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PATENTS

1. State Council Tentatively Approves Revised Patent Law for Submission to National People's Congress: On July 30, the State Council approved, in principle, revisions to the Patent Law. The draft, the third revision since 1992, will be submitted to the National People's Congress (NPC) for review. This revision, which was submitted to the State Council on December 27, 2006, proposes to raise the standards for patent authorization, increase provisions to promote patented technology, strengthen patent protection, and protect against patent holders abusing their patent monopoly, thereby safeguarding the public interest. After three readings, the NPC most likely will adopt the revised Patent Law during the first half of 2009. (Source:

http://english.ipr.gov.cn/ipr/en/info/Article.jsp?a_no=229005&col_no=925&dir=200808.)

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2. GAPP to Assume Responsibility for Administration of Audio-Visual Products: As reported in the July 21 edition of "IPR Notes China," the General Administration of Press and Publication (GAPP) will assume administrative responsibility for audio-visual products from the Ministry of Culture. On June 25, the State Council approved the decision which revises the statutory functions, internal structure, and staff sizes of various departments under its aegis. The main purpose of the decision is to streamline the functions and relationships among different departments, reduce overlapping functions, and promote greater administrative efficiency. The Ministry of Culture retains control over animated films and internet games, while the State Administration of Radio, Film, and Television will supervise films. (Source: *China Press and Publication Journal*, July 21, 2008, Page 1.)

3. China Launches First Official Action against Unauthorized On-Line Olympic Broadcasts: On July 7, the National Copyright Administration of China (NCAC), the Ministry of Industry and Information Technology (MIIT), and the State Administration of Radio, Film, and Television (SARFT) jointly issued the "Notice of Strictly Prohibiting Illegal Broadcasting of Olympic Games and Related Activities via the Internet." This is an important component of the "2008 Nation-Wide Special Action against Internet Piracy." The NCAC will handle all allegations of unauthorized broadcast of Olympic Games and other related activities via the Internet. Copyright enforcement agencies will be empowered to determine if infringing activity has occurred. Telecommunication bureaus under MIIT will be responsible for closing down these websites. Radio, film, and television agencies will monitor websites and mobile platforms which have licenses to broadcast audio-visual programs via information

networks. The International Olympic Committee granted exclusive broadcasting rights via both internet and mobile platforms to China Central Television. No other media outlets are sanctioned to do so. The NCAC already has enjoined some unauthorized web sites from broadcasting the Olympic torch relay. (Source: *China Press and Publication Journal*, July 8, 2008, Page 1; and *China IP News*, July 16, 2008, Page 11.)

ENFORCEMENT

4. China's Future Tort Law to Include Special Chapter on IPR Infringement: The Standing Committee of the National People's Congress is drafting a new Tort Law. Vice President Huang Song of the Supreme People's Court is leading a research team to assist with the drafting. According to the Supreme People's Court, there will be a special chapter in the Tort Law concerning IPR infringement. (Source: *China IP News*, July 18, 2008, Page 1.)

GENERAL IPR NEWS

5. PTO's GIPA Director Robert Stoll Discusses Global IP Education: In an interview with *China IP News*, Robert Stoll, Director of the Patent and Trademark Office's Global Intellectual Property Academy (GIPA), discussed his department's role in American IP education and the need to globalize IP learning. He was in Beijing to participate in the WIPO-sponsored "Second Forum of Presidents of Global Intellectual Property Academies." Director Stoll stressed that IP was the key to economic development, making IP education particularly important. Established in 2006, the PTO's GIPA is charged with training American and foreign IP and enforcement officials, and enhancing global understanding of and cooperation on IP issues. GIPA has introduced IP themes into education through provision of teaching plans and course curricula. It also instructs the public on how to apply for protection of IP, inside and outside the U.S.A. Mr. Stoll advised that the U.S. is introducing IP concepts into educational curricula from elementary school onwards, to foster IP awareness while students are still young. He stressed the necessity to cultivate the spirit of invention and creation at an early age. In so doing, children are introduced to the notions that inventions help create human wealth, and protection of inventions create greater wealth for all. (Source: *China IP News*, July 9, 2008, Page 4.)
