

 2021 Annual Report of CNIPA

Recently, CNIPA released its 2021 annual report, in which a summary of patent applications and trademark registrations was made. Hereinafter, we are willing to share the official statistical data of patents and trademarks in China in the year of 2021.

● Patent

1. Applications of Patent

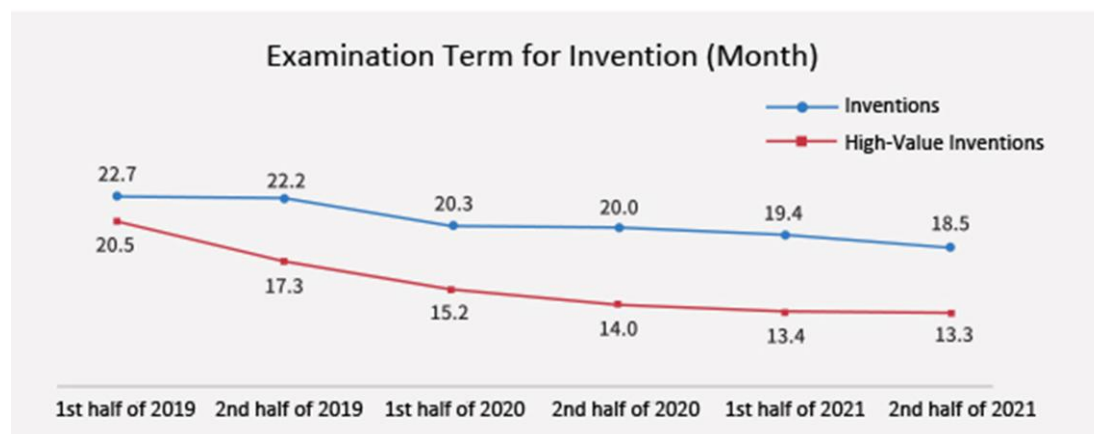
The number of invention patent applications in China in 2021 was 1.586 million, an increase of 5.9% year-on-year. Among them, there were 1.428 million domestic invention applications accounting for 90.0% of the total, up 6.2% year-on-year, while 158,000 foreign invention applications in China accounted for 10.0% of the total, up 3.6% year-on-year.

In 2021, the number of utility model patent applications in China was 2.852 million, a decrease of 2.5% year-on-year. The number of design patent applications in China was 806,000, an increase of 4.6% year-on-year.

2. Examination of Patent

In 2021, 1.266 million invention applications were examined and concluded. The number of cases accepting accelerated examination was 77,000 inclusive of invention, utility model and design applications, including 74,000 invention applications, up 31.5% year-on-year.

The CNIPA is putting efforts into the management of examination timescales, deploying superior examination resources to high-value patents, and endeavoring continuously to improve the quality and efficiency of patent examination. In 2021, the average examination term for high-value invention applications was shortened to 13.3 months, and the average examination term for invention applications was shortened to 18.5 months. A total of 217,000 cases on backlog were concluded.

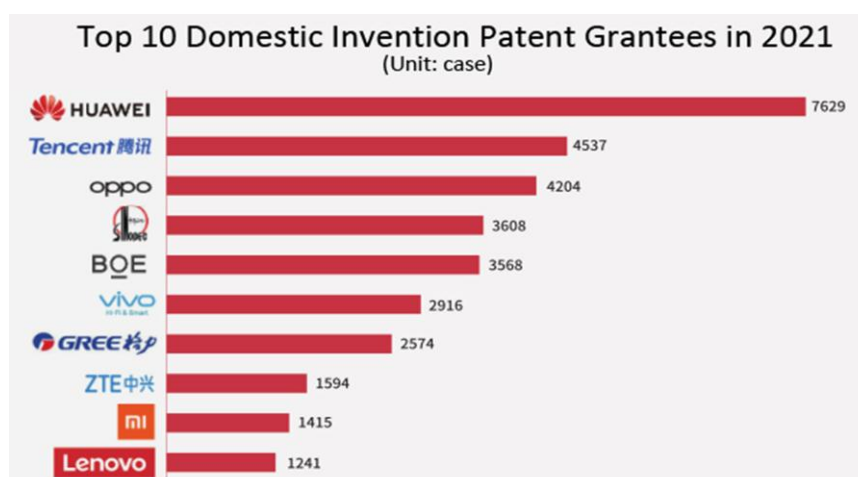
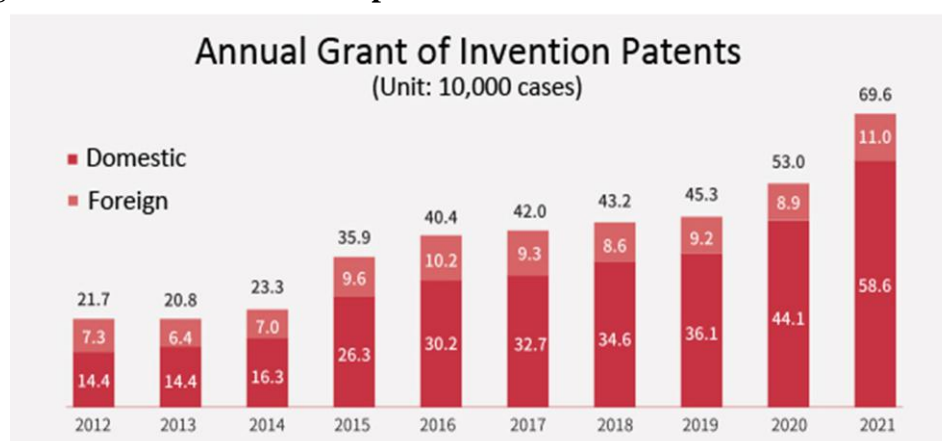


3. Grant of Patent

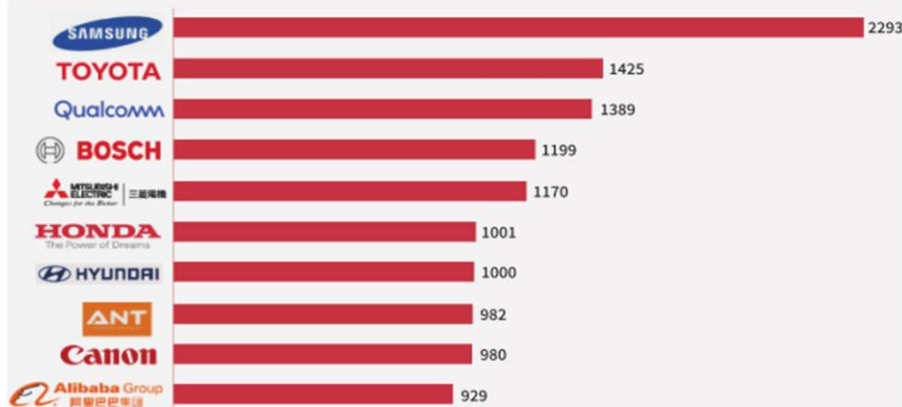
In 2021, 696,000 invention patents were granted, up 31.3% year-on-year, among which 586,000 domestic invention patents were granted, accounting for 84.2% of the total and 110,000 foreign-originated invention patents were granted in China, up 23.0% year-on-year. In the granted domestic invention patents, 565,000 were service inventions, accounting for 96.4% of the total, up 33.3% year-on-year; 21,000 were non-service inventions, accounting for 3.6% of the total, up 23.0% year-on-year.

In addition, 3.120 million utility model patents were granted, up 31.2% year-on-year; and 786,000 design patents were granted, up 7.3% year-on-year.

In 2021, the grant rate for the invention patent in China was 55.0%.



Top 10 Foreign Invention Patent Grantees in China in 2021 (Unit: case)



4. PCT International Application

In 2021, the CNIPA received 73,000 international applications submitted through PCT in total, up 1.5% year-on-year. Among them, 68,000 were domestic, up 2.1% year-on-year. A total of 78,000 international search reports were made, up 11.6% year-on-year. Since 1994, the CNIPA has received 521,000 international applications submitted through the PCT and completed 485,000 PCT search reports.

In 2021, the CNIPA received 107,000 PCT international applications entering the Chinese national phase, up 6.3% year-on-year, including 106,000 invention applications and 916 utility model applications. Since 1994, the CNIPA has received a total of 1.419 million PCT international applications entering the Chinese national phase.

5. Reexamination and Invalidation of Patent

In 2021, on one hand, the CNIPA received 76,000 cases requesting for patent reexamination, up 39.2% year-on-year; and on the other hand, there were 54,000 cases concluded, up 12.4% year-on-year. The period of settling a reexamination request was 16.4 months in average. Of the concluded invention patent reexamination cases, cases for which the rejection decision was revoked [1] accounted for 47.2%, and cases for which the rejection decision was upheld or cases concluded by other means [2] accounted for 52.8%.

In 2021, the CNIPA received a total of 7,628 cases requesting for patent invalidation, an increase of 23.5% year-on-year; and there were 7,065 cases concluded, a decrease of 1.1% year-on-year. The period of concluding a request for patent invalidation is 5.8 months in average. Of the concluded invalidation cases for invention patent, 24.7% were completely invalidated, 15.0% were partially invalidated, and 60.4% were maintained valid [3]. Of the concluded invalidation cases for utility model patent, 42.0% were completely invalidated, 17.8% were partially invalidated, and 40.2% were maintained valid. Of the concluded invalidation cases for design patent, 49.9% were completely invalidated, 0.9% was partially invalidated and 49.1% were maintained valid. [4]

TYPE	2021	2020
Request for Reexam	76093	54670
(1) Invention	73601	49988
(2) Utility Model	2153	4073
(3) Design	339	609
Reexamination Closed	54006	48046
(1) Invention	48131	37771
(2) Utility Model	5300	9868
(3) Design	575	407

TYPE	2021	2020
Request for Invalidation	7628	6178
(1) Invention	1713	1442
(2) Utility Model	3330	2664
(3) Design	2585	2072
Invalidation Closed	7065	7144
(1) Invention	1671	1604
(2) Utility Model	3061	2987
(3) Design	2333	2553

[1] Including cases for which the rejection decision was revoked in the interlocutory examination stage and cases for which rejection decision was revoked in the panel examination stage.

[2] Including cases for which the reexamination request was rejected, cases deemed to be withdrawn and cases initiated by the reexamination petitioner.

[3] Including cases maintained be valid, cases for which the invalidation request was rejected, cases where the invalidation request was deemed to be withdrawn and cases where the invalidation request was initiated by the invalidation petitioner.

[4] In this report, slight errors caused by decimal round-off are not balanced.

● Trademark

1. Trademark Application

In 2021, the number of trademark applications in China reached 9.451 million, including 9.193 million domestic trademark applications, accounting for 97.3% of the total, up 0.8% year-on-year; and 258,000 foreign-originated trademark applications, accounting for 2.7% of the total, up 11.6% year-on-year. Among the trademark applications filed in 2021, there were 3.22 million service trademark applications, accounting for 34.1 % of the total, up 7.3% year-on-year.

2. Trademark Examination

In 2021, 10.568 million trademark registrations were completed, up 20.3% year-on-year. The average examination period of applications for trademark registrations is stable at 4 months, while the period of general trademark registrations is shortened to 7 months. The processing management of the trademark registration was further strengthened, the quality of examination and trial was further improved, and the passing rate of random inspection of trademark examination reached more than 97%.

3. Trademark Registration

In 2021, the number of trademark registrations was 7.739 million, an increase of 34.3% year-on-year. Among them, 7.545 million domestic trademarks were registered, accounting for 97.5% of the total, an increase of 35.3% year-on-year; 194,000 foreign trademarks were registered in China, accounting for 2.5% of the total, an increase of 5.2% year-on-year.

In 2021, of Chinese trademark registration examination and issuance, preliminary applications accounted for 56.9%, partial refusals accounted for 15.2% and refusals accounted for 27.8%. [5]



[5] The statistics of issuance of preliminary examination of trademark registration, issuance of partial refusals and issuance of refusals as a percentage do not include the trademark applications designated in China through the Madrid route.

4. Trademark Opposition

In 2021, 176,000 trademark oppositions were received, up 31.1% year-on-year. The formal examinations for 172,000 opposition cases were completed, and the average period of formal examination for the opposition case was shortened to 2.5 months. 164,000 opposition cases were completed, up 10.1% year-on-year, and the average examination term of the opposition was shortened to 11 months. Of the trademark opposition cases concluded in 2021, 38.6% of the opposition cases were supported, 10.4% were partially supported, and 51.0% were not supported. Malicious registrations have been effectively suppressed through the opposition procedure.

5. Trademark Appraisal

In 2021, 473,000 applications for various types of trademark appraisal cases were received, an increase of 28.8% year-on-year, including 383,000 cases for review on refusal, and 90,000 complicated cases involving both parties. Tried and adjudicated 383,000 appraisal cases of various types, including 308,000 cases for review on refusal and 74,000 complicated cases involving both parties.

The circuit trial of trademark appraisal was promoted, for example, by setting up four circuit appraisal courts in Tianjin, Jinan, Chengdu and Yantai.

TYPE	2021	2020
Appraisal Request	472728	367029
(1) Review on refusal	382728	298171
(2) Complicated cases	90000	68858
(a) Invalidation application	68435	53019
(b) Rev. agt. canc. decision	16994	12615
(c) Rev. agt. opp. decision	4513	3222
(d) Others	58	2

TYPE	2021	2020
Appraisal Adjudication	382771	358285
(1) Review on refusal	308313	299880
(2) Complicated cases	74458	58405
(a) Invalidation application	57800	42778
(b) Rev. agt. canc. decision	13006	13396
(c) Rev. agt. opp. decision	3626	2177
(d) Others	26	54

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