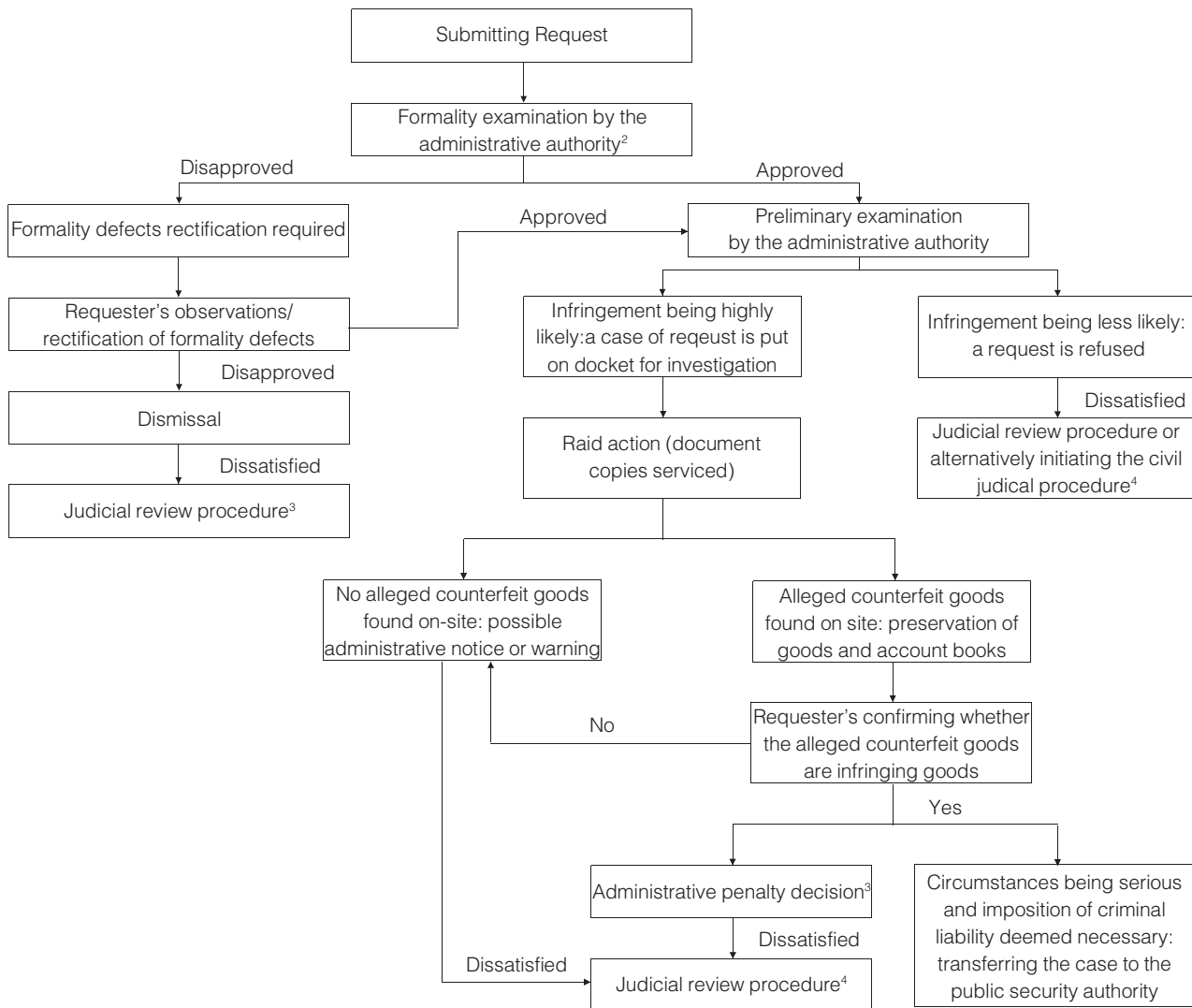


VII. Administrative Enforcement Procedure Related to Exercise of IPR Rights¹

By Wu Yuhe



¹ This procedure is not applicable to patent infringement cases. the patent administrative enforcement procedure is similar to the civil judicial procedure related to exercise of the IP rights.

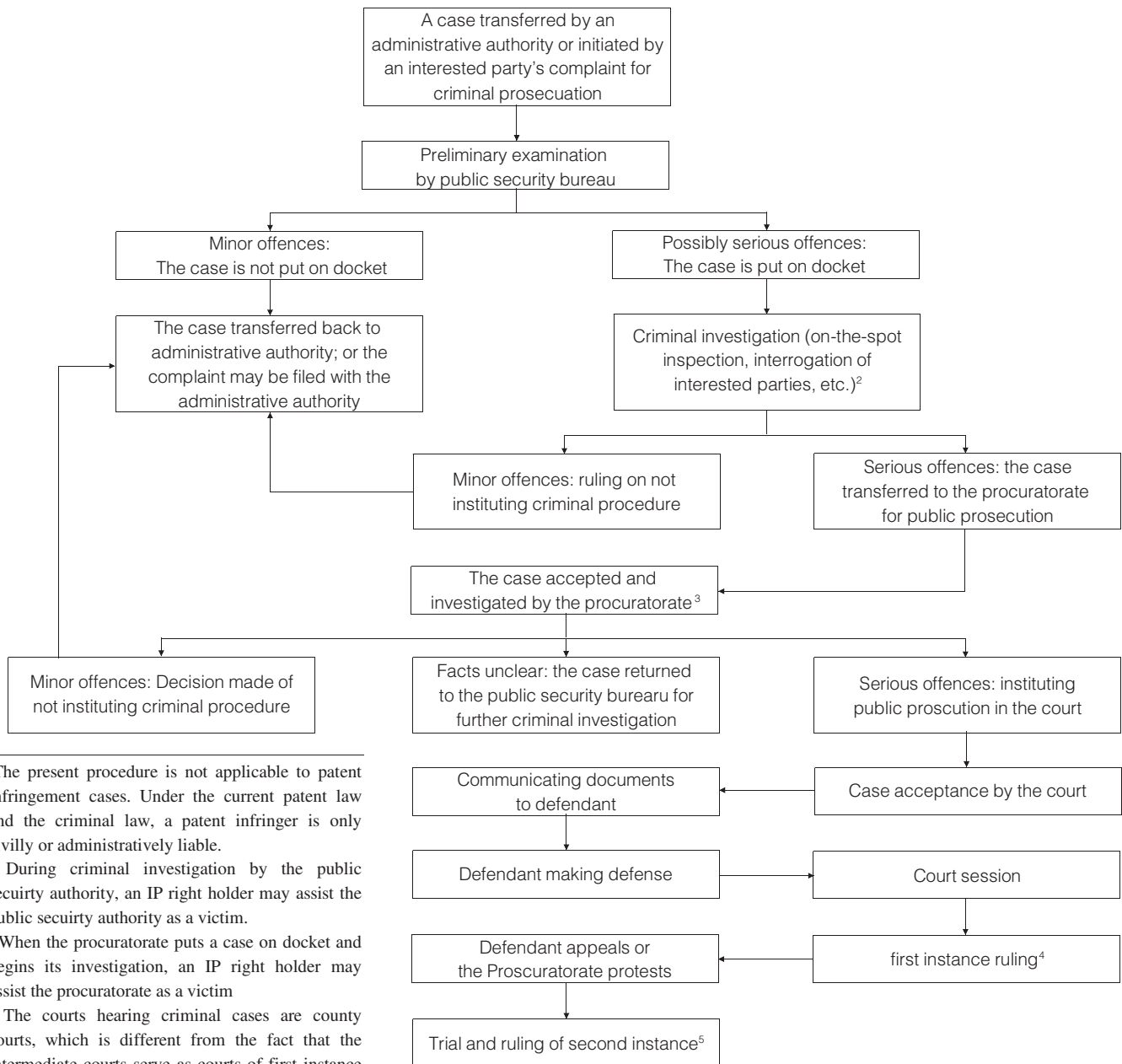
² The administrative authorities mainly refer to the local administration for industry and commerce (handling cases of trademark counterfeiting and unfair competition), the Technical Supervision Bureau (handling cases of false representation, false indication and quality problem) and the copyright administration (handling cases of copyright infringement) at or above the county level.

³ It generally takes about 3-6 months for the authority to serve a decision to the parties from official acceptance of the case; while a raid action may be taken in days from official acceptance of the case.

⁴ This judicial review is under the jurisdiction of the intermediate people's courts of the place where the Provincial People's Government is situated or those designated by the Supreme People's Court, and its procedure is similar to that of Procedure IV for Judicial Review of Patent Decisions (Table IV, on page 88, Issue No.1 of 2006 CPT).

VIII. Criminal Public Prosecution Procedure Related to IPR Infringement¹

By Wu Yuhe



¹The present procedure is not applicable to patent infringement cases. Under the current patent law and the criminal law, a patent infringer is only civilly or administratively liable.

² During criminal investigation by the public security authority, an IP right holder may assist the public security authority as a victim.

³ When the procuratorate puts a case on docket and begins its investigation, an IP right holder may assist the procuratorate as a victim

⁴ The courts hearing criminal cases are county courts, which is different from the fact that the intermediate courts serve as courts of first instance in the civil judicial procedure. The court's first instance procedure of criminal trial usually takes 3 months.

⁵ The second-instance procedure is similar to the first-instance procedure, and it is final. However, if the procuratorate lodges protest, the court must retry the case. In the court procedure, an IP right holder also acts only as a victim, not party to the case.