

Probe into Anti-Suit Injunction in China

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An anti-suit injunction, which originated in the Great Britain, was originally employed to bar a domestic party from filing actions in the Court of Common Pleas so as to demonstrate the judicial philosophy that equity is superior to common law and gradually evolves into an order that prohibits a party from bringing an action to a court in other country.¹ As influenced by Britain, the United States, Canada and Australia gradually established their own anti-suit injunction systems. An anti-suit injunction is now a collective term for injunctions issued by the courts of one country that

enjoin a party from commencing or proceeding with actions in an extraterritorial jurisdiction or forum to thereby stay litigation progress, which mainly includes anti-suit injunctions, anti-anti-suit injunctions and counter-injunctions.

In recent years, courts in common law countries have widely applied the anti-suit injunction in international patent litigation to counter forum shopping and parallel proceedings. The acts subject to the anti-suit injunction system have expanded from restraining a party from commencing proceedings to barring a party from enforcing judgments in

最後,研究違反禁訴令的“日罰金”等配套措施。禁訴令制度需要多種法律措施予以配套,才能確保實現制度目標。最高人民法院在華為公司與康文森公司案的禁訴令裁定中創造性探索了違反禁訴令的“日罰金”制度,這是禁訴令的重要配套制度之一。除此之外,對於外國法院針對中國訴訟簽發的禁訴令的承認和執行,也是禁訴令配套制度的重要內容,需要進一步研究。■

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¹ 參見楊良宜、楊大明:《禁訴令》,中國政法大學出版社2000年2月第1版,第617頁。

² 例如,在 *Microsoft Corp. v. Motorola, Inc.*, 696 F.3d 872, 881 (9th Cir. 2012)案中,微軟向美國華盛頓州聯邦西區法院申請一個針對摩托羅拉的反禁令,禁止其執行在德國訴訟中獲得的任何禁令救濟,得到美國華盛頓州聯邦西區法院和第九巡迴上訴法院的支持。在 *Huawei Device Co. v. Samsung Elecs*案中,美國加州北區法院准許了三星的禁令申請,禁止華為申請執行深圳市中級人民法院作出的一審判決。

³ 例如,在聯想與IPCom的標準必要專利系列訴訟中,IPCom公司於2019年10月向法國巴黎高等法院申請簽發針對聯想公司美國禁訴令的反禁訴令,得到了巴黎高等法院的支持。在諾基亞公司與戴姆勒汽車公司、Continental公司的標準必要專利侵權系列訴訟中,德國慕尼黑第一地區法院批准諾基亞公司的禁訴令申請,禁止Continental公司在美國法院申請禁訴令。這是德國法院第一次頒發“反禁訴令”。

⁴ 參見最高人民法院(2019)最高法知民終732、733、734號之一號裁定書。

⁵ 參見最高人民法院(2019)最高法知民終732、733、734號之二號裁定書。

⁶ 同註4。

⁷ 同註5。

⁸ 參見《最高人民法院關於審查知識產權糾紛行為保全案件適用法律若干問題的規定》第七條。

⁹ 參見歐福永:《國際民事訴訟中的禁訴令》,北京大學出版社2007年6月第1版,第19-20頁。

¹⁰ 同註4。

¹¹ 參見《中華人民共和國環境保護法》第五十九條。

¹² 同註4。

an extraterritorial jurisdiction or forum.² Under the influences of anti-suit injunctions frequently issued by the common law countries, courts in civil law countries such as Germany and France have also evolved and adopted the anti-suit injunction system to counter the adverse effects of anti-suit injunctions issued by other countries' courts on their domestic parallel proceedings.³

On 28 August 2020, in *Huawei v. Conversant*, a standard-essential patent (SEP) license dispute, the Supreme People's Court issued the first anti-suit injunction in China's intellectual property field, which first clarified the requirements for the application of anti-suit injunctions in the light of behaviour preservation stipulated in Article 100 of the Civil Procedure Law and set a precedent for the establishment of Chinese anti-suit injunction system in intellectual property field. Based thereon, the article is to analyze the requirements for the application of anti-suit injunctions and the supporting legal measures thereof under China's laws, and look into the future of anti-suit injunctions.

I. Introduction of the first anti-suit injunction in China's intellectual property field

In July 2017, Conversant filed a lawsuit against Huawei and ZTE in UK courts, requesting the courts to determine worldwide SEP royalty rates. In January 2018, in response to the UK lawsuit, Huawei brought actions for declarations of non-infringement and SEP license in the Nanjing Intermediate Court in China, requesting the court to declare that Huawei does not infringe the three Chinese patents owned by Conversant, and meanwhile to determine a royalty rate for the Conversant's Chinese SEPs. On 16 September 2019, the Nanjing Intermediate Court issued the First-Instance Judgments, which dismissed Huawei's claim for declaration of non-infringement, but decided the SEP royalty rate for Huawei and Conversant. As being not satisfied with the First-Instance Judgments, Conversant appealed to the Supreme People's Court.

In April 2018, to further contend against Huawei's actions in China, Conversant filed an SEP infringement lawsuit in German, requesting the court to order Huawei to cease infringement and compensate for the loss. On 27 August 2020, the Düsseldorf District Court made the First-Instance Judgment, holding that Huawei infringed Conversant's

SEPs and barring Huawei from providing, selling, using or holding mobile terminals in dispute in Germany. The Judgment can be temporarily enforced after providing 2.4 million euros as security. The Judgment also found that Conversant's terms on SEP royalty rate offered to Huawei had complied with the fair, reasonable and non-discriminatory (FRAND) principle. The SEP royalty rate for the multi-mode 2G/3G/4G mobile terminal products in Conversant's aforementioned offer is approximately 18.3 times the Chinese SEP royalty rate determined in the First-Instance Judgments of the Nanjing Intermediate Court.

On the same day, Huawei applied for behaviour preservation with the Supreme People's Court, requesting the court to order Conversant to refrain from applying for enforcement of the Düsseldorf judgment before the issuance of final judgments in China. On 28 August 2020, the Supreme People's Court issued, after an *ex parte* hearing, the Ruling No.1 (hereinafter referred to as the "Anti-Suit Injunction Ruling") of the three Rulings Nos. Zuigaofazhminzhong 732/2019, 733/2019, 734/2019 to prohibit Conversant from applying for enforcement of the judgment issued by the Düsseldorf District Court before the issuance of the final judgment of the Supreme People's Court; and in case of violation, a daily fine of RMB 1 million shall be imposed from the date of violation, which shall be accumulated on a daily basis.⁴ Conversant applied for review of the above Ruling. After hearing, the Supreme People's Court issued the Ruling No.2 (hereinafter referred to as the "Review Ruling") of the three Rulings Nos. Zuigaofazhminzhong 732/2019, 733/2019, 734/2019 to dismiss Conversant's application for review.⁵

II. Legal basis and requirements for application of anti-suit injunctions

The Anti-Suit Injunction Ruling and the Review Ruling issued by the Supreme People's Court in *Huawei v. Conversant* elaborated the legal basis and requirements for application of anti-suit injunctions, which provide an excellent model for studying the legal application of anti-suit injunctions under Chinese laws.

1. Legal basis of anti-suit injunctions

The Supreme People's Court stated in the Anti-Suit Injunction Ruling that "Huawei's application for barring Conversant from enforcing the judgment of the Düsseldorf District Court before the issuance of the final judgments of the

three cases is in the nature of an application for behaviour preservation".⁶ Meanwhile, the above Ruling also quoted the provision on behaviour preservation in Article 100 of the Civil Procedure Law as the basis for judgment. It can be seen that the Supreme People's Court established the legal basis of anti-suit injunctions by interpreting the provision on behaviour preservation in the Civil Procedure Law. This interpretation is reasonable and persuasive for the following reasons: first, neither the Civil Procedure Law nor any intellectual property law expressly specifies the anti-suit injunctions. In the absence of a specific statute, the behaviour preservation in Article 100 of the Civil Procedure Law is the closest one to the anti-suit injunction. Second, the provision on behaviour preservation in Article 100 of the Civil Procedure Law leaves sufficient room for interpretation. According to Article 100, behaviour preservation may order a party to perform or to restrain from specific acts, which, theoretically speaking, surely covers barring a party from applying for enforcement of a court judgment or seeking judicial relief in an extraterritorial jurisdiction or forum. Finally, the provision on behaviour preservation in Article 100 of the Civil Procedure Law includes two ways to order behavior preservation, namely, at the request of the party and *ex officio*, which provides sufficient flexibility for the people's courts to deal with parallel proceedings and forum shopping.

Objectively speaking, the aforesaid Article 100 of the Civil Procedure Law originates from the provision on maritime injunctions in the Special Maritime Procedure Law and the provision on pre-trial behaviour injunctions in intellectual property laws, and was not expected to cover anti-suit injunctions at the time of law making. As a result, the substantial requirement in this Article 100 - "a party's act or other reason may render it difficult to enforce the judgment issued by a Chinese court, or cause other damage to the other party" - is not completely compatible with the application of and requirements for anti-suit injunctions. Thus, we can see that in the Anti-Suit Injunction Ruling, the Supreme People's Court explored and clarified the requirements for application of anti-suit injunctions on the basis of behaviour preservation stipulated in Article 100 of the Civil Procedure Law, together with the specialties of anti-suit injunction.

2. Requirements for application of anti-suit injunctions

In the Anti-Suit Injunction Ruling, the Supreme People's Court highlighted that in regard to behaviour preservation of prohibiting a party from applying for enforcement of a

judgment of an extraterritorial court, comprehensive consideration shall be given to the following elements, that are, the impact of the respondent's enforcement of a foreign court's judgment on the actions in China, whether it is necessary to grant behaviour preservation, whether the damage due to the absence of behaviour preservation to the applicant exceeds the damage caused by behaviour preservation to the respondent, whether behaviour preservation impairs the public interest, and whether behaviour preservation is in line with the international comity principle. In response to Conversant's grounds of review, the Supreme People's Court further elaborated on the above five elements in the Review Ruling.

(1) The impact of the respondent's application for enforcement of a judgment made by an extraterritorial court on actions in China

This element is of the utmost importance and considered as a prerequisite. The Supreme People's Court analyzed in the Anti-Suit Injunction Ruling the impact of the respondent's extraterritorial acts on litigation in China from three aspects: 1) Judging from the subjects of litigation, the parties in the Chinese lawsuits are substantially the same as those in the foreign lawsuit. 2) Judging from the objects of trial, the objects of trial in the Chinese proceedings partially overlap with those in the German case. In the Chinese lawsuits, Huawei requested the court to determine the royalty rates for Conversant's Chinese SEPs; while in German, Conversant claimed that Huawei infringed its German SEPs and requested the court to order Huawei to cease infringement. The order for the cessation of infringement was made on the premise that the Conversant's royalty rate proposed during negotiations with Huawei complied with the FRAND principle. Since all the lawsuits involve the issue of SEP royalty rate, the objects of trial partially overlap. 3) Judging from the effect, the extraterritorial actions that Conversant will or may initiate will interfere with the trial and handling of the Chinese lawsuits, have a substantial negative impact, and likely render the trial and judgment of the Chinese lawsuits meaningless. If Conversant applies for temporary enforcement of the Düsseldorf Judgment, Huawei will be compelled to either leave the German market or accept a royalty rate that is much higher than that determined in the First-Instance Judgments in the Chinese cases, in such a way that the subsequent trial and royalty rate to be determined would become pointless. The elaboration made in the Review Ruling takes into account the negative impact of the re-

spondent's extraterritorial actions on the Chinese proceedings, and lays a foundation for the resolution of issues concerning anti-suit injunctions.

(2) Whether it is necessary to grant behaviour preservation

This element intends to delve into the necessity of grant of an anti-suit injunction from an applicant's perspective. The Anti-Suit Injunction Ruling indicated that as for whether it is necessary to grant an anti-suit injunction, it shall be evaluated whether, without an anti-suit injunction, the applicant will face irreparable damage to its legitimate rights and interests. In the Review Ruling, the Supreme People's Court further elaborated on the applicant's potential damage in the absence of the anti-suit injunction, holding that "this damage encompasses not only tangible but also intangible damage such as business opportunities and market interests; damage to both economic interests and litigation interests; and damage to the interests in an extraterritorial jurisdiction and China."⁷ In the present cases, if the Düsseldorf Judgment is enforced, Huawei will either be forced to leave the German market and suffer the loss of market share and business opportunities, or be compelled to accept Conversant's terms for a settlement and deprived of opportunities to seek judicial remedies in China. The damage suffered by Huawei under the above two circumstances is irreparable.

The Review Ruling also further clarified the standards of proof for "irreparable damage", stating that an anti-suit injunction is a type of interim preservation, and thus the preponderance of evidence standard, instead of the high degree of probability standard, shall be applied in associated fact-finding. Huawei submitted the First-Instance Judgment issued by the Düsseldorf court and reasonably explained the potential damage brought by the provisional execution of the said Judgment. The explanation conforms to the general business logic and current commercial practices and can preliminarily prove irreparable damage as asserted.

(3) Reasonable balance of relevant interests between an applicant and a respondent

The grant of an anti-suit injunction will have a great impact on the interests of both parties. Thus, when judging whether or not to grant an anti-suit injunction, the court shall take account of the applicant's damage in the absence of an anti-suit injunction and the respondent's damage that may be caused by the anti-suit injunction for the sake of balancing the interests of both parties. The grant of an anti-suit

injunction is appropriate when the applicant's damage caused by no grant of an anti-suit injunction is greater than the respondent's damage caused by the grant of the anti-suit injunction. The more the former exceeds the latter, the less questionable it is to grant an anti-suit injunction. In the present cases, in the absence of an anti-suit injunction that restrains Conversant from applying for enforcement of the Düsseldorf Judgment, Huawei will face irreparable damage, i.e., being expelled from German market or accepting the unfavorable license terms. On the contrary, if an anti-suit injunction is granted, damage suffered by Conversant is no more than suspension of the execution of the first-instance judgment on monetary compensation issued by the German court. Through comparison, it can be seen that Huawei's damage caused by no grant of the anti-suit injunction obviously exceeds Conversant's damage caused by the grant of the anti-suit injunction. Thus, the grant of an anti-suit injunction is reasonable. The Review Ruling specifically pointed out that the scope of the balanced interests discussed previously has no direct relation to a party's litigation claims. The behaviour preservation ruling is different from the judgment of a case. Applicants for behaviour preservation are not confined to plaintiffs, and the impaired interests that should be considered are not confined to the plaintiff's claims. In an examination of an application for behaviour preservation, the scope and extent of the balanced interests depend on the scope and extent of impact of the actions, which are covered by behaviour preservation, on the applicant and the respondent.

(4) Whether the grant of an anti-suit injunction will impair the public interest

The Supreme People's Court held that in determining whether an anti-suit injunction can be granted, examination shall be conducted on whether the grant of an anti-suit injunction will impair the public interest. As a matter of fact, issues concerning the public interest are generally not involved in the scenario where an anti-suit injunction is granted. The main reason why the public interest shall be considered is that under the legislative framework of behaviour preservation, it has been a common practice to examine this factor when determining behaviour preservation in cases on intellectual property disputes.⁸

(5) International comity

Although an anti-suit injunction is nominally granted against a litigant, restraining the litigants from filing suits in other countries or applying for enforcement of court judg-

ments therein will inevitably interfere with a foreign court's jurisdiction, limit the enforcement of its judgment, or even may affect normal international communications and national relations.⁹ In order to avoid direct confrontations over jurisdiction between courts of different countries, account shall be usually taken of the international comity factor when appraising an anti-suit injunction. The Supreme People's Court also took the impact on comity as an important factor in its rulings. In the Anti-Suit Injunction Ruling, the Supreme People's Court provided clear guidelines on how to analyze the international comity issue, stating that consideration may be given to the case-acceptance time, appropriateness of jurisdiction and whether the impact of an anti-suit injunction on trial and adjudication of a foreign court is moderate. Of course, these three aspects are factors that can be considered optionally and there is no need to consider all of them in every case. In the present cases, judging from the case-acceptance time, the lawsuits initiated in China were earlier than that in Germany. As to the jurisdiction, there is sufficient support proving the Chinese court's jurisdiction over this case, and the parties concerned have never challenged the Chinese court's jurisdiction. Regarding the impact of an anti-suit injunction on actions in a foreign court, the anti-suit injunction only serves to enjoin Conversant from applying for enforcement of the Düsseldorf judgment before the issuance of final judgments of the present cases, which neither affects the subsequent trial process of the German lawsuit, nor derogates the effect of the German judgment, but only suspends its enforcement. Hence, the Supreme People's Court concluded that the impact of the anti-suit injunction on the trial and adjudication of the German case is within an appropriate range.

III. Supporting systems for anti-suit injunction

For the sake of effective compliance and enforcement of an anti-suit injunction, courts of many countries impose a daily penalty fine on any party who violates the anti-suit injunction. The courts of the United Kingdom, the United States, Germany and France all announced in previous cases involving anti-suit injunctions and anti-anti-suit injunctions that a party whoever violates the injunction will be charged a high daily penalty. For instance, in *IPCom v. Lenovo*, the Paris Court of Appeal granted an anti-anti-suit

injunction against Lenovo under a penalty of EUR 200,000 (more than RMB 1,600,000) per violation and per day of non-compliance. In comparison with hundreds of millions of litigation interests and fierce fight for international judicial jurisdiction, only severe penalties can urge the party concerned to comply with the anti-suit injunction.

While issuing the Anti-Suit Injunction Ruling, the Supreme People's Court set the daily penalty for non-compliance as follows: "a daily penalty of RMB 1 million will be charged per day of non-compliance from the date of violation of this ruling".¹⁰ In the Review Ruling, the Supreme People's Court clarified the legality and appropriateness of the daily penalty for violation of the anti-suit injunction in response to Conversant's challenge against the daily penalty on account of violation of legal provisions.

First of all, violation of an anti-suit injunction is in the nature of deliberate and repeated law violation. The specialty of an anti-suit injunction that prohibits a respondent from performing certain acts lies in that, it focuses on the respondent's future acts by restraining the respondent from performing certain acts to maintain the existing state illegally. If the respondent refuses to fulfill its obligation determined in the court ruling and still changes the current state, its conduct shall be considered as an active and willful violation of law. The respondent's willful violation of law constitutes continuous violation of the court ruling and constant change of the status, which is obviously different from the violation of law committed once and for all, and shall be regarded as the violation of law committed separately by the respondent on a daily basis. A daily penalty fine shall be imposed for such kind of continuous obstructive conducts in civil litigation. The rationality of this interpretation of the Supreme People's Court has also been confirmed in relevant laws. For instance, in the light of the Environmental Protection Law of the People's Republic of China, where an enterprise, public institution or other business operator is fined due to illegal discharge of pollutants and ordered to make redress, if said entity refuses to do so, the administrative authority that made the punishment decision may impose the fine thereon consecutively on a daily basis according to the original amount of the fine, starting from the second day of the date of ordered redress.¹¹ According to this article, the actor who refuses to abide by the punishment decision and make redress is deemed to commit infringement on a daily basis. The above provision and related judicial practice laid a practical foundation for daily penalty.

Second, the strength of compulsory measures against obstructive conducts in civil litigation shall accord with the potential consequences of the acts. Daily penalties are not only compatible with the malignancy and damage of the willful violation of a court's anti-suit injunction, but also necessary for maintaining the effect of the anti-suit injunction. For instance, in the present cases, if Conversant violates the anti-suit injunction by applying for provisional enforcement of the Düsseldorf Judgment, it will gain a significant advantage in the subsequent license negotiations and obtain huge benefits owing to the advantage. Only daily penalties are sufficient to effectively prevent such conduct.

It can be said that the Supreme People's Court's exploratory imposition of daily penalties through creative interpretation of law according to the characteristics of the anti-suit injunction is of great significance, ensuring the effective enforcement of the anti-suit injunction.

IV. Future trend of anti-suit injunction under Chinese laws

An anti-suit injunction is a vital part of the modern litigation system and of utmost importance for safeguarding a nation's judicial sovereignty and guiding international litigation rules. The anti-suit injunction demonstrates a nation's economic power, comprehensive national strength and international discourse power, and is a crucial system in relation to a nation's interests and international status. The expansion and internationalization of anti-suit injunctions profoundly reflect the fierce competition among countries for jurisdiction over disputes and rule-making power. The Supreme People's Court issued the anti-suit injunction in *Huawei v. Conversant*, which is of great significance for alleviating the aggravated litigation burden born by the parties concerned due to parallel litigation and avoiding contradictory judgments, and is also an important manifestation of safeguarding China's judicial sovereignty. Of course, the anti-suit injunction in *Huawei v. Conversant* is after all the first one issued by the Chinese court in the field of intellectual property rights, and the development of anti-suit injunctions in China needs to be further studied in practice. Nevertheless, we have got some beneficial inspiration from the first anti-suit injunction ruling.

First, Chinese courts will still continue to explore the application of anti-suit injunctions in the future, but hold a cautious and rational judicial attitude on the whole in adjudica-

tion. After the issuance of the first anti-suit injunction, the Wuhan Intermediate People's Court also granted an anti-suit injunction in *Xiaomi Co. v. InterDigital, Inc.*, a dispute over standard-essential patent royalties. It can be seen that Chinese courts will continue to explore the application of anti-suit injunctions in the future on the premise of compliance with international treaties and practices and on the basis of the behaviour preservation system stipulated in the Civil Procedure Law. Meanwhile, it shall be noted that in the Anti-Suit Injunction Ruling, the Supreme People's Court specifically pointed out that "in principle, prohibitive preservation measures can be taken only when it is indeed necessary".¹² Judging from the process of making the Anti-Suit Injunction Ruling and the Review Ruling in the present cases, the Supreme People's Court followed a cautious, prudent, rational and modest rule in evaluating anti-suit injunctions, and did not apply it as a general principle for resolving jurisdiction conflicts and parallel litigation regarding foreign-related civil disputes. This was crystal clear in the detailed reasoning of the two Rulings in *Huawei v. Conversant* and the three-hour review hearing held by a five-person collegiate panel.

Second, the scope of and requirements for application of anti-suit injunctions will be further clarified. Clarifying the scope of and requirements for application of anti-suit injunctions is extremely crucial for giving full play to the anti-suit injunction system and avoiding unnecessary judicial confrontations, or even diplomatic conflicts. It is understood that the anti-suit injunction in *Huawei v. Conversant* was granted to enjoin the respondent from applying for the enforcement of a foreign court's judgment, and actually belongs to a counter-injunction. Counter-injunctions, anti-anti-suit injunctions, and normal anti-suit injunctions that enjoin respondents from instituting lawsuits abroad all belong to anti-suit injunctions in a broad sense. The above analyzed requirements for application of counter-injunctions are also applicable to other types of anti-suit injunctions. Of course, due to the differences in the specific forms of anti-suit injunctions, it is necessary to adjust the above five factors or lay emphasis on particular elements on a case-by-case analysis. For instance, as for a normal anti-suit injunction that restrains a respondent from filing an extraterritorial action, when considering its necessity, courts may focus on whether a respondent violates the rules concerning arbitration agreement and forum shopping, the reasonableness of jurisdiction of an extraterritorial court, and whether the extra-

territorial lawsuit filed or to be filed by the respondent is vexatious, oppressive or extremely unfair. It should be admitted that although the Supreme People's Court clarified conditions for the grant of anti-suit injunctions with the counter-injunction as a core, there is still room for further improvement and exploration in the future.

Finally, more efforts shall be made to study the supporting measures, such as a daily penalty, for violation of anti-suit injunctions. The aim of the anti-suit injunction system can be achieved only with the support of various legal measures. In the Anti-Suit Injunction Ruling in *Huawei v. Conversant*, the Supreme People's Court creatively set a daily penalty for violation of the anti-suit injunction, which is one of the important supporting measures for the anti-suit injunction. In addition, the recognition and enforcement of anti-suit injunctions against lawsuits in China issued by foreign courts are also a vital part of the anti-suit injunction system and requires further study. ■

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¹ Yang Liangyi and Yang Daming (Feb. 2000). *Injunctions* (1st edition, p. 617). China University of Political Science and Law Press.

² For instance, in *Microsoft Corp. v. Motorola, Inc.*, 696 F.3d 872, 881 (9th Cir. 2012), Microsoft applied for a counter-injunction against Motorola in the U.S. District Court for the Western District of Washington to enjoin Motorola from enforcing any injunction that it obtained in Germany, which was affirmed by the U.S. District Court for the Western District of Washington and the Ninth Circuit Court of Appeals. In *Huawei Device Co. v. Samsung Elecs. Co.*, the U.S. District Court for the Northern District of California affirmed Samsung's application for an injunction to bar Huawei from applying for enforcement of the First-Instance Judgment issued by the Shenzhen Intermediate People's Court.

³ For instance, in *Lenovo v. IPCOM*, a series of SEP-related lawsuits, IPCOM applied for an anti-anti-suit injunction against Lenovo's anti-suit injunction in the U.S., which was supported by the Paris Court of Appeal. In *Nokia v. Daimler and Continental*, a series of SEP infringement lawsuits, the District Court I of Munich, Germany, approved of Nokia's motion for an anti-suit injunction prohibiting Continental from applying for an anti-suit injunction in the U.S. This was the first time that a German court granted an "anti-suit injunction".

⁴ See the Ruling No.1 of the three Rulings Nos. Zuigaofazhiminzhong 732/2019, 733/2019, 734/2019.

⁵ See the Ruling No.2 of the three Rulings Nos. Zuigaofazhiminzhong 732/2019, 733/2019, 734/2019.

⁶ See supra note 4.

⁷ See supra note 5.

⁸ Article 7 of the Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in Cases Involving the Review of Behaviour Preservation in Intellectual Property Disputes.

⁹ Ou Fuyong (June 2007). *Anti-Suit Injunctions in International Civil Litigation* (1st edition, pp. 19-20). Peking University Press.

¹⁰ See supra note 4.

¹¹ Article 59 of the Environmental Protection Law of the People's Republic of China.

¹² See supra note 4.

China's 14th Five-Year Plan and Long-Range Objectives Through the Year 2035 Draw Global Attention

The National People's Congress (NPC), China's top legislature, concluded its annual session on 11 March 2021. Lawmakers approved the outline of the 14th Five-Year Plan (2021-2025) for national economic and social development and the long-range objectives through the year 2035.

The outline consists of 19 parts and has listed 20 main targets for economic and social development during the 14th Five-Year Plan period. It is worth noting that "the number of high-value invention patents owned by per 10,000 people reaches 12" was set for the first time. In addition, popular topics including advancing the high-quality development of manufacturing industry, accelerating to build digital economy and promoting digital transformation of industries have drawn widespread attention. Eight projects, namely cloud computing, big data, Internet of things, industrial networks, block chain, artificial intelligence, virtual reality and augmented reality are listed into important industries of digital economy.

It is worth noting that the outline puts innovation in the first place of specific tasks, and clearly requires that innovation must be maintained at the core in the mid of Chinese modernization drive, and make scientific and technological strategic force for national development.

Source: China IP News