



Patent Litigation in China

Douglas Clark

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The rise of China's economy has led to a substantial increase in disputes involving intellectual property rights, including patents. Not only are foreign companies suing domestic companies and domestic companies suing foreign companies, but patent disputes between foreign companies are also being litigated in the Chinese courts. Patent Litigation in China, by Douglas Clark, provides U.S. and other non-Chinese practitioners with an overview of the patent litigation system in China. Strategic commentary is provided to enable those contemplating or involved in patent litigation in China to better comprehend the risks and challenges they face, as well as to ensure better decision-making by those responsible for bringing or defending patent actions. The book covers the tests for patentability grounds for invalidating patents before focusing on evidence gathering, litigation strategy and procedure, as well as considering defenses and remedies. The key differences between the Chinese, U.S. and other more mature patent systems are highlighted throughout the book. Appendices include Chinese to English translations of the Patent Law of the People's Republic of China; Implementing Regulations of the Patent Law; Interpretation by the Supreme People's Court on Several Issues regarding Legal Application in the Adjudication of Patent Infringement Cases; Several Provisions of the Supreme People's Court for the Application of Law to Pre-Trial Cessation of Infringement of Patent Right; Several Provisions of the Supreme People's Court on Issues Relating to Application of Law to Adjudication of Cases of Patent Disputes.

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