

China IP – 2025 in Review and What the Future Holds

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Agenda

- AI Case Law
- Anti-Unfair Competition Law
- Antitrust –Pharma Patents
- WTO Requests for Consultation
- Regulations of Anti-Foreign Sanctions Law & Settlement of Foreign Related IP Disputes
- Criminal IP Law
- New Plant Varieties
- Irregular Patent Applications and Blue Sky
- 15th Five-Year Plan
- Patent Statistics
- Predictions





AI Case Law



Artificial Intelligence Case Law



(图 3)

(图 5)

(图 6)

- September 10, 2025 Beijing Internet Court White Paper
 - AI-generated works can be protected by copyright and the author is the person entering the prompts into the AI.
 - *Designated Typical by the SPC:* Personality rights extend to AI-generated voices that possess sufficient identifiability based on tone, intonation, and pronunciation style that would allow the general public to associate the voice with the specific person.
 - *Designated Typical by the SPC:* Personality rights extend to people's virtual images and unauthorized creation or use of a person's AI-generated virtual image constitutes personality rights infringement.
 - Network platforms using algorithms to detect AI-generated content for removal must provide reasonable explanations for their algorithmic decisions, particularly for content where providing creation evidence is unreasonable.
 - Virtual digital persons or avatars demonstrating unique aesthetic choices in design elements constitute artistic works protected by copyright law.

Artificial Intelligence Case Law

- September 16, 2025 – Beijing Internet Court – However,...
 - Must show evidence of creative effort
 - Creative thinking;
 - Input commands;
 - Process of selecting and modifying generated images.



Artificial Intelligence Case Law

- September 7, 2025 SPC Anti-Unfair Competition Typical Case Release
 - 北京知识产权法院（2023）京73民终3802号、北京市朝阳区人民法院（2023）京0105民初71391号
 - Defendant copied model parameters from plaintiff.
 - Protected under the anti-unfair competition law.

附表二：

序号	人像照片	百度智能云	变身漫画成像	少女漫画成像
1				
2				
3				

Example transformations. Column 1: Selfie, Column 2: Baidu; Column 3: Douyin; Column 4: Yiruike .

Anti-Unfair Competition Law





Anti-Unfair Competition Law

- Third revision effective October 15, 2025.
- Expanded protection for online identifiers, such as app names, icons, usernames, and new media account handles.
- New protection targeting data misuse, algorithm manipulation, and data scraping by digital platforms.
- Extraterritorial reach for overseas acts that disrupt the domestic market order in mainland China.

Antitrust & Patents





Antitrust & Patents

- January 24, 2025: Antitrust Guidelines for the Pharmaceutical Sector
 - Reverse Payments not OK
 - Patentee pays the generic drug applicant without justifiable reasons
 - Include non-competition commitments
 - Evergreening not OK
 - Product redirection behavior
 - New patented drug has no significant improvement
 - Generic planned to manufacture
 - New patent hinders generic entry
 - Restricts choice of drug for patients and physicians

WTO Requests for Consultation



WTO Requests for Consultation

- DS611 – Anti-Suit Injunctions
 - July 21, 2025 Decision
 - Cannot frustrate Patent Owner's rights in other countries.
 - Increase transparency.
 - Xiaomi v. InterDigital decision demonstrates existence of an unpublished ASI policy
- DS632 – Worldwide Licensing Rates for Standard Essential Patents
 - January 20, 2025 Request.
 - China setting worldwide licensing rates for SEPs without consent of both parties.

Regulations of Anti-Foreign Sanctions Law & Settlement of Foreign Related IP Disputes



Regulations of Anti-Foreign Sanctions Law & Settlement of Foreign Related IP Disputes

- March 19, 2025: Regulations of the State Council on the Settlement of Foreign-Related Intellectual Property Disputes
 - Article 15 – “use intellectual property disputes as an excuse to contain and suppress China”
 - China may adopt corresponding countermeasures and restrictive measures.
 - Article 16 – cannot implement or assist in discriminatory restrictive measures
 - Allows for private suits to stop implementation of measures and receive compensation

Regulations of Anti-Foreign Sanctions Law & Settlement of Foreign Related IP Disputes

- March 23, 2025: Regulations on the Implementation of the Anti-Foreign Sanctions Law of the People's Republic of China
 - Article 7: allows for the seizure, detention or freezing of intellectual property of those that “directly or indirectly participate in the drafting, decision-making, or implementation of the discriminatory restrictive measures”



Criminal IP Law



Criminal IP Law

- Burberry Case – March 13, 2025
 - 4 million RMB in online sales of counterfeit Burberry clothing
 - Jing'an police received a report from a consumer in 2023
 - Purchased a windbreaker for several thousand RMB
 - 5-year prison term and 2 million RMB fine upheld by a Shanghai court



Criminal IP Law

- DIOR fashion show case – September 2025
 - Beijing defendant organized children's fashion show using the DIOR mark.
 - Also sewed on DIOR labels onto clothing
 - Illegal income was over 800,000 RMB
 - Shanghai Court upheld 3.5-year prison term and 1.6 million RMB fine
 - SPC clarified in 2025 that counterfeiting service marks is subject to criminal prosecution (although it was added to the criminal law in 2021).



Criminal IP Law

- Accepted criminal IP cases were down over 25% in 2025
 - Offshore fishing?
- SPP launches Intellectual Property Procuratorial Department

Figure 1: Acceptance and Review of IPR Criminal Cases for Prosecution





New Plant Varieties





New Plant Varieties

- Largest Chinese Damages Award for New Plant Varieties Infringement
 - Limagrain's Chinese subsidiary sued a Henan company over a corn variety.
 - SPC overturned a loss on appeal and added punitive damages.
 - 53 million RMB and injunction.

Irregular Patent Applications and Blue Sky





Irregular Patent Applications and Blue Sky

- In 2024, ~10% of patent applications were 'irregular.'
 - Report on the Development of Building a Strong Intellectual Property Nation (2025)
 - 597,000 patent applications vs. 815,000 in 2021.
- Blue Sky – similar to the USPTO Patent Fraud Detection and Mitigation Working Group?
 - CNIPA imposed administrative penalties on 256 agencies and practitioners for serious violations in 2025;
 - CNIPA revoked the licenses of 180 patent agencies in 2025; and
 - CNIPA cancelled the practice registrations of 8,755 patent agents in 2025



15th Five-Year Plan

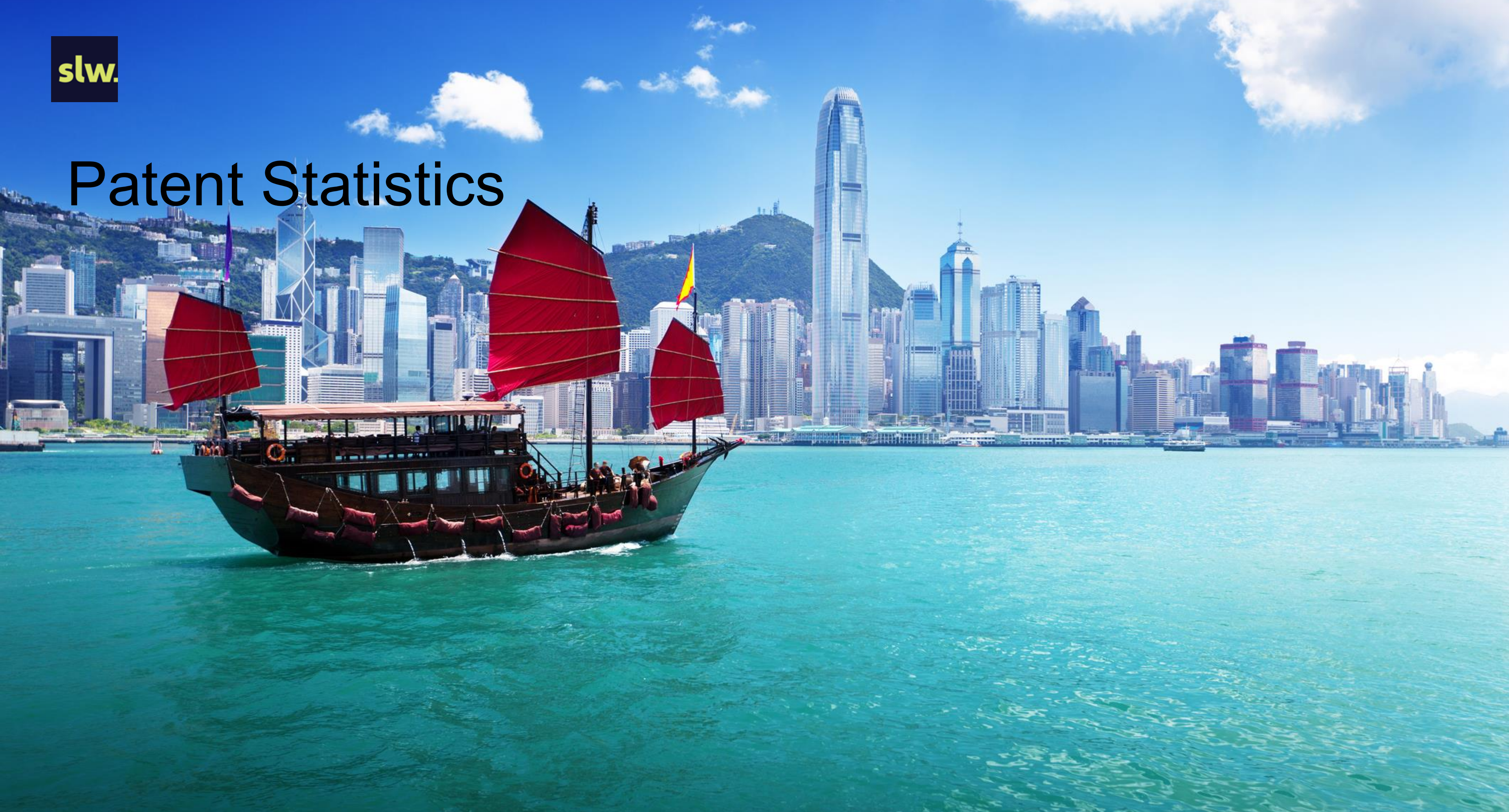




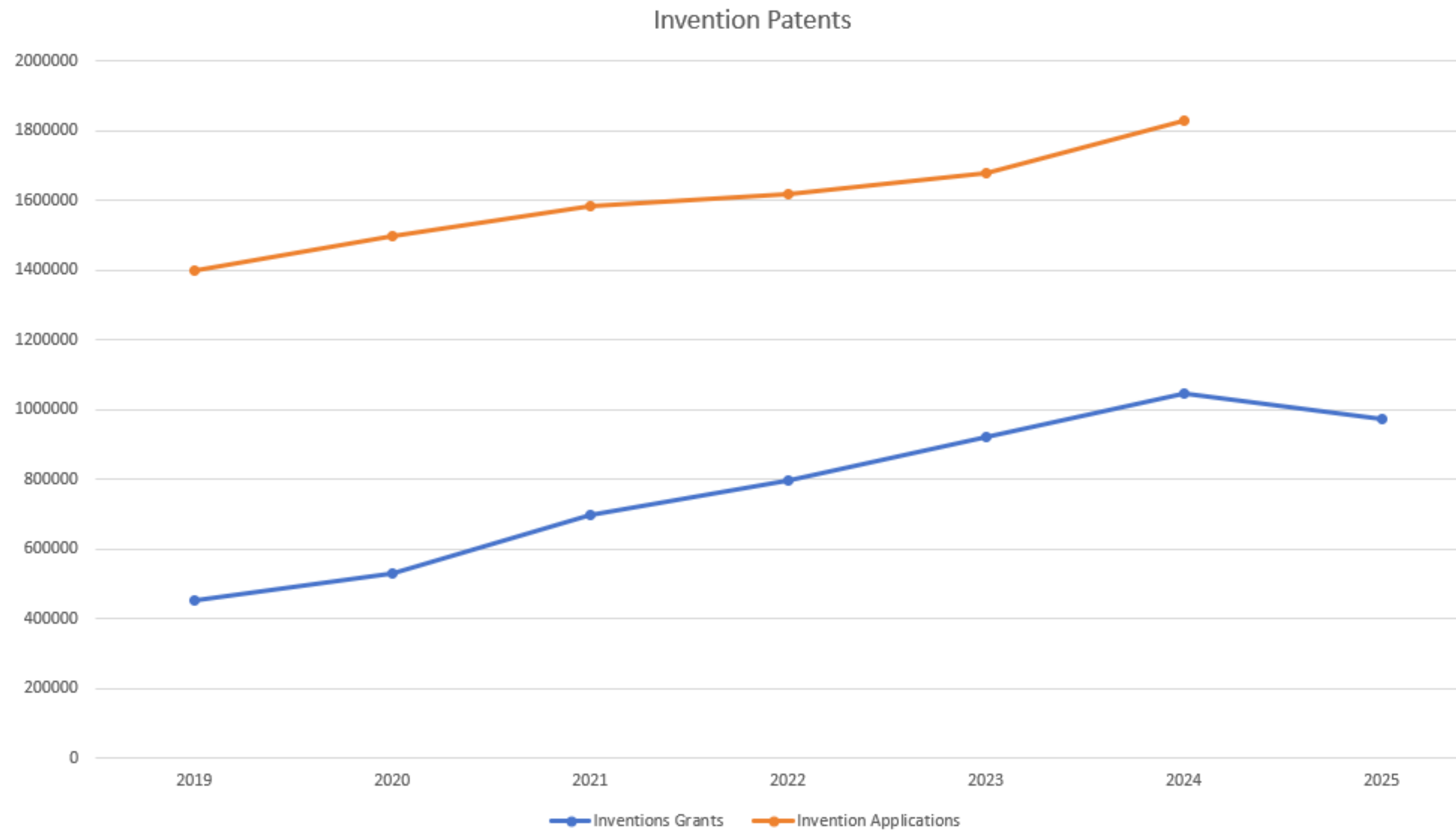
15th Five-Year Plan

- Strategic Emerging Industries
 - next-generation information technology, new energy, new materials, intelligent connected new energy vehicles, robotics, biomedicine, high-end equipment, and aerospace (i.e., large aircraft, Beidou, etc.).
 - Marine economy and low-altitude economy.
- Future Industries
 - quantum technology, biomanufacturing, hydrogen energy and nuclear fusion energy, brain-computer interfaces, embodied intelligence, and sixth-generation mobile communication

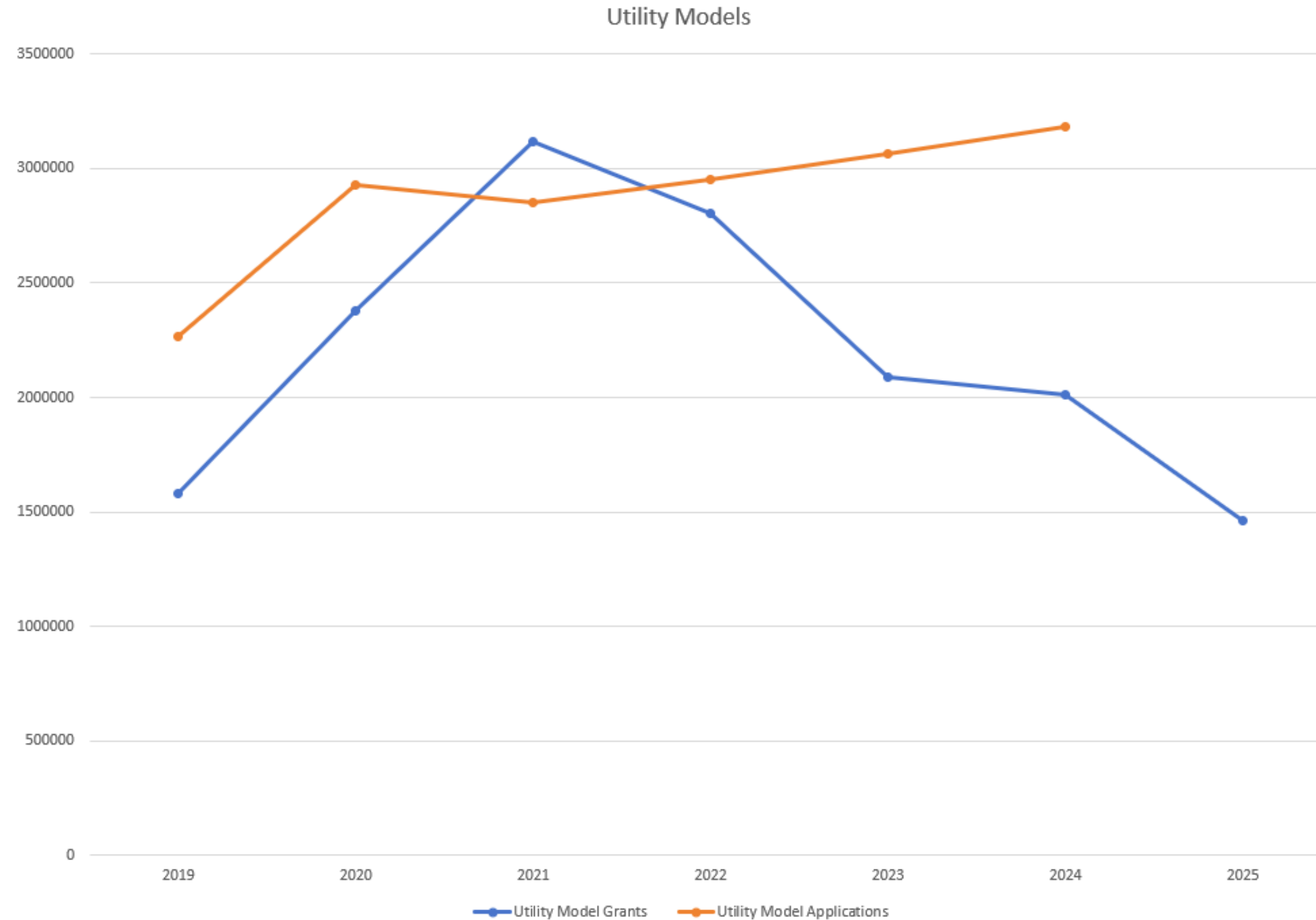
Patent Statistics



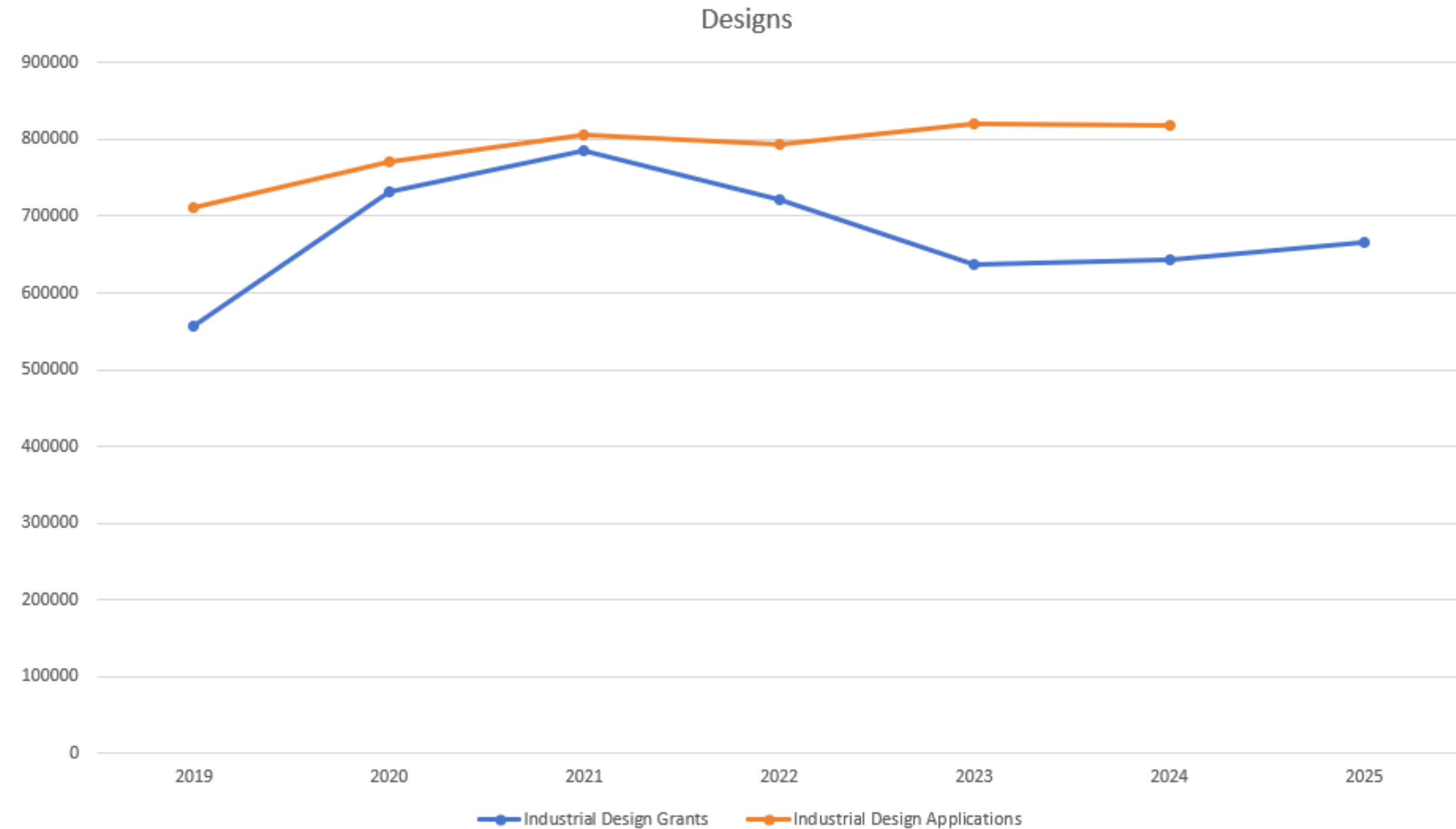
Patent Statistics – Invention Patents



Patent Statistics – Utility Models



Patent Statistics – Designs





Predictions

- Economic Espionage Cases
- Increase in Punitive Damages for IP
- Continued Decrease in Utility Models
- Less Groundbreaking AI Cases?
- The End of SEP Global FRAND Cases?



Resources

Blog: www.ChinaIPLawUpdate.com

AIPLA China Committee: <https://www.aipla.org/committees/ip-practice-in-china>

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Thank you