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Beijing Intellectual Property Institute

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## Beijing Intellectual Property Institute

As a nongovernmental and nonprofit organization, the Beijing Intellectual Property Institute (BIPI) was established in December 2005 with the approval and authorization of the Beijing Intellectual Property Office and the Beijing Civil Affairs Bureau

BIPI's mission is to provide a platform for intellectual property research and exchange of relevant information for those who are concerned with issues related to patents, trademarks, copyrights, trade secrets, designs, new varieties of plants, and lay-out designs of integrated circuits.

Making full use of the expertise of many distinguished intellectual property experts and scholars, BIPI is capable of carrying out factual study projects on specific intellectual property issues entrusted to BIPI by governments at various levels, institutions, trade associations, and enterprises. In this regard, BIPI compiles and disseminates information on intellectual property protection.

By compiling and disseminating independent and high quality research results, BIPI aims to increase the awareness and comprehension of the general public with respect to intellectual property laws, enhancing the advancement of intellectual property protection in China and thus contributing to overall social and economic development and prosperity.

BIPI, in addition to its own team of researchers, welcomes experienced IP-related government officials, scholars, attorneys and administrative personnel as part-time researchers. These researchers benefit mutually from the discovery of new findings, and from the sharing of significant and timely information.

BIPI emphasizes research that solves practical problems emerging in the intellectual property field. Research findings may serve as references for law or policy makers, as well as decision makers in the business sector.

BIPI is mainly funded by membership fees, research project grants and donations.

### Director of the Beijing Intellectual Property Institute

Mr. Cheng Yongshun was a Senior Judge and the Deputy Presiding Judge of the Intellectual Property Division (No. 3 Civil Division) of the Beijing High People's Court.

He is one of the pioneering judges who initially heard intellectual property cases in China and has handled many influential intellectual property trials. He was nominated as one of the 50 most important IP figures in the world (and one of the top three important IP figures in China) by the publication *Managing Intellectual Property* (July 8, 2003).

Mr. Cheng has published many books as author or co-author in his judicial career. His publications include *Patent Litigation* (1993), the first book concerning judicial protection of patent rights in China. The book has had a great influence on other judges and attorneys, as well as the academic community. Another book, *Patent Infringement Establishment* ( co-author, 1998 ) compares Chinese patent law and practice with that of the United States and was awarded Second Prize by the Beijing Municipality as an "outstanding contribution in the field of philosophy and social science." The book has also been published in Japan. His new publication, *China Patent Litigation* (2005), an indispensable reference book for judges and attorneys, is a summary of his twenty years of experience in the field of patent judicial protection in China.

Mr. Cheng has presided over and participated in many national research projects and published a large number of articles and case comments. Many times on different occasions he has been awarded for either his academic or practical contributions to the IP world.

He also serves as Executive Director of the China Intellectual Property Institute; Executive Director of the China Trademark Association; Deputy Secretary-general and Executive Director of the China Science and Technology Law Institute; Executive Director of the Intellectual Property Institute of the China Law Institute; Panel Member of the Neutrals of the Domain Name Dispute Resolution Center ; Visiting Professor of the National Judges College; Visiting Associate Professor of the Law School of Renmin University; Part-time Senior Lecturer of the Training Center of the General Administration Office for Industry and Commerce of the PRC; and Part-time Tutor to the postgraduate program of the Law School of Peking University.

### **Service Goals**

1. To generate an independent and authoritative program of objective research on tough and "hot-topic" issues of intellectual property;
2. To conduct intellectual property research projects and to consider various intellectual property strategies at the request of governments, institutions, enterprises and trade associations;
3. To advise on specific intellectual property infringement issues;
4. To organize seminars, workshops and training programs on intellectual property;
5. To advise and formulate strategies for parties in disputes; To provide guidance in litigation, and upon the request of clients, assist in the negotiation of settlements in intellectual property disputes;
6. To compile and publish books and journals on intellectual property;
7. To organize international exchange and training programs on intellectual property.

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**Yongshun CHENG**

Senior Corporate Consultant  
Ex-IP Judge of Beijing High People's Court

**Education:**

Holds dual bachelor degrees in economics and law  
Holds Master degree in law

**Experience:**

From January 1985 to March 2005, Mr. Cheng worked as Law Clerk, Associate Judge, Judge, Presiding Judge and Deputy Head of the IP Tribunal of Beijing High People's Court

**Achievements:**

Nominated as one of the 50 most influential IP figures in the world by Managing Intellectual Property (MIP) Jul/Aug edition 2003;  
Author of many influential works on IP judicial enforcement in China

**Current:**

Joined KingSound & Partners in March 2005

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**Judge CHENG Yongshun On Judging Patent Infringement Published In Japanese**

Date: 2006-1-7

The book provides an authoritative view on the judgment of patent infringement in China, covering the topics of interpretation of claims, acts infringing patent right, judging the infringement, demurring against infringement accusation, judging infringement of designs. It is ever first such publication in Japan by a Chinese Judge, firstly published in China in 1998 and then published with new additions in Japanese language in December 2005.

The book is co-authored by Judge CHENG Yongshun, and LUO Lihua, translated by ZHENG Liyan, a patent attorney of CSPTAL Japan Office.

Judge CHENG Yongshun is one of the leading and most recognized judges working on intellectual property rights. Before retiring from the position of Presiding Judge of the IP Chamber of Beijing High Court in 2005, he was ever recognized one of the 10 figures most influential to the IPR system in China.

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### Can Your Company Enforce Its Intellectual Property Rights in China?

Author: Dr. Lulin Gao, Judge Cheng Yongshun, Keith D. Nowak, Esq.

Year: 2006

Description: There is a widespread belief among business executives that enforcing IP rights in China is next to impossible. Indeed, in the past that belief was substantially correct. But recent changes in Chinese law and major progress in enforcement procedures now make actions in China worthy of consideration. The Chinese enforcement system is different from that in the United States, and effective enforcement requires a through understanding of how the system works and the steps necessary to effectively utilize the enforcement options available. The authors share their insider's point of view of the most useful strategies and procedures for IP enforcement in China.

Material Type: ACC Docket Article

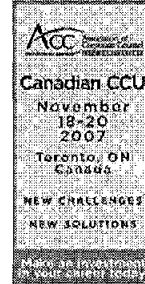
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**Courts Speed up Ways to Deal With IPRs**

Beijing's local courts are speeding up their efforts to handle foreign-related intellectual property rights (IPR) cases.

"The five intellectual property tribunals in Beijing will be fully prepared to meet the challenges led by China's entry to the World Trade Organization," vowed Cheng Yongshun, deputy presiding judge from the IPR division of Beijing's Higher People's Court, in a recent report. Cheng is one of Beijing's 50 judges who specialize in IPR cases.

Beijing's Higher People's Court, two intermediate people's courts and two grass-roots courts in the Haidian and Chaoyang districts, have special IPR divisions.

The local courts accepted 35 foreign-related IPR cases in 2000, setting a new record, Cheng said.

Judges from Beijing's IPR tribunals are planning to gather later this month for a four-day workshop on international IPR standards and legal interpretations. The conference is an effort to solve the legal problems rising from the IPR cases.

Almost half of the 50 IPR judges have been sent abroad to receive training and communicate with their foreign counterparts. More judges are expected to go to Germany and France next month for a three-month training course.

Foreign IPR cases are becoming more common. One pending now pits a retired university teacher and a Dalian-based technology company against several major mobile phone producers including Motorola, Ericsson and Alcatel in a dispute over infringement of patent rights. No judgment has been rendered.

"More Chinese companies and individuals are starting to act as plaintiffs in foreign-related IPR cases and ask for legal protection instead of always being the defendants," Cheng said.

Cheng also stressed that foreign-related IPR cases now encompass everything from software piracy to patent infringement cases.

Beijing's courts settled 734 IPR cases in 2000, 15.3 percent of the nationwide total. The amount in the first quarter reached 212, up 283 percent from the same period last year.

(China Daily 05/28/2001)

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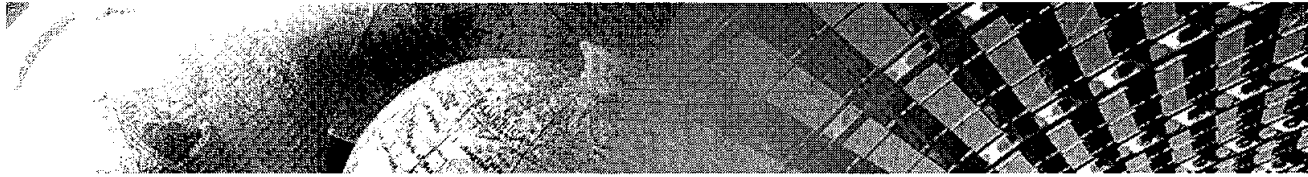
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## Editorial

China's IP system has come a long way in a short time. Less than 20 years ago, the country didn't have an IP system to speak of. Between then and now, and in particular in the last 18 months, it has put in place a set of modern IP laws and procedures which bear comparison to anything else in place around the world. Whatever motivation the authorities have had for doing so, WTO membership or the USTR's Special 301 reviews, for example, the fact is they have done it.

Now it is up to IP owners to make use of these new laws and regulations to protect and exploit their rights. Of course, they cannot do this alone. They have to be sure of the commitment of the authorities to help them to do this. And they need to rely on the experience of China IP specialists who have spent many years studying and working on IP issues there.

In this context, MIP's China IP Focus provides up-to-date information on the most important developments in China recently and points to what IP owners need to do to secure their rights in the future.

Xu Chao, deputy director-general of the National Copyright Administration in Beijing, speaks to us about the plans for copyright next year. Joe Simone, a vice-chairman of the Quality Brands Protection Committee, tells us of the group's priorities in 2003 and beyond. And Yongshun Cheng, deputy chief judge of the Beijing High Court No 3 (Intellectual Property) Tribunal explains what relief is available through taking your IP case to court in China.

In the section on practice developments, some of the leading China IP specialists write on issues such as law reform, the virtues of administrative enforcement, the status of well-known marks and how litigation has become an attractive option for IP owners.

I hope you will find MIP's China IP Focus a useful tool and one which you will refer to often. We hope to make it an annual publication. If there is

anything in the guide which you like and would like to see expanded in future editions, please let us know.

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