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ARTICLE

# Comparing Patent Infringement Litigation: China vs. United States - Pleading Standards and Discovery in Patent Cases

November 25, 2025

# Patent Litigation In China

**Yuwen Li, Cheng Bian**



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entities seek patents in China and allegations of infringement are not uncommon In this invaluable guide to Chinese patent law and the rules applicable to infringement challenges the authors all members of a leading Chinese law firm with wide experience in advising foreign clients bring their experience in real world patent litigation reinforced with an abundance of relevant case law in order to introduce the Chinese patent regime in a systematic and practical manner In their thorough analysis of the scope of protection of patent rights and invalidation procedures supported throughout by detailed examination of patent infringement lawsuits the authors clarify such essential elements of Chinese patent law practice as the following assertion of a claim choosing the basis of the right to sue publicity of claims principle of internal interpretation priority correction of ambiguity in a claim interpretation of claims defined by preparation methods defining the effect of a sequence of steps of a process claim meaning of persons of ordinary skill in the art concept of means plus function application of the All Elements Rule determination of functional features and doctrine of equivalents Each doctrine and the underlying principle is thoroughly examined with reference to relevant court decisions With this eminently practical and authoritative guide corporate counsel and patent lawyers will proceed confidently through the Chinese patent application system assess risks and opportunities understand how precedents might affect their case protect their rights in China once they have a patent and handle infringement proceedings with full awareness of applicable principles and procedures

**Intellectual Property Law in China** Christopher Heath, 2021-02-19 Intellectual property law and practice in China has changed dramatically since the first edition of this influential book published in 2005 Today judicial and administrative application of law plays a major role and accordingly this entirely rewritten new edition draws on an abundance of court and administrative decisions clarifying how the law is applied In a thorough and systematic manner the authors clearly demonstrate the sophisticated level of legal certainty available for domestic and foreign entities doing business in China including the adaptation of the legal framework to new technologies broadened scope of protected subject matter improved quality of filings and significant enhancement of enforcement not only with regard to remedies but also to procedural aspects Providing comprehensive coverage of all aspects of intellectual property protection in China including analysis of IP related provisions of China's new Civil Code the book emphasizes issues of concern to foreign traders and investors such as the following copyright law and software protection protection of trademarks including Chinese character and Roman script trademarks well known marks and bad faith applications technology transfer enforcement of trade secret and patent protection criminal liability for infringement unfair competition and antitrust law role of the binding interpretations of the Supreme People's Court administrative regulations that supplement the laws co operation with administrative authorities protection of geographical indications protection of trade names domain name dispute resolution special patent related laws protecting such areas as plant varieties integrated circuit layout designs and relevant provisions of the distinct laws of Hong Kong and Macao Full descriptions of the competencies of China's IP related institutions are included with detailed attention to procedural matters

Brief historical notes in each chapter feature the most significant changes in each amendment of law and regulation. Because in China the laws are supplemented and interpreted by numerous guidelines and circulars issued by ministries or courts, the up-to-date knowledge and awareness provided in this new edition is essential for all companies investing in China or considering such investment as well as for practitioners counselling their clients on strategies. In addition, officials and policymakers involved in trade or other relations with China will benefit from a comprehensive update of what the current law is and a critical view of what the challenges are. The 2021 IPLCN is a recommended read for those who seek a well-written English textbook which covers the main principles of Chinese IP Law. Clearly outlined, it is probably one of the best of its kind on the market. Its existence is welcome and necessary in the current era where languages are still obstacles. By Tian Lu. Book Review for *The IP Kitten* September 2021. [Patents and Innovation in China and Hong Kong](#) Yahong Li, 2017-10-12. The first book on how patents and innovation interact within the two co-existing patent systems in mainland China and Hong Kong. **Conducting Business in China** Lei Mei, 2012-11-08. Conducting Business in China provides readers with guidance on conducting business in China from an intellectual property perspective, offering specific advice on how to profitably leverage technology and IP assets while minimizing potential risk. [Patent Litigation in the People's Republic of China](#) Tilman Müller-stoy, 2007. *Intellectual Property in China* Peter Feng, Xiang Feng, 1997. This text covers China's intellectual property laws relating to copyright, patents, trademarks, and competition. It is organized around practical and theoretical issues from a comparative perspective. The volume can be used as a complementary text to *Intellectual Property Enforcement in China: Leading Cases and Commentary*. **Selected Chinese Patent Cases** Dongchuan Luo, 2014. About the Chief Editor. About the Translators. Foreword. Preface. Translator's Preface. The Commentary Committee Acknowledgment. Introduction to the Chinese Patent System. Administrative Patent Invalidity Cases. Patent Infringement Cases. Patent Law of the People's Republic of China 2008 Revision. Implementation Regulations of the Patent Law of the People's Republic of China 2010 Revision. Interpretation of the Supreme People's Court on Several Issues concerning the Application of Law in the Trial of Patent Infringement Dispute Cases. Several Provisions of the Supreme People's Court on Issues Concerning Applicable Laws to the Trial of Patent Controversies. Several Provisions of the Supreme People's Court for the Application of Law to Stop Infringement of Patent Right Before Instituting Legal Proceedings. **China's Intellectual Property Regime for Innovation** Dan Prud'homme, Taolue Zhang, 2019-05-09. This book evaluates the risks that China's intellectual property IP regime poses to innovation. China's IP regime has been heavily criticized as potentially stifling innovation. However, the country's innovation capabilities have risen significantly, and major reforms have recently been made to its IP regime. How risky really is China's IP regime for innovation? This book investigates this question at different units of analysis based on a multidisciplinary assessment involving law, management, economics, and political science. Specifically, it critically appraises China's substantive IP laws, measures for boosting patent quantity and quality, measures for transmitting and exploiting

technological knowledge new experimental IP measures and China's systems for administering and enforcing IP Practitioners and scholars from various backgrounds can benefit from the up to date analysis as well as the practical managerial tools provided including risk assessment matrices for businesses and recommendations for institutional reform

**Anti-monopoly Law and Practice in China** H. Stephen Harris, 2011 Anti Monopoly Law and Practice in China is the first comprehensive treatment of the 2008 China Anti Monopoly Law and the practice of antitrust law under this new system

Chinese Intellectual Property and Technology Laws Rohan Kariyawasam, 2011-01-01 The rapid evolution of China from an emerging to a mature intellectual property jurisdiction has far reaching implications for the law policy and practice of IP and their links with competition and technology law Produced in the year China rose to fourth rank globally as user of the international patent system this volume is an invaluable guide for the policymaker the analyst and the practitioner alike setting a thorough exposition of the substantive law and its application within a broader policy context and offering a comprehensive timely overview of an IP system just at the time it begins to assume central significance on the world stage Antony Taubman Director IP Division WTO This edited volume offers an excellent comprehensive overview of China's intellectual property and technology laws The eminent contributors to this volume have played important roles in shaping China's IP system and in tackling the many challenges confronting it By making their views of the system readily accessible to an English audience this volume will undoubtedly add to our understanding of the legal protections and challenges facing innovation industries in China Mark Wu Harvard Law School US The pioneering studies in this book examine the fundamental role of intellectual property and technology laws as China is moving from made in China to created in China This book also helps us to understand about the interplay between China's intellectual property protection system and the potential for transition of China's economy and provides numerous means to deal with the legislative difficulties in China's innovation oriented strategy Wu Handong Zhongnan University of Economics and Law China Written by some of China's leading academic experts and with a foreword by the former Chief Justice of the IP Tribunal of China's Supreme People's Court this book combines for the very first time a review of both Chinese intellectual property and technology laws in a single volume in English The book initially focuses on recent amendments to the laws of copyright trademarks patents before moving on to discuss unfair competition and trade secrets and the protection of intellectual property over electronic networks Other chapters cover the regulation of digital networks and telecommunications IT and E commerce the new antimonopoly law and competition and China's position on the TRIPS agreement Of special note is a chapter written by in house Counsel and the Chairman of the Quality Brands Protection Committee a coalition of well known multinational brands reviewing both brand protection and practical enforcement of intellectual property in China This book will appeal to scholars and postgraduate students in commercial law especially in IP trade competition and technology Chinese studies and business as well as regulators international agencies and law firms Management consultancy and accounting firms banks and

investment firms will also find this book invaluable      China's Foreign Investment Legal Regime Yuwen Li, Cheng Bian, 2022-03-10 China has developed a piecemeal pattern of regulating foreign investment since the end of 1970s The latest law is the Foreign Investment Law FIL which became effective on 1 January 2020 The groundbreaking new FIL is well acknowledged for its promises and affirmations pledged to investors signalling China's eagerness to improve its investment environment and regain momentum for investment growth This book provides an updated and holistic understanding of the key features of the regulatory regime on foreign investment in China with critical analysis of laws and their implementation It also examines sensitive and complex legal issues relevant to foreign investment beyond the 2020 FIL and new developments on foreign related dispute settlement The book uses cases of success and failure to illustrate the nuances and differences between law and practice regarding foreign investment Considering China's magnitude in the global economy and the weighty role of the regulatory system on foreign investment in China this book is of great interest to a wide range of audience including academics in the field of investment law legal practitioners policymakers and master's students in law and in management      **Intellectual Property Enforcement in China** Chengsi Zheng, 1997 A volume of cases with commentary on the enforcement of intellectual property rights in the People's Republic of China It provides a complete review of China's recently introduced intellectual property laws and practical enforcement methods Translations of the opinions of the Supreme People's Court on current intellectual property cases are also included The text can be used as a complementary volume to Intellectual Property Law in China ISBN 0 421 56910 7

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