



**Asia-Pacific  
Economic Cooperation**

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**2021/CTI/WKSP2/018**  
Day 2 Session 2

## **Digital Trade and Protection of Intellectual Property**

Submitted by: China



**Workshop on Protection of Intellectual  
Property Rights in Digital Content Trade**  
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# Digital Trade and Protection of IP

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# Outlines

**1** The Development of Digital Trade Has Reached a New Stage

**2** The Challenge to IP System Brought about by Digital Trade

**3** Response and Practice in the Protection of the Patent System



1

# The Development of Digital Trade Has Reached a New Stage

# Digital Trade

Relationship with  
new technology

Difference from  
traditional trade

The pandemic accelerates  
the development of digital  
trade



Digitization of  
trade methods



Digitization of  
trade objects



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2

## The Challenge to IP System Brought about by Digital Trade

# Challenge to Intellectual Property-Related Legal Systems

New technologies play an important role in digital trade

Protection of new technologies depends on the intellectual property system

Revolutionary changes in new technology

**Challenges to protection rules of IP**

**Challenges to market regulation**

# Challenges to Protection Rules of IP

For Example

**Algorithm**



**Big data**

- Approach on Protection: copyright, trade secret, patent.
- Patent Protection: eligibility, novelty and inventive step, sufficiency of disclosure, etc.
- Approach on Protection: copyright, patent, anti-unfair competition.



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3

## Response and Practice in the Protection of the Patent System

# 3.1 Practice of IP Protection of New Technology

Amendments to Patent Examination Guidelines

2017.2.28

2019.9.23

2019.12.31

No.74

No.328

No.343

**New business model**

**Inventions involving computer programs**

**GUI**

**Deferred examination**

**examination rules in AI, "Internet +", big data, etc**

## Amendments to Patent Examination Guidelines

Amendment  
in 2017.2.28

- Clearly include technical solutions related to business model innovation into the scope of patent protection.

- Optimize the requirements on the claims of inventions involving computer programs

## Amendments to Patent Examination Guidelines

Amendment  
in 2019.12.31

Clarify the examination rules for patent applications in new fields regarding artificial intelligence, Internet +, big data, and blockchain.

Add special chapter

Refine the rules of eligibility, novelty, inventive step, and drafting of description and claims

## 3.2 Application of new technology in the creation and protection of IP

### 1. Intelligent Examination

### 2. Application in IP Service Industry

New technologies are used in patent analysis and consultation, document translation, etc.



**Thanks!**