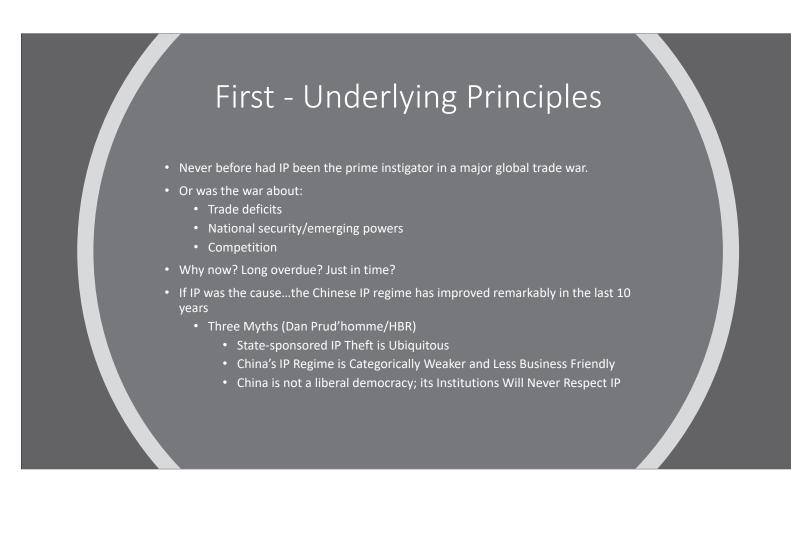
# China's Emerging Intellectual Property Edge: Challenges and Opportunities

Mark A. Cohen Berkeley Law March 23, 2021 @ UT/GMU www.chinaipr.com/mark.cohen@law.berkeley.edu



## Organization

- Underlying Principles
- "Study Session" on Xi Jinping Thought
- "Study Session" on Donald J. Trump Thought
- Next Steps Under President Biden



How has the Chinese IP System Gotten Better? Is it "categorically weaker" and less "busines friendly" than the US?

## PATENT WIN RATES

#### Table 5: Case Outcomes by Litigant Type

					Defendant					
			Foreign Domesti		c Private	Domestic State-Owned				
			Infringement Found	No Infringement	Infringement Found	No Infringement	Infringement Found	No Infringement		
	Foreign	Infringement Found No Infringement	<b>80% (4)</b>	20% (1)	70% (31)	31% (13)	-			
Plaintiff	Domestic Private	Infringement Found No Infringement	67% (16)	33% (8)	57% (224)	43% (168)	27% (3)	73% (11)		
	Domestic State- Owned	Infringement Found No Infringement			100% (1)					

#### Table 23: Case Results, by Residency of Plaintiff

	Decisions	Infringed	Injunction	Avg. Damages
Total	1,663	1,333	1,203	¥75,942.39
	(100%)	(80.16%)	(90.25%)	(\$12,368.47) <sup>119</sup>
Foreign P.	115	97	90	¥201,620.45
	(6.92%)	(84.35%)	(92.78%)	(\$32,837.21)
Domestic P.	1,548	1,236	1,113	¥66,217.93
	(93.08%)	(79.84%)	(90.05%)	(\$10,784.68) <sup>120</sup>

Sources: Brian Love (2016), Bian Renjun (2018).

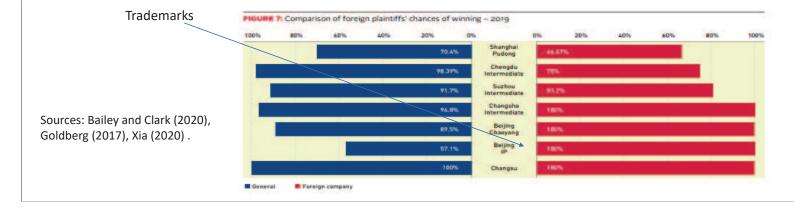
Table 3: Comparison of win rates for selected foreign software copyright plaintiffs (1<sup>st</sup> instance, 2010-2019, N= 271)

Company Name	Cases	Wins	Win rate
Rhino Software Company	113	83	73.5%
Alt-N Technologies	67	58	86.6%
Microsoft Corporation	63	63	100.0%

Company Name	Cases	Wins	Win rate
Siemens Product Lifecycle Management Software Inc	12	12	100.0%
Autodesk, Inc	10	10	100.0%
Dassault Systèmes	6	6	100.0%

### Other Win Rates (non-patent)

"In 2015 (the most recent year that complete data is available) Plaintiffs in Civil IP infringement cases [at the Beijing IP court] won 72.34% of their cases, while the success rate for foreign plaintiffs was 100% across a total of 63 civil cases, prompting foreign firms to reevaluate their prospects in China's civil IP litigation environment." (Goldberg)



					Nationality		
Technology sector	Technology field		Chinese			Foreign	
Chemistry	Basic materials chemistry	47% (34				5% (5)	61% (20)
	Biotechnology	4896(10	14% (3	38% (8)	21%(3)	36% (5)	43% (6)
	Chemical engineering	40% (89)	17% (38)	44% (98)	41% (14)	24% (8)	35% (12)
	Environmental technology	40% (51)	21%(27)	39% (50)	25%(4)	31%(5)	44% (7)
	Food chemistry	46% (34)		43% (32)	29% (4)	7% (1)	64% (9)
	Macromolecular chemistr.	42%(8)	1195(2)	47% (9)	20% (5)	44%(11)	36% (9)
	Materials, metallurgy	49% (5.	3) 10%(11	) 4196 (44)	39%(7)	33% (6	5) 28% (5)
	Micro-structural and nano					100%(1)	
	Organic fine chemistry	43% (18)	7%(3)	50% (21)	1796(10)	36%(21)	47% (28)
	Pharmaceuticals	40% (25)	19% (12)	40% (25)	9% (5) 27% (15)		64% (36)
	Surface technology, coati	41%(41)	19%(19)	4195 (41)	38% (8)	24% (5)	38% (8)
Electrical	Audio-visual technology	31% (97)	15% (48)	54% (170)	39% (15)	26% (10)	34% (13)
engineering	Basic communication proc.	27%(7)	27%(7)	46% (12)	41% (7)	35%	6(6) 24%(4)
	Computer technology	35% (75)	17% (37)	48% (105)	46% (31)	25%(	(17) 29% (20)
	Digital communication	41% (48)	18% (21)	41% (47)	38% (42)	28% (31)	34% (38)
	Electrical machinery, app.,	39% (229)	21% (126)	40% (235)	45% (31)	29%	6 (20) 26% (18)
	IT methods for manageme.	40%(10)	24% (6)	36% (9)			
	Semiconductors	23%(10) 14	96 (6)	64% (28)	38% (11)	28% (8)	34% (10)
	Telecommunications	29% (46)	21% (34)	50% (79)	34% (24)	26% (18)	40% (28)
Instruments	Analysis of biological mat.	30% (6)	10% (2)	60% (12)	17%6(1) 17%6(1	)	67% (4)
	Control	21%(37) 12%	(21)	67% (116)	44%(4)	22% (2	2) 33% (3)
	Measurement	29% (53)	14% (25)	58% (106)	28% (8)	4196 (12)	31% (9)
	Medical technology	32% (88)	17% (45)	51%(139)	31%(18)	31% (18)	39% (23)
	Optics	28%(44)	17% (26)	55% (86)	29% (16)	25%(14)	45% (25)
		29% (48)	17% (28)	54% (88)	19%(8)	31% (13)	50% (21)
engineering	Handling	33% (113)	20% (67)	47% (159)	53%(	23)	21% (9) 26% (11)
	Machine tools	40% (105)	15%(40)	45% (120)	41% (13)	25%(8)	3496 (11)
	Mechanical elements	34% (122)	18% (64)	48% (172)	41%(17)	20% (8)	39% (16)
	Other special machines	42% (121)	18%(52)	40% (117)	16% (5) 25	9%6 (9)	55%(17)
	Textile and paper machines	40% (67)	20% (33)	41% (69)	55%	(27)	16% (8) 29% (14)
	Thermal processes and ap.	32% (78)	24% (59)	43% (105)	18% (3)	41%(7)	41% (7)
	Transport	32% (102)	23% (75)	45% (146)	35%(13)	41%(1	5) 24% (9)
Other fields	Civil engineering	32% (166)	16% (81)	52% (269)	15%(4)	46%(12)	38% (10)
	Furniture, games	29% (143)	20% (100)	S0% (246)	43% (20)	26%(12	2) 32% (15)

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