

Summary of Judgment Digests of
the Intellectual Property Court of
the Supreme People's Court of China
(2025)



The Intellectual Property Court of the Supreme People's Court of China

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The *Summary of Judgment Digests of the Intellectual Property Court of the Supreme People's Court of China (2025)* (the "Digests") is hereby released to the public for research and reference. The Digests includes 159 judgement digests extracted from 132 cases selected from a total of 3,146 cases concluded by the Intellectual Property Court (the "IPC") of the Supreme People's Court of China (the "SPC") in 2025, which may collectively demonstrate the judicial philosophy, ideology and methods of the IPC in dealing with technology-related intellectual property cases and anti-monopoly cases.

I. Patent Grant and Invalidation Cases

1. Determination of Whether a Technical Solution Involving Blockchain Algorithms Constitutes Patentable Subject Matter [Invention Patent Application Case Concerning the "Blockchain Consensus Method Based on Fault-Tolerant Algorithm"]

[Case Number] (2024) SPC IP Admin. Final 573

[Judgment Digest] Although blockchain is a data structure in itself, if the blockchain algorithm defined in the patent claim is tailored to a specific application scenario and integrates distributed networks, consensus algorithms, and cryptography, etc., into a comprehensive solution, and the execution of the specific algorithm steps can directly reflect the process of utilizing natural laws to solve a particular technical problem, thereby achieving technical effects,

then it may be deemed to constitute patentable subject matter.

2. Determination of Sufficient Disclosure in Genetic Engineering Patents [Invention Patent Invalidation Case Concerning the "Engineered *Sphingomonas sp.*"]

[Case Number] (2024) SPC IP Admin. Final 1241

[Judgment Digest] Where an invention patent relates to an engineered strain obtained through gene overexpression means in the field of microbial genetic engineering, if its synthetic product has a clear correlation with existing known strains or processes, and the implementability of the technical solution can be demonstrated by means such as the deposited strain disclosed in the specification, the introduction of gene sequences disclosed in the prior art, and functional verification, then the specification may generally be deemed sufficiently disclosed.

3. Determination of Whether the Amendment to a Markush Claim Goes Beyond the Scope of Disclosure [Invention Patent Invalidation Case Concerning the "Insecticide"]

[Case Number] (2024) SPC IP Admin. Final 1136

[Judgment Digest] Where a Markush claim is amended to a specific compound explicitly recorded in the specification and falling within the protection scope of this Markush claim, such amendment does not constitute an arbitrary deletion of a Markush element. Generally, such amendment does not go beyond the scope of disclosure in the original specification and claims, nor does it

exceed the reasonable expectations of the public regarding the scope of patent protection, and thus should be accepted.

4. Determination of Whether Claims Involving Protein Sequence Variants Are Supported by the Specification [Invention Patent Invalidation Case Concerning the "Detergent"]

[Case Number] (2025) SPC IP Admin. Final 773

[Judgment Digest] For patent claims involving protein sequence variants, if a person skilled in the art can, based on the content disclosed in the specification in combination with the relationship between relevant protein structures and effects disclosed in the prior art, summarize the regularity characteristics among the variant sites, number, and effects, and can reasonably define the claims based on such regularity characteristics, then the claims may be deemed supported by the specification.

5. Determination of Whether Essential Technical Features Are Missing [Invention Patent Invalidation Case Concerning the "Magnetic Pressure Sensor"]

[Case Number] (2025) SPC IP Admin. Final 779

[Judgment Digest] In determining whether a patent claim lacks essential technical features, the claim shall be construed reasonably and in a manner consistent with the purpose of the invention. If a person skilled in the art, based on the purpose of the invention and in light of the specification and drawings, can derive the sole

reasonable choice from the technical features defined in the claim, then it is generally inappropriate to find that the claim lacks such a sole optional technical feature which is not explicitly recited.

6. Separate Verification of Priority for Different Technical Solutions [Invention Patent Invalidation Case Concerning the "Enhanced Uplink"]

[Case Number] (2024) SPC IP Admin. Final 126 & 127

[Judgment Digest] For technical solutions defined in different claims or parallel technical solutions defined in the same claim, the priority of each technical solution shall be verified separately. Where an independent claim enjoys the right of priority, its dependent claims do not automatically enjoy the right of priority based on the same priority document; the priority of such dependent claims shall be separately verified in accordance with the law.

7. Ex Officio Verification of Domestic Priority [Invention Patent Invalidation Case Concerning the "Slot-Connected Grass Paver"]

[Case Number] (2024) SPC IP Admin. Final 1287

[Judgment Digest] In a patent invalidation proceeding, where the patent claims domestic priority based on a first application that was deemed withdrawn and not published, and whether the comparison documents submitted by the requester for invalidation constitute prior art or conflicting applications depends on whether the domestic priority of the patent is established, the patent

administrative authority of the State Council may introduce the domestic priority document ex officio and verify the domestic priority, provided that the parties are given the opportunity to cross-examine and present their opinions.

8. Burden of Proof for Denying Prior Art [Invention Patent Application Case Concerning the "Compound Cyclocarya Paliurus Preparation"]

[Case Number] (2024) SPC IP Admin. Final 542

[Judgment Digest] Where a party can neither prove that the technical solution in question does not actually exist, nor can it prove that it is non-implementable, and merely claims that the technical solution does not constitute prior art on the ground that there are defects such as certain experimental data that requires further verification, such claim shall generally not be supported.

9. Standards for Determining Prior Art; Burden of Proof for Information Published on WeChat Moments Constituting Prior Art [Design Patent Invalidation Case (I) Concerning the "Sofa"]

[Case Number] (2023) SPC IP Admin. Final 1229

[Judgment Digests] 1. The determination of prior art or prior design shall be made based on whether the information was actually accessible to the unspecified public before the filing date of the patent application, rather than merely on the existence of a possibility of access.

2. In determining whether information published on WeChat Moments constitutes prior art or prior design, comprehensive consideration shall be given to factors such as the mechanism of publishing information on WeChat Moments, the specific circumstances of the publisher, the specific information published, how and when it was published, and what the publisher's WeChat Moments was mainly used for. The determination shall be made based on whether the information was actually accessible to the unspecified public before the filing date of the patent application. Where the requester for patent invalidation proves that the WeChat Moments is primarily used for commercial purposes, it may be preliminarily presumed that such WeChat Moments is already actually accessible to the unspecified public, unless the patentee has contrary evidence proving that the content of such WeChat Moments is not disclosed or is disclosed only to specific persons.

10. Determination of the Disclosure Date of Standardization Organization Proposals [Invention Patent Invalidation Case Concerning the "Configuring Link Maximum Transmission Unit"]

[Case Number] (2024) SPC IP Admin. Final 936

[Judgment Digest] The disclosure date of a proposal or any other technical document published by a standardization organization shall be determined by comprehensively considering factors such as the organization's management regulations, the nature and scope of the

disclosure, the completeness of the content, the reliability of the chain of evidence, and whether there is any rebuttal evidence. If, based on the comprehensive consideration of the foregoing factors, it is sufficiently established that unspecified persons could view the document immediately after its upload, then it may be determined that the upload date of the document constitutes the disclosure date in the sense of the Patent Law.

11. Acceptance of Supplemental Experimental Data Demonstrating Better Effects [Invention Patent Invalidation Case Concerning the "Semaglutide"]

[Case Number] (2023) SPC IP Admin. Final 1282

[Judgment Digest] Where a patentee submits supplemental experimental data to demonstrate that the patented technical solution has superior technical effects over the prior art, and a person skilled in the art, by comprehensively considering factors such as the relationship between the technical solutions and the method for verifying the technical effects, can reasonably be convinced that such superior technical effects are implicitly disclosed in the original patent application documents, then such supplemental experimental data may be accepted.

12. Determination of Whether Technical Features with Different Denominations Constitute Distinguishing Technical Feature[Utility Model Patent Invalidation Case Concerning the "Fixed Grate Pre-combustion Chamber"]

[Case Number] (2024) SPC IP Admin. Final 870

[Judgment Digest] Where a specific technical feature in a patent claim and the corresponding feature in the closest prior art have different designations, but there is no substantial difference in aspects such as structural arrangement, working principle, production process, function, purpose, or effect, then such specific technical feature may be deemed not to constitute a distinguishing technical feature.

13. Determination of Technical Features Concerning Quantitative Content of Multiple Components [Invention Patent Invalidation Case Concerning the "Clarified Boroaluminosilicate Glass"]

[Case Number] (2024) SPC IP Admin. Final 513

[Judgment Digest] For multiple component contents defined by numerical values or numerical ranges in a patent claim, if the specification does not explicitly record or implicitly disclose that there is a synergistic effect among the components, then in the assessment of inventiveness, it is generally inappropriate to consider the different component contents in combination as a single technical feature.

14. Determination of the Teaching regarding the "Inventive Point" [Invention Patent Invalidation Case Concerning the "Large-Stroke Thin Compression Block" for Shipbuilding]

[Case Number] (2024) SPC IP Admin. Final 683

[Judgment Digest] When assessing whether a distinguishing technical feature that directly embodies the inventive concept or directly solves the technical problem actually solved is "easily conceivable" to a person skilled in the art, if the prior art provides no corresponding teaching and there is no common general knowledge evidence in this regard, then it is inappropriate to find such distinguishing technical feature "easily conceivable" without objective basis.

15. Determination of "Easily Conceivable" in Assessment of Inventiveness [Invention Patent Invalidation Case Concerning the "Electronic Blackboard"]

[Case Number] (2025) SPC IP Admin. Final 286

[Judgment Digest] If the features in the characterizing portion of a patent claim all constitute distinguishing technical features relative to the closest prior art, and there is no evidence proving that such distinguishing technical features are disclosed in the prior art or constitute conventional technical means or common general knowledge in the art, then it is generally inappropriate to directly find that such distinguishing technical features are easily conceivable to a person skilled in the art.

16. Holistic Assessment of the Teaching [Invention Patent Invalidation Case Concerning the "Composite Sensor" for High-Speed Rail]

[Case Number] (2024) SPC IP Admin. Final 710

[Judgment Digest] The teaching provided by the prior art shall be assessed holistically in light of the specific application scenario and technical effects. If the technical content disclosed in the prior art does not relate to the technical problem to be solved by the patent in suit, and its role in the prior art differs from that of the distinguishing technical feature in the patent in suit, it is generally inappropriate to find that the prior art has provided the corresponding technical inspiration.

17. Determination of the Motivation to Improve [Invention Patent Invalidation Case Concerning the "Loudspeaker Diaphragm for High-Speed Rail"]

[Case Number] (2025) SPC IP Admin. Final 342

[Judgment Digest] If the technical problem actually solved by the patent is one generally known to and expected to be solved by a person skilled in the art, and the prior art provides the teaching to apply the distinguishing technical feature to the closest prior art to solve such technical problem, then even if combining the distinguishing technical feature with the closest prior art may, to some extent, impair or affect the realization of other technical effects of the closest prior art, it does not necessarily follow that a person skilled in the art would lack the motivation to improve.

18. Determination of Overcoming Technical Prejudice [Invention Patent Invalidation Case Concerning the "Container Building Module"]

[Case Number] (2024) SPC IP Admin. Final 681 & 682

[Judgment Digest] If a specific technical means is abandoned due to a prevalent erroneous technical perception among persons skilled in the art, and the patented technical solution adopts such technical means based on a correct technical perception, then the patent may be found to possess inventiveness for overcoming technical prejudice. However, if the abandonment of such technical means by persons skilled in the art is based on economic benefit considerations rather than a technical perception error, then the adoption of such technical means by the patented technical solution cannot be readily found overcoming technical prejudice, and inventiveness cannot be found on that basis.

19. Assessment of Inventiveness of Technical Solutions Involving Superposition of Technical Means or Rearrangement of Technical Solutions; Handling of Refusal by Some Co-Owners of the Patent Right to Appear in Court; Determination of Effective Service Abroad [Invention Patent Invalidation Case Concerning the "User Terminal Multimedia Communication Method and Device"]

[Case Number] (2024) SPC IP Admin. Final 141

[Judgment Digests] 1. In assessing the inventiveness of a technical solution relating to IoT communication, if the disputed technical solution merely superimposes or rearranges existing technical means through permutation and combination, confers on

hardware devices separate or integrated conventional communication functions by means of conventional network configuration methods and conventional means such as signal transmission and reception, reading, and processing, so as to achieve a wider communication range or more communication functions, without introducing new technical means or solving new technical problems, and there is no substantial difference in the role played between the prior art and the disputed patent, and overall no unexpected technical effect is produced, then it is inappropriate to find that the disputed technical solution possesses inventiveness.

2. In administrative cases relating to patent grant and validation, after a people's court has taken service measures in accordance with the law, if some co-owners of the patent right, knowing or should have known the court hearing schedule, refuse to appear in court without justifiable grounds, such refusal shall not affect the continued trial of the case.

3. When serving documents to overseas parties who are difficult to locate in the trial of foreign-related cases, the people's court should strike a balance between the principle of "taking all reasonable efforts" and "preventing procedural abuse", and focus on enhancing the overall efficiency of foreign-related trials. In light of the *Hague Service Convention* and the provisions of the Civil Procedure Law on service abroad, various available domestic and foreign service methods may be used, including service by mail,

electronic means, leaving rejected documents at the premises, public announcement, and requesting co-owners or other parties acting in concert to forward documents, with all reasonable efforts taken. However, apart from service by public announcement, there is no mandatory order among the other service methods. Service to an overseas mailing address provided by the party or an email address explicitly agreed to by the party shall constitute effective service if the destination country has no objection to such service.

20. Determination of Closest Prior Art and the Teaching in Assessment of Inventiveness for Compound Use Patents [Invention Patent Application Case Concerning the "CETP Inhibitor"]

[Case Number] (2023) SPC IP Admin. Final 1055

[Judgment Digest] When applying the "three-step" method to assess the inventiveness of a compound use patent claim, where numerous compounds are disclosed in the prior art and the pharmaceutical activity of the specific compound has not been verified, it is not self-evident that a person skilled in the art would select the specific compound as a research starting point. Therefore, even if such specific compound is taken as the closest prior art, full consideration may still be given, in assessing the teaching, to the uncertainties that a person skilled in the art might face in selecting such specific compound.

21. Determination of the Unexpected Technical Effect in

**Assessment of Inventiveness in the Field of Compounds
[Invention Patent Application Case Concerning the
"Tetramethylpyrazine Nitro Derivatives"]**

[Case Number] (2023) SPC IP Admin. Final 648

[Judgment Digest] If the therapeutic effect of a technical solution claimed in an invention patent application on a certain disease is comparable to that of the world's first drug approved after the filing date for treating such disease, then such therapeutic effect may serve as an important factor in determining whether the technical solution achieves an unexpected technical effect.

**22. Determination of Technical Effects and Burden of Proof
in Assessment of Inventiveness for Compound Crystal Form
Patents [Invention Patent Invalidation Case Concerning the
"Novel Sunitinib Crystal Form"]**

[Case Number] (2024) SPC IP Admin. Final 101

[Judgment Digests] 1. In principle, the assessment of inventiveness for a known compound crystal form patent shall consider whether it brings about unexpected technical effects; and such unexpected technical effects shall, in principle, be those relating to drugability characteristics such as compound stability and bioavailability, rather than simple physicochemical property effects such as mechanical strength, melting point, or solubility.

2. The burden of proof that a compound crystal form brings about unexpected technical effects shall be borne by the patentee in

patent invalidation proceeding.

23. Assessment of Inventiveness for Traditional Chinese Medicine Formula Patents [Invention Patent Application Case Concerning the "Traditional Chinese Medicine Ointment for External Use in Treating Gout"]

[Case Number] (2023) SPC IP Admin. Final 992

[Judgment Digest] In assessing the inventiveness of an invention patent for a traditional Chinese medicine formula, it is necessary to focus on whether it constitutes conventional formula improvement or substantive formula reconstruction, with the determination primarily based on whether the principal herbs are changed, whether the core pathogenesis is shifted, and whether the compatibility logic is independent. Where the principal herbs remain unchanged, the core pathogenesis is consistent, and the formula aligns with the syndrome, with only additions, subtractions, substitutions, or minor adjustments in dosage of secondary herbs, it generally constitutes conventional formula improvement and lacks inventiveness. Where the principal herbs are changed, the core pathogenesis is shifted, and the compatibility logic is independent, constituting a comprehensive reconstruction of the correspondence among disease cause, herb properties, and therapeutic effects that goes beyond the normal deductive ability of a person skilled in the art, it generally constitutes substantive formula reconstruction and possesses inventiveness.

24. Applicability of Violation of the Principle of Good Faith as the Ground for Patent Invalidation [Utility Model Patent Invalidation Case Concerning the "Beam Pumping Unit"]

[Case Number] (2025) SPC IP Admin. Final 794

[Judgment Digest] The circumstances under which a violation of the principle of good faith leads to patent invalidation primarily involve situations where the patent applicant or patentee engages in fraud or misrepresentation regarding the patented technical solution. Where a requester for invalidation merely claims that the patentee plagiarized its intellectual achievements to file a patent application, in violation of Article 11 of the Implementing Regulations of the Patent Law, and requests a declaration of patent invalidity on that basis, such request shall in principle not be supported. Disputes involved therein are essentially civil disputes over patent ownership or inventor attribution right and shall be resolved separately in accordance with the law.

25. Determination of Whether the Scope of Protection of Design Patents is Clear [Design Patent Invalidation Case Concerning the "Ball Valve Housing"]

[Case Number] (2024) SPC IP Admin. Final 381

[Judgment Digest] If the drawings or photographs of a design patent have clearly and unambiguously shown the product design, then even if the content of the brief description of such design is not entirely consistent therewith, the scope of protection of the design

patent shall still be determined based on the product design as shown in the drawings or photographs. The design patent shall not be invalidated on the ground that the scope of protection is unclear.

26. The Role of Reference Views in Determining the Scope of Protection of Design Patents [Design Patent Invalidation Case (II) Concerning the "Sofa"]

[Case Number] (2025) SPC IP Admin. Final 457

[Judgment Digest] A varied states view may be used to determine the scope of protection of a design patent, whereas a reference view of the state in use does not necessarily serve such purpose. Where the patentee chooses to show a certain varying state of the product in a reference view of the state in use rather than in a varied states view, it is generally inappropriate to determine the scope of protection of the design patent directly based on such reference view of the state in use.

27. Impact of Errors in Drawings on Determination of Whether the Scope of Protection of Design Patents Is Clear [Design Patent Application Case Concerning the "Bag"]

[Case Number] (2024) SPC IP Admin. Final 520

[Judgment Digest] Where errors exist in the drawings or photographs of a design patent, resulting in multiple interpretations of the design as shown therein, and the average consumer cannot determine its specific design through other views and the brief description, and the designs presented based on different

interpretations cannot produce substantially the same overall visual effect, then it shall be determined that the drawings or photographs of the design patent fail to clearly show the design of the product for which patent protection is sought, except for defects in the depiction of local minor details that do not affect the expression of the overall visual effect of the design.

28. Impact of Confidentiality of the Place of Use on Determination of Prior Design [Design Patent Invalidation Case Concerning the "Safety Protection Wall"]

[Case Number] (2024) SPC IP Admin. Final 1203

[Judgment Digest] In administrative cases relating to design patent invalidation, where a party claims that the product design has not been disclosed through use on the ground that the place of product use is confidential, factors such as the function, purpose, installation location of the product, the appearance of the product observable during product transaction and use, and the scope of persons involved shall be comprehensively considered in determining whether it constitutes prior design; confidentiality of the place of use is not a sufficient condition for negating disclosure through use.

29. Determination of Information Disclosed in a Reference Design [Design Patent Invalidation Case Concerning the "Telescopic Elevation Gauge"]

[Case Number] (2024) SPC IP Admin. Final 1251

[Judgment Digest] The information disclosed in a reference design includes not only the design features explicitly disclosed in the drawings or photographs of the reference design, but also information that can be directly and unequivocally determined by the average consumer based on the foregoing content; subjective speculation without objective factual basis and without corresponding evidence shall not be regarded as information disclosed in the reference design.

30. Consideration of Absolute Dimensions and Relative Proportional Relationships in Design Comparison [Design Patent Invalidation Case Concerning the "Seat"]

[Case Number] (2024) SPC IP Admin. Final 1085

[Judgment Digest] In administrative cases relating to design patent validation, the absolute values of length, width, and height of a product design are generally not compared. However, if the drawings or photographs of a design patent can reflect the relative proportional relationships among different parts of the design, such relative proportional relationships may be compared.

31. Determination of Whether Prior Design Features Without Complete Disclosure of Overall Product Design May Be Used for Combination [Design Patent Invalidation Case Concerning the "Traffic Signal Light"]

[Case Number] (2024) SPC IP Admin. Final 518

[Judgment Digest] When determining whether a patented

design is clearly distinct from a combination of prior design features, if the average consumer can, based on the already disclosed content of prior design, determine the product corresponding to the specific design feature used for combination and the relative positional relationship of such design feature in the overall design, then such design feature may be used for combination, and it is not necessarily required that the overall product design corresponding to the design feature used for combination has been completely disclosed.

32. Necessity of Determining the Teaching of Prior Design Features Combination [Design Patent Invalidation Case Concerning the "Ecological Revetment"]

[Case Number] (2024) SPC IP Admin. Final 1005

[Judgment Digest] When determining whether a patented design is clearly distinct from a combination of prior design features, it is generally necessary to first determine whether there exists teaching regarding the combination of the prior design features. However, where the patented design feature differs significantly from the prior design feature used for combination and has a substantial impact on the overall visual effect, it may be determined that the patented design is clearly distinct from the combination of prior design features without the need to determine the existence of combination suggestion.

33. Determination of Trademark Use of a Design; Determination of the Design Patentee Uses Its Own Registered

Trademark; Acceptance of New Evidence on Recognition in Administrative Litigation [Design Patent Invalidation Case Concerning the "Spiked Running Shoe"]

[Case Number] (2024) SPC IP Admin. Final 860

[Judgment Digests] 1. When determining whether a design patent conflicts with another person's prior trademark right, it shall first be determined whether the use of the patented design constitutes trademark use. By comprehensively considering factors such as the position and manner of use of the patented design, industry practices, the degree of attention and general perception of the relevant public, and the recognition accumulated by the design patent applicant or patentee through actual use of the patented design, if the patented design can serve to identify the source of goods, it may be determined that its use constitutes trademark use.

2. Although a design patentee enjoys the right to exclusively use a registered trademark for the mark involved in the design or a similar mark, if it significantly alters the distinctive features that distinguish its own registered trademark from another person's prior registered trademark, and substantially uses the distinctive features of such other person's prior registered trademark in the patented design, the design patent right may still be found to conflict with such other person's prior trademark right.

3. In administrative cases relating to design patent validation involving conflict with another person's prior trademark right, where

the requester for invalidation submits in administrative litigation new evidence concerning aspects such as the distinctiveness, recognition, and likelihood of confusion of the prior trademark, which constitutes corroborating evidence, the people's court shall examine such evidence.

34. Determination of Conflict Between the Design Patent right and the Prior Exclusive Right to Use a Registered Trademark Held by Others [Design Patent Invalidation Case Concerning the "Liquor Bottle"]

[Case Number] (2024) SPC IP Admin. Final 522

[Judgment Digest] In determining whether a design patent right conflicts with another person's exclusive right to use an earlier registered trademark, comprehensive consideration shall be given to whether the design as a whole and its design features can serve to identify the source of goods or services, the degree of similarity between the design and the prior registered trademark, and the degree of similarity between the category of products bearing the design and the goods or services for which the prior registered trademark is approved for use, so as to determine whether the implementation of the design patent may cause confusion among the relevant public as to the source of the goods or services. The intent or conduct of the patent applicant or patentee to imitate another person's prior registered trademark or mislead the public may serve as a reference factor in the determination.

35. Determination of Corroborating Evidence [Design Patent Invalidation Case Concerning the "Red Bean Filling Packaging Bag"]

[Case Number] (2023) SPC IP Admin. Final 1232

[Judgment Digest] In administrative cases relating to patent validation, corroborating evidence provided by the requester for invalidation shall be aimed at enhancing or supporting the probative value of evidence that has been admitted in the administrative examination proceeding for patent invalidation. If the so-called corroborating evidence is used to prove new facts or grounds on which the patent should be declared invalid, since such evidence falls beyond the scope of review of the administrative decision and the requester can file another request for invalidation, the people's court shall generally not examine such evidence.

36. Acceptance of Case Where a Procedural Error in the National Defense Patent Application Is Alleged [Invention Patent Application Case Concerning the "Aircraft Carrier Electromagnetic Catapult"]

[Case Number] (2025) SPC IP Admin. Final 1129

[Judgment Digest] Although the patent applicant neither files its patent application as a national defense patent application, nor raises any opinion during the patent publication and substantive examination proceedings that the application should be treated as confidential and transferred to the national defense patent authority

for examination, nor raises such matter as a ground for appeal in the reexamination proceeding against rejection, if the applicant files a lawsuit against the rejection decision on the ground that its patent application is a national defense patent application and therefore there were procedural errors in the patent application examination proceedings, the people's court shall still accept and examine the case.

37. Handling of Situations Where the Receiving Office of International Patent Application [PCT Invention Patent Application Case Concerning the "Container Lid"]

[Case Number] (2025) SPC IP Admin. Final 538

[Judgment Digest] The examination and determination of the originally filed documents of an international patent application shall be conducted in good faith and for the purposes of actively protecting legitimate rights and interests. Where the applicant submits amended documents on the international filing date and clearly expresses the intention to replace the previously filed documents with such amended documents, but such amended documents are not accepted due to negligence of the international application receiving office, and after the international application enters the national phase in China, since accepting such amended documents would neither enable the applicant to improperly obtain the benefit of an earlier filing date nor harm the reliance interests of the public, the patent administrative authority of the State Council

shall take such amended documents as the basis for examination, and shall not simply refuse them on the ground that they are not accepted by the international application receiving office.

38. Determination of “Interested Party” in Patent Validation Lawsuits [Invention Patent Invalidation Case Concerning the "Kneading Massager"]

[Case Number] (2025) SPC IP Admin. Final 45

[Judgment Digest] A person who is unable to practice the patented technical solution without permission from the patentee, does not constitute an interested party in the administrative act of patent validation and therefore lacks standing to file the patent validation litigation, unless this person is the requester for patent invalidation.

II. Patent Ownership and Infringement Cases

39. Interpretation of a “Pseudo Dependent Claim” ; Determination of the Manufacturer Based on Commercial Identifiers [Invention Patent Infringement Case Concerning the "Locking Device"]

[Case Number] (2023) SPC IP Civil Final 1476

[Judgment Digests] 1. Where a formally dependent claim recorded in the patent claims is not a further limitation on the independent claim in substance, such dependent claim shall generally be interpreted as an independent claim. In determining the scope of protection, attention shall be paid to distinguishing such

claim from the claim it formally refers to, and such claim and its embodiments cannot, as a matter of course, be used to interpret the claim it formally refers to.

2. Where the allegedly infringing product bears commercial identifiers such as trademarks but does not indicate manufacturer information, the patentee asserts based thereon that the entity to which such commercial identifiers point shall bear liability as the manufacturer, and such alleged entity submits no rebuttal evidence or the submitted evidence is insufficient to rebut its status as manufacturer, the people's court may determine that such alleged entity is the manufacturer.

40. Determination of the Scope of Protection of Microorganism Patents Where Information of the Deposited Strain Differs from That Recorded in the Specification [Invention Patent Infringement Case Concerning the Microorganism "Boletus"]

[Case Number] (2023) SPC IP Civil Final 2003

[Judgment Digest] For a patent where a microorganism has been deposited in accordance with the law, where the test information of the deposited strain as defined in the claims is not entirely consistent with the information recorded in the patent specification, if the patentee can provide a reasonable explanation that a person skilled in the art can reasonably be convinced of, the scope of protection of the patent may be determined based on the

test information of the deposited strain.

41. Determination of the Allegedly Infringing Technical Solution for Joint Sale of Software and Hardware [Invention Patent Infringement Case Concerning the "Thermal Imaging Device and Imaging Method"]

[Case Number] (2023) SPC IP Civil Final 2699

[Judgment Digest] Where a product manufacturer sells specific software together with a hardware product, although the combined use of the software and hardware is ultimately completed by the user, the manufacturer is aware that the software and hardware can be used in combination and provides both, and therefore, the technical solution formed by such combined use shall be regarded as the allegedly infringing technical solution implemented by the manufacturer.

42. Nature of Providing Free Gifts [Invention Patent Infringement Case Concerning the "Filament Winding Machine"]

[Case Number] (2024) SPC IP Civil Final 1286

[Judgment Digest] Where the alleged infringer provides the allegedly infringing product as a free gift in the course of commodity transaction, such act constitutes a sales act within the meaning of the Patent Law.

43. Determination of Whether Acts of Providing Core Components Constitutes Manufacturing Act [Invention Patent

Infringement Case Concerning the "Refrigeration System"]

[Case Number] (2023) SPC IP Civil Final 373

[Judgment Digest] Where the alleged infringer manufactures core components of the allegedly infringing product and provides access to the remaining required components, and substantially dominates and determines the formation of the allegedly infringing technical solution, it may be found to have implemented a manufacturing act within the meaning of the Patent Law.

44. Nature of Acts of Providing Specially Adapted Components for Use in Combination [Invention Patent Infringement Case Concerning the "Clutch Assembly"]

[Case Number] (2025) SPC IP Civil Final 570

[Judgment Digest] Where the alleged infringer, knowing that the components of the allegedly infringing product it manufactures and sells are special components designed for use with components of the patented product and have no other reasonable uses, and the technical solution formed by the combined use of such components falls within the scope of protection of the patent, such acts constitute contributory infringement.

45. Nature of Acts of Reselling Patented Products after Relabeling; Sale and Implied License of Special Products for Implementing the Patented Technical Solution [Invention Patent Infringement Case Concerning the "COVID-19 Detection Reagent and Kit"]

[Case Number] (2024) SPC IP Civil Final 1193

[Judgment Digests] 1. Where the alleged infringer, after purchasing a patented product manufactured and sold with the patentee's authorization, directly or after simple repackaging relabels and sells such product, claiming it as its own self-developed and self-manufactured product, such act generally does not constitute infringement within the meaning of the Patent Law, and the patentee may separately assert its rights in accordance with the law.

2. Where the sole reasonable use of a product is to practice the patent in suit, the act of a purchaser who buys such product manufactured and sold with the patentee's authorization and uses it to practice the patented technical solution shall generally be deemed to have obtained the patentee's implied license and does not constitute infringement of the patent right.

**46. Determination of Method Patent Infringement
[Invention Patent Infringement Case Concerning the "No-Load
Detection Height"]**

[Case Number] (2023) SPC IP Civil Final 1980

[Judgment Digest] In a dispute over infringement of a method patent, if the patentee can only prove that the allegedly infringing technical solution achieves the specific technical effect of the patented method, without evidence proving that it implements the specific steps and method defined in the patented method, it shall generally not be found that the allegedly infringing technical

solution falls within the scope of protection of the method patent.

47. Determination of Equivalent Technical Features in Patent Infringement Cases of Distinguishing Technical Features Identified in Patent Grant and Invalidation Proceedings [Utility Model Patent Infringement Case Concerning the "Steam Hair Straightener"]

[Case Number] (2023) SPC IP Civil Final 1971

[Judgment Digest] Where an effective administrative decision or judgment on patent grant or validation determines that a certain technical feature in the patented technical solution constitutes a distinguishing technical feature relative to the closest prior art, and the prior art provides no teaching to combine such feature with the closest prior art to arrive at the patented technical solution; then in a dispute over patent infringement, if the allegedly infringing technical solution adopts the technical feature of the closest prior art rather than the distinguishing technical feature of the patented technical solution, such feature shall not be found to constitute an equivalent technical feature.

48. Determination of Equivalence of Technical Features Defined by Numerical Ranges [Invention Patent Infringement Case Concerning the "Austenitic Stainless Steel Pipe"]

[Case Number] (2023) SPC IP Civil Final 2030

[Judgment Digest] Where the patent specification clearly defines a specific correspondence between the numerical range

feature recorded in the claims and the technical effects achieved by the patented technical solution, thereby indicating that technical solutions outside such numerical range have been excluded from the scope of protection of the patent, if the patentee asserts in a civil infringement case that a numerical feature falling outside such numerical range constitutes an equivalent feature, the people's court shall generally not support such assertion.

49. Interpretation of Logic Circuit Claims; Determination of Equivalent Technical Features in the Electrical Field [Invention Patent Infringement Case Concerning the "Power Management Chip"]

[Case Number] (2023) SPC IP Civil Final 2903

[Judgment Digests] 1. For claims of patents in the electrical field involving logic circuits, interpretation shall be conducted from the perspective of a person skilled in the art. A holistic logical approach should be applied, focusing on understanding the logical connections, signal flow, and control timing among the technical features based on the complete technical solution defined in the claims. Technical features should not be considered in isolation from their logical chain.

2. In determining equivalent technical features in the electrical field, focus shall be placed on whether the specific technical means of the corresponding technical features in the patented technical solution and the allegedly infringing technical solution are

substantially the same, whether their specific functions in their respective overall technical solutions are substantially the same, and whether the direct technical effects achieved when performing such specific functions are substantially the same, so as to avoid improperly expanding the scope of patent protection by focusing only on the abstract functions ultimately achieved by the circuit while ignoring the specific configuration of each module and the direct technical effects.

50. Determination of Infringement Comparison for Standard Essential Patents [Standard Essential Patent Infringement Case Concerning the "3GPP"]

[Case Number] (2023) SPC IP Civil Final 1331

[Judgment Digest] In disputes over infringement of standard essential patents, "claim mapping" is one of the important methods for infringement determination, particularly where the technical solution implemented by the allegedly infringing product that complies with a specific standard involves high technical difficulty or requires high costs to implement. Where the patentee can prove that the patent in suit is a standard essential patent, it may be presumed that the allegedly infringing product complying with such standard falls within the scope of protection of the standard essential patent; where the alleged infringer asserts that the allegedly infringing product does not fall within the scope of protection of the standard essential patent, it shall provide rebuttal evidence that it has

not implemented the standard essential patent.

51. Determination of Joint Manufacturer Status and Liability in OEM Processing [Invention Patent Infringement Case Concerning the "Electric Motor"]

[Case Number] (2024) SPC IP Civil Final 773

[Judgment Digest] In disputes over patent infringement involving OEM processing, the OEM principal that substantially determines the implementation of the patented technical solution and the processor that directly implements the patented technical solution generally jointly engage in the manufacturing act, constituting joint infringement, and shall bear joint and several liability for compensation. Where the OEM principal asserts a defense of lawful source on the ground that the product originates from the processor, such defense shall not be supported.

52. Nature of Implementing the Pesticide Patent During Pesticide Registration [Invention Patent Infringement Case Concerning the "Insecticide"]

[Case Number] (2023) SPC IP Civil Final 1511

[Judgment Digest] Where a generic pesticide manufacturer, for the purpose of providing necessary test data for applying to the competent pesticide administrative authority for its pesticide registration, manufactures and uses to a limited extent the allegedly infringing product falling within the scope of protection of the pesticide patent, without causing unreasonable harm to the normal

exercise of the patent right or unreasonably prejudicing the legitimate interests of the patentee, such act constitutes a scientific research exception within the meaning of the Patent Law and shall not be deemed infringement of the patent right.

53. Application of the Scientific Research and Experiment Exception; Relationship Between Patent Invalidation and Malicious Litigation [Invention Patent Infringement Case Concerning the "Austenitic Stainless Steel"]

[Case Number] (2023) SPC IP Civil Final 2031

[Judgment Digests] 1. Pursuant to Subparagraph 4 of Paragraph 1 of Article 75 of the Patent Law, the use of a relevant patent solely for the purposes of scientific research and experiment shall not be deemed infringement of the patent right. Such application is limited, in terms of purpose, to acts "solely for" conducting scientific research and experiment, i.e., research activities not directly for profit-making purposes; and in terms of subject, to entities conducting scientific research and experiment.

2. The determination of the validity of a patent right, particularly whether it possesses inventiveness, involves considerable professionalism and complexity, and the mere fact that a patent is declared invalid or partially invalid cannot simply lead to the conclusion that the infringement lawsuit filed by the patentee constitutes malicious litigation.

54. No Prior Use Defense upon the Expiration of the Prior

Technology License [Invention Patent Infringement Case Concerning the "Electronic Grade Copper Oxide"]

[Case Number] (2024) SPC IP Civil Final 1254

[Judgment Digest] Where the alleged infringer, prior to the filing date of the patent application, obtained a license to practice the patented technical solution by means of a technical secret license and had already manufactured the same product, used the same method, or made the necessary preparations therefor, if it continues to practice the patented technical solution without authorization after the expiration of the license term and asserts prior use defense in this regard, the people's court shall not support such defense.

55. No Legal Protection for Incorporating the Patent into the Standard in Violation of Good Faith [Standard-Related Patent Infringement Case Concerning the "H-Pile"]

[Case Number] (2023) SPC IP Civil Final 2875

[Judgment Digest] Patentees shall follow the principle of good faith, exercise their patent rights in a bona fide and reasonable manner and refrain from abusing them. Where a patentee, by itself or by guiding standard developers, incorporates the technical solution of its patent or patent application into national, industrial, or local standards, regardless of whether such standards are mandatory or recommended, if the patentee fails to truthfully disclose the status of its patent application and grant during the standard-setting process, but files a patent infringement lawsuit against subjectively faultless

standard implementers after the release of the standard, such conduct violates the principle of good faith, constitutes an abuse of patent rights, and shall not be protected by law.

56. Examination of the Claim for Destruction of Molds in Patent Infringement Cases [Invention Patent Infringement Case Concerning the "Joint Motion Support Brace"]

[Case Number] (2024) SPC IP Civil Final 403

[Judgment Digest] Where the patentee has adduced evidence or reasonably explained that it is highly probable that the infringing manufacturer possesses or controls molds specially used for manufacturing the infringing product, and the infringing manufacturer fails to submit sufficient rebuttal evidence, the people's court may uphold the patentee's claim for destruction of the molds.

57. Selection of Methods for Determining Patent Infringement Damages [Invention Patent Infringement Case Concerning the "Parent Phytase Variant"]

[Case Number] (2024) SPC IP Civil Final 761

[Judgment Digest] In disputes over patent infringement, where the people's court has ascertained all or part of the sales volume of the infringing product, the basic conditions for calculating infringement damages are in principle satisfied, and the amount of damages shall preferably be calculated based on the losses suffered by the patentee or the profits earned by the infringer. In such circumstances, even if the patentee claims or agrees, statutory

damages shall not be directly applied to determine the amount of compensation.

58. Punitive Damages for Repeated Patent Infringement [Invention Patent Infringement Case Concerning the "Signal Processing"]

[Case Number] (2023) SPC IP Civil Final 3114

[Judgment Digest] Where a prior effective judgment has determined that the alleged infringer's acts of manufacturing and selling constitute infringement of the patent in suit, and the calculation of damages was based on the circumstances up to the conclusion of court debate at first-instance of the prior case, if the infringer continues to commit the same or a similar infringement after such conclusion of court debate at first-instance, and the patentee files a subsequent lawsuit seeking punitive damages, the people's court may uphold such claim.

59. Modification of Technical Solutions and Determination of Repeated Infringement; the Amount Awarded in the Prior Case and Determination of Calculation Base for Punitive Damages for Repeated Infringement [Invention Patent Infringement Case Concerning the "Drawer Hardware"]

[Case Number] (2024) SPC IP Civil Final 1076

[Judgment Digests] 1. Where, after an effective judgment has determined that the alleged infringer has committed patent infringement, the alleged infringer makes only non-substantive

modifications to the allegedly infringing technical solution and continues to commit such infringement, it may be found to have intentionally committed a same or similar infringement again according to the specific circumstances, and punitive damages may be applied.

2. Where the alleged infringer intentionally commits a same or similar infringement again, and the patentee claims damages based on the infringer's profits but has difficulty obtaining relevant evidence, and the alleged infringer refuses without justifiable grounds to provide account books or other materials related to the infringing act, and the patentee then claims to use the amount of damages awarded in the prior judgment as the calculation base for punitive damages on the ground that the alleged infringer's profits being no less than the damages awarded in the prior judgment constitutes a reasonable motive for the infringer's repeated infringement, the people's court may uphold such claim according to the specific circumstances.

60. Application of Punitive Damages for Persistent Patent Infringement Under a Different Name [Invention Patent Infringement Case Concerning the "Suitcase Intermediate Panel"]

[Case Number] (2025) SPC IP Civil Final 598

[Judgment Digest] Where an effective judgment has determined that a natural person or a company controlled by such natural person

has committed patent infringement, and such natural person organizes and implements the same or similar patent infringement in the name of another entity, if the patentee seeks punitive damages and claims to determine the calculation base for punitive damages by reference to the damages calculation method in the prior effective judgment, the people's court may uphold such claim according to the specific circumstances.

61. Relationship Between Patent Validity and Adjudication of Related Ownership Disputes [Invention Patent Application Ownership and Infringement Liability Case Concerning the "Capacitive Interface Circuit"]

[Case Number] (2023) SPC IP Civil Final 3205

[Judgment Digest] The essence of a dispute over the ownership of a patent application or patent right lies in determining the attribution of rights and interests in the invention-creation concerned. Since an invention-creation may not necessarily be protected only by means of a patent, in the adjudication of a case involving a dispute over the ownership of a patent application or patent right, the fact that the patent application is withdrawn or rejected, or the patent right is declared invalid or abandoned, does not necessarily affect the determination of the attribution of rights and interests in the invention-creation. The people's court shall generally continue to hear the dispute over the attribution of such rights and interests.

62. Determination of Ownership of Service Invention

Patents Under Multiple Employment Relationships [Invention Patent Ownership Case Concerning the "Chip Etching"]

[Case Number] (2023) SPC IP Civil Final 2454

[Judgment Digest] Where an employee successively forms employment relationships with different entities, and such employment relationships partially overlap in time, thereby giving rise to a dispute over the ownership of a service invention patent, any agreement between the different entities regarding the ownership of the service invention patent shall prevail; in the absence of an agreement, the ownership of the patent may be determined by focusing on the chronological order in which the employee formed employment relationships with the different entities, while taking into account factors such as the respective input and contribution of the different entities and whether there is any fault.

63. Handling of the Claim for Patent Ownership Based on Technological Lineage [Invention Patent Ownership Case Concerning the "CMOS Circuit"]

[Case Number] (2024) SPC IP Civil Final 1199

[Judgment Digest] Where a former employer claims ownership of a patent on the ground that the technical solution of the patent originates from a service invention-creation completed by its former employee during the employment period, if such technical solution serving as the technology source had been disclosed and become

prior art before the filing date of the patent in suit, and the technical solution of the patent does not constitute a service invention-creation of the former employer or the rights and interests therein do not belong to the former employer pursuant to a contractual agreement, then the former employer's claim for patent ownership based solely on the lineage between the technical solutions shall not be supported.

64. Basis of the Claim for Patent Ownership; Liability for Damages for the Unjustified Withdrawal After Filing Patent Application Using Another's Technical Secret [Invention Patent Application Ownership and Infringement Liability Case Concerning the "Gyroscope Circuit"]

[Case Number] (2023) SPC IP Civil Final 3209

[Judgment Digests] 1. In a dispute over patent ownership, if the former employer had already completed the disputed technical solution of the patent before the employee joined the company, then such technical solution does not constitute a service invention of the employee at the former employer, and the former employer may claim patent ownership based on other bases of claim such as trade secret.

2. Where a person files a patent application based on another's technical secret and, after the publication of the patent application, withdraws the patent application without justifiable grounds, thereby causing the technical secret information to be disclosed or to enter

the public domain, such act constitutes unlawful disclosure of the technical secret. If the owner of the technical secret can no longer obtain rights such as patent application right or patent right in such technical secret information as a result, the disclosing party shall compensate the technical secret owner for the full value of such technical secret.

65. Determination of Liability of Senior Management for the Malicious Transfer of the Company's Intellectual Property by Abuse of Position [Patent Property Damages Case Concerning the "Mixer"]

[Case Number] (2023) SPC IP Civil Final 1136

[Judgment Digest] Where a senior manager of a company, by taking advantage of their position, transfers the company's intellectual property to another person at an obviously unreasonably low price, and such person thereafter grants a royalty-free license to an entity affiliated with such senior manager; the senior manager, the affiliated entity, and the transferee may be found to have jointly committed tortious acts harming the company's interests, and shall bear joint and several liability for compensation.

66. Criminal Punishment Does Not Necessarily Affect the Inventor's Right to Awards and Remuneration [Inventor's Awards and Remuneration Case Concerning the "Glass-Ceramics" Invention Patent]

[Case Number] (2024) SPC IP Civil Final 911-913

[Judgment Digest] The fact that an inventor of a service invention-creation is criminally punished for illegally disposing of the patent right related to the service invention pertains to a different legal relationship from whether the inventor should receive awards and remuneration for the service invention-creation, and does not necessarily affect the inventor's right to obtain such awards and remuneration in accordance with the law.

67. Handling of Ownership Disputes Involving Fictitious Patents [Invention Patent Application Ownership Case Concerning the "Artificial Bear Bile Powder"]

[Case Number] (2023) SPC IP Civil Final 638

[Judgment Digest] In a dispute over patent ownership, if the disputed patent application or patent does not originate from genuine inventive-creation activities but is fabricated or fictitious, it shall not be granted authorization due to violation of the principle of good faith. Based on the fundamental legal principle that no one shall benefit from illegal acts, a claim for confirmation of ownership shall not be supported.

68. Determination of Inventors Upon Changes in the Named Inventors in Patent Documents [Invention Patent Application Ownership Case Concerning the "Composite Dental Bridge"]

[Case Number] (2024) SPC IP Civil Final 660

[Judgment Digest] The original record of inventors in patent documents may generally serve as prima facie evidence for

identifying the actual inventor. However, where the original registered patentee applies to change the original record of inventors, the actual inventor shall not be determined solely based on the changed inventor information in the patent register. Where the original registered patentee claims that the changed inventor is the actual inventor, it shall provide relevant evidence such as the changed inventor's participation in research and development; failing to provide such evidence, its claim may not be supported.

69. Impact of Copyright Ownership of Drawings in the Specification on Patent Ownership; Handling of Reasonable Expenses in Patent Ownership Cases Involving Fraudulent Litigation [Utility Model Patent Ownership Case Concerning the "Toothed Belt Clamping Mechanism"]

[Case Number] (2023) SPC IP Civil Final 28

[Judgment Digests] 1. Whether the drawings in the specification of an invention or utility model patent infringe another person's copyright and the ownership of the invention-creation to which the patent pertains concern two different types of legal relationships. Even if the drawings in the patent specification infringe another person's copyright, it does not necessarily affect the ownership of the invention-creation.

2. Where a dispute over patent ownership involves another case of fraudulent litigation, and the victim claims that the other party responsible for the fraudulent litigation compensate for the

reasonable expenses incurred due to the fraudulent litigation, for the very reasonable expenses constitute damages caused by the fraudulent litigation, the people's court may uphold such claim in the patent ownership case.

70. Handling of Persons Committing Fraudulent Litigation [Copyright Ownership and Infringement Case Concerning the "Guide Rail Module Structure"]

[Case Number] (2025) SPC IP Civil Retrial 1

[Judgment Digest] Where a party asserts rights in the current case based on an effective judgment from another case, and during the trial of the current case it is discovered that the other case may constitute fraudulent litigation, the people's court may, while initiating trial supervision procedure in accordance with the law to revoke the judgment of the other case, simultaneously impose judicial sanctions on the persons committing the fraudulent litigation; if a crime is suspected, the clues shall be transferred for criminal investigation.

71. Burden of Proof and Determination of Inventive Contribution of Inventor [Invention Patent Attribution Case Concerning the "Secure Storage Method and Medium"]

[Case Number] (2025) SPC IP Civil Final 491

[Judgment Digest] In a dispute over inventor attribution right, the party claiming inventorship shall bear the burden of proof for its inventive contribution to the substantive features of the

invention-creation. The people's court may make a comprehensive determination by taking into account factors such as the professional experience, the scope of duty, and familiarity with and degree of participation in the invention-creation in suit of the persons concerned.

72. Impact of Prior Intellectual Property Case Proceedings on Disputes over Liability for Damages Caused by Malicious Intellectual Property Litigation [Invention Patent Malicious Litigation Case Concerning the "Display Substrate"]

[Case Number] (2024) SPC IP Civil Final 1217

[Judgment Digest] The judgement or decision of a dispute over liability for damages caused by malicious intellectual property litigation generally needs to await the conclusion and effectiveness of the prior intellectual property case, which the plaintiff alleged to constitute malicious litigation. A dispute over liability for damages caused by malicious intellectual property litigation is in nature a tort action. Its case acceptance and substantive examination are not necessarily conditional upon the prior intellectual property case having been concluded and become final and effective. Where the evidence on record is sufficient to determine that the prior intellectual property litigation does not constitute malicious litigation, a judgment may be rendered directly without waiting for the conclusion and effectiveness of the prior intellectual property case.

73. Nature of Acts Where the Former Patentee Files an Invalidation Request After Patent Assignment [Patent Malicious Litigation Case Concerning the "Traditional Chinese Medicine Smart Constitution Identification Mirror"]

[Case Number] (2024) SPC IP Civil Final 1260

[Judgment Digest] Where, after assigning its patent right, the former patentee, the inventor, or the person with aligned interests therewith files an invalidation request against such patent without justifiable grounds, such act violates the principle of good faith.

74. Determination of Malicious Intellectual Property Litigation and Damages [Patent Malicious Litigation Case Concerning the "Dashcam"]

[Case Number] (2023) SPC IP Civil Final 869

[Judgment Digests] 1. The subjective and objective elements constituting malicious patent litigation are interrelated. The more objectively lacking in legal or factual basis a lawsuit is, the more it indicates that the plaintiff files the lawsuit not for legitimate rights protection. In determining whether a patent infringement lawsuit filed by the plaintiff lacks legal or factual basis, factors such as whether the patent in suit should be held invalid, and the reasonableness and legitimacy of the origin of the right, the claims in the complaint, the timing of the lawsuit may be comprehensively considered.

2. Liability for damages caused by malicious intellectual

property litigation constitutes general tort liability. The scope of damages for such tort shall be determined in accordance with the principle of full compensation, taking into account the causal relationship between the consequences of damage and the tortious act. Where the malicious litigant applies for property preservation to freeze the victim's funds, the resulting loss from fund occupation may be included in the scope of damages, and may be calculated based on the difference between the loan prime rate quoted by the National Interbank Funding Center for the corresponding period and the benchmark current deposit rate during the preservation period. Where the victim voluntarily abandons business opportunities after being subjected to malicious litigation to avoid legal risks, the resulting loss of reasonably expected profits may be included in the scope of damages. Reasonable expenses incurred by the victim in defending against the malicious litigation shall also be deemed losses caused to the sued party by such malicious litigation and may be included in the scope of damages.

75. Waiver of the Right to Sue and Case Acceptance; Avoiding Simple Application of Statutory Damages [Invention Patent Infringement Case Concerning the "Container Building Module"]

[Case Number] (2024) SPC IP Civil Final 841

[Judgment Digests] 1. The right to sue is a fundamental right of civil subjects to seek relief through judicial proceedings. Where a

party has agreed by contract to waive the right to sue but subsequently files a lawsuit, the people's court shall still accept the case in accordance with the law.

2. In calculating damages for patent infringement, simple application of statutory damages shall be avoided as much as possible. Even if the right holder directly requests the application of statutory damages, the people's court shall, to the extent possible, ascertain the relevant facts of damage and calculate the amount of compensation based on the losses suffered by the right holder, the profits earned by the infringer, or by reference to the licensing fee.

76. Preservative Measures in the Name of Asset Preservation but Aimed at Restraining Others' Acts Constitute Behavioral Preservation [Case Concerning the Liability for Damages from Behavioral Preservation of Invention Patent Rights for the "Steel Wire Mesh"]

[Case Number] (2024) SPC IP Civil Final 917

[Judgment Digest] Where an applicant files a preservation application in the name of asset preservation, which is essentially to order the respondent to take or refrain from certain acts through the people's court's preservative measure, the application shall be examined and handled as an application for behavioral preservation.

77. Shift of Burden of Proof in Patent Infringement Cases Involving Methods for Manufacturing Non-New Products [Invention Patent Infringement Case Concerning the "Method

for Forming Micro-holes in Metal Plate"]

[Case Number] (2023) SPC IP Civil Final 2291

[Judgment Digest] In a dispute over infringement of a method patent, although the product manufactured by using the patented method does not constitute a new product within the meaning of the Patent Law, if the allegedly infringing product is identical to the product manufactured by using the patented method, and the patentee has fulfilled its reasonable burden of proof regarding the alleged infringer's use of the patented method, taking into account specific circumstances such as the prior transaction relationship between the parties and industry relevance, the degree of the alleged infringer's knowledge of the patented method, and its acts of free-riding on the function, trademark, or market reputation of the patentee's product, it may be preliminarily found that the alleged infringer is likely to have practiced the patented method. Where the alleged infringer claims that it has not practiced the patented method, it shall submit rebuttal evidence proving that its product manufacturing method differs from the patented method.

78. Admissibility of the Product Obtained After the Expiration of the Patent Term as Evidence for Infringement Comparison [Invention Patent Infringement Case Concerning the "Electric Motor"]

[Case Number] (2025) SPC IP Civil Final 23

[Judgment Digest] Where the patentee can prove that the

technical solution of the allegedly infringing product remained unchanged during and after the patent term, the product obtained after the expiration of the patent term may be used as the object for infringement comparison.

79. Denial by the Warning Party in Disputes over the Confirmation of Non-infringement of the Patent Right [Declaration of Non-Infringement of Invention Patent Concerning the "Magnetic Resonance Angiography"]

[Case Number] (2024) SPC IP Civil Final 1179 & 1190

[Judgment Digest] In a dispute over the confirmation of non-infringement of the patent right, where the defendant patentee claims that neither the plaintiff nor the product in question is the target of its infringement warning and waives technical comparison, the people's court may directly declare that the plaintiff does not infringe the patent in suit.

80. Handling of the Case When Patent in Question is Declared Invalid After Administrative Adjudication Establishing Patent Infringement [Utility Model Patent Administrative 行政 裁决 案件 concerning the "New Energy Tea Hot Air Stove"]

[Case Number] (2023) SPC IP Admin. Final 1029

[Judgment Digest] Where, after the patent administrative authority has rendered an administrative adjudication finding patent infringement, the patent claim on which the infringement claim is

based is finally held invalid, and the administrative counterpart files an action requesting revocation of such adjudication, the people's court shall uphold such request.

81. Determination of Standing of the Product Manufacturer or Upstream Seller in Relation to Administrative Adjudication of Patent Infringement [Invention Patent Administrative Adjudication Case Concerning the "Cement Mat"]

[Case Number] (2025) SPC IP Admin. Final 506

[Judgment Digest] Where an administrative adjudication of patent infringement finds that a product sold by a seller constitutes a patent-infringing product, and the manufacturer or upstream seller of such product files an administrative action on the ground that it has an interest in such administrative adjudication, the people's court shall accept the case.

III. New Plant Variety Cases

82. Unauthorized Sales Do Not Destroy the Novelty of Variety ; Determining of Grace Period for Variety Novelty at Home or Abroad [New Plant Variety Invalidation Case Concerning the "Calypso" Guzmania]

[Case Number] (2024) SPC IP Admin. Final 891

[Judgment Digests] 1. For purposes of determining novelty in an application for plant variety rights, a "sale" that may destroy novelty refers to circumstances in which the breeder transfers ownership of the propagating material of the variety for which

protection is sought for commercial exploitation, such as through sale, barter, capital contribution, production agreements, or other transactional arrangements, and relinquishes control over that material, thereby placing the propagating material outside the breeder's control. By contrast, sales conducted without the authorization of the variety right holder do not constitute such novelty-destroying sales.

2. For plant varieties newly added to the list of national protected plants, where an application for variety rights is filed within one year of such inclusion, the novelty grace period for domestic sales is extended to four years. However, the grace period for sales occurring outside China remains subject to the rules set out in Article 14 of the Regulations on the Protection of New Varieties of Plants.

83. Conditions for Expanding Genetic Testing Loci in Determining Variety Identity; Specification of Liability for Cessation of Variety Infringement [New Plant Variety Infringement Case Concerning the "NP01154" Maize]

[Case Number] (2024) SPC IP Civil Final 337

[Judgment Digests] 1. In new plant variety right infringement cases, the use of expanded genetic testing through additional loci is appropriate only where the number of differing loci between the test sample and the reference sample falls below but close to the applicable threshold. The additional loci selected must exhibit

sufficient genetic polymorphism and stability, and the relevant genes must demonstrate a strong correlation with the corresponding phenotypic traits. Moreover, the reliability of this genotype–phenotype correlation must have been adequately validated through scientific evaluation, and functional markers tightly linked to the relevant traits must have been developed. As a general rule, the loci selected for such additional testing should already be widely used in genotypic analyses of lines and varieties and should be capable of effectively verifying variety authenticity and genetic purity.

2. In new plant variety right infringement cases, because seeds possess reproductive capacity, new plant variety right infringement may lead to ongoing violations and an expansion of the consequences of damage. Accordingly, when ordering the cessation of infringement, courts should adopt specific, effective, and practicable remedial measures according to the specific circumstances, which may include:

- ceasing the use of propagating material of the protected variety;
- ceasing the repeated use of such propagating material to produce or sell the infringing variety; and
- rendering the propagating material of the infringing variety non-viable under the supervision of the people's court or in the presence of the right holder.

84. Burden of Proof for the Use of Additional Genetic Testing Loci [New Plant Variety Infringement Case (I) Concerning the "WG646" Maize]

[Case Number] (2024) SPC IP Civil Final 157 & 193

[Judgment Digest] In new plant variety right infringement litigation, where an alleged infringer requests additional genetic testing using specific loci, the burden of proof generally lies with the alleged infringer to demonstrate that the proposed loci:

- constitute specific genetic markers for the variety to which the test sample belongs;
- have a corresponding relationship with particular phenotypic traits; and
- are capable of distinguishing the test sample from other varieties.

85. Determining Variety Identity Where No Molecular Marker Testing Standard Exists [New Plant Variety Infringement Case Concerning the "Plablue 1542" Blueberry]

[Case Number] (2025) SPC IP Civil Final 468

[Judgment Digest] Where no national or industry standard for molecular marker testing has been established for a particular plant variety, testing conducted with reference to the *Identification of Plant Varieties—MNP Marker Method* may be relied upon. If the analysis involves a sufficiently large number of loci, the selected loci meet the required polymorphism criteria, and the testing is

adequate to determine whether the test sample and the reference sample are identical, the testing report may be admitted as evidence for determining variety identity between the two samples.

86. Determining of Variety Identity [New Plant Variety Infringement Case Concerning the "Jiuhbao Purple Crystal" Phalaenopsis]

[Case Number] (2024) SPC IP Civil Final 1201

[Judgment Digests] 1. In determining whether an allegedly infringing variety is identical to a protected plant variety, the court should comprehensively consider all evidence in the record and its probative value. If the available evidence indicates a high probability of identity between the allegedly infringing variety and the protected variety, and the alleged infringer fails to produce sufficient rebuttal evidence, such as proof of an independent breeding origin, the court may determine that the two varieties are identical.

2. A strong inference of variety identity may arise where:

- the name used for the allegedly infringing variety incorporates the core identifying element of the protected variety's name;
- the principal characteristics recorded in the protected variety's DUS test report are traits that can be directly observed through visual inspection; and
- the principal characteristics of the allegedly infringing variety are highly similar to those of the protected variety.

87. Later-Granted Variety Rights Do Not Affect Protection of an Earlier Protected Variety [New Plant Variety Infringement Case (II) Concerning the "WG646" Maize]

[Case Number] (2024) SPC IP Civil Final 763

[Judgment Digest] A finding of plant variety right infringement is grounded in the determination that the allegedly infringing variety possesses characteristics and traits identical or substantially identical to those of the protected variety. Where an alleged infringer asserts that the allegedly infringing variety is a distinct variety authorized at a later date, and thus does not infringe upon the earlier-protected variety, the people's court shall not sustain such a defense.

88. The Prior Rights Defense in Plant Variety Right Infringement Cases [New Plant Variety Infringement Case Concerning the "PremA280" Apple]

[Case Number] (2023) SPC IP Civil Final 1542

[Judgment Digest] In the field of plant breeding, the likelihood that different breeders independently develop varieties with completely identical genetic characteristics is extremely low. As a result, claims of prior rights capable of defeating another party's valid plant variety right are generally untenable. Moreover, where—prior to the filing date of the protected variety application—the alleged infringer or its predecessor obtained propagating material of the protected variety through unlawful means and subsequently cultivated or propagated it, the illegal origin

of the propagating material precludes the creation of any prior right that could be asserted against the plant variety right.

89. Liability for Organizing the Importation and Domestic Sale of Infringing Seeds [New Plant Variety Infringement Case Concerning the "Jijia" Tomato]

[Case Number] (2023) SPC IP Civil Final 3168

[Judgment Digests] 1. Even where a plant variety had not yet been granted protection in China at the time the seeds were imported, if the variety obtains plant variety rights before the seeds are sold, the subsequent sale of those seeds must still be authorized by the Chinese variety right holder. Absent such authorization, the sales constitute infringement of the plant variety right.

2. For the purpose of domestic sale, a party that organizes the importation of seeds and is responsible for arranging for others to distribute or sell them shall bear joint and several compensation liability for all resulting sales within China.

90. Determination of Infringement and Damages Where the Allegedly Infringing Seeds Contain Mixed Varieties [New Plant Variety Infringement Case Concerning the "Jietiandao 001" Rice]

[Case Number] (2025) SPC IP Civil Final 389

[Judgment Digest] Where the allegedly infringing seed batch contains mixed varieties, and it is established that the seeds include propagating material of a protected variety, the production and sale

of such mixed seeds , while constituting infringement of plant variety rights , may also constitute the distribution of substandard seeds. In assessing damages, the court may take into due account the proportion of propagating material of the protected variety contained within the mixed seeds.

91. Injunctive Relief in New Plant Variety Right Infringement Cases [New Plant Variety Infringement Case (I) Concerning the "Wannuo 2000" Maize]

[Case Number] (2023) SPC IP Civil Final 3075

[Judgment Digest] In plant variety right infringement litigation, a claim for cessation of infringement is generally aimed at obtaining a court order requiring the infringer to stop ongoing infringing activities and refrain from committing further infringement in the future, rather than merely addressing infringement occurring at a specific time or on a particular plot of land. Accordingly, even if the alleged infringer has already ceased infringing activities on the specific plot involved in the case, there may still be a risk that the infringer will resume the infringing conduct in the future or in other locations. To eliminate this risk, courts will generally grant the request for injunctive relief of the variety right holder.

92. Deactivation of Seeds as a Remedy in New Plant Variety Right Infringement Cases [New Plant Variety Infringement Case Concerning the "Zhengmai 136" Wheat]

[Case Number] (2025) SPC IP Civil Final 200

[Judgment Digest] In plant variety right infringement litigation, because infringing propagating material consists of biological material capable of reproduction, eliminating its viability is an important measure to ensure the effective cessation of infringement. Accordingly, where evidence shows that an infringer possesses or controls an inventory of infringing seeds, courts should, as a general rule, order that those seeds be deactivated.

93. Deactivation of Nursery Stock as a Remedy in New Plant Variety Right Infringement Cases [New Plant Variety Infringement Case Concerning the "Tianshihong" Pomegranate]

[Case Number] (2024) SPC IP Civil Final 925

[Judgment Digest] Measures taken to deactivate infringing nursery stock must satisfy the core requirement that the plant material completely lose its capacity for regeneration. Appropriate deactivation measures should be determined in light of the biological characteristics of the crop and the stage of plant growth, including but not limited to:

- Uprooting, deep burial, or physical destruction of seedlings at the early planting stage;
- Cutting the trunk, removing the scion, or applying chemical agents to lignified rootstock seedlings;
- High-temperature steaming, boiling or chemical soaking of propagating materials such as branches or scions.

**94. Estimating Operating Profits from Infringing Seed Sales
[New Plant Variety Infringement Case Concerning the
"Qihuang 34" Soybean]**

[Case Number] (2025) SPC IP Civil Final 199

[Judgment Digest] Infringement of new plant variety rights effectively constitutes the unauthorized appropriation of the variety right holder's intellectual achievements. The unit selling price of commercial grain includes not only production costs and expenses but also a portion of profit. In calculating such profits, the court may deduct the unit market price of commercial grain produced using the seeds from the unit selling price of the infringing seeds. The resulting price differential may then be appropriately adjusted upward to estimate the seed producer's operating profits obtained through the infringement.

**95. Scope of Joint and Several Liability When Subjective States Differ
[New Plant Variety Infringement Case Concerning the "Nongmai 88" Wheat]**

[Case Number] (2025) SPC IP Civil Final 417

[Judgment Digests] 1. In new plant variety right infringement litigation, where the variety right holder claims that the alleged infringer stored allegedly infringing seeds for the purpose of carrying out its own infringing activities, the variety right holder is not required to provide additional evidence of a purpose connection between the storage act and other allegedly specific infringing acts.

However, where the variety right holder claims that the alleged infringer stored allegedly infringing seeds for the purpose of facilitating infringement by others, thus the alleged infringer shall bear joint and several liability for the others' infringement, the variety right holder must prove that the alleged infringer knew or should have known that the third party's conduct constituted infringement.

2. Where multiple parties jointly infringe new plant variety rights and some infringers act intentionally while others act negligently, and the intentional infringers shall pay punitive damages due to particularly serious infringement, negligent infringers will generally not be held jointly and severally liable for the punitive damages portion. Instead, they will bear joint and several liability with the intentional infringers only with respect to the compensatory damages.

96. Punitive Damages for Seed Infringement Using A Fake License [New Plant Variety Infringement Case Concerning the "Jihong 6" Rice]

[Case Number] (2025) SPC IP Civil Final 686

[Judgment Digest] Infringement of new plant variety rights committed through seed counterfeit labeling—where the label does not correspond to the actual seed variety—constitutes a form of intentional falsification. Such conduct not only infringes the plant variety right but also undermines regulatory seed traceability

systems and disrupts the commercial order of the seed industry, which is generally found to constitute the intentional nature and serious circumstances of the infringement, and courts may award punitive damages in accordance with the law.

97. Adverse Inference from Evidence Obstruction in Assessing Damages [New Plant Variety Infringement Case (II) Concerning the "Wannuo 2000" Maize]

[Case Number] (2023) SPC IP Civil Final 2830

[Judgment Digest] In new plant variety right infringement litigation, where the variety right holder has made reasonable efforts to prove the infringement profits, but the infringer without legitimate justification refuses to produce accounting books or other materials relating to the infringing activities, or even deregisters the company to avoid liability during the litigation, such conduct constitutes evidence obstruction. In such circumstances, if the damages claimed by the variety right holder are not clearly excessive, the people's court may award the claimed damages in full.

98. Civil Settlement Does Not Necessarily Bar Administrative Penalties; Public Interest Considerations in New Plant Variety Administrative Penalty [New Plant Variety Administrative Penalty Case Concerning the "R900" Rice]

[Case Number] (2023) SPC IP Admin. Final 840

[Judgment Digests] 1. A civil settlement reached in a new plant variety right infringement dispute reflects the parties' disposition of

their private civil rights and obligations, such as infringement damages. Such a settlement does not necessarily preclude administrative authorities from imposing administrative penalties in order to maintain regulatory order. However, where the infringing party actively eliminates or mitigates the harmful consequences of the violation by performing the settlement agreement, this may be considered as a mitigating factor in determining the administrative penalty.

2. In administrative penalty cases involving new plant variety rights, the determination of whether the infringing conduct harms the public interest should focus on factors such as whether the conduct jeopardizes seed-use safety or undermines the interests of farmers and other agricultural producers.

IV. Integrated Circuit Layout-Design Cases

99. Examination of Defense Based on First Commercial Exploitation More Than Two Years Before Registration [Integrated Circuit Layout-Design Infringement Case Concerning the "RF Chip"]

[Case Number] (2025) SPC IP Civil Final 452

[Judgment Digest] Where an alleged infringer claims that the integrated circuit layout-design at issue fails to meet the statutory requirements for protection, the people's court may examine, within the infringement proceedings, whether the layout-design has a valid legal basis for protection and whether it qualifies for protection in

the litigation. If the evidence in the record shows that the application for registration of the layout-design was filed more than two years after its first commercial exploitation, thereby failing to satisfy the registration requirement set out in Article 17 of the *Regulations on the Protection of Layout-Designs of Integrated Circuits*, the people's court shall deny protection for the layout-design.

100. Examining the Date of First Commercial Exploitation of a Integrated Circuit Layout-Design [Software Copyright and Integrated Circuit Layout-Design Infringement Case Concerning the "USB Interface Conversion Chip"]

[Case Number] (2023) SPC IP Civil Final 645

[Judgment Digest] When the people's court examines the date of first commercial exploitation of a registered integrated circuit layout-design, the court must verify that the chip allegedly placed on the market actually incorporates the registered layout-design. Where the registration information cannot be directly matched with the chip's product model, hardware version, or other identifiers, and the layout-design used in the chip cannot be confirmed through external characteristics such as function or packaging, a comparison of the content of the layout-designs should be conducted to confirm whether the layout-design used in the chip is identical to the registered layout-design. Only if the two are found to be identical may the date on which the chip entered commercial circulation be used to determine the first commercial exploitation date of the

registered layout-design.

101. Treatment of New Evidence in Interconnected Civil-Administrative Proceedings Involving Integrated Circuit Layout-Designs [Integrated Circuit Layout-Design Invalidation Case Concerning the "USB Interface Conversion Chip"]

[Case Number] (2025) SPC IP Admin. Final 38

[Judgment Digest] In administrative litigation concerning the revocation of a registered integrated circuit layout-design, new evidence arises showing that an effective judgment of a related civil infringement case has already made a clear determination on whether the layout-design satisfies the statutory requirements for registration based on the same evidence. As a general rule, the people's court should admit this new evidence and take into account the relevant findings made in the effective judgment in the administrative proceedings.

V. Technical Secret Cases

102. Determining of the Scope of Technical Secret Information in Interconnected Civil-Criminal Cases [Technical Secrets Infringement Case Concerning the "Glass Machine"]

[Case Number] (2023) SPC IP Civil Final 2039

[Judgment Digest] In civil litigation involving technical secret infringement, the scope of the technical secret asserted by the plaintiff may differ from the scope of technical information examined for non-publicity assessment by the forensic appraisal

institution in a related criminal proceeding. In such circumstances, the people's court must independently and comprehensively examine the scope of the technical secret claimed by the plaintiff, and should not automatically limit that scope based solely on the scope of the technical appraisal conducted in the criminal case.

103. Determining the Secrecy of Technical Secret Information [Technical Secrets Infringement Case Concerning the "Quartz Glass Fiber"]

[Case Number] (2023) SPC IP Civil Final 2467

[Judgment Digests] 1. The assessment of secrecy in technical secret protection differs from the evaluation of novelty and inventiveness under the Patent Law. Accordingly, the secrecy of technical information should not be determined simply using the methods of determining disclosure by a single prior art or a combination of prior arts under the Patent Law.

2. Certain technical details, such as the internal dimensions and tolerances of specialized equipment, are typically not readily observable. Therefore, even if the equipment or its components are disclosed in the prior art, this does not necessarily mean that the relevant technical details have been publicly disclosed.

104. Determining of the Adequacy of Confidentiality Measures of Technical Secret Information [Technical Secrets Infringement Case Concerning the "Casting Production Equipment"]

[Case Number] (2023) SPC IP Civil Final 2844

[Judgment Digest] Where a product incorporating a technical secret has already entered the market, the examination of whether the right holder has adopted reasonable confidentiality measures should not be limited to internal measures within the organization. Courts should place particular emphasis on external confidentiality measures, including whether such measures are targeted and effective. Specifically, the court should determine whether these measures are sufficient to prevent purchasers, users, or other members of the public from readily accessing the product and directly obtaining the relevant technical information through observation of the marketed product.

105. Reasonable Indication of Trade Secret Misappropriation is a Prerequisite for Shifting the Burden of Proof [Technical Secrets Infringement Case Concerning the "Sialic Acid"]

[Case Number] (2024) SPC IP Civil Final 1078

[Judgment Digest] Where the right holder merely asserts infringement because the allegedly infringing product bears the same name, but fails to produce evidence showing that the alleged infringer had access to or an opportunity to obtain the trade secret, and that the information used by the alleged infringer is substantially identical to the claimed trade secret, such circumstances do not satisfy the right holder's initial burden of proof under Subparagraph

1 of Paragraph 2 of Article 39 of the Anti-Unfair Competition Law and therefore do not trigger a shift in the burden of proof.

106. Factors for Determining AI- and Algorithm-Related Technical Secrets [Technical Secrets Infringement Case Concerning the "Artificial Intelligence and Algorithms in the Visual Recognition Field"]

[Case Number] (2023) SPC IP Civil Final 1503

[Judgment Digest] In cases concerning technical secrets involving artificial intelligence and algorithms, courts may determine whether the alleged infringer has used the right holder's technical secrets by considering multiple factors, including:

- Whether the alleged infringer had access to or an opportunity to obtain the right holder's technical secrets;
- The research and development process through which the allegedly infringing technical solution was developed;
- The basic principles governing AI model training;
- Comparative performance or response analysis between the allegedly infringing product and the right holder's product under the same application scenarios; and
- Common experience and logical inference derived from ordinary life experience.

107. Proper Plaintiffs and Forms of Infringement in Technical Secret Cases [Technical Secrets Infringement Case Concerning the "Fluorochemical Products"]

[Case Number] (2023) SPC IP Civil Final 1228

[Judgment Digests] 1. In technical secret infringement disputes, where the defendant challenges the plaintiff's standing, the plaintiff may be preliminarily recognized as the right holder or an interested party with standing to bring the technical secret infringement claim where it can:

- clearly identify the technical information for which protection is claimed;
- reasonably explain the source or development process of the information and how it differs from publicly known information, among others; and
- provide evidence showing that the carriers containing the information were under its effective control and management.

2. Technical secret infringement, in terms of specific manifestations, includes:

- Direct infringement, such as illegally acquiring, disclosing, using, or permitting others to use the technical secret;
- Inducement or instigation, where a party encourages or induces another to form the intent to commit a misappropriation; and
- Assisting infringement, where a party provides necessary support or cooperation to enable another party to directly carry out the infringement.

108. Determining Whether a Lawful Recipient of a Trade Secret Constitutes Infringement [Trade Secrets Infringement

Case Concerning the "Blast Furnace"]

[Case Number] (2023) SPC IP Civil Final 3173

[Judgment Digest] In trade secret infringement litigation, where the right holder fails to prove that a former employee intended to misappropriate the trade secret and engaged in conduct sufficiently causing the right holder to lose control over it, and the employee provides a reasonable, commercially plausible explanation for how the secret was obtained, then it is inappropriate to conclude that the trade secret was unlawfully acquired by the former employee.

109. Determining of Trade Secret Misappropriation in Medical Device Products [Technical Secrets Infringement Case Concerning the "Dental CBCT"]

[Case Number] (2023) SPC IP Civil Final 3118

[Judgment Digest] In cases involving medical device products manufactured and sold by the alleged infringer, where the right holder has presented prima facie evidence that the alleged infringer unlawfully obtained and used the trade secret, the court may draw adverse inferences against the alleged infringer if the alleged infringer merely argues that the marketed products are inconsistent with the products obtained as evidence on the ground that its product received medical device registration after the evidence was collected by the right holder, but fails to produce complete R&D records demonstrating an independent technological source.

110. Return of Patent Rights as a Remedy for Ceasing

Technical Secret Infringement [Technical Secrets Infringement Case Concerning the "Inorganic Hybrid Resin"]

[Case Number] (2023) SPC IP Civil Final 2738

[Judgment Digest] Where a party uses another's technical secret without authorization to file a patent application, and makes no substantial technical contribution to the patented technical solution, the resulting patent application right or patent right should be returned to the rightful owner. In a technical secret infringement dispute, even if the right holder does not expressly claim ownership of the patent application right or patent right simultaneously, but requests cessation of infringement, the people's court may, on the basis of appropriate clarification, order the return of the patent application right or patent right as a specific measure to effectuate the cessation of infringement.

111. Calculation of Damages Where Engineering Contracts Are Secured Through Misappropriated Technical Secrets [Technical Secrets Infringement Case Concerning the "Blast Furnace Gas Desulfurization Process"]

[Case Number] (2023) SPC IP Civil Final 2880

[Judgment Digest] Where a party misappropriates another's technical secret to secure a business opportunity and undertake an engineering project, the remuneration received by the technology provider in that project may generally be regarded as reflecting the commercial value of the technical secret. Accordingly, the entire

amount of such remuneration may be treated as the infringement profits, and may serve as the basis for calculating damages for technical secret infringement.

112. Determining of Whether the Claimed Technical Secret Is Clearly and Specifically Identified [Technical Secrets Infringement Case Concerning the "High-Strength Packaging Steel Strip"]

[Case Number] (2023) SPC IP Civil Final 868

[Judgment Digest] In technical secret infringement litigation, the clarity and specificity of the claimed technical secret are not affected by whether the content of the secret is identified directly by the right holder or summarized by others. Accordingly, where the plaintiff relies on technical information summarized in an appraisal report from a prior related criminal case as the specific content of the trade secret for which protection is sought, the people's court should not conclude that the claimed trade secret is unclear or insufficiently specific solely because the information is summarized by the appraiser.

113. Leasing a Production Line Cannot Be Used to Circumvent Liability for Technical Secret Infringement [Technical Secrets Infringement Case Concerning the "Long-Chain Dibasic Acid"]

[Case Number] (2022) SPC IP Civil Final 445

[Judgment Digest] In technical secret infringement disputes,

where a production line constructed through the alleged infringer's use of a misappropriated technical secret embodies the allegedly infringing technical information, the people's court may, based on the circumstances of the case, prohibit the alleged infringer from leasing the production line or using similar arrangements to continue exploiting the technical secret. Such measures are intended to prevent the continuation of the infringing conduct and the further expansion of the consequences of damage. Where the technical secret of another is continuously used through the leasing of such production line, both the lessor and the lessee may be generally held jointly liable for infringement.

114. Determination of Patent Ownership Where Technical Secrets are Infringed [Technical Secrets Infringement Case Concerning the "Aircraft Engine"]

[Case Number] (2023) SPC IP Civil Final 1454

[Judgment Digest] Where a technical solution formed by using another person's technical secret is filed for patent without authorization, and there is no evidence proving that the patent applicant and the named inventor have made substantive contributions to such technical solution beyond such technical trade secret, the patent right or patent application right shall belong to the owner of the technical trade secret.

115. Scope of Evidence Preservation and Protective Measures in Trade Secret Cases [Technical Secrets Infringement

Case Concerning the "Navigation Baseband Chip"]

[Case Number] (2023) SPC IP Civil Final 967

[Judgment Digest] When the people's court orders evidence preservation measures at the request of a trade secret holder, it must consider the special characteristics of trade secret litigation. In addition to satisfying the general requirements for evidence preservation, the court should evaluate factors including:

- the relevance of the materials to the claimed trade secret;
- the necessity of the preservation measures; and
- the proportionality between the scope of preservation and the trade secret at issue.

At the same time, the court should avoid unduly jeopardizing the respondent's own trade secrets or other legitimate interests. Where the scope of evidence preservation clearly exceeds what is necessary to protect the trade secret at issue, the court should require the applicant for preservation and the other relevant persons such as litigation counsel or expert assistants with access to the preserved evidence to comply with strict confidentiality obligations. The court should also ensure that any additional materials obtained through the preservation measures are properly handled, such as by destruction or return, so as to minimize the risk of infringing the legitimate rights of the respondent.

VI. Computer Software Cases

116. Examination of the Implied License Defense in

Computer Software Infringement Cases [Computer Software Copyright Infringement Case Concerning the "Embedded Groundwater Monitoring"]

[Case Number] (2023) SPC IP Civil Final 220

[Judgment Digest] In computer software copyright infringement litigation, when examining a defense of implied license raised by the alleged infringer, if the copyright owner demonstrates to the alleged infringer—through contractual provisions, written statements, or similar evidence—that the software is licensed exclusively under an express licensing model, then an implied license shall generally not be recognized. This rule does not apply, however, where the alleged infringer produces sufficient evidence to rebut such a showing.

117. Allocation of Burden of Proof and Determination of Substantial Similarity in Computer Software Infringement Cases [Computer Software Copyright Infringement Case Concerning the "Hemodialysis Electronic Medical Record System"]

[Case Number] (2023) SPC IP Civil Final 2586

[Judgment Digest] In computer software copyright infringement litigation, where the code of the software for which protection is sought and that of the allegedly infringing software show a high degree of similarity beyond what could be attributed to coincidence, and the alleged infringer fails to provide a reasonable

explanation for such similarity, the court may find substantial similarity between the two programs, even if certain user interface elements of the software differ during operation.

118. Factors for Determining the Multiplier for Punitive Damages [Computer Software Copyright Infringement Case Concerning the "Infrared Thermal Imager"]

[Case Number] (2023) SPC IP Civil Final 2573

[Judgment Digest] When determining the multiplier for punitive damages in intellectual property infringement cases, courts should consider not only basic factors such as:

- the degree of the infringer's subjective fault, and
 - the seriousness of the infringing conduct,
- but also additional discretionary factors, including:
- the concealment of the infringing conduct, and
 - the likelihood that the infringer may evade legal liability.

Where the infringement is carried out through concealed means, proof of infringement is particularly difficult, and the objective likelihood of detection or investigation is significantly low, the court may increase the punitive damages multiplier accordingly.

VII. Anti-monopoly Cases

119. Determination of Horizontal Monopoly Agreements Involving a "Joint Operating Entity" [Horizontal Monopoly Agreement Case Concerning the "Joint Operating Entity"]

[Case Number] (2025) SPC IP Admin. Final 224

[Judgment Digest] Where competing undertakings enter into and implement an agreement to establish a so-called capacity-reduction joint operating entity under the pretext of integrating production and operational resources, designate one undertaking to conduct unified external operations, and agree on matters such as:

- their respective market shares,
 - the allocation of profits,
 - the distribution of claims and liabilities, and
 - the sharing of compensation to parties suspending production,
- such conduct constitutes the conclusion and implementation of

a horizontal monopoly agreement.

120. Determination of Monopoly Conduct Organized by an Industry Association [Horizontal Monopoly Agreement Case Concerning the Cement Association]

[Case Number] (2024) SPC IP Admin. Final 148

[Judgment Digest] Where an industry association, through actions such as organizing, convening, directing, planning, manipulating, or initiating, plays a decisive or leading role in the conclusion or implementation of a monopoly agreement, such conduct shall be deemed to constitute the act of an industry association organizing undertakings within the industry to engage in monopolistic conduct, which is prohibited under the Anti-Monopoly Law.

121. Relevant Market Definition for Active Pharmaceutical Ingredients [Horizontal Monopoly Agreement Case Concerning the Camphor Active Pharmaceutical Ingredients]

[Case Number] (2023) SPC IP Admin. Final 30

[Judgment Digest] Generally, a single active pharmaceutical ingredient (API) constitutes a separate relevant product market. However, where different varieties of APIs exhibit sufficiently close substitutability, the court may, based on the specific circumstances of the case, determine that multiple API varieties form the relevant product market.

122. Anti-monopoly Review of One-Time or Short-Term High Prices and Long-Term Pricing Mechanisms [Abuse of Market Dominance Case Concerning the "Pipeline Thermal Steam"]

[Case Number] (2023) SPC IP Civil Final 2862

[Judgment Digests] 1. Duration is an important factor in assessing excessive pricing under the Anti-Monopoly law. Conduct constituting unfairly high prices typically involves an undertaking with market dominance continuously and systematically exploiting that dominance to obtain profits significantly above competitive levels. Where a price increase occurs only once or for a short period, courts should carefully examine whether the pricing results from market fluctuations or specific commercial strategies. Unless the plaintiff proves that such conduct directly and clearly produces

exclusionary or restrictive effects on competition, or causes significant harm to consumer welfare, it should generally not be characterized as excessive pricing prohibited under the Anti-Monopoly Law.

2. When assessing whether a long-term pricing mechanism adopted by a dominant undertaking constitutes excessive pricing, courts should focus on whether the mechanism as a whole is commercially reasonable and sufficiently transparent, and whether its long-term operation keeps prices within a reasonable range similar to those formed under competitive market conditions.

123. Determination of Abuse of Administrative Power to Exclude or Restrict Competition and Abuse of Administrative Power to Restrict Transactions [Administrative Anti-monopoly Case Concerning the "Shared Electric Bicycles"]

[Case Number] (2023) SPC IP Admin. Final 1011

[Judgment Digests] 1. In determining whether the alleged conduct constitutes abuse of administrative power to exclude or restrict competition, courts generally examine:

- whether the conduct involves the exercise of administrative power,
- whether such exercise constitutes an abuse of that power, and
- whether the conduct produces the effect of excluding or restricting competition.

2. Where the alleged conduct falls within specific forms of

abuse of administrative power to exclude or restrict competition prohibited by the Anti-Monopoly Law, such as limiting transactions through abusing administrative power, the anticompetitive effect may be directly presumed.

3. Where an administrative authority establishes a franchise or concession right without a legal basis, such conduct itself constitutes unlawful interference with market entry through administrative power, and therefore amounts to abuse of administrative power to limit transactions under the Anti-Monopoly Law.

124. Standing of Notifying Parties to Challenge Merger Review Decisions [Merger Review Case Concerning the "Paper-Based Aseptic Packaging Materials"]

[Case Number] (2025) SPC IP Admin. Final 274

[Judgment Digest] For decisions issued by anti-monopoly enforcement authorities in merger review proceedings, including clearance decisions without restrictive conditions, the law does not expressly preclude the affected administrative counterparts from filing lawsuits. Under specific circumstances, even a clearance decision without conditions may still have a practical impact on the lawful rights and interests of specific parties, including the notifying parties themselves. Where such parties have a direct legal interest in the alleged administrative act, they may be deemed to have standing to bring an administrative action.

VIII. Procedural Cases

125. Coordination Between Arbitration and Litigation in Patent Ownership Disputes [Case Concerning the Jurisdiction of Invention Patent Ownership of the "Resonant Structure"]

[Case Number] (2025) SPC IP Civil Jurisdiction Final 252

[Judgment Digest] Where the parties have agreed to resolve disputes concerning patent ownership through arbitration, and arbitration proceedings have already been initiated by one party, the people's court should not accept a subsequent lawsuit filed by the other party concerning the same patent ownership dispute.

126. Determination of Jurisdictional Connection Point with the App Store Platform Operators as the defendant [Case Concerning the Jurisdiction of Invention Patent Infringement for the "Subscription Management"]

[Case Number] (2025) SPC IP Civil Jurisdiction Final 170

[Judgment Digest] Where a patent holder alleges that an app store platform operator provides allegedly infringing software through its platform in a manner constituting an offer for sale or sale, and brings a patent infringement action against the platform operator as the defendant, the app store platform operator may serve as a jurisdictional connection point for the case.

127. Proper Defendant Status of Sellers of End Products in Manufacturing Method Patent Infringement Cases [Case Concerning the Jurisdiction of Invention Patent Infringement for the "Liquid Crystal Substrate Glass"]

[Case Number] (2025) SPC IP Civil Jurisdiction Final 190

[Judgment Digest] Where a patent holder alleges that components of an end product were manufactured using a patented method, thereby constituting infringing products, and brings an invention patent infringement action against the seller of the end product, the seller may be recognized as a proper defendant in the infringement action.

128. Arbitrarily Designated Delivery Locations in Offline Sales Should Not Serve as Jurisdictional Connecting Points [Case Concerning the Jurisdiction of Invention Patent Infringement for the "Vinylidene Fluoride Copolymer"]

[Case Number] (2024) SPC IP Civil Jurisdiction Final 296

[Judgment Digest] In patent infringement disputes, a delivery location that may be freely designated by the purchaser in offline sales transactions should generally not be treated as a jurisdictional connecting point for determining the competent court.

129. Jurisdiction Where Infringing Acts Are Induced by Evidence-Gathering Activities [Case Concerning the Jurisdiction of Invention Patent Infringement for the "Aspartase Variant"]

[Case Number] (2025) SPC IP Civil Jurisdiction Final 220

[Judgment Digest] In cases involving jurisdictional objections in patent infringement disputes, where the evidence demonstrates that the allegedly infringing seller purchased and sold the allegedly infringing product solely at the direction of the right holder,

specifically based on the manufacturer and product designated by the right holder, and there is no evidence that the seller had previously sold the product before the right holder conducted its evidence-gathering, the seller's conduct may be deemed to fall within the circumstance where the alleged infringer commits the IP infringing act solely as a result of the right holder's evidence-collection activities, as provided in Paragraph 2 of Article 7 of the *Several Provisions of the Supreme People's Court on Evidence in Civil Procedures Involving Intellectual Property Rights*. In such circumstances, neither the seller's domicile nor the place where the sales act occurred may serve as a jurisdictional basis.

130. Handling of Jurisdictional Objections Where the Plaintiff Withdraws Claims Against Certain Defendants [Case Concerning the Jurisdiction of Abuse of Market Dominance of the "OTC Drug"]

[Case Number] (2025) SPC IP Civil Jurisdiction Final 214

[Judgment Digests] 1. Where the plaintiff's application to withdraw claims against certain defendants may directly affect the review of a jurisdictional objection, the court should first decide the withdrawal application before examining the jurisdictional objection.

2. During proceedings concerning jurisdictional objections raised by some defendants, before the court of first instance orders the transfer of the entire case to another court, it should, in principle,

ensure that the plaintiff and the other defendants are informed and given an opportunity to present their views.

131. Jurisdiction over Multiple Related Actions Containing Different Jurisdiction Agreements [Case Concerning the Jurisdiction of Abuse of Market Dominance of the "Music Copyright Licensing"]

[Case Number] (2025) SPC IP Civil Jurisdiction Final 11

[Judgment Digest] Where a case involves multiple related disputes governed by different jurisdiction agreements providing for different jurisdictions, the court should determine the appropriate forum by considering factors such as the degree of connection among the claims, the necessity of consolidated jurisdiction and trial, and the principle of giving appropriate priority to the parties' contractual choice of forum. In making this determination, the court should balance the interests of consolidated proceedings with the parties' interests in agreed jurisdiction. Where the connection among the related claims is sufficiently close and consolidated jurisdiction and trial are necessary, a court designated in a jurisdiction agreement that has a real connection with the dispute may exercise jurisdiction over the entire case.

132. Jurisdiction in Cases Involving Asymmetric Jurisdiction Agreements [Case Concerning the Jurisdiction of Abuse of Market Dominance Involving Video Coding Standard Essential Patents]

[Case Number] (2025) SPC IP Civil Jurisdiction Final 122

[Judgment Digest] In disputes arising from asymmetric jurisdiction agreements, where one party is limited to suing in a specified foreign court while the other party may bring suit in any court worldwide, a claim that such an agreement constitutes an exclusive jurisdiction agreement under Article 280 of the Civil Procedure Law, and thus deprives Chinese courts of jurisdiction, will not be upheld by the people's court.

(Special Note: Except for a few cases in which the judgment documents need to be further scrutinized and processed due to the parties' claims concerning their commercial secrets, etc, the judgment documents of the relevant cases have been published on China Judgments Online: <https://wenshu.court.gov.cn/>.)