Digital Trade and Protection of Intellectual Property

Submitted by: China
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
The Development of Digital Trade Has Reached a New Stage
Digital Trade

The pandemic accelerates the development of digital trade

Relationship with new technology

Difference from traditional trade

Digitization of trade methods
Digitization of trade objects
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**

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

**Big data**

- Approach on Protection: copyright, patent, anti-unfair competition.
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

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<tr>
<th>Date</th>
<th>No.</th>
<th>Description</th>
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<tr>
<td>2017.2.28</td>
<td>74</td>
<td>New business model</td>
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<td>Inventions involving computer programs</td>
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<td>2019.9.23</td>
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<td>GUI</td>
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<td></td>
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<td>Deferred examination</td>
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<td>2019.12.31</td>
<td>343</td>
<td>examination rules in AI, &quot;Internet +&quot;, big data, etc</td>
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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.

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

Add special chapter
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!