讼等方面积极作为，构建多方主体协同治理体系，实现知识产权保护合力。

（四）“三合一”试点改革提升司法保护整体效能

2013年8月，海淀法院知识产权审判庭作为知识产权综合审判“三合一”试点，率先在全市范围内开展试点工作。试点工作开展十年来，海淀法院知识产权刑事案件“跨域合议、联席研讨”的审判模式基本形成，“刑事程序规范庭审、民事经验辅助查明”的审理思路得到确立，一批精品案例的引领示范效应显著，知识产权“三位一体”的全方位保护格局日臻完善。

四、北京法院知识产权专业化审判能力不断提升

党的十八大以来，中国法治化进程不断加速，知识产权领域尤为突出。北京法院始终牢记“国之大者”，紧扣立足新发展阶段，贯彻新发展理念，构建新发展格局，推动高质量发展要求，不断提升知识产权专业化审判能力，为加快建设知识产权强国，服务首都高质量发展提供有力司法保障。

（一）专业化审判调研督导成果不断丰富

北京高院注重发挥审判调研督导职能，自党的十八大以来，先后发布《关于服务首都文化创意产业发展的指导意见》《关于加强知识产权审判促进创新发展的若干意见》等指导性意见。其中，在承办的2023全球数字经济大会“知识产权与数字经济发展”专题论坛上发布《北京市高级人民法院为加快建设全球数字经济标杆城市提供司法保障工作规划

（2023-2025）》，提出了司法服务保障数字经济发展的 22 项措施，为打造数字经济发展“北京样板”提供司法服务和保障。

此外，北京高院结合北京法院知识产权审判工作实际，在专利、著作权、商标、竞争、损害赔偿、诉讼证据等不同领域，分别出台了《关于专利侵权判定指南》《侵害著作权案件审理指南》《商标授权确权行政案件审理指南》《关于侵害知识产权民事案件适用惩罚性赔偿审理指南》等 35 部指导性文件，其中 15 部系在党的十八大后发布；发布商标授权确权行政案件中共存协议的效力认定、涉 IPTV 著作权案件中侵权行为及侵权责任的认定等 27 件知识产权审判参考问答，其中 18 件系在党的十八大后发布。上述指导性文件、参考问答，既推动北京法院知识产权审判法律适用水平的不断提升，也为当事人寻求司法保护提供稳定的司法预期和行为指引，受到行政机关、上级法院和社会各界的广泛认可。其中，《商标授权确权行政案件审理指南》《关于侵害知识产权民事案件适用惩罚性赔偿审理指南》等部分审理指南以中英文双语发布，北京法院知识产权审判逐渐从国际规则的学习者与适应者成长为影响者和推动者，向世界贡献中国知识产权保护司法智慧。

（二）精品案件示范引领作用不断发挥

北京法院知识产权案件类型全、新类型案件多、案件数量居全国前列，为北京知识产权法官提升专业化裁判水平提供了广阔舞台。自 2008 年以来，北京法院共计 28 件案件入

选年度中国法院十大案件、全国知识产权十大创新性案件，66 件案件入选年度中国法院 50 件典型知识产权案例，7 件案件入选北京法院参阅案例；自 2003 年至今，连续 21 年在“4·26”世界知识产权日宣传周期间评选发布北京法院年度知识产权司法保护十大典型案例；2023 年，北京法院年度商标授权确权司法保护十大案例首次发布。自 2002 年以来，共有 28 篇文书获得全国法院知识产权优秀裁判文书相关奖项。上述具有指导意义的精品案例和优秀裁判文书，以及从中提炼的裁判规则，既为社会公众相关纠纷解决提供了指引，也为全国类案裁判标准统一提供了重要参照。

（三）调查研究及成果转化质量不断提升

党的十八大以来，以习近平同志为核心的党中央高度重视调查研究工作。习近平总书记强调，“要大兴调查研究之风，多到分管领域的基层一线去，多到困难多、群众意见集中、工作打不开局面的地方去，体察实情、解剖麻雀，全面掌握情况，做到心中有数。”2023 年 3 月 29 日，中共中央办公厅印发了《关于在全党大兴调查研究的工作方案》，在全党大兴调查研究之风。北京知识产权审判始终保持优良的调研传统和浓厚的调研氛围，形成一批来源于审判实践、服务于审判实践的优秀调研成果。网络不正当竞争纠纷审理、知识产权侵权损害赔偿等多篇调研报告在全国知识产权优秀调研成果评选活动中分获特等奖、一等奖。此外，北京高院不断提高调研督导工作质量，先后出版发行了《专利侵权判定审理指南理解与适用》《商标授权确权的司法审查》

《著作权法原理解读与审判实务》等 40 余部著作，其中 16 部系在党的十八大后出版发行。

（四）专业化审判国际影响力不断扩大

习近平总书记强调，“全球治理体系正处于调整变革的关键时期，我们要积极参与国际规则制定，做全球治理变革进程的参与者、推动者、引领者。”进入新发展阶段，知识产权作为国家发展战略性资源和国际竞争力核心要素的作用越来越凸显。党的十八大以来，北京知识产权审判的国际影响力不断扩大，世界知识产权组织主编的《知识产权典型案例集》共收录 8 件北京法院审理的知识产权案件，国际商标协会将北京法院发布的《商业秘密民事案件举证参考》向其全球会员推送，宣传中国法院的知识产权司法保护成果。

在专业化审判能力在国际上被广泛认可的同时，北京法院也以开放包容的姿态面向世界，走上知识产权保护国际交流的舞台。多次派法官为非洲国家法官研修班等“一带一路”沿线国家的法官授课，多名法官在世界知识产权组织知识产权法官论坛、国际商标协会年会、国际知识产权法院峰会、世界知识产权组织著作权会议、国际女法官协会年会等具有广泛影响力的国际会议发表演讲，在中日韩及东盟十国国际司法研讨会等活动中主持模拟庭审，与英国知识产权企业法庭等域外法官座谈交流，积极发出“中国声音”，展现北京知识产权法官的风采，为全球知识产权治理体系贡献中国智慧。

（五）专业化审判队伍建设不断夯实

“加快推进政法队伍革命化、正规化、专业化、职业化建设”“努力打造一支党中央放心、人民群众满意的高素质政法队伍”，是习近平总书记对建设过硬政法队伍提出的明确要求。北京法院始终坚持以习近平新时代中国特色社会主义思想为指导，深入学习贯彻习近平法治思想和习近平文化思想，把坚决拥护“两个确立”，自觉增强“四个意识”、坚定“四个自信”、做到“两个维护”落实到知识产权审判实践中。坚定不移走中国特色社会主义法治道路，确保知识产权审判工作沿着正确方向前进。立足“两个大局”，心怀“国之大者”，不断提高政治判断力、政治领悟力、政治执行力，主动担当作为，坚决捍卫国家主权和核心利益。队伍建设是审判事业发展的生命线。三十年前，北京法院知识产权审判部门成立伊始，仅有22名审判人员。如今，北京法院知识产权审判队伍已经发展壮大，共有员额法官157名、法官助理206名、书记员123名；其中，员额法官及法官助理具有硕士研究生以上学位的占78%，33人已获得或正在攻读博士学位，32人具有域外学习经历。

北京法院始终着力于打造业务精通、团结奋斗的知识产权审判队伍，全市多个审判部门、多名法官获得重要表彰和荣誉。北京法院三个审判部门曾被世界知识产权组织授予版权金奖和商标金奖；另有多个审判部门获得“人民满意的政法单位”“人民法院知识产权审判工作先进集体”等荣誉。

北京知识产权审判队伍中，先后涌现出党的十九大、二十大代表、“最美奋斗者”“时代先锋”“英模天平”宋鱼水等先进典型；培养出姜颖等4名全国审判业务专家、21名北京市审判业务专家、5名北京法院司法实务研究专家；多名法官获评全国优秀法官、全国法院办案标兵、人民法院知识产权审判工作先进个人、首都十大杰出青年法学家等荣誉称号；另有多名法官获得“全国知识产权保护最具影响力人物”“中国知识产权领域最具影响力人物”“全国知识产权领军人才”等荣誉。

五、北京法院知识产权专业化审判不断开创新局面

习近平总书记在主持十九届中共中央政治局第二十五次集体学习时强调，“知识产权保护工作关系国家治理体系和治理能力现代化，关系高质量发展，关系人民生活幸福，关系国家对外开放大局，关系国家安全。”北京法院始终把知识产权审判工作置于党和国家工作大局中谋划推进，在新时代下，主动迎接新挑战、积极回应新要求、努力开创首都知识产权审判工作新局面，为北京率先基本实现社会主义现代化提供更加优质的司法服务和有力的司法保障。

（一）坚持政治引领，以高质量司法服务保障高质量发展

党的二十大提出全面建成社会主义现代化强国，以中国式现代化全面推进中华民族伟大复兴的重大战略。北京法院知识产权审判将迅速适应新变化、新趋势，察大势、应变局、观未来，坚持以习近平新时代中国特色社会主义思想为指

导，深入学习贯彻习近平法治思想和习近平文化思想，始终坚持首都知识产权审判的正确政治方向，全面加强知识产权司法保护，切实增强知识产权司法保护的责任感和使命感，准确把握首都发展的新特征、新要求，积极承担起服务保障中国式现代化的重要责任，为加快北京“四个中心”建设及保障“两区”建设，助力北京国际科技创新中心和全球数字经济标杆城市建设营造良好法治环境。

（二）坚持公正司法，牢记服务保障科技创新职责使命

随着我国创新驱动发展战略的实施及北京“两区”建设任务清单各项工作的推进，以科技创新、服务业开放、数字经济为核心的区域发展新格局，对知识产权司法保护提出了新的、更高的要求。

一是持续加大对关键领域、核心技术、新兴产业知识产权司法保护力度。深入贯彻习近平总书记提出的“把科技命脉牢牢掌握在自己手中”的要求，加强对涉及集成电路、医药健康、新能源汽车、智能装备制造等优势产业，涉及光电子、生命科学、低碳技术等未来产业领域知识产权案件的司法保护力度，着力营造有利于创新创造的法治环境。不断总结提炼大数据、人工智能、云计算、区块链等新领域知识产权司法保护规则，促进技术和产业不断创新升级。加强科技创新主体合法权益保护，特别是加大对“专精特新”中小微企业关键核心技术和原始创新成果的保护力度。充分发挥北京法院专利授权确权行政案件专属管辖职能，彰显知识产权审判对科技创新的激励和保障作用，努力擦亮“北京智造”

品牌，推动北京建设成为世界主要科学中心和创新高地。

二是加强司法引领和导向作用，维护市场公平竞争秩序，促进新经济新业态健康有序发展。坚决贯彻落实中央关于加强知识产权保护的决策部署，高质量服务保障国家营商环境创新试点城市建设，扎实落实《北京市全面优化营商环境助力企业高质量发展实施方案》改革任务。加强对专利授权确权行政行为合法性的司法审查，促进科技创新成果保护，提升国家核心竞争力。完善地理标志司法保护规则，加强对驰名商标、传统品牌和老字号的司法保护，推动品牌强国建设。加强对传统文化、传统知识、民间文艺等知识产权保护，维护和促进传统文化的传承以及文化产业的经营。加强反垄断和反不正当竞争审判工作，激发创新动力、创造潜力、创业活力，以更高水平的数字正义服务数字经济高质量发展。加强网络平台治理，推动平台经济规范健康持续发展。加强商业秘密保护，严惩窃取、泄露国家科学技术秘密行为，合理确定当事人举证责任，护航企业创新发展，保障企业公平竞争、人才合理流动。

三是加强涉外知识产权审判，深化对国际经贸规则的理解与对接，提升首都知识产权司法保护国际影响力。通过依法公正审理涉外知识产权案件，平等保护中外当事人的合法权益，不断增强首都知识产权司法的国际影响力和公信力。同时，深入研究中国知识产权审判与 TRIPs 协议、“一带一路”、《区域全面经济伙伴关系协定》（RCEP）知识产权相关内容、《全面与进步跨太平洋伙伴关系协定》（CPTPP）

知识产权问题、《数字经济伙伴关系协定》（DEPA）、《工业品外观设计国际注册海牙协定》《关于为盲人、视力障碍者或其他印刷品阅读障碍者获得已出版作品提供便利的马拉喀什条约》及中欧、中法地理标志协定等之间的关系，主动对接国际经贸规则，确保案件裁判符合相关国际公约和国际惯例。通过司法裁判推动相关国际规则 and 标准不断完善，通过深化国际交流积极宣传我国知识产权司法保护的发展与成就。

（三）坚持改革创新，持续提升知识产权司法保护水平

依托北京法院知识产权案件绝对数量大、新类型案件多、案件类型全的特点，不断总结审判经验，通过出台指导性文件等方式，对于司法实践中法律尚无规定或规定不明确、上下级法院以及业界关注的问题进行有益探索和积极回应。加强司法大数据的研究应用，发挥典型案例的示范作用，不断统一司法裁判尺度，增强当事人对司法裁判的稳定合理心理预期。积极推进知识产权案件繁简分流，大力缩短知识产权诉讼周期，着力破解知识产权案件审理“周期长”问题。充分发挥行为保全、财产保全、证据保全的制度效能，及时阻遏侵权行为。依法适用证据规则，适时转移举证责任，减轻权利人举证负担，引导当事人积极主动、全面诚实提供证据。依法制裁虚假诉讼和恶意诉讼行为，有效防止权利滥用等不法行为。坚持知识产权侵权赔偿的市场价值导向，切实保障权利人获得充分赔偿。严格实施知识产权侵权惩罚性赔偿制度，有效遏制知识产权侵权行为，努力营造不敢侵权、

不愿侵权的法律氛围。

积极参与知识产权保护体系建设，加强与行政职能部门的协同配合，形成有机衔接、优势互补的运行机制。定期与行政主管部门交流研讨法律适用实务问题，推动建立数据信息共享机制，促进行政执法标准和司法裁判标准统一。依法依规对知识产权领域严重失信行为实施惩戒，努力构建知识产权大保护工作格局。继续做好“4·26”世界知识产权日法治宣传工作，不断丰富法治宣传样态。通过发布北京法院知识产权司法保护十大典型案例，努力形成一批在全国乃至国际上有广泛影响的示范性精品案例，提升北京法院知识产权司法保护的公信力和影响力。

（四）坚持协同保护，突出多元解纷机制诉源治理功效

为进一步健全知识产权行政保护与司法保护衔接机制，合力保障创新驱动发展战略，推动构建知识产权“严保护、大保护、快保护、同保护”工作格局，继续深化与国家知识产权局、市知识产权局、市版权局等行政机关的协同保护。在现有的委派调解、委托调解等特邀调解方式的基础上，充分发挥行政调解、行业调解等专业化解纷资源，以及公证调解、律师调解等市场化解纷资源的优势，进一步释放多元解纷在知识产权纠纷化解中的作用。在对知识产权诉源治理进行整体设计的过程中，秉持以“治理”为本质、以“解纷”为目标的制度理念，把非诉纠纷解决机制挺在前面，推动更多法治力量向引导和疏导端用力，加强矛盾纠纷源头预防、前端化解、关口把控。同时，做好诉非衔接，并突出法院在

其中的引导作用，引导纠纷各方在清晰明确的法治框架下实现纠纷的更好化解，吸收更多法治力量参与知识产权纠纷诉源治理，从源头上减少诉讼增量。

（五）坚持大人才观，深入打造知识产权审判人才高地

继续加强政治引领和思想作风建设，筑牢政治忠诚，端正司法理念，提升服务大局意识和能力，不断培养出更多政治坚定、清正廉洁、业务精通的专家型法官和业务骨干。对标对表习近平总书记提出的“七种能力”要求，推动知识产权审判队伍的思想淬炼、政治历练、实践锻炼、专业训练。根据知识产权领域知识更新快、国际化程度高等特点，强化法律、科技、文化、经贸等多领域培训，培养知识产权复合型人才。建立人才库蓄水池，深入推进各类人才专家梯次培养，不断完善遴选机制，加强优秀人才选拔，努力锻造一支政治坚定、顾全大局、精通法律、熟悉技术、具有国际视野的知识产权审判队伍。

结 束 语

奋进新时代，启航新征程。党的二十大擘画了以中国式现代化推进中华民族伟大复兴的宏伟蓝图，发出了为全面建设社会主义现代化国家、全面推进中华民族伟大复兴而团结奋斗的伟大号召。蓝图已经绘就，号角已经吹响。北京知识产权审判走过三十年的历程，即将开启新征程。北京知识产权审判队伍要坚持以习近平新时代中国特色社会主义思想为指导，深入学习贯彻习近平法治思想和习近平文化思想，把思想和行动统一到党的二十大作出的重大决策部署上来，始终不渝把坚持党的绝对领导贯彻到法院工作全过程、各方面，立足审判职能抓落实，依法妥善审理各类案件，找准知识产权审判工作的着力点、结合点，继续发扬实干担当的优良传统，奋力推进新时代知识产权审判工作高质量发展，为首都在中国式现代化建设中走在前列提供更加坚强有力的司法服务和保障。

附件：

表一：北京法院知识产权专业化审判三十年典型案例
(1993-2023)

	序号	案例
著作权案件	1	《受戒》电影作品著作权纠纷案
	2	《坚硬的稀粥》等六作家作品著作权纠纷案
	3	“鸟巢”建筑作品著作权纠纷案
	4	钱钟书书信手稿行为保全案
	5	《梦幻西游》游戏著作权、商标权及不正当竞争纠纷案
	6	“伙拍小视频”著作权纠纷案
	7	“空竹”杂技作品著作权纠纷案
	8	音集协著作许可使用合同纠纷案
	9	首例冬奥吉祥物形象著作权刑事案
专利权及 植物新品种权案件	10	GUI 外观设计专利权无效行政纠纷案
	11	“移动通信交互”5G 相关发明专利权无效行政纠纷案
	12	“U 盾”相关发明专利权无效行政纠纷案
	13	马库什化合物发明专利权无效行政纠纷案
	14	“艾地骨化醇软胶囊”药品专利链接纠纷案

	序号	案例
	15	利格列汀晶型专利权无效行政纠纷案
	16	玉米“农大 372”植物新品种申请权权属纠纷案
	17	玉米“哈育 189”植物新品种申请驳回复审行政纠纷案
商标权案件	18	“新华字典”商标权及不正当竞争纠纷案
	19	“曼松”商标权无效宣告请求行政纠纷案
	20	“摩卡”商标权撤销行政纠纷案
	21	“聚丰园”商标权无效宣告请求行政纠纷案
	22	“极氪”商标申请驳回复审行政纠纷案
不正当竞争及垄断案件	23	“猎豹浏览器”不正当竞争纠纷案
	24	电影《悟空传》商业秘密纠纷案
	25	“爱奇艺账号”不正当竞争纠纷案
	26	“小度”语音指令不正当竞争纠纷案
	27	“虚假截图软件”不正当竞争纠纷案
	28	“古北水镇”不正当竞争纠纷案
	29	“百灵鸟 QQ 营销”不正当竞争纠纷案
	30	“百度搜索”垄断纠纷案

表二：北京法院知识产权专业化审判重点调研成果

序号	名称	编著	出版日期	出版社
1	《著作权法原理解读与审判实务》	北京市高级人民法院 民三庭	2021年7月	法律出版社
2	《北京市高级人民法院<专利侵权判定指南(2017)>理解与适用》	北京市高级人民法院 民三庭	2020年6月	知识产权出版社
3	《商业特许经营合同原理解读与审判实务》	北京市高级人民法院 民三庭	2015年10月	中国法制出版社
4	《北京市高级人民法院知识产权疑难案例要览》(共三辑)	北京市高级人民法院 民三庭	2014年6月 -2015年10月	中国法制出版社
5	《北京法院商标疑难案件法官评述》(共4卷)	北京市高级人民法院 民三庭	2012年5月 -2015年7月	法律出版社
6	《知识产权司法保护与审判指导(2015年第1辑 总第1辑)》	北京市高级人民法院 民三庭	2015年1月	中国法制出版社
7	《北京市高级人民法院<专利侵权判定指南>理解与适用》	北京市高级人民法院 民三庭	2014年9月	中国法制出版社
8	《商标授权确权的司法审查》	北京市高级人民法院 民三庭	2014年9月	中国法制出版社
9	《北京法院知识产权审判年鉴》(共2版)	北京市高级人民法院 民三庭	2005年4月 -2013年4月	知识产权出版社

序号	名称	编著	出版日期	出版社
10	《知识产权经典判例》 (1-7)	北京市高级人民法院 民三庭	2003年7月 -2013年3月	知识产权出版社
11	《北京市高级人民法院 知识产权审判新发展 2006-2011》	北京市高级人民法院 民三庭	2012年4月	知识产权出版社
12	《网络著作权经典判例 (1999~2010)》	北京市高级人民法院 民三庭	2011年1月	知识产权出版社
13	《知识产权诉讼实务研究》	北京市高级人民法院 民三庭	2008年1月	知识产权出版社
14	《知识产权诉讼研究》	北京市高级人民法院 民三庭	2003年7月	知识产权出版社
15	《北京知识产权审判案例研究》	北京市高级人民法院 民三庭	2000年8月	法律出版社
16	《侵犯专利权抗辩事由》	北京市第一中级人民法院 知识产权审判庭	2011年5月	知识产权出版社
17	《知识产权审判分类案件综述》	北京市第一中级人民法院 知识产权审判庭	2008年9月	知识产权出版社
18	《知识产权案件裁判理念与疑难案例解析》	北京市第二中级人民法院 知识产权审判庭	2014年12月	法律出版社
19	《北京市第二中级人民法院经典案例分类精解： 网络知识产权卷》	北京市第二中级人民法院 知识产权审判庭	2012年2月	法律出版社

序号	名称	编著	出版日期	出版社
20	《北京知识产权法院典型案例评析 (2014-2019)》	北京知识产权法院	2020年6月	知识产权出版社
21	《技术调查官制度创新与实践》	北京知识产权法院	2019年4月	知识产权出版社
22	《知识产权前沿案例》	北京市东城区人民法院知识产权审判庭	2011年4月	中国铁道出版社
23	《知识产权审判疑难案例评析》	北京市朝阳区人民法院知识产权审判庭	2005年5月	人民法院出版社
24	《知识产权纠纷典型案例解析》	北京市海淀区人民法院知识产权审判庭	2022年3月	中国法制出版社
25	《互联网的理性与秩序：网络侵权法律适用与典型案例精析》	北京市海淀区人民法院知识产权审判庭	2006年12月	人民法院出版社
26	《裁判思维与法律适用 (精品案例选编 2018-2020年卷)》	北京市丰台区人民法院知识产权审判庭	2022年9月	知识产权出版社
27	《互联网典型案件裁判思维与规则治理知识产权卷》	北京互联网法院	2023年8月	知识产权出版社
28	《网络著作权纠纷典型案例解析》	北京互联网法院	2021年12月	中国法制出版社

表三：北京法院知识产权专业化审判主要指导文件

	序号	文件名称	生效日期
审判 指导 意见	1	《北京市高级人民法院为加快建设全球数字经济标杆城市提供司法保障工作规划（2023-2025）》	2023年4月11日
	2	《北京市高级人民法院关于加强知识产权审判促进创新发展的若干意见》	2018年9月20日
	3	《北京市高级人民法院关于服务首都文化创意产业发展的指导意见》	2013年1月22日
业务 指导 文件	4	《北京市高级人民法院关于侵害知识产权民事案件适用惩罚性赔偿审理指南》	2022年4月25日
	5	《北京市高级人民法院知识产权民事诉讼证据规则指引》	2021年4月22日
	6	《知识产权民事案件适用小额诉讼程序工作指引》	2021年10月11日
	7	《北京市高级人民法院关于侵害知识产权及不正当竞争案件确定损害赔偿的指导意见及法定赔偿的裁判标准》	2020年4月21日
	8	《北京市高级人民法院商标授权确权行政案件审理指南》	2019年4月24日
	9	《北京市高级人民法院侵害著作权案件审理指南》	2018年4月23日

序号	文件名称	生效日期
10	《北京市高级人民法院专利侵权判定指南（2017）》	2017年4月20日
11	《北京市高级人民法院关于涉及网络知识产权案件的审理指南》	2016年3月29日
12	《北京市高级人民法院关于审理涉及综艺节目著作权纠纷案件若干问题的解答》	2015年3月16日
13	《北京市高级人民法院关于视频分享著作权纠纷案件的审理指南》	2012年12月31日
14	《北京市高级人民法院关于审理电子商务侵害知识产权纠纷案件若干问题的解答》	2012年12月28日
15	《北京市高级人民法院关于审理商业特许经营合同纠纷案件适用法律若干问题的指导意见》	2011年2月24日
16	《北京市高级人民法院关于网络著作权纠纷案件若干问题的指导意见（一）》（试行）	2010年5月19日
17	《北京市高级人民法院关于审理商标民事纠纷案件若干问题的解答》	2006年3月7日
18	《北京市高级人民法院关于审理知识产权纠纷案件若干问题的解答》	2002年12月27日

White Paper on Beijing Courts’ Specialized Trial of Intellectual Property Cases for Three Decades (1993-2023)

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White Paper on Beijing Courts’ Specialized Trial of Intellectual Property Cases for Three Decades (1993-2023)

Beijing High People’s Court

Preface

It has been three decades for specialized trial of the intellectual property (hereinafter referred to as IP) cases by Beijing courts since August 5, 1993, when Beijing High People’s Court and the former Beijing Intermediate People’s Court pioneered the establishment of IP divisions across China. Ongoing breakthrough has been made by Beijing courts in specialized trial of the IP cases over the past three decades. Especially since the 18th CPC National Congress, the CPC Central Committee with General Secretary Xi Jinping at its core has put IP protection in a more prominent position. Around the work on IP, General Secretary Xi Jinping has made a range of important instructions and put forward a series of important assertions. As fundamental guidelines and operational guidance

for the development of the IP cause in the new era, these instructions and assertions have been instrumental in leading the cause of IP in China to achieve historic successes. Beijing courts closely focus on the big picture of the CPC and the country, adhere to Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, in-depth study and implement Xi Jinping Thought on the Rule of Law and Xi Jinping Thought on Culture, keep in mind the top priorities of the country, and deeply understand and implement General Secretary Xi Jinping's important exposition on the "Five Relations" for IP protection. In the light of the national strategies and the actual needs of the capital's development in the new era, Beijing courts have continued to improve competency of judicial protection of intellectual property rights, inspired self-innovation, and safeguarded the order of fair competition through IP trial, with a view to building a powerhouse in intellectual property rights, supporting Beijing's efforts in developing the "Four Centers" (namely, the national political center, cultural center, center for international exchanges and center for technological innovation), the "Two Zones" (namely, the Integrated National Demonstration Zone for Opening up the Services Sector and the China (Beijing) Pilot Free Trade Zone), and the "Three

Platforms” (namely, the China International Fair for Trade in Services, the Zhongguancun Forum and the Financial Street Forum), and strengthening IP judicial protection for the capital’s high-quality development.

1. General Information about Beijing Courts’ Specialized Trial of Intellectual Property Cases for Three Decades

1.1 General information on cases

1.1.1 Overview of cases accepted and concluded by Beijing courts

1.1.1.1 Overview

From 1993 to September 2023, Beijing courts newly accepted a total of ⁴624,577 IP cases of first instance, second instance, appeal and retrial, and concluded 598,228 IP cases. Among them, the number of newly accepted and concluded IP cases both reached 1,000 in 2002 and were both up to 10,000 in 2010. With China’s accelerated promotion of scientific and technological self-reliance since the 18th CPC National Congress, strategic emerging industries have continued to develop and grow, breakthroughs have been made in a number of key core technologies, and China has listed among the

⁴ IP cases of all types include, by level of trial, those involving first instance, second instance, appeal and retrial procedures, and by cause of action, those involving civil, administrative and criminal cases.

innovation-oriented countries; the level of rule of law for intellectual property rights has continued to improve, and the number of IP cases accepted and concluded in Beijing courts has grown accordingly. From 2013 to September 2023, Beijing courts newly accepted a total of 549,160 IP cases of all types and concluded 524,090 cases, accounting for more than 87.5% of the total number of newly accepted and concluded cases in the past thirty years. Among them, 86,130 IP cases of all types were newly accepted in 2021, the highest record in the past thirty years.

1.1.1.2 Overview of cases of first instance and second instance

From 1993 to September 2023, Beijing courts accepted a total of ⁵621,762 new IP cases of first instance and second instance, with an average annual growth rate of 21.8%; and concluded 595,520 cases, with an average annual growth rate of 22.2% (see Fig. 1 for details). With remarkable improvement in China's comprehensive IP strength and scientific and technological innovation capabilities since the 18th CPC National Congress, the number of IP cases accepted by Beijing courts has grown rapidly. From 2013 to September 2023,

⁵ IP cases of first instance and second instance include, by level of trial, those involving first instance and second instance procedures, and by cause of action, those involving civil, administrative and criminal cases.

Beijing courts accepted a total of 546,871 new IP cases of first instance and second instance and concluded 521,902 cases, which is 7.3 times and 7.1 times the total number of newly accepted and concluded IP cases of all types in the previous two decades, respectively.

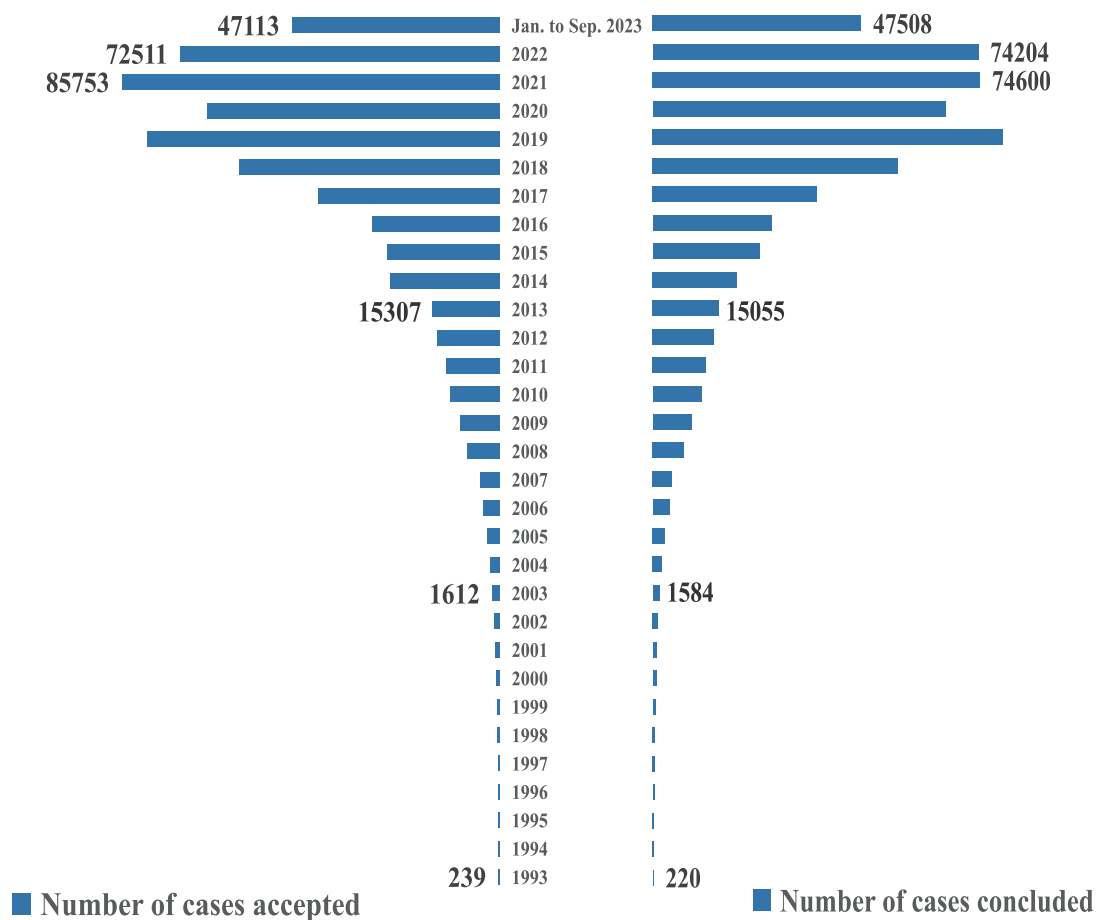


Fig.1 IP cases accepted and concluded at first and second instances by Beijing courts from 1993 to September 2023

With regard to the acceptance and conclusion of IP cases of first instance, during the period from 1993 to September 2023, Beijing courts accepted a total of 525,076 new IP cases of first

instance, with an average annual growth rate of 21.3%, and concluded 502,286 cases, with an average annual growth rate of 21.6% (see Fig. 2 for details).

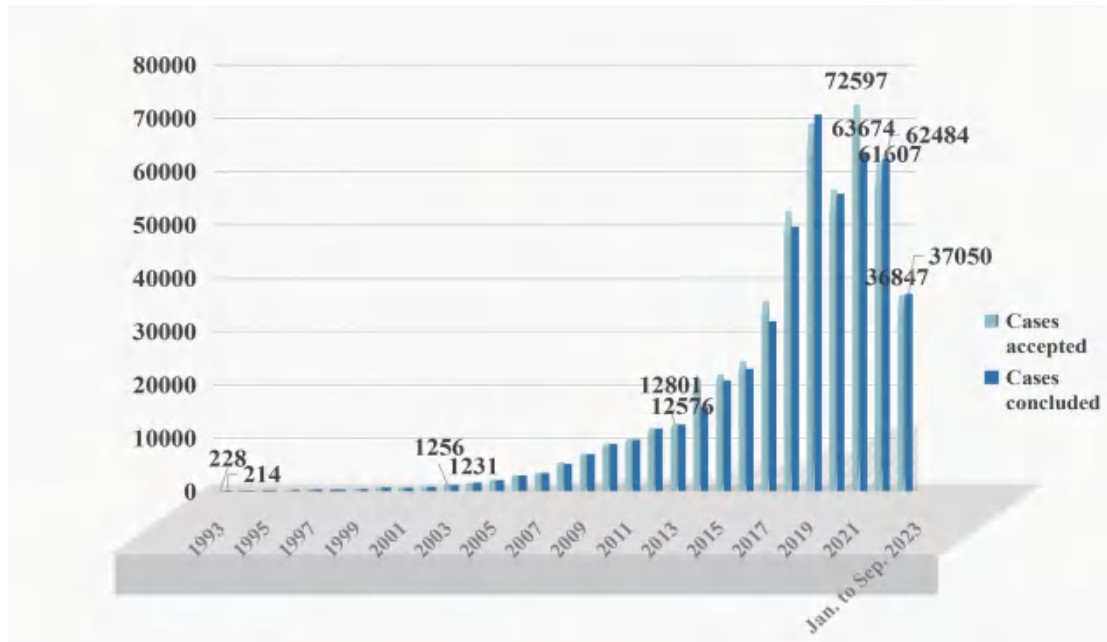


Fig. 2 IP cases accepted and concluded at first instance by Beijing courts from 1993 to September 2023

With regard to the acceptance and conclusion of IP cases at second instance, during the period from 1993 to September 2023, Beijing courts accepted a total of 96,686 new IP cases at second instance, with an average annual growth rate of 26.9%, and concluded 93,234 cases, with an average annual growth rate of 29.9% (see Fig. 3 for details).

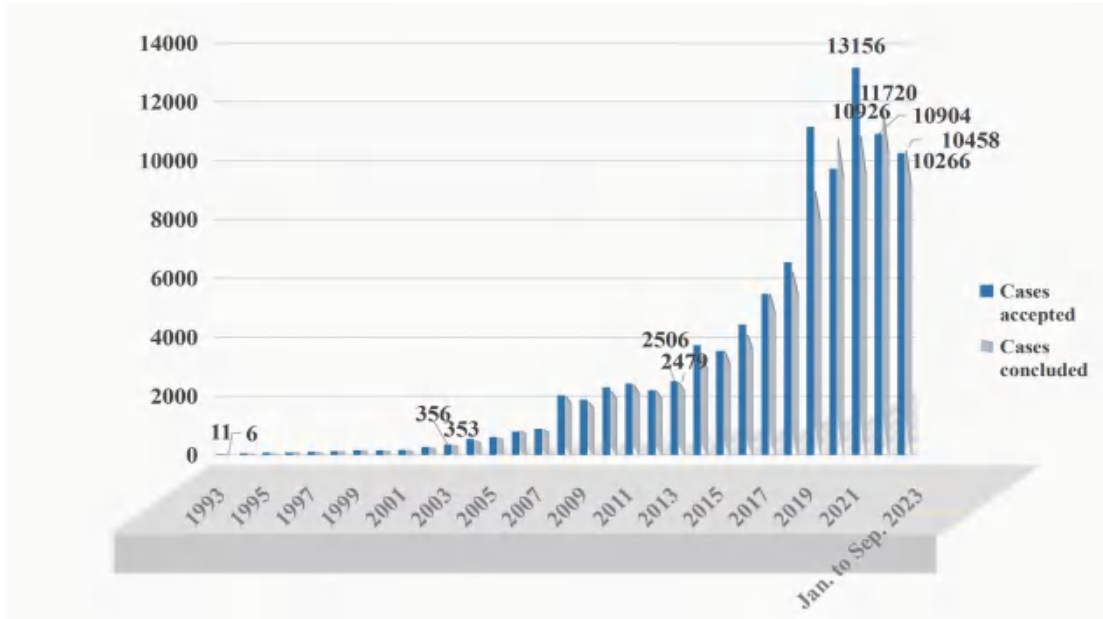


Fig. 3 IP cases accepted and concluded at second instance by Beijing courts from 1993 to September 2023

1.1.1.3 Jurisdiction over different trial levels

In terms of jurisdiction among the three levels of courts in Beijing, the proportion of new IP cases of first instance accepted by Beijing's primary people's courts and intermediate people's courts to those accepted by Beijing courts was 65.64% and 34.35% respectively, with Beijing High People's Court accepting only a small proportion of first-instance IP cases (see Fig. 4 for details); the proportion of new IP cases of second instance accepted by Beijing intermediate people's courts and Beijing High People's Court to those accepted by Beijing courts was 38% and 62% respectively (see Fig. 5 for details). Since the 18th CPC National Congress, Beijing courts have made a historic leap in IP trial and continued to deepen the development

of a specialized trial system for intellectual property rights. Beijing Intellectual Property Court, as the first specialized IP court in the country, has accepted 169,769 new IP cases of first instance and second instance from its founding on November 6, 2014 to September 2023, with new IP cases of first instance and second instance accepted from 2015 to September 2023 accounting for 33.4% of the new IP cases of first instance and second instance accepted by Beijing courts over the same period.

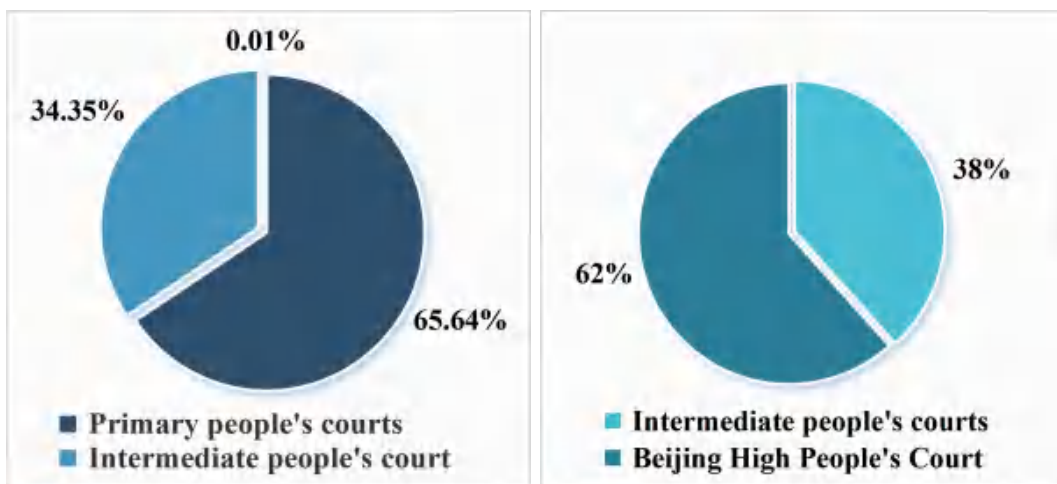


Fig. 4 Proportion of first-instance IP cases accepted by Beijing courts by level

Fig. 5 Proportion of second-instance IP cases accepted by Beijing's Intermediate People's Courts and Beijing High People's Court

1.1.2 Overview of administrative cases accepted and concluded by Beijing courts

1.1.2.1 Overview

Prior to 2002, Beijing courts accepted only a small

proportion of administrative IP cases. After the Patent Law and the Trademark Law were newly amended in 2001 to include the administrative acts of registration and review of patent and trademark within the scope of judicial review, the number of administrative IP cases accepted by Beijing courts began to skyrocket. From 2002 to September 2023, Beijing courts accepted a total of 211,341 new administrative IP cases at first and second instance, accounting for 34.2% of the total number of newly accepted IP cases at first instance and second instance over the same period, with an average annual growth rate of 26.5%; and concluded a total of 192,803 administrative IP cases, accounting for 32.6% of the total number of concluded IP cases at first instance and second instance over the same period, with an average annual growth rate of 27.6% (see Fig. 6 for details). In addition to a relatively small proportion of copyright, new plant varieties, monopoly and other administrative cases accepted, Beijing courts have primarily dealt with patent and trademark administrative cases, with the majority being administrative cases involving the registration and review of patent rights and trademark rights. Since the 18th CPC National Congress, China has continued to lead in the number of patent and trademark applications, ranking first in the world for many

consecutive years. Beijing courts have given full play to their adjudication functions, strengthened the review of the legality of administrative acts involving the registration and review of IP, and continuously improved the quality of patent and trademark authorization and investigation.

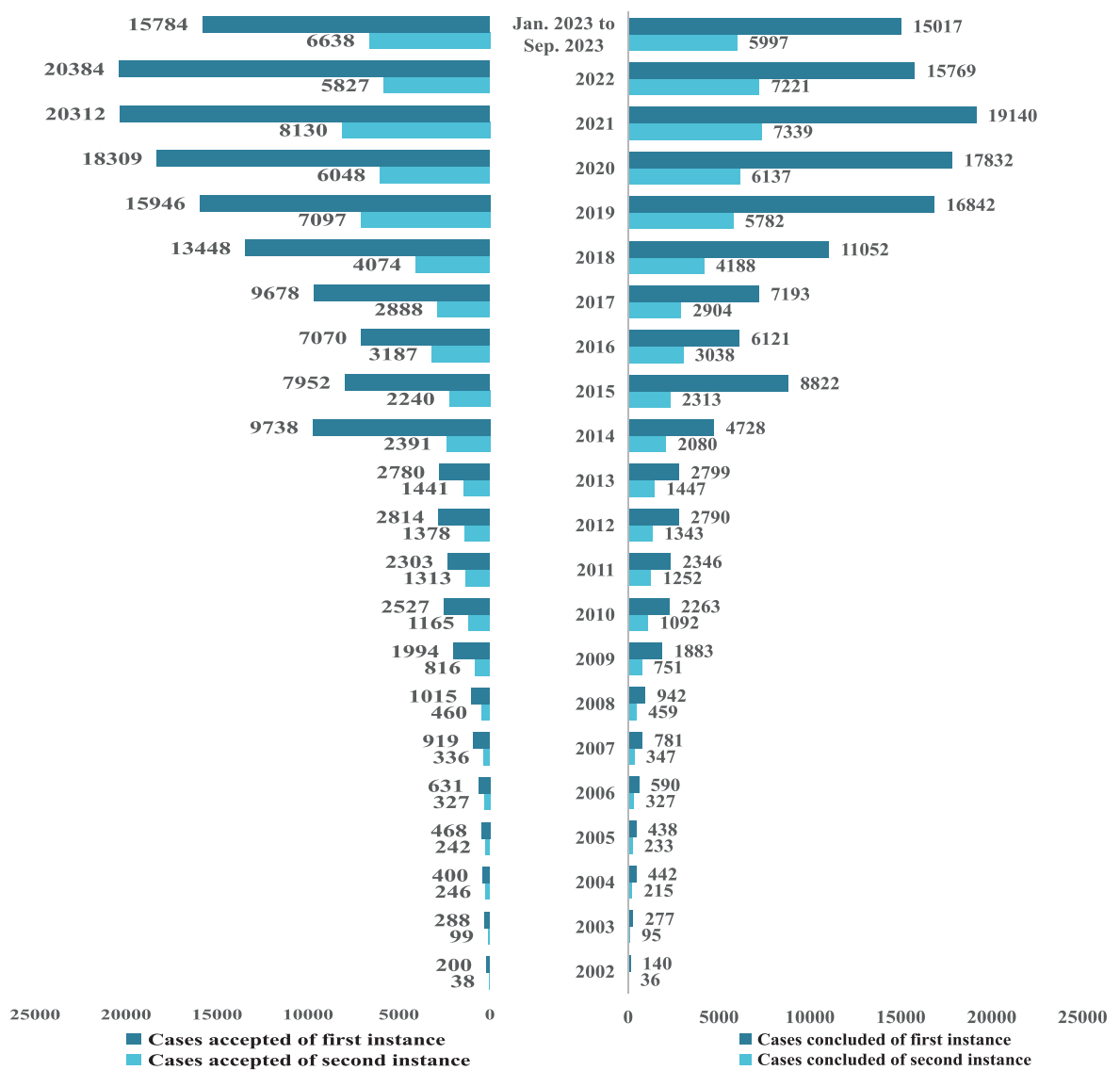


Fig. 6 Administrative IP cases accepted and concluded at first and second instances by Beijing courts from 2002 to September 2023

1.1.2.2 Patent administrative cases

From 2002 to September 2023, Beijing courts accepted 19,328 new first-instance patent administrative cases, accounting for 12.5% of the new first-instance administrative IP cases accepted and 3.7% of the new first-instance IP cases accepted, with an average annual growth rate of 12.2%; and concluded 17,527 first-instance patent administrative cases, with an average annual growth rate of 13.4% (see Fig. 7 for details). Since the 18th CPC National Congress, Beijing courts have been actively promoting innovation-driven development. From 2013 to September 2023, a total of 14,497 first-instance patent administrative cases were newly accepted, which is 3 times the number of new cases accepted from 2002 to 2012; and 12,916 cases were concluded, which is 2.8 times the number of such cases concluded from 2002 to 2012. Since the establishment of the Intellectual Property Court of the Supreme People's Court of China on January 1, 2019, all second-instance patent administrative cases have been concentrated to the Supreme People's Court of China for trial. Since then, Beijing High People's Court has ceased to accept such cases.

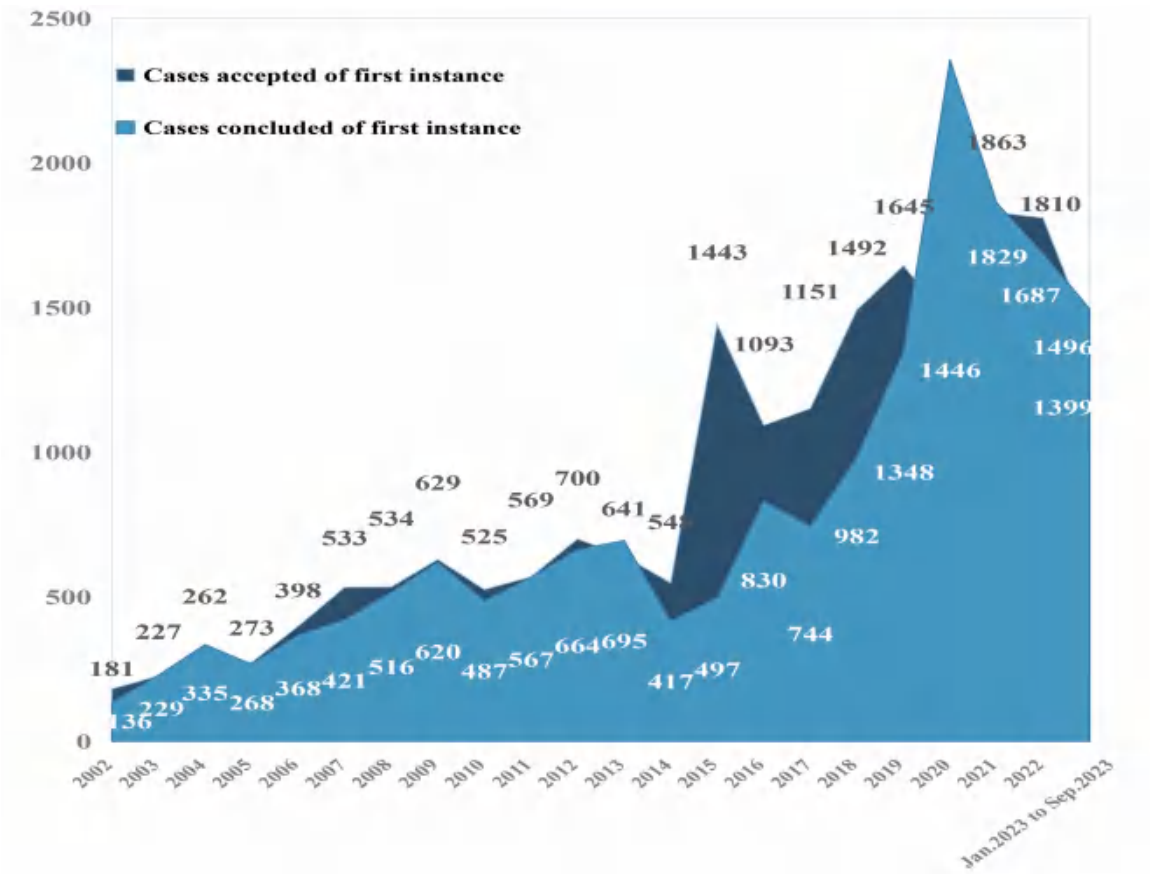


Fig. 7 Patent administrative cases accepted and concluded of first instance by Beijing courts from 2002 to September 2023

1.1.2.3 Trademark administrative cases

From 2002 to September 2023, Beijing courts accepted 135,461 new first-instance trademark administrative cases, accounting for 87.4% of the new first-instance administrative IP cases over the same period, and 26% of the new first-instance IP cases over the same period, with an average annual growth rate of 41.1%; and concluded 121,877 first-instance trademark administrative cases, with an average annual growth rate of 50.4% (see Fig. 8 for details). Since the 18th CPC National

Congress, China has implemented the trademark and brand strategy deeply and achieved remarkable results in trademark and brand building. At the same time, the trademark administrative cases accepted by Beijing courts have shown rapid growth. From 2013 to September 2023, a total of 126,765 first-instance trademark administrative cases were newly accepted, which is 14.6 times the number of new cases accepted from 2002 to 2012; and 113,601 cases were concluded, which is 13.7 times the number of such cases concluded from 2002 to 2012.

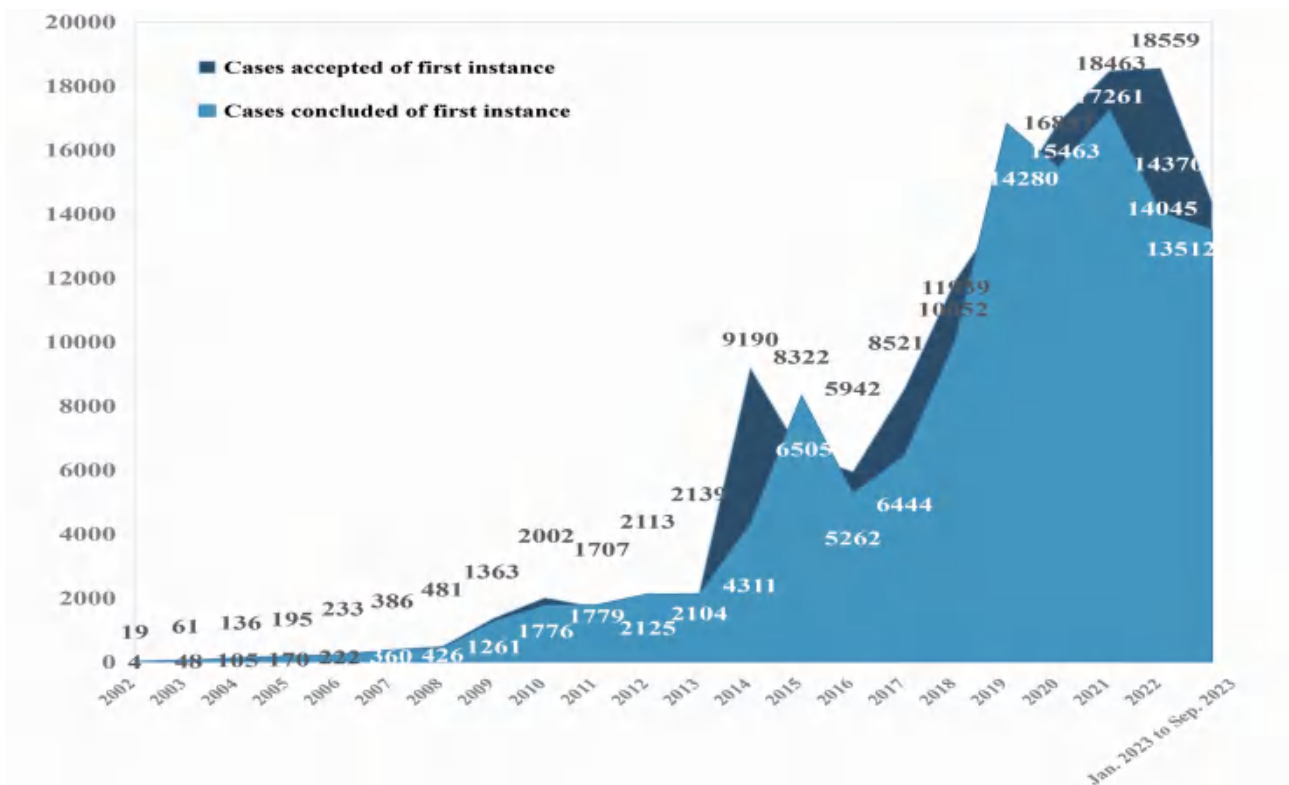


Fig. 8 Trademark administrative cases accepted and concluded of first instance by Beijing courts from 2002 to September 2023

1.1.3 Overview of civil cases accepted and concluded by

Beijing courts

1.1.3.1 Overview

From 1993 to September 2023, Beijing courts accepted a total of 407,374 new civil IP cases at first instance and second instance, accounting for 65.5% of the new IP cases accepted at first instance and second instance, with an average annual growth rate of 19.9%; and concluded a total of 399,690 civil IP cases, accounting for 67.1% of the IP cases at first instance and second instance concluded, with an average annual growth rate of 20.7% (see Fig. 9 for details). Since the 18th CPC National Congress, Beijing courts have consistently recorded high numbers of newly accepted and concluded civil IP cases of first instance and second instance, of which the number of newly accepted and concluded cases in these categories in 2019 exceeds the total number of newly accepted and concluded cases in these categories in the two decades from 1993 to 2012.

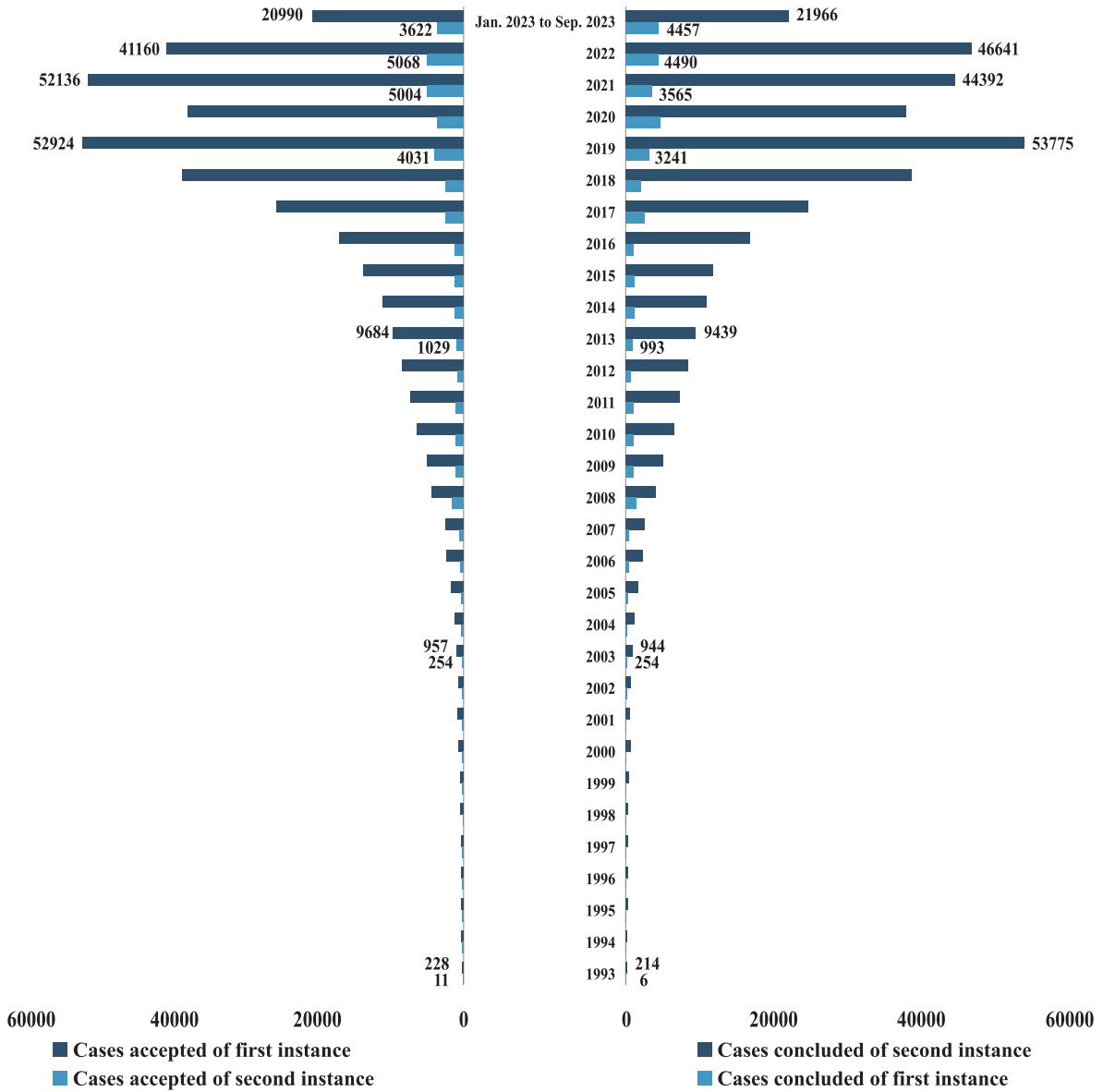


Fig. 9 Civil IP cases accepted and concluded of first instance and second instance by Beijing courts from 1993 to September 2023

In terms of the proportion in the country, since the 18th CPC National Congress, the proportion of new first-instance civil IP cases accepted and concluded by Beijing courts to those accepted and concluded by local people's courts at all levels in the country averaged 11.6% and 11.4% respectively (see Figs.

10 and 11 for details), placing Beijing courts among the top in the country in terms of the number of cases accepted and concluded.

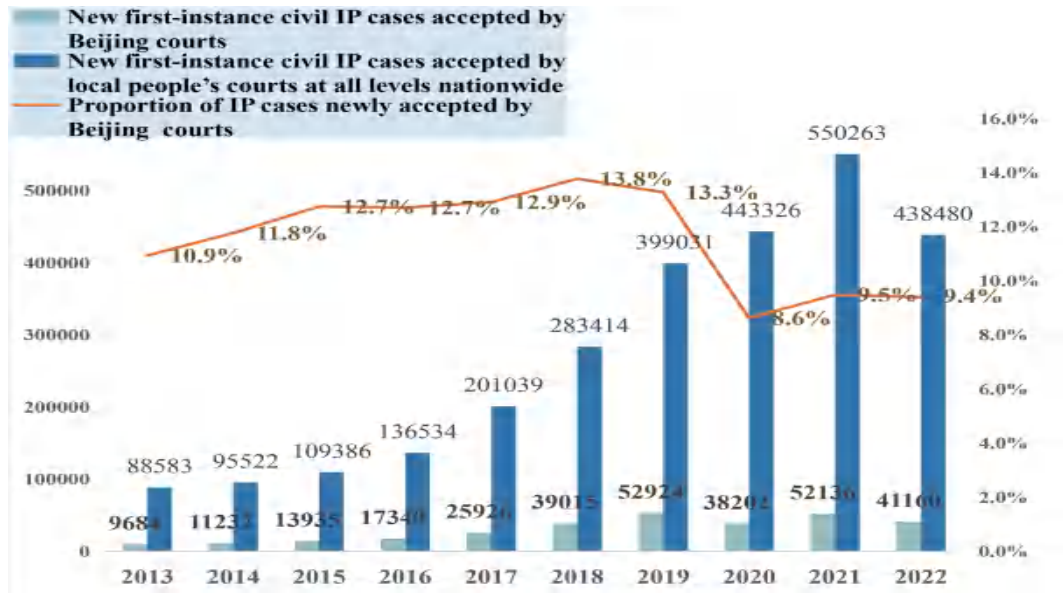


Fig. 10 Proportion of new first-instance civil IP cases accepted by Beijing courts to those accepted by local people's courts at all levels nationwide from 2013 to 2022

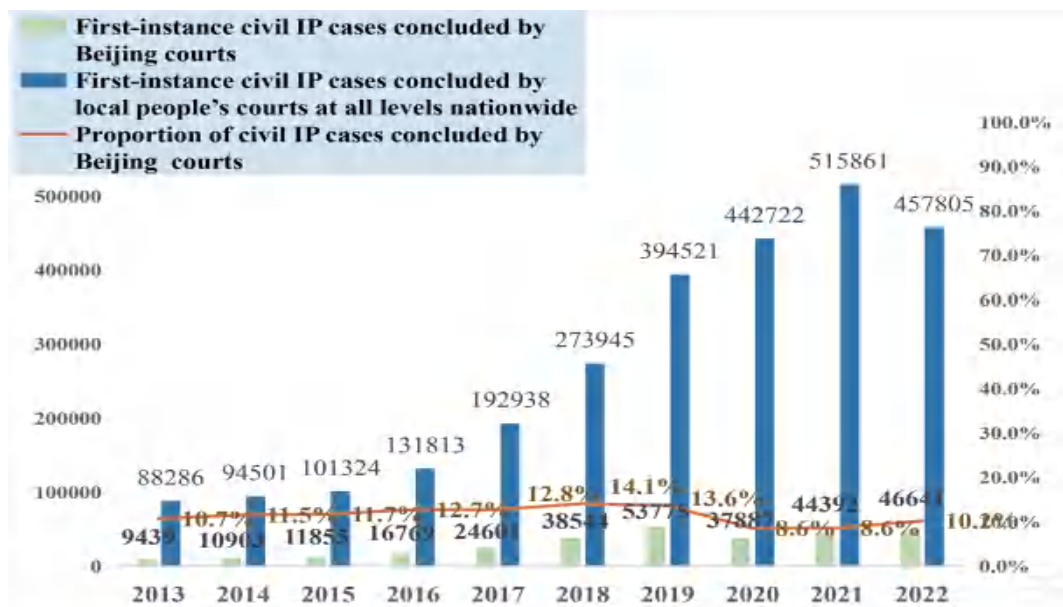


Fig. 11 Proportion of first-instance civil IP cases concluded by Beijing courts to those concluded by local people's courts at all levels nationwide from 2013 to 2022

1.1.3.2 Copyright civil cases

From 1993 to September 2023, Beijing courts accepted 306,993 new first-instance copyright civil cases, accounting for 83.6% of the new first-instance civil IP cases, and 58.5% of the new first-instance IP cases, with an average annual growth rate of 23.6%. The proportion of new first-instance copyright civil cases to new first-instance civil IP cases and to new first-instance IP cases in Beijing courts averaged 68% and 42.5%, respectively (see Fig. 12 for details). Since the 18th CPC National Congress, with the rapid development of information technology, the number of disputes involving online copyrights accepted by Beijing courts has grown rapidly, with 160,656 new cases of first instance involving infringement of the right to disseminate works over the internet accepted from 2013 to September 2023, representing an average annual growth rate of 22.8%.

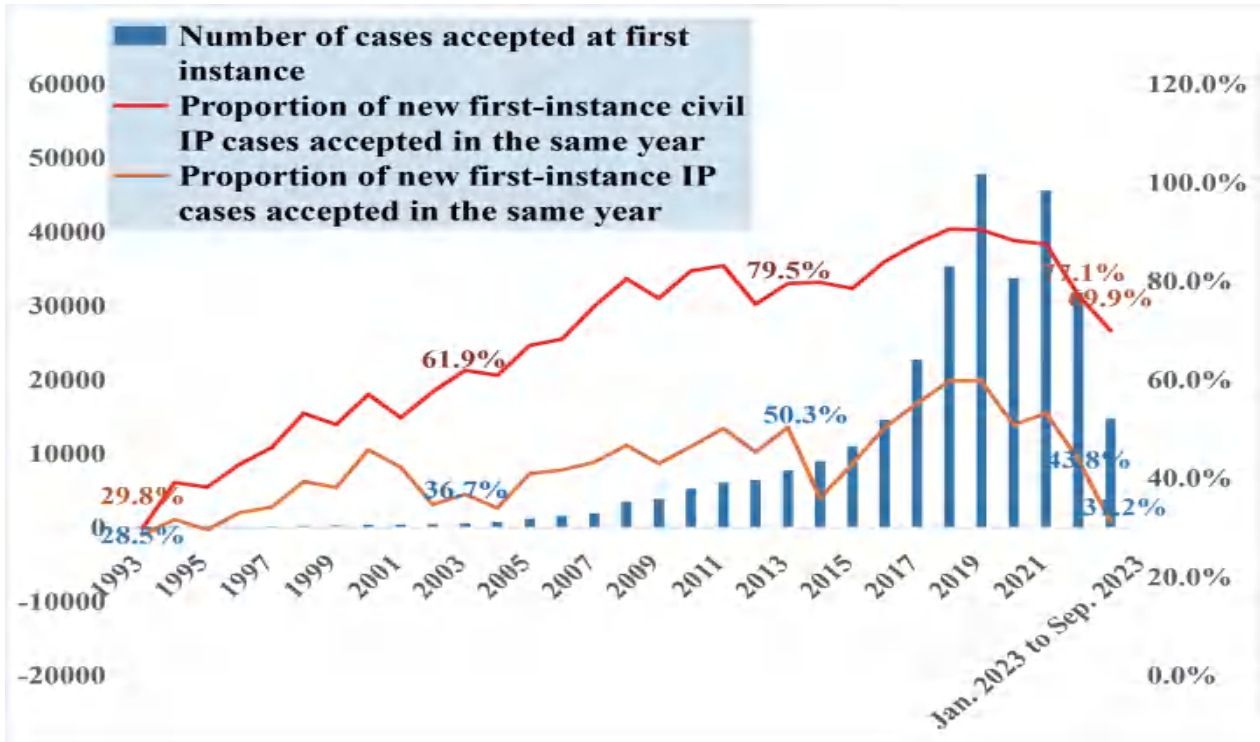


Fig. 12 New first-instance civil IP cases accepted by Beijing courts from 1993 to September 2023

1.1.3.3 Other types of civil cases

In addition to copyright civil cases, the proportion of other types of civil cases to the first-instance civil IP cases is as follows: 27,370 trademark civil cases at 7.4%; 10,143 patent civil cases at 2.8%; 7,124 unfair competition cases at 1.9%; 5,676 technology contract cases at 1.5%; and 373 monopoly dispute cases at 0.1%. In addition, cases involving new varieties of plants, integrated circuit layout design contracts, Internet domain names, and disputes over liability for damages due to maliciously filed IP lawsuits have emerged in large numbers, accounting for 2.6% of the first-instance civil IP cases (see Fig.

13 for details).

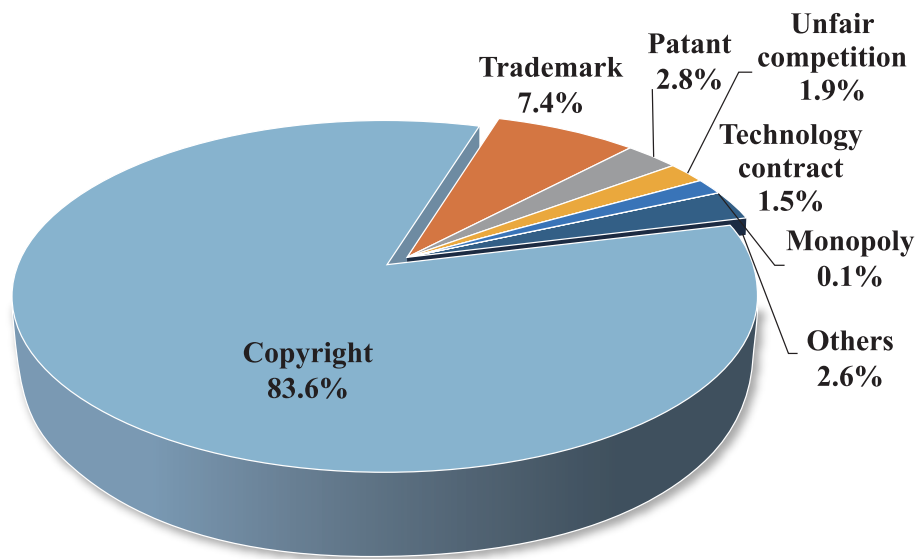


Fig. 13 Proportion of new first-instance civil IP cases by type accepted by Beijing courts from 1993 to September 2023

4. Overview of criminal IP cases accepted and concluded by Beijing courts

From 2002 to September 2023, Beijing courts accepted a total of ⁶3,109 new criminal cases of infringement of IP, with an average annual growth rate of 10.1%; 3,089 cases were concluded, with an average annual growth rate of 11.4%.

Among them, 1,721 first-instance criminal cases of infringement

⁶According to the provisions of the Criminal Law of the People's Republic of China and its judicial interpretations, there are a total of eight crimes in criminal cases involving IP, namely: (1) Crime of counterfeiting the registered trademark; (2) Crime of selling goods with counterfeit registered trademarks; (3) Crime of illegally manufacturing and selling illegally manufactured registered trademark marks; (4) Crime of counterfeiting patents; (5) Crime of infringing copyright; (6) Crime of selling infringing copies; (7) Crime of infringing on commercial secrets; and (8) Crime of stealing, spying on, bribing, and illegally supplying commercial secrets for the benefit of other countries/regions.

of registered trademarks were newly accepted, with an average annual growth rate of 12.1%; 1,710 cases were concluded, with an average annual growth rate of 14.6%. Beijing courts accepted 923 new first-instance criminal cases of copyright infringement, with an average annual growth rate of 4.1%; 918 cases were concluded, with an average annual growth rate of 5.2%. A total of 56 criminal cases of first instance in other categories were newly accepted and 55 cases were concluded (see Fig. 14 for details). Beijing courts accepted 323 new second-instance IP criminal cases, with an average annual growth rate of 7.8%; 321 cases were concluded, with an average annual growth rate of 11.6%.

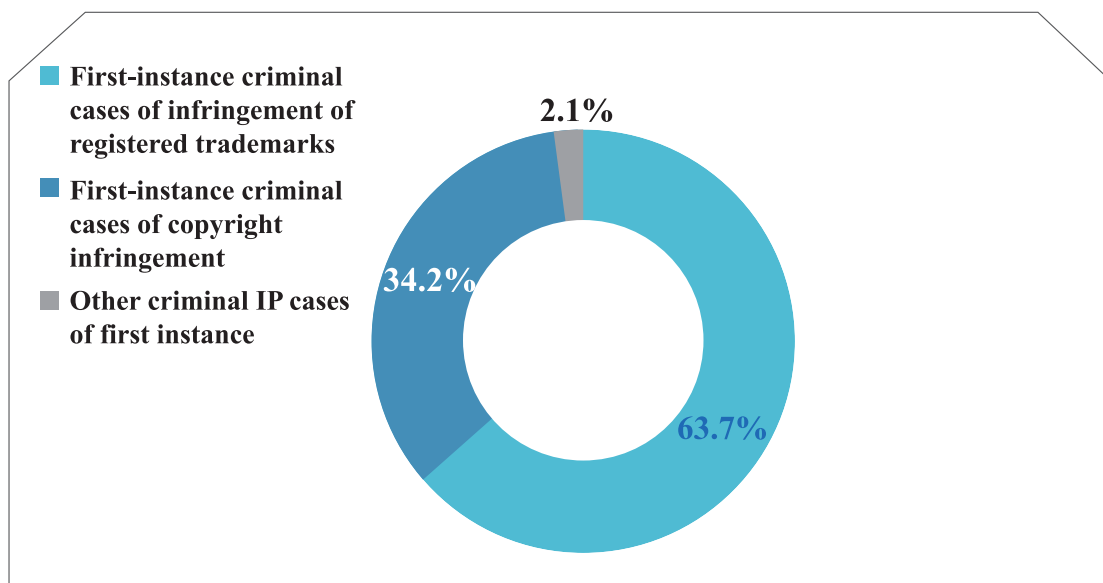


Fig. 14 Proportion of new first-instance criminal cases of infringement of IP by type accepted by Beijing courts from 2002 to September 2023

1.1.5 Cases involving foreign countries, Hong Kong, Macao and Taiwan of China

From 1993 to September 2023, Beijing courts accepted a total of 75,636 new IP cases involving foreign countries, Hong Kong, Macao and Taiwan of China (see Fig. 15 for details). Since the 18th CPC National Congress, the number of cases involving foreign parties, Hong Kong, Macao and Taiwan of China accepted by Beijing courts has continued to climb as China continues to open up to the world at a high level. Since 2013, the proportion of new IP cases involving foreign countries, Hong Kong, Macao and Taiwan of China to new IP cases accepted by Beijing courts averaged 13.4%. Of these, 7,987 new cases were accepted in 2021, the highest ever.

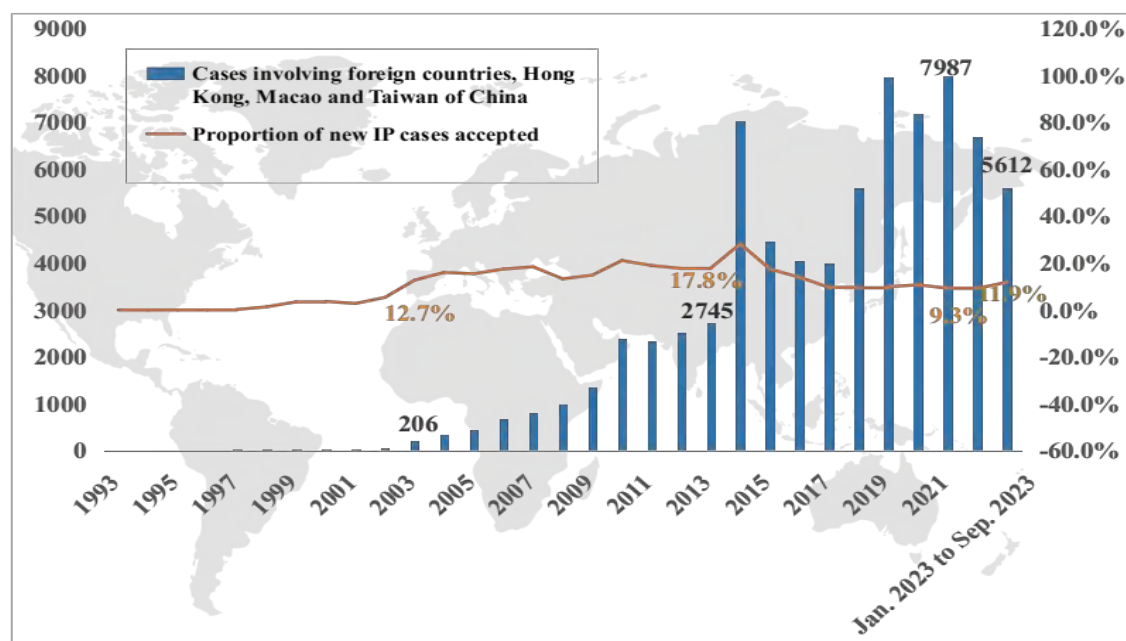


Fig. 15 New IP cases involving foreign countries, Hong Kong, Macao and Taiwan of China accepted by Beijing courts from 1993 to September 2023

1.2 Primary characteristics of IP cases

First, the number of IP cases continues to rise, echoing the growing demand for judicial protection of IP in the context of high-quality economic and social development. The number of newly accepted and concluded IP cases by Beijing courts has continued to grow. Especially since the 18th CPC National Congress, Beijing courts have seen an increase in the number of IP cases newly accepted from 15,394 in 2013 to 72,854 in 2022, with an average annual growth rate of 18.9%, which reflects the strong demand and full trust of the general public for judicial protection of IP; and Beijing courts have seen an increase in the number of IP cases concluded from 15,138 in 2013 to 74,592 in 2022, with an average annual growth rate of 19.4%, which, through fair and efficient adjudication, has paved the way for a strong judicial safeguard to serve the capital's high-quality development and to meet the needs of the people for a better life.

Second, administrative cases concerning patent and trademark registration and review have recorded remarkable increase, and by giving full play to the advantage of exclusive jurisdiction, Beijing courts have formed a specialized trial pathway with Beijing's

characteristics. On December 21, 2001, China accessed to the World Trade Organization (WTO), and in order to be in line with the relevant provisions of the TRIPs Agreement, China has included the administrative acts of patent and trademark registration and review in the scope of judicial review. Since then, administrative cases of patent and trademark rights registration and review across the country have been under the exclusive jurisdiction of Beijing intermediate courts and Beijing High People's Court. And since 2019, administrative cases of patent right registration and review at second instance have been centralized to be heard by the Intellectual Property Court of the Supreme People's Court of China. Since the 18th CPC National Congress, Beijing courts have recorded a significant increase in the number of administrative cases accepted on patent and trademark registration and review. By fulfilling its exclusive jurisdiction function, Beijing courts have continuously promoted the improvement of the quality of patent review, and have promoted the normalization and standardization of the order of trademark application and registration.

Third, with a high percentage of civil cases involving copyright on the internet being filed, Beijing courts have achieved significant results in protecting cultural creations

and promoting the dissemination of works. Following the rapid development of internet technology in China, Beijing courts have witnessed a rapid growth in the number of first-instance internet copyright cases since the 18th CPC National Congress, accounting for nearly 70% of the first-instance civil copyright cases over the same period. Giving full play to copyright trials for regulating, guiding, promoting and safeguarding cultural development, and their efforts to adapt to the changes in the pattern of omnimedia communication, properly deal with the new copyright issues in the creation and dissemination of internet culture in accordance with the law, stimulate the vitality of cultural innovation, and contribute to the prosperity of the cultural industry, Beijing Courts have delivered competent judicial services for the implementation of the national cultural digitization strategy outlined at the 20th CPC National Congress and the deepening of the development of Beijing as a national cultural center.

Fourth, Beijing courts have actively responded to the new requirements for the criminal protection of IP, and have stepped up their efforts to combat IP crimes in accordance with the law. By giving full play to the function of penalties in punishing and deterring IP crimes, Beijing courts

have cracked down on IP crimes. Beijing courts heard *the case of Zhou and six others involved in the crime of copyright infringement via siluhd.com*, which is of great significance to the crackdown on copyright crimes and the protection of IP in the internet context. The case was also listed as one of the top ten national IP cases of the year by the Supreme People's Procuratorate and the Supreme People's Court of China. Combining the data of e-commerce payment platforms and new features of the marketing mode of "mobile games", Beijing courts established the rules for determining the amount of the defendant's crime of selling pirated online games through third-party platform data and corroborating the circumstances of the crime in *the case involving copyright infringement by the Jushi Online (Beijing) Technology Co., Ltd. and Huang*, which is of exemplary significance to the crackdown on the new type of crime. Beijing courts heard the country's first criminal case of infringement of the copyright of the art works of the Beijing Winter Olympics mascot, and severely punished the crime of infringing the IP rights of the Winter Olympics by criminal means. This has fully showcased a major country's commitment to the protection of the IP of the Winter Olympics, and raised China's international image in the protection of the IP of the

Winter Olympics. In addition, by continuously upgrading their efforts in researching, judging and combating new types of crimes such as infringement of digital copyrights, service marks and trade secrets, Beijing courts have actively responded to the new challenges posed by the vigorous development of the digital economy and the in-depth application of digital technology to the criminal and judicial protection of IP.

Fifth, with convenient and efficient trials of foreign-related cases, Beijing courts are gaining popularity as the preferred venue for settling international IP disputes.

Since the 18th CPC National Congress, Beijing courts have been playing an active role in maintaining a sound market environment and promoting the expansion of opening up to the outside world due to the ever increasing presence of Beijing courts in foreign-related IP trials. From 2013 to September 2023, Beijing courts accepted a total of 63,370 IP cases involving foreign countries, Hong Kong, Macao and Taiwan of China, with a rising number of cases and an average annual growth rate of 10.4%, and with parties from over 100 countries and regions in the five continents of the world. With efforts in optimizing the foreign-related service mechanism, promoting the development of smart courts, optimizing Internet trials,

continuously improving the efficiency of case adjudication, saving litigation costs of the parties, and equally protecting the legitimate rights and interests of both Chinese and foreign parties in accordance with the law, Beijing courts have progressively turned into the preferred destination for the settlement of international IP disputes.

Sixth, new types of cases continue to emerge, placing higher demands on the level of IP adjudication. Since the 18th CPC National Congress, following the in-depth implementation of the innovation-driven development strategy, Beijing courts have accepted an increasing number of IP cases involving high-tech industries such as biomedicine, high-end equipment manufacturing, new materials and new energy, etc., making it more difficult for the finding of complex technical facts and the application of law. The right boundary and responsibility determination of IP protection in new fields and new business sectors have put forward higher requirements for the judicial capacity and adjudication level of IP. Beijing courts have created a mechanism whereby technical investigation officers are involved in the entire process of technical fact-finding, enabling the shared use of technical investigation officers by all three levels of courts in Beijing. A series of

international parallel litigation involving standard-essential patents in the field of 4G and 5G communications have led to the settlement of related IP disputes on a global scale. The conclusion of cases like *Red Bull trademark ownership dispute*, among other internationally significant cases, has led to a continuous improvement in the level of IP trials by Beijing courts.

1.3 Milestones of the layout of specialized IP trials

Since the 18th CPC National Congress, China has made significant progress in the building of an IP trial system in the process of accelerating the pace of implementation of the IP strategy, with a new pattern of specialized trials gradually taking shape. Beijing courts have undergone profound changes and made great progress in the judicial protection of IP while supporting the high-quality development of the capital city, and have seen an ongoing professionalization and centralization of the adjudication pattern, allowing for the shaping of an IP trial system that is in line with the international practice. Overall, there have been three stages of development in the layout of IP trial in Beijing courts.

Stage 1: Start-up

As a forerunner in the judicial trial of IP cases, Beijing

courts have made an early start in the trial of IP cases and boasted excellent prospects. In August 1993, Beijing High People's Court and the former Beijing Intermediate People's Court became first among peers across the country in setting up IP Divisions. In February 1995, the IP Division of Haidian District People's Court of Beijing was set up, making it one of the earliest IP divisions among the primary courts of the country. In April 1995, the former Beijing Intermediate People's Court was officially divided into First and Second Intermediate People's Courts of Beijing and created the IP divisions accordingly. In May 1998, the IP Division of Chaoyang District People's Court of Beijing was established, and since then, IP cases have no longer been heard in other primary people's courts in Beijing except for Haidian Court and Chaoyang Court.

Stage 2: Expansion for improvement

The continuous growth of IP cases calls for greater judicial protection of IP. In 2007, Fengtai District People's Court, Dongcheng District People's Court, and Xicheng District People's Court set up IP Divisions one after another. Since then, eight primary courts, including Shijingshan District People's Court and Changping District People's Court, have set up IP divisions successively. In 2010, following the merger of

Dongcheng and Chongwen, Xicheng and Xuanwu Districts, the IP divisions of the above courts were merged accordingly. In April 2013, the Zhongguancun Tribunal of Haidian Court was established, making it the first detached court in the country to hear primarily IP cases and the only one in the municipality with jurisdiction over IP cases. In August 2013, Third Intermediate People’s Court of Beijing was established and its IP Division was also set up.

At this point, Beijing courts have formulated a trial layout consisting of 11 primary courts with 12 divisions having jurisdiction over IP cases, 3 IP divisions of intermediate courts and the IP Division of Beijing High People’s Court, thereby further strengthening Beijing courts’ competitiveness in IP trial.

Stage 3: New stage of high-quality development

The Decision of the CPC Central Committee on Several Major Issues Concerning Comprehensively Deepening the Reform adopted at the Third Plenary Session of the 18th CPC Central Committee, clearly puts forward the reform task to “explore the establishment of intellectual property courts”. On November 6, 2014, Beijing Intellectual Property Court was officially founded as the first specialized IP court in China, signaling an important step in the reform of the judicial system

as deployed by the Third Plenary Session of the 18th CPC Central Committee, and an important milestone in IP protection in China. Beijing Intellectual Property Court replaced the IP divisions of First, Second and Third Intermediate People's Courts of Beijing to have jurisdiction over the IP cases.

In order to effectively bring into play the role of Beijing courts in conducting professional IP trials and further harmonize the trial yardstick, Beijing High People's Court appropriately restructured the overall pattern of IP divisions of primary courts in 2015. As a result, six primary courts, namely, Dongcheng, Xicheng, Chaoyang, Haidian (IP divisions), Fengtai, and Shijingshan, were retained to have the jurisdiction over IP cases. On July 6, 2018, at the Third Session of the CPC Central Committee for Comprehensively Deepening the Reform, the *Scheme on the Addition of Beijing Internet Court and Guangzhou Internet Court* was deliberated and endorsed . On September 9 of the same year, Beijing Internet Court was officially established, making it the seventh primary court in Beijing with jurisdiction over first-instance IP cases. At present, Beijing courts have formed an IP trial pattern involving “one high court, one intermediate court and seven primary courts”.

At the same time, in order to build Beijing courts into a

distinctive talent highland, Beijing courts have firmly implemented General Secretary Xi Jinping's requirements for the "revolutionization, regularization, specialization, and professionalization" of judicial staff and the CPC Central Committee's decisions and deployments regarding talent development, conscientiously put into effect the CPC Beijing Municipal Committee's and the Supreme People's Court's requirements for building a talent team, and innovated the mode of talent training around the capital city's strategic positioning. Since 2019, Beijing Intellectual Property Court, Haidian Court, Chaoyang Court and Dongcheng Court have been established as a talent highland with characteristics in IP adjudication, sci-tech innovation adjudication, foreign-related adjudication, and culture-related adjudication, respectively. These efforts have provided strong intellectual support and talent guarantee for the promotion of high-quality development of the capital city.

Beijing has set up eight IP circuit courts in *Beijing Intellectual Property Protection Center*, *Beijing Sino-Japan Innovation & Cooperation Demonstration Zone*, *Zhongguancun Science City* and other parks. These have helped constitute an IP circuit court system that responds to Beijing's efforts in the building of major platforms featuring "Three science cities and

one demonstration area” (namely, Zhongguancun Science City, Huairou Science City, Beijing Future Science Park and the Demonstration Area for Innovation-based Industrial Clusters). So far, Beijing courts have formed a new pattern of specialized IP trial that closely fits the building of Beijing’s “Four Centers”, promotes the linkage of the “Five Key Initiatives”, meets the judicial needs of the people, and is compatible with the market-oriented, internationalized, and rule-of-law-oriented business environment of the capital city.

2. Ongoing Performance of Beijing Courts’ Specialized IP Trial Functions

General Secretary Xi Jinping emphasized during the 25th Collective Study of the Political Bureau of the CPC Central Committee that “to build a modern socialist country in a comprehensive way, it is essential to proceed from the height of national strategy and the requirements of entering a new stage of development, strengthen intellectual property protection comprehensively, promote the building of a modernized economy system, stimulate the innovation vitality of the whole society, and promote the construction of a new development pattern.” By hearing all types of IP cases in a fair and efficient

manner in accordance with the law and continuously improving the level of judicial protection of IP, Beijing courts have given full play to the important functional role of IP trial in stimulating innovation and creativity, safeguarding fair competition and promoting cultural prosperity, etc.

2.1 Performing the function of exclusive jurisdiction in accordance with the law and appropriately hearing administrative cases involving registration and review of rights

In addition to civil, administrative and criminal IP cases, Beijing courts also have exclusive jurisdiction over administrative cases concerning the registration and review of IP rights, such as patents and trademarks, and are tasked with the judicial review of administrative acts of registration and review of IP rights, such as patents and trademarks. Therefore, Beijing courts accept IP cases covering all areas. Since Beijing courts have exclusive jurisdiction over administrative cases of patent and trademark registration and review, the trial of such cases is greatly relevant to the scope of protection of China's sci-tech innovations, the level of protection of patents and trademarks in China, and the profile of China's IP protection in the international community. Since the 18th CPC National Congress,

under the increasing number of administrative cases on patent and trademark registration and review, Beijing courts, by giving full play to their strength in specialized trial, have heard a host of cases, including invalidity administrative cases about patent of invention related to 5G “*Mobile Communication Interaction*”, GUI appearance design patent, patent of invention related to *Markush Compounds*; cases of *Jufengyuan and Mansong* involving the protection of time honored trademarks and geographic indications; and administrative cases regarding trademarks, such as *Nike and Qiaodan*, involving protection of well-known trademarks or renowned brands. Beijing courts have continuously strengthened the judicial review of administrative acts of patent and trademark registration and review, regulated the specific administrative acts of administrative organs, improved the quality of judicial review of patent and trademark, and protected the legitimate rights and interests of administrative counterparts in accordance with the law.

2.2 Serving and securing sci-tech innovation in accordance with the law and promoting the spearheading role of sci-tech innovation

The 18th CPC National Congress put forward the implementation of the innovation-driven development strategy,

and emphasized that scientific and technological innovation is the strategic support for improving social productivity and comprehensive national strength, and must be placed at the core of the overall picture of national development. In order to positively satisfy the judicial demand for intellectual property protection in new industries, new business models and new modes, Beijing courts have heard cases such as the unfair competition dispute case about “*Xiaodu*” voice commands, the dispute case about pharmaceutical patent linkage to *the Eldecalcitol soft capsules*, and the dispute case about ownership of the new plant variety application for *maize Nongda 372*, and have stepped up efforts to protect IP rights for key & core technologies, given full play to the incentivizing and safeguarding role of IP trials in sci-tech innovation, strengthened the rule-leading and value-oriented functions of judicial decisions in the protection of scientific and technological innovation achievements, and promoted the continuous upgrading of technology and industry.

2.3 Protecting cultural and creative achievements in accordance with the law and promoting the healthy and orderly development of cultural industries

With its focus on upholding fundamental principles and breaking new ground for the outstanding traditional Chinese culture in the new era, Xi Jinping Thought on Culture embodies the very essence of the inheritance and development of the historical culture. Beijing courts have long bolstered copyright protection in the fields of literature, art and science, with particular emphasis on the protection of traditional and red classic cultures, and have appropriately adjudicated copyright cases involving traditional cultures, such as folk songs, paper-cutting, acrobatics, and editing and collating of ancient books. These will promote the creative transformation and innovative development of China's fine traditional cultures in the new era. At the same time, with the advancement of information technology and network technology, the cultural and creative industry, with copyright as the core content, has effectively combined culture, technology, products and market, making it an important driving force to promote innovation in traditional industries and leapfrog development of the culture industry. Beijing courts have heard a handful of new-type

copyright cases involving AI generated objects, online games, live streaming of sports events, short videos, etc. These efforts have promoted innovation in traditional industries and the leapfrog development of cultural industries. Regarding the bulk rights protection cases, Beijing courts have actively explored mechanisms for determining damages in line with the market value of copyrighted works. This has not only protected the legitimate rights of copyright holders in accordance with the law, but also effectively regulated the abuse of copyright.

2.4 Protecting the rights of trademarks and brands in accordance with the law and regulating and maintaining the market order for fair competition

General Secretary Xi Jinping pointed out that “we should do a good job in the protection of intellectual property, anti-monopoly and fair competition review in a coordinated manner, so as to promote the independent and orderly flow of innovation factors and their efficient allocation.” Protecting IP and promoting fair competition are inherent requirements for fostering a business environment that is market-oriented, law-based and internationalized, building a modernized economic structure, and consummating the socialist market economic system. Through trademark trials, Beijing courts have

supported the growth of successful Chinese brands, strengthened the judicial protection of well-known trademarks, traditional brands and time-honored brands in all respects, and imposed heavy penalties on acts such as trademark counterfeiting, attaching to others' goodwill and bad filing of others' trademarks so as to enhance the competitiveness of enterprises and help them to grow bigger in branding. Beijing courts enhance anti-monopoly and anti-unfair competition judicial efforts, given full play to the rule-led and value-oriented role of judicial adjudication in safeguarding fair market practice, strengthened enterprises' awareness of fair competition, and encouraged the formation of a market environment that respects, protects and promotes fair competition. Beijing courts have properly adjudicated cases on data right determination, data transactions, and personal information protection in accordance with law, explored and improved rules for the protection of data rights and interests, promoted the creation of an open, healthy and secure digital ecosystem, and offered judicial guarantee for Beijing to accelerate the building of Beijing into a global pacesetter of digital economy.

2.5 Hearing foreign-related IP cases in accordance with the law and protecting the legitimate rights and interests of Chinese and foreign parties on an equal footing

General Secretary Xi Jinping pointed out that “Adhering to the coordinated promotion of domestic rule of law and the rule of law in relation to foreign affairs is an imperative requirement for building a strong country governed by the rule of law.” Beijing courts have properly concluded major IP disputes related to international trade in foreign-related IP cases, effectively performed international treaties ratified by China, such as the TRIPs Agreement, the Madrid Agreement, and the Berne Convention, adhered to equal protection of the legitimate rights and interests of Chinese and foreign parties in accordance with the law, and actively fostered an open, fair, just, and non-discriminatory environment for sci-tech development and an internationalized business environment that is market-oriented and governed by the rule of law. These efforts have showcased China’s self-confidence and determination to protect innovation and be open and inclusive. By hearing foreign-related IP disputes in accordance with the law, Beijing courts have conscientiously implemented the decision-making and deployment of the CPC Central Committee, and actively

served the overall interests of the CPC and the country's foreign affairs. Beijing courts have focused on strengthening equal protection and high-level protection of Chinese and foreign parties, promoted the opening up of the country and its capital to the outside world, and realized mutual benefits, win-win cooperation and shared development. Beijing courts have upheld the overall coordination of both internal and international situations, and properly handled the relationship between judicial protection of IP in China and the international IP protection landscape.

2.6 Enhancing judicial protection in accordance with the law and strictly implementing the system of punitive damages for IP infringement

General Secretary Xi Jinping emphasized that “it is important to intensify penalties for IP infringement and violations, and to make infringers bear hefty burdens.” In order to effectively implement the system of punitive damages for IP infringement, punish serious infringement of IP in accordance with the law, increase judicial protection of IP, and give full play to the deterrent effect of the system of punitive damages, Beijing courts have been actively applying punitive damages in accordance with the law in the trial of IP cases in a prudent

manner, and have issued the *Guidelines on the Application of Punitive Damages in the Trial of Intellectual Property Infringement Civil Cases* to strictly harmonize the standards for the application of the system of punitive damages. The number of cases applying punitive damages in civil cases related to the infringement of intellectual property rights, such as copyright, trademarks and trade secrets, has gradually increased, with damages ordered in a number of cases exceeding 10 million yuan. These have significantly increased the cost of infringement, punished and effectively curbed serious IP infringement in accordance with the law.

3. Ongoing Optimization of Beijing Courts' Specialized IP Trial Mechanism

On February 6, 2018, the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council issued the *Opinions on Several Issues Concerning the Strengthening of Reform and Innovation in the Field of Intellectual Property Trial*. According to the Opinions, it is necessary to continuously deepen the reform in the field of intellectual property trial and accelerate the modernization of the intellectual property trial system and trial

capacity. By earnestly following the opinions of the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council, taking into account of the reality of IP trial in the capital city of Beijing, investing in removing systemic and institutional obstacles to the development of intellectual property trials in Beijing, and actively exploring trial mechanism innovations, Beijing courts have achieved good results in the areas of separation of complicated and simple cases, litigation source governance, collaborative protection, and “three-in-one” trial.

3.1 The mechanism of separation of complicated and simple cases has enforced the diversified availability of litigation procedures for cases

General Secretary Xi Jinping pointed out that “It is necessary to underline the reform of the litigation system and promote the separation of cases that are complicated and simple, light and heavy, fast and slow.” Beijing courts issued relevant regulations on the application of summary procedures in some civil IP cases, and explored the application of summary procedures in first-instance cases involving disputes over copyright infringement of pictures and musical works, trademark infringement disputes, and other cases with relatively

simple legal relationships and high similarity of evidence, so as to scientifically allocate and efficiently utilize trial resources, and to effectively operate the working mechanism of fast handling of simple cases and precise adjudication of complicated cases. Since 2019, as a result of a working mechanism of “diversified settlement + speedy adjudication” adopted by Beijing courts, the IP divisions of all primary courts in Beijing have constructed a speedy adjudication mechanism for civil IP cases, and have continued to make efforts to make quick adjustments and speedy adjudications for further streamlining the shift between speedy adjudications and complicated adjudications. Taking Chaoyang Court as an example, it has carried out elemental trials of typed cases, and in 2022, the application rate of summary and small-claims procedures reached 48.73%, while the application rate of the sole-judge system in ordinary procedures was as high as 90.3%.

To deepen the reform of the administrative litigation system, Beijing Intellectual Property Court promotes the construction of a procedure to separate the complicated and simple cases of administrative trademark cases and has realized the separation of the fast and slow, complicated and simple cases of administrative trademark cases. Since the trial

implementation of the procedure to separate administrative cases of trademark registration and review into complicated and simple ones in August 2021, a total of 5,403 first instance trademark refusal re-examination cases have been subject to summary procedures, with an average trial length of only 37 days, and the rate of application of the summary procedures has increased to 24.6%.

3.2 The alternative dispute resolution mechanism has promoted the prevention at source and the resolution at early stages

Since the 18th CPC National Congress, Beijing courts have implemented General Secretary Xi Jinping's important instructions that "In the process of building rule of law, it is important to solve the existing problems, and it is even more important to take preventive measures" and "we should prioritize the alternative dispute resolution mechanism and build up a hierarchical, progressive, articulated, and complementary dispute resolution system, so as to decrease the accumulation of litigation cases from the source." Guided by these above principles, Beijing courts have continued in-depth efforts towards "diversified settlement + speedy adjudication", strengthened coordination and cooperation with intellectual

property administrative departments, industry associations and professional mediation organizations, and innovated dispute resolution methods. During the period from 2016 to September 2023, 53,862 IP disputes of various types were mediated before litigation, achieving significant results in diversified settlement mechanism.

In the meantime, Beijing courts have actively responded to the new changes in IP conflicts and disputes. Beijing courts have put in place an increasingly well-established mechanism for dispute resolution and prevention, in order to effectively resolve administrative disputes on the registration and review of trademarks and disputes on IP rights involving online platforms. From 2019 to July 2023, Haidian Court successfully resolved nearly 100 disputes over unfair competition between online platforms using the “source tracing” litigation source governance mechanism, involving litigation subject matter of more than RMB 400 million. In 2023, Beijing High People’s Court and China National Intellectual Property Administration initially reached consensus that administrative review of trademark administrative proceedings involving prior rights ‘disputes’ shall be discontinued as far as possible”. Other consensuses were related to the mechanism of sharing

information of trademark malicious registrators, strengthening the examination of behavior of trademark assignment, and reinforcing the supervision over trademark agencies. These have laid a foundation for the two sides to promote the governance of litigation sources of administrative cases on the registration and review of trademarks.

3.3 The building of a greater protection pattern has broadened the specialized trial function

During his visit to Xiong'an New Area in Hebei Province, General Secretary Xi Jinping underscored that "Beijing-Tianjin-Hebei region, as one of the three important driving forces leading the country's high-quality development, should strengthen collaborative innovation and industrial collaboration, and play a demonstrative role in realizing a high level of scientific and technological self-reliance and self-improvement." In order to deeply implement the important instructions of General Secretary Xi Jinping and to serve and protect the collaborating development of Beijing-Tianjin-Hebei, Beijing High People's Court, Tianjin High People's Court, and Hebei High People's Court, on the basis of the previous collaboration among high people's courts and intermediate courts of the three places, have jointly signed the "Framework

Agreement on the Strengthening of Collaboration in the Judicial Protection of Intellectual Property Rights”, and promoted the building of a community of synergistic IP protection within Beijing-Tianjin-Hebei to a new level.

In order to actively extend trial functions and proactively serve the high-quality development of the capital city, Beijing courts, through signing data IP cooperation framework agreements with Beijing Municipal Intellectual Property Office and other institutions, have contributed judicial wisdom to the pilot work of data IP in Beijing, and have jointly promoted the standardized and healthy development of the data element market. In addition, Beijing High People’s Court, in association with the Municipal Bureau of Economy and Information Technology, the Municipal Administration for Market Regulation, the Municipal Bureau of Copyright, among others, has taken positive actions in advancing the construction of Beijing into a global pacesetter in the digital economy, accelerating the construction of the nationwide unified market, reinforcing the collaboration of administrative law enforcement and judiciary in the field of anti-unfair competition, building a full-chain protection system for copyrights in Beijing, and

penalizing the malicious IP lawsuits, so as to achieve a synergy with multiple parties in realizing the protection of IP rights.

3.4 The pilot reform of “three-in-one” has raised the overall effectiveness of judicial protection

In August 2013, the IP Division of Haidian Court was established as a pilot project for the one-stop comprehensive trial of civil, administrative and criminal IP cases, making it the first to carry out the pilot project in Beijing. Over the past ten years of pilot work, Haidian Court has basically formed the trial mode of “cross-domain collegiality and joint seminar” for criminal IP cases, and established the trial idea of “standardizing the trial by criminal procedure and assisting in the identification by civil experience”. These efforts have led to the demonstration effectiveness of a number of high-quality cases, and the increasing improvement in all-around IP protection pattern through trial for civil, administrative and criminal IP cases.

4. Ongoing Improvement of Beijing Courts’ Specialized IP Trial Proficiency

Since the 18th CPC National Congress, China has been accelerating its rule of law development, especially in the field of IP rights. Beijing courts have always borne in mind the top

priorities of the country, closely followed the requirements of grounding themselves in the new stage of development, pursuing the new philosophy of development, building a new pattern of development, and promoting high-quality development, and continuously enhanced their specialized IP capacity. These efforts have been powerfully guaranteed for accelerating the building of a powerhouse of IP rights and for promoting the high-quality development of the capital city.

4.1 Achievements of the research and supervision on specialized trials have been continuously enriched

Beijing High People's Court places great emphasis on the function of trial, research and supervision, and since the 18th CPC National Congress, Beijing courts have successively issued such guiding opinions as *Guiding Opinions on Serving the Development of Cultural and Creative Industries in the Capital City* and *Several Opinions on Strengthening Intellectual Property Trials to Facilitate the Development of Innovation*. Beijing High People's Court released the *Work Plan for Providing Judicial Guarantees for Accelerating the Construction of a Global Pacesetter in the Digital Economy (2023-2025)* at the Forum on Intellectual Property and Digital Economy Development (a side event of the Global Digital

Economy Conference 2023 organized by itself), and put forward 22 measures for judicial services to safeguard the development of the digital economy, offering judicial services and guarantees for building the Beijing model for digital economy development.

In view of the actual practice of intellectual property trials in Beijing courts, Beijing High People's Court has issued 35 guiding documents, such as the *Guidelines for Patent Infringement Determination*, the *Guidelines for the Trial of Copyright Infringement Cases*, the *Guidelines for the Trial of Trademark Right Granting and Verification Cases*, and the *Guidelines on the Application of Punitive Damages in the Trial of Intellectual Property Infringement Civil Cases*, covering different areas of patent, copyright, trademark, competition, damages, and litigation evidence, respectively. 15 of them were issued after the 18th CPC National Congress. Beijing High People's Court also issued 27 reference Q&As on IP adjudication, including the determination of the validity of coexistence agreements in administrative cases on trademark registration and review and the identification of infringing acts and infringing liabilities in cases involving IPTV copyrights, of which 18 were issued after the 18th CPC National Congress.

The above guiding documents and reference Q&As that not only promote the continuous improvement of the level of legal application of IP adjudication in Beijing courts, but also provide a stable judicial expectation and behavioral guidance for the parties to seek judicial protection, have been widely recognized by the administrative organs, upper courts, and the society at large. In particular, some of the trial guides, such as the *Guidelines for the Trial of Trademark Right Granting and Verification Cases*, and the *Guidelines on the Application of Punitive Damages in the Trial of Intellectual Property Infringement Civil Cases* were released in both Chinese and English. Beijing courts in IP adjudication have gradually grown from learners and adapters of international rules to influencers and promoters, contributing China's judicial wisdom in IP protection to the world.

4.2 Demonstrative leading role of high-quality cases has been continuously played

Beijing courts handle a wide range of IP case types including numerous new types of IP cases and rank top in the country in terms of the number of IP cases, providing a broad stage for Beijing IP judges to enhance their professional adjudication ability. Since 2008, a total of 28 cases heard at

Beijing courts have been selected into the Top Ten Cases of China's Courts of the Year and China's Top Ten Innovative Cases of Intellectual Property Rights, 66 cases have been selected into the Top 50 Typical Cases of Intellectual Property Rights of China's Courts of the Year, and 7 cases have been selected into the Reference Cases of Beijing Courts. Since 2003, Beijing courts have selected and released the top ten typical cases of judicial protection of IP for 21 consecutive years during the promotion week of World Intellectual Property Day on April 26. In 2023, for the first time, Beijing courts selected the Top Ten Cases of IP Judicial Protection of Trademark Registration and Review of Rights. Since 2002, a total of 28 judgement documents have won awards at various levels for outstanding IP judgement documents in China. The above instructive cases and excellent judgments, as well as the adjudication rules extracted from them, not only provide the general public with guidelines for dispute resolution, but also provide an important reference for the unification of the adjudication standards of similar cases nationwide.

4.3 The quality of investigation and research and its application has been continuously improved

Since the 18th CPC National Congress, the CPC Central

Committee with General Secretary Xi Jinping at its core has put investigation and research in a more prominent position. General Secretary Xi Jinping emphasized that “We must energetically encourage the practice of making investigations and studies, go to the grassroots and frontlines in their respective areas of responsibility, go to the areas with many difficulties and concentrated public opinions as well as places where work is stuck or facing difficulties, so that we can get a full and clear picture of the reality and make sure that we are well informed.” On March 29, 2023, the General Office of the CPC Central Committee issued the *Work Program on Energetically Promoting CPC-wide Investigation and Research* in a bid to stimulate efforts for investigation and research across the Party. In terms of IP adjudication, Beijing courts have always maintained an excellent research culture and a vigorous research atmosphere, and have produced a number of excellent research results originating from and serving judicial practice. A number of research reports such as *reports of unfair competition cases and internet damages for IP infringement* have been awarded special prizes and first prizes in the national selection of excellent IP research. In addition, due to its continuous improvement of the quality of its research and supervision work,

Beijing High People's Court has published and distributed more than 40 works, such as *Guidelines on the Understanding and Application of Patent Infringement Trial*, *Judicial Review of Trademark Registration and Review of Rights*, and *Explanation of the Principles of the Copyright Law and Trial Practice*. 16 of them were published after the 18th CPC National Congress.

4.4 International presence of specialized adjudication has continued to expand

General Secretary Xi Jinping highlighted that “As the global governance system is in a critical period of restructuring and change, it is important for us to actively play a part in the formulation of international rules, and to be a participant, promoter and leader in the process of global governance change.” As we enter a new stage of development, the role of intellectual property as a strategic resource for national development and a core element of international competitiveness is becoming increasingly prominent. Since the 18th CPC National Congress, the international influence of Beijing's IP trials has been expanding, with eight IP cases tried by Beijing courts featuring in the *Typical IP Cases Collection* edited by the World Intellectual Property Organization. Besides, the International Trademark Association recommended the

Reference on the Burden of Proof for Civil Cases on Trade Secrets issued by Beijing courts to its members around the globe, in a bid to popularize the achievements of China's courts in the judicial protection of IP rights.

While specialized trial capabilities are widely recognized internationally, Beijing courts are also taking an open and inclusive stance towards the world and taking on the stage of international exchanges on intellectual property protection. Judges were frequently assigned to give lectures at seminars for judges from African countries and other “Belt and Road” countries. A number of judges delivered speeches at widely influential international conferences such as the WIPO Intellectual Property Judges Forum, the Annual Meeting of International Trademark Association, the International IP Court Conference, the WIPO-MCST Inter-Regional Workshop on Copyright Enforcement, and the Annual Meeting of the International Association of Women Judges. Beijing courts moderated mock trial at various events such as the International Judicial Symposium of ASEAN Plus China, Japan and ROK, engaged in exchange of views with judges of the UK Intellectual Property Enterprise Court and other foreign judges. Through these events, Beijing courts have actively made

China's voice heard, showcased the professionalism of Beijing's IP judges, and contributed China's wisdom to the global IP governance system.

4.5 Continuous enhancement of the building of a specialized trial team

“Accelerating the building of a revolutionary, regulated, specialized and professionalized political and legal team” and “striving to build a high-quality political and legal team that the CPC Central Committee is assured of and the people are satisfied with” are the clear calls of General Secretary Xi Jinping for the creation of an ultimate political and legal team. Beijing courts have always followed Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, in-depth studied and implemented Xi Jinping Thought on the Rule of Law and Xi Jinping Thought on Culture, and carried out the practice of IP adjudication by resolutely embracing the Two Establishments, strengthening our commitment to the Four Consciousnesses, the Four-sphere Confidence and the Two Upholds. By unswervingly following the path of socialist rule of law with Chinese characteristics, Beijing courts have ensured that IP adjudication is moving forward in the right direction. Balancing efforts in both internal and international affairs and

bearing in mind the top priorities of the country, Beijing courts have continuously improved their political judgement, comprehension and execution, and have taken the initiative to defend national sovereignty and core interests. Team building is the lifeblood for the development of trial endeavors. Beijing courts began their IP adjudication programs thirty years ago with only 22 adjudicators. Nowadays, Beijing courts have gathered a host of IP trial professionals, including 157 judges, 206 judge assistants and 123 clerks; 78% of the judges and judge assistants hold master's degrees or above, 33 individuals have obtained or are currently pursuing doctoral degrees, and 32 individuals had overseas study experience.

Beijing courts have always dedicated themselves to building a proficient and united IP adjudication team, enabling a number of adjudication departments and judges in the municipality to garner major commendations and honors. Three trial divisions of Beijing courts won the “WIPO-NCAC Copyright Awards” and “China Trademark Protection Award” from the World Intellectual Property Organization (WIPO). Several other trial divisions have also been honored with the “Beijing Model Organization”, “ Outstanding Collective for IP Trial in people's courts”.

Beijing's IP adjudication team has successively produced advanced models such as Delegates to the 19th and 20th CPC National Congress, the "Most Beautiful Strugglers", "Pioneers of the Times", and "Heroic Judicial Model" Song Yushui; and has reared 4 national experts in trial practice such as Jiang Ying, 21 Beijing experts in trial practice, and 5 experts in research on judicial practice in Beijing courts. A number of Beijing courts' judges have been awarded the honorary titles of China Outstanding Judge, China Pacesetter in Case Handling, Advanced Individuals in IP Trial Work of people's courts, and Top Ten Outstanding Young Jurists in the Capital City. Several other judges have been honored as China's Most Influential People in IP Protection, China's Most Influential People in IP, and National Intellectual Property Leading Talents, among others.

5. Ongoing Breakthrough of Beijing Courts' Specialized IP Trial

While officiating at the 25th Collective Study Session of the Political Bureau of the 19th CPC Central Committee, General Secretary Xi Jinping emphasized, "the protection of IP is crucial to the modernization of the national governance

system and governance capacity, to the high-quality development, to the well-being of people's lives, to the overall picture of the country's opening up to the outside world, and to the security of the country.” Beijing courts should always associate IP trial work with the overall picture of the work of the CPC and the country, meet new challenges, respond positively to new requirements, strive to make progress for IP trial in the capital city in the new era, and provide better judicial services and strong judicial guarantee for Beijing to take the lead in basically realizing the socialist modernization.

5.1 Adhering to political leadership and guaranteeing high-quality development with high-quality judicial services

The 20th CPC National Congress proposed the major strategy of building a socialist modernized country in all aspects and comprehensively promoting the great rejuvenation of the Chinese nation by way of Chinese modernization. In terms of IP trial, Beijing courts will quickly adapt to new changes and new trends, observe the overall picture, respond to changing situation and look into the future, follow Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, in-depth study and implement Xi Jinping Thought on the Rule of Law and Xi Jinping Thought on Culture, abide by the correct

political direction of IP trial in the capital city at all times, strengthen the judicial protection of IP rights in all aspects, earnestly enhance the sense of responsibility and sense of mission of the IP judicial protection, accurately capture the new characteristics and requirements of the capital city's development, and positively take up the important responsibility of servicing and safeguarding Chinese modernization. All these efforts will foster a conducive rule of law environment for accelerating the building of Beijing's "Four Centers" and securing the development of the "Two Zones", and contribute to the development of Beijing as an international innovation center and a global pacesetter in the digital economy.

5.2 Adhering to impartial justice to bear in mind the duty and mission of servicing and supporting sci-tech innovation

With the implementation of China's innovation-driven development strategy and the advancement of the work of Beijing's "Two Zones" task list, the new pattern of regional development centered on sci-tech innovation, the opening up of the service sector, and the digital economy has put forward new and higher requirements for the judicial protection of IP rights.

First, continuously increasing judicial protection of IP

rights in key areas, core technologies, and emerging industries. Deeply implementing General Secretary Xi Jinping's call to keep the lifeblood of sci-tech firmly in our very own control, strengthening judicial protection of IP cases involving competitive industries such as integrated circuits, medicine and health, new energy vehicles, smart equipment manufacturing and other industries, as well as future industries such as opto-electronics, life sciences and low-carbon technologies, and focusing on creating a law-based environment that is conducive to innovation and creativity. Continuously summarizing and refining the rules for judicial protection of IP rights in new fields such as big data, artificial intelligence, cloud computing and blockchain, and promoting the continuous innovation and upgrading of technologies and industries. Strengthening the protection of the legitimate rights and interests of sci-tech innovation players, especially for the protection of key core technologies and original innovations of small and medium-sized enterprises. Giving full play to the exclusive jurisdiction of Beijing courts in administrative cases of patent registration and review, highlighting the role of IP trial in stimulating and safeguarding sci-tech innovations, striving to communicate the brand of "Beijing Smart Manufacturing", and

promoting the building of Beijing as a major sci-tech innovation hub in the world.

Second, strengthening the leading and guiding role of the judiciary, safeguarding the order of fair competition in the market, and promoting the healthy and orderly development of new economy and new businesses. Resolutely implementing the decision-making and arrangement of the Central Government on strengthening the protection of IP rights, providing high-quality services to guarantee the building of Beijing into a national pilot city for innovation in business environment, and solidly executing the reform tasks of the “Implementation Plan of Beijing Municipality on Comprehensively Optimizing the Business Environment to Help Enterprises Achieve High-quality Development”. Strengthening judicial review of the legality of administrative acts of patent registration and review, promoting the protection of sci-tech innovation achievements, and enhancing the core competitiveness of the country. Improving the rules for judicial protection of geographical indications, strengthening judicial protection of well-known trademarks, traditional brands and time-honored brands, and promoting the “Brand Strengthen a Nation” (BSAN) campaign. Enhancing the protection of IP for

traditional culture, traditional know-how, folklore, etc., and safeguarding and promoting the inheritance of traditional culture as well as the operation of cultural industries. Reinforcing judicial efforts in the field of anti-monopoly, stepping up hearings and research on cases of unfair competition and other cases, stimulating innovative impetus, creative potential and entrepreneurial vitality, and serving the high-quality development of the digital economy with a higher level of digital justice. Strengthening the governance of network platforms, and promoting the standardized, healthy and sustainable development of the platform-based economy. Enhancing the protection of commercial secrets, imposing severe penalties for the theft and disclosure of national sci-tech secrets, reasonably determining the burden of proof on the parties involved, safeguarding the innovative development of enterprises, and guaranteeing fair competition among enterprises and the reasonable talent flow.

Third, strengthening foreign-related IP trials, deepening the understanding of international economic and trade rules, and enhancing the international visibility of the capital's judicial protection of IP rights. Adjudicating foreign-related IP cases in a fair manner in accordance with the

law to protect the legitimate rights and interests of Chinese and foreign parties on an equal footing, and continuously enhancing the international presence and credibility of the capital's IP judiciary. Conducting in-depth research on the relationship between China's IP trial and the TRIPs Agreement, the Belt and Road Initiative, IP-related aspects of the Regional Comprehensive Economic Partnership Agreement (RCEP), IPR issues of the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), Digital Economy Partnership Agreement (DEPA), the Hague Agreement Concerning the International Registration of Industrial Designs, Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, and the Sino-European and Sino-French Agreement on geographical indications, amongst others. Taking the initiative to align with international economic and trade rules to ensure that the adjudication of cases is in line with the relevant international conventions and international practices. Promoting the continuous improvement of relevant international rules and standards through judicial adjudication, and actively advocating the development and achievements of China's judicial protection of IP through deepening international exchanges.

5.3 Pursuing reform and innovation to continuously improve judicial protection of IP rights

Capitalizing on Beijing courts' characteristics of hearing an absolute large number of IP cases, a large number of new types of cases, and a full range of case types to continuously summarize trial experiences, and issuing guidance documents, etc., to conduct useful explorations of and actively respond to issues that are not stipulated by law or are unclear in judicial practice, and that are of concern to upper and lower courts as well as to the industry. Strengthening the research and application of judicial big data, leveraging the exemplary role of typical cases, continuously unifying the yardstick of judicial adjudication, and enhancing the parties' stable and reasonable expectation of judicial adjudication. Actively promoting the separation of complicated and simple IP cases, vigorously shortening the IP litigation cycle, and striving to solve the problem of the "long cycle" of IP case trials. Giving full play to the effectiveness of the systems of action preservation, property preservation, and evidence preservation, in order to timely deter infringing acts. Applying the rules of evidence in accordance with the law, shifting the burden of proof at the appropriate time, easing the burden of proof on rights holders, and guiding parties

to be proactive, comprehensive and honest in the provision of evidence. Sanctioning false and malicious litigation in accordance with the law to effectively deter abuse of rights and other unlawful acts. Maintaining the market value orientation of compensation for IP infringement to effectively safeguard the rights holders' access to adequate compensation. Strictly enforcing the system of punitive damages for IP infringement, effectively curbing intellectual property infringement, and endeavoring to create a legal atmosphere in which people would neither dare nor wish to infringe intellectual property.

Actively participating in the development of the IP protection system, strengthening collaboration with administrative departments, and forming an operational mechanism that is organically connected and has complementary advantages. Regularly exchanging ideas and discussing with administrative authorities on practical issues of legal application, promoting the establishment of a data and information sharing mechanism, and facilitating the unification of administrative law enforcement standards and judicial adjudication standards. Imposing penalties on serious breach of trust in the field of IP in accordance with laws and regulations, and striving to build a pattern of great protection of IP.

Continuing to better promote the rule of law on the World Intellectual Property Day on April 26, and continuously enriching the pattern of rule of law publicity. Releasing the top ten typical cases of judicial protection of IP in Beijing courts to endeavor to form a batch of exemplary and valuable cases with wide influence in the whole country and even in the international arena, and to enhance the credibility and influence of the judicial protection of IP rights in Beijing courts.

5.4 Maintaining synergistic protection to highlight the effect of the litigation source governance via the diversified settlement mechanism

To further improve the mechanism of articulation between the administrative protection and the judicial protection of IP rights, make joint efforts to safeguard the innovation-driven development strategy, and promote the construction of a working pattern featuring protection of IP rights in a strict, extensive, rapid and simultaneous manner, it is necessary to deepen the synergistic protection with the China National Intellectual Property Administration, Beijing Municipal Intellectual Property Office, Beijing Municipal Bureau of Copyright and other administrative organs. Taking advantage of the existing methods of mediation, such as mediation by

appointment, mediation by commission and other forms of invited mediation, and giving full play to the advantages of administrative mediation, industry mediation and other specialized dispute resolution resources, as well as notary public mediation, attorney mediation and other market-based dispute resolution resources, in order to further unleash the benefits of the diversified settlement in the resolution of IP disputes. Upholding an institutional concept of governance as the essence and dispute resolution as the goal when designing the overall IP litigation source governance, putting the alternative dispute resolution mechanism a priority, promoting more rule of law efforts to offer guidance and redirection, and strengthening the prevention of conflicts and disputes at the source, front-end resolution, and control at the very beginning. Doing a good job of bridging litigation and non-litigation, highlighting the guiding role of the courts therein, guiding all parties to disputes to achieve a better conclusion of disputes under a clear and unambiguous framework of the rule of law, as well as engaging more efforts of the rule of law to participate in the governance of IP dispute sources, so as to reduce the incremental volume of litigation at the source.

5.5 Cultivating overall talents and further building the talent highland of IP adjudicators

Continuing to strengthen leadership guidance and the cultivation of ideological practices, ensuring political loyalty, correcting judicial concepts, enhancing the awareness and ability to serve the overall interests of the country, and continuously cultivating more professional judges and backbones who are politically resolute, clean and honest, and proficient in their work. Benchmarking with the “seven competencies” call made by General Secretary Xi Jinping, promoting the ideological refinement, political cultivation, practical cultivation and professional training of IP trial teams, and strengthening the training in multiple fields such as law, sci-tech, culture and economy and trade and developing composite IP professionals according to the characteristics of IP domain such as fast knowledge updating and high level of internationalization, etc. Establishing a talent pool, pushing forward the training of various types of talents and experts, improving the selection mechanism, strengthening the selection of outstanding talents, and endeavoring to forge an IP adjudication team that is politically committed, mindful of the overall picture, proficient in law, familiar with technology, and

internationally oriented.

Conclusion

Endeavoring in a new era and setting sail for a new journey. The 20th CPC National Congress has charted a grand blueprint for advancing the great rejuvenation of the Chinese nation by means of Chinese modernization, and issued a great call for unity and hard work for the building of a modernized socialist country in all respects and the advancement of the great rejuvenation of the Chinese nation in all respects. The blueprint has been laid out and the trumpet has been blown. After three decades, Beijing courts will embark on a new journey of IP trial. Beijing's IP adjudication team are expected to adhere to the guidance of Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, in-depth study and implement Xi Jinping Thought on the Rule of Law and Xi Jinping Thought on Culture, unify their thoughts and actions to the major decisions and deployments made by the 20th CPC National Congress, implement the absolute leadership of the Party throughout the entire process of Beijing courts' endeavors in all aspects, and focus on implementation based on adjudicative functions. We should also properly adjudicate all kinds of cases in accordance

with the law, identify the focus point and combination point of IP adjudication work, continue to carry forward the fine tradition of practical work and commitment, strive to promote the high-quality development of IP adjudication work in the new era, and enable more vigorous judicial services and guarantees for the capital city to be at the forefront in pursuing Chinese modernization.

Annex:

Table 1: Typical Cases of Beijing Courts’ Specialized IP Trial for Three Decades (1993-2023)

	No.	Cases
Copyright Cases	1	Copyright Dispute Case About the Film <i>The Love Story of a Young Monk</i>
	2	Copyright Dispute Case About Six Works Including <i>The Stubborn Porridge</i>
	3	Copyright Dispute Case About the Architectural Work “ <i>Bird’s Nest</i> ” (<i>National Stadium of China</i>)
	4	Action Preservation Case About <i>Qian Zhongshu’s</i> Letters and Manuscripts
	5	Copyright, Trademark, and Unfair Competition Dispute Case About the Game <i>Fantasy Westward Journey</i>
	6	Copyright Dispute Case About “ <i>Huopai Video</i> ”
	7	Copyright Dispute Case About the <i>Qiaohuadan</i> Acrobatic Work of Chinese Yoyo
	8	Copyright License Agreement Dispute Case About the <i>China Audio-Video Copyright Association</i>
	9	First Criminal Copyright Infringement Case About <i>Winter Olympics Mascot Image</i>

	No.	Cases
Cases of Patents and New Plant Varieties	10	Invalidity Administrative Case of <i>GUI</i> Appearance Design Patent
	11	Invalidity Administrative Case About Patent of Invention Related to 5G “ <i>Mobile Communication Interaction</i> ”
	12	Invalidity Administrative Case About Patent of Invention Related to <i>U-Shield</i>
	13	Invalidity Administrative Case About Patent of Invention Related to <i>Markush Compounds</i>
	14	Dispute Case About Pharmaceutical Patent Linkage to <i>the Eldecacitol Soft Capsules</i>
	15	Invalidity Administrative Case About Patent of Invention Related to <i>Linagliptin</i>
	16	Dispute Case About Ownership of the New Plant Variety Application for <i>Maize Nongda 372</i>
	17	Administrative Case About Refusal Re-examination of the New Plant Variety Application for <i>Maize Hayu 189</i>
Trademark Cases	18	Trademark and Unfair Competition Dispute Case About <i>Xinhua Dictionary</i>
	19	Invalidity Administrative Case About the Trademark “ <i>Mansong</i> ”
	20	Cancellation Administrative Case About the Trademark “ <i>MOCCA</i> ”

	No.	Cases
	21	Invalidity Administrative Case About the Trademark “ <i>Jufengyuan</i> ”
	22	Administrative Case about Refusal Re-examination of the Application for the Trademark “ <i>ZEEKR</i> ”
Unfair Competition & Monopoly Cases	23	Unfair Competition Dispute Case About <i>Cheetah Browser</i>
	24	Commercial Secrets Dispute Case About the Film <i>Wu Kong</i>
	25	Unfair Competition Dispute Case About <i>IQIYI</i> Account
	26	Unfair Competition Dispute Case About “ <i>Xiaodu</i> ” Voice Commands
	27	Unfair Competition Dispute Case About “ <i>Fake Screenshot Software</i> ”
	28	Unfair Competition Dispute Case About <i>Beijing WaterTown</i>
	29	Unfair Competition Dispute Case About <i>Bailingniao QQ Marketing</i>
	30	Monopoly Dispute Case of <i>Baidu Search</i>

**Table 2: Major Research Outcomes of Beijing Courts’
Specialized IP Trial**

No.	Title	Complied by	Date of publishing	Published by
1	Understanding and Application of Chinese Copyright Law: Interpretation of Principles and Issues in the Trial Practice	Third Civil Division of Beijing High People’s Court	July 2021	Law Press·China
2	Understanding and Application of Guidelines for Patent Infringement Determination (2017) by Beijing High People’s Court	Third Civil Division of Beijing High People’s Court	June 2020	Intellectual Property Publishing House
3	Interpretations of Principles and Judicial Practices of Commercial Franchise Contract	Third Civil Division of Beijing High People’s Court	October 2015	China Legal Publishing House
4	Overview of Difficult Intellectual Property Cases Handled by Beijing High People’s Court (Three Volumes)	Third Civil Division of Beijing High People’s Court	June 2014 - October 2015	China Legal Publishing House

No.	Title	Complied by	Date of publishing	Published by
5	Judge's Analysis on Difficult Trademark Cases Handled by Beijing Courts (Four Volumes)	Third Civil Division of Beijing High People's Court	May 2012 - July 2015	Law Press·China
6	Judicial Protection and Trial Guidance for Intellectual Property Rights (2015 Edition, Volume 1 of 1)	Third Civil Division of Beijing High People's Court	January 2015	China Legal Publishing House
7	Understanding and Application of the Guidelines for Patent Infringement Determination by Beijing High People's Court	Third Civil Division of Beijing High People's Court	September 2014	China Legal Publishing House
8	Judicial Review on the Authorization and Invalidation of Trademarks	Third Civil Division of Beijing High People's Court	September 2014	China Legal Publishing House
9	Beijing Courts IPR Trial Yearbook (Two Volumes)	Third Civil Division of Beijing High People's Court	April 2005 - April 2013	Intellectual Property Publishing House
10	Classic Cases About Intellectual Property (Volumes 1-7)	Third Civil Division of Beijing High People's Court	July 2003 - March 2013	Intellectual Property Publishing House

No.	Title	Complied by	Date of publishing	Published by
11	New Development in Intellectual Property Trial of Beijing High People's Court (2006-2011)	Third Civil Division of Beijing High People's Court	April 2012	Intellectual Property Publishing House
12	A Review of Internet-related Copyright Cases (1999 - 2010)	Third Civil Division of Beijing High People's Court	January 2011	Intellectual Property Publishing House
13	Research of Intellectual Property Litigation Practice	Third Civil Division of Beijing High People's Court	January 2008	Intellectual Property Publishing House
14	Research of Intellectual Property Litigation	Third Civil Division of Beijing High People's Court	July 2003	Intellectual Property Publishing House
15	Research of Intellectual Property Rights Cases	Third Civil Division of Beijing High People's Court	August 2000	Law Press China
16	Defenses Against Patent Infringement Claims	Intellectual Property Division of Beijing First Intermediate People's Court	May 2011	Intellectual Property Publishing House
17	Classified Intellectual Property Cases	Intellectual Property Division of Beijing First Intermediate People's Court	September 2008	Intellectual Property Publishing House

No.	Title	Complied by	Date of publishing	Published by
18	Judicial Philosophy and Analysis of Difficult Intellectual Property Cases	Intellectual Property Division of Beijing Second Intermediate People's Court	December 2014	Law Press China
19	Classification and Analysis of Classic Cases Handled by Beijing Second Intermediate People's Court -- Network Intellectual Property Volume	Intellectual Property Division of Beijing Second Intermediate People's Court	February 2012	Law Press China
20	Analysis of Typical Cases (2014-2019) by Beijing Intellectual Property Court	Beijing Intellectual Property Court	June 2020	Intellectual Property Publishing House
21	Innovation and Practice of the Technical Investigator System	Beijing Intellectual Property Court	April 2019	Intellectual Property Publishing House
22	Intellectual Property Frontier Cases	Intellectual Property Division of Beijing Dongcheng District People's Court	April 2011	China Railway Publishing House
23	Analysis of Difficult Intellectual Property Cases	Intellectual Property Division of Beijing Chaoyang District People's Court	May 2005	People's Court Press

No.	Title	Complied by	Date of publishing	Published by
24	Analysis of Typical Cases Regarding Intellectual Property	Intellectual Property Division of Beijing Haidian District People's Court	March 2022	China Legal Publishing House
25	Rationality and Order on the Internet: In-Depth Analysis of Legal Application and Typical Cases of Online Infringement	Intellectual Property Division of Beijing Haidian District People's Court	December 2006	People's Court Press
26	Judicial Thinking and Legal Application (Collection of Selected Cases, Volumes 2018-2020)	Intellectual Property Division of Beijing Fengtai District People's Court	September 2022	Intellectual Property Publishing House
27	Judicial Thinking and Rule Governance on Typical Internet Cases: Intellectual Property Volume	Beijing Internet Court	August 2023	Intellectual Property Publishing House
28	Analysis of Typical Cases Regarding Online Copyright	Beijing Internet Court	December 2021	China Legal Publishing House

**Table 3: Major Instructive Documents of Beijing Courts’
Specialized IP Trial**

	No.	Title	Effective Date
Guiding Opinions	1	Work Plan of Beijing High People’s Court for Providing Judicial Support to Build Beijing into a Global Pacesetter in the Digital Economy (2023-2025)	April 11, 2023
	2	Several Opinions of Beijing High People’s Court on Strengthening Intellectual Property Rights Trial to Promote Innovative Development	September 20, 2018
	3	Guiding Opinions of Beijing High People’s Court on Serving the Development of the Cultural and Creative Industries in the Capital	January 22, 2013
Trial Guidelines	4	Guidelines for the Adjudication for Punitive Damages in Intellectual Property Infringement Cases by Beijing High People’s Court	April 25, 2022
	5	Guidelines for Evidence Rules in Civil Intellectual Property Litigation by Beijing High People’s Court	April 22, 2021
	6	Guidelines for the Application of Small Claims Procedures in Civil Intellectual Property Cases	October 11, 2021

	No.	Title	Effective Date
	7	Guiding Opinions of Beijing High People’s Court on Determining Damages Compensation in Cases of Intellectual Property Infringement and Unfair Competition, and the Adjudication Standards for Statutory Compensation	April 21, 2020
	8	Guidelines for Administrative Case Adjudication for Trademark Authorization and Invalidation Cases Handled by Beijing High People’s Court	April 24, 2019
	9	Guidelines for Adjudication of Trademark Infringement Cases Handled by Beijing High People’s Court	April 23, 2018
	10	Guidelines for Patent Infringement Determination by Beijing High People’s Court (2017)	April 20, 2017
	11	Guidelines for Adjudication of Cases Involving Online Intellectual Property Rights by Beijing High People’s Court	March 29, 2016
	12	Answers from Beijing High People’s Court on Several Issues Regarding the Adjudication of Copyright Disputes Involving Variety Show Programs	March 16, 2015

	No.	Title	Effective Date
	13	Guidelines for Adjudication of Video-sharing Copyright Disputes Cases Handled by Beijing High People's Court	December 31, 2012
	14	Answers from Beijing High People's Court on Several Issues Regarding the Adjudication of E-commerce Related Intellectual Property Cases	December 28, 2012
	15	Guiding Opinions of Beijing High People's Court on the Application of Laws in the Adjudication of Commercial Franchise Contract Cases	February 24, 2011
	16	Guiding Opinions of Beijing High People's Court on Several Issues Regarding the Adjudication of Online Copyright Cases (Part I) (Trial)	May 19, 2010
	17	Answers from Beijing High People's Court on Several Issues Regarding the Adjudication of Civil Trademark Cases	March 7, 2006
	18	Answers from Beijing High People's Court on Several Issues Regarding the Adjudication of Intellectual Property Cases	December 27, 2002

