

Decision of the Standing Committee of the National People's Congress on Establishing Intellectual Property Right Courts in Beijing, Shanghai and Guangzhou

(Adopted at the 10th session of the Standing Committee of the Twelfth National People's Congress on August 31, 2014)

To promote the implementation of the national strategy of development driven by innovation, further strengthen the judicial protection of intellectual property rights, effectively protect the lawful rights and interests of right holders in accordance with the law, and maintain public interest, the following Decision is hereby made in accordance with the Constitution and the Law on the Organization of People's Courts:

Article One. Intellectual property right courts shall be established in Beijing, Shanghai and Guangzhou.

The setting of Intellectual Property Court courtrooms shall be determined by the Supreme People's Court according to the type and number of intellectual property cases.

Article Two. IP courts shall have jurisdiction over civil and administrative lawsuits of first instance featuring relatively high professionalism and technique, including patents, new plant varieties, integrated circuit layout designs and know-hows.

The Beijing IP court shall have jurisdiction over administrative lawsuits of first instance for granting and confirming intellectual property rights, which are filed out of dissatisfaction with adjudications or decisions made by administrative departments of the State Council.

IP courts shall operate on the principle of cross-regional jurisdiction regarding cases stipulated the first paragraph. Within the three-year period from the establishment of IP courts, the cross-regional jurisdiction may be preliminarily exercised within the provinces (municipalities) where IP courts are located.

Article Three. IP courts are entitled to hear appellate cases against civil or administrative judgments or adjudications of first instance related to copyright, trademark etc. made by basic People's Courts located in the municipalities to which the IP courts belong.

Article Four. High People's Courts located where IP courts are situated, have jurisdiction over appellate cases against the judgments or adjudications of first instance made by IP courts.

Article Five. The IP courts will be supervised by the Supreme People's Court, the local High People's court and the procuratorate according to law.

Article Six. The chief justice of the local IP court will be decided by meeting of directors of the standing committee of the municipal people's congress where the IP court is located and subject to appointment by the local people's congress.

The deputy minister of justice of the court, chief judge of tribunals, judicial officers, and members of the judicial committee will be decided by the chief justice of the IP court and subject to appointment by the standing committee of the municipal people's congress where the courts are located.

The IP courts will be responsible to and reporting to the standing committee of the municipal people's congress where the courts are located.

Article Seven. The Supreme People's Court shall report on the implementation of the IP courts to the National People's Congress three years from enforcement of this Decision.

Article Eight. This Decision takes effect as of publication.