
**CHINA'S SUPREME PEOPLE'S COURT AND SUPREME PEOPLE'S
PROCURATORATE ISSUE INTERPRETATION ON SEVERAL
ISSUES CONCERNING THE
APPLICATION OF LAW IN HANDLING CRIMINAL CASES OF
INTELLECTUAL
PROPERTY INFRINGEMENT**

In order to punish crimes of infringement of intellectual property rights in accordance with the law and maintain the socialist market economic order, in accordance with the relevant provisions of the Criminal Law of the People's Republic of China, the Criminal Procedure Law of the People's Republic of China and other laws, and in combination with judicial practice, we hereby explain several issues concerning the application of law in handling criminal cases of infringement of intellectual property rights as follows:

Article 1

Where a person uses a trademark identical to a registered trademark on the same kind of goods or services without the permission of the registered trademark owner, any of the following circumstances shall be deemed to be “the same kind of goods or services” as provided for in Article 213 of the Criminal Law:

1. The names of the goods actually produced and sold, or the names of the services actually provided by the actor are the same as the names of the goods or services approved for use by the right holder’s registered trademark;
2. The commodity names are different, but the functions, uses, main raw materials, consumers, sales channels, etc. are the same or substantially the same, and the relevant public generally believes that they are the same kind of commodities;
3. The service names are different, but the purpose, content, method, object, location, etc. of the services are the same or substantially the same, and the relevant public generally believes that they are the same type of services.

To determine “the same kind of goods or services”, a comparison should be made between the goods or services approved for use by the right holder’s registered trademark and the goods or services actually produced and sold, or the services actually provided, by the actor.

Article 2

A trademark that is identical to a counterfeited registered trademark, or that is substantially indistinguishable from a counterfeited registered trademark and sufficient to mislead the relevant public, shall be deemed a “trademark that is identical to its registered trademark” as provided for in Article 213 of the Criminal Law. A trademark that is substantially indistinguishable from a counterfeited registered trademark and sufficient to mislead the relevant public shall be deemed to be a trademark that is substantially indistinguishable from a counterfeited registered trademark and sufficient to mislead the relevant public if any of the following circumstances exists:

1. Changing the font, uppercase and lowercase letters, or the horizontal and vertical arrangement of the characters of a registered trademark, which is basically indistinguishable from the registered trademark;

2. Changing the spacing between words, letters, numbers, etc. of a registered trademark, which is basically indistinguishable from the registered trademark;
3. Changing the color of a registered trademark does not affect the distinctive features of the registered trademark;
4. merely adding to a registered trademark elements that lack distinctive features, such as the common name of the goods or model number, which do not affect the distinctive features of the registered trademark;
5. There is basically no difference between the three-dimensional signs and the two-dimensional elements of the three-dimensional registered trademark;
6. Other marks that are basically indistinguishable from the registered trademark and are sufficient to mislead the relevant public.

Article 3

Where a person uses a trademark identical to a registered trademark on the same kind of goods without the permission of the registered trademark owner, any of the following circumstances shall be deemed to be a “serious circumstance” as provided for in Article 213 of the Criminal Law:

1. The amount of illegal income is RMB 30,000 or more, or the amount of illegal business is RMB 50,000 or more;
2. counterfeiting two or more registered trademarks, with illegal gains exceeding RMB 20,000 or illegal business volume exceeding RMB 30,000;
3. Having been subject to criminal or administrative punishment for committing an act specified in Articles 213 to 215 of the Criminal Law within two years, he commits the act again, and the amount of illegal gains is more than RMB 20,000 or the amount of illegal business is more than RMB 30,000;
4. Other circumstances of a serious nature.

If a person uses a trademark identical to a registered trademark on the same kind of service without the permission of the registered trademark owner, any of the following circumstances shall be deemed to be a “serious circumstance” as provided for in Article 213 of the Criminal Law:

1. The amount of illegal gains is RMB 50,000 or more;
2. counterfeiting two or more registered trade-

marks, with the amount of illegal gains exceeding RMB 30,000;

3. Having been subject to criminal or administrative punishment for committing an act specified in Articles 213 to 215 of the Criminal Law within two years, he commits the act again, and the amount of illegal gains is RMB 30,000 or more;
4. Other circumstances of a serious nature.

Where a person counterfeits both a registered trademark for goods and a registered trademark for services, and the amount of illegal gains from the counterfeit registered trademark for goods is less than the standard prescribed in the first paragraph of this Article, but the total amount of illegal gains from the counterfeit registered trademark for services reaches the standard prescribed in the second paragraph of this Article, it shall be deemed as “serious circumstances” as prescribed in Article 213 of the Criminal Law.

If the amount of illegal gains or illegal business operations reaches ten times or more the standards specified in the first three paragraphs of this article, it shall be deemed as “particularly serious circumstances” as stipulated in Article 213 of the Criminal Law.

Article 4

Anyone who sells goods bearing counterfeit registered trademarks shall be deemed to have “knowingly” done so as provided for in Article 214 of the Criminal Law if any of the following circumstances exists, unless there is evidence proving that the person was truly unaware:

1. Knowing that the registered trademark on the goods he sells has been altered, replaced or covered;
2. Forging or altering a trademark registrant’s authorization document or knowing that the document has been forged or altered;
3. A person who has been subject to criminal or administrative penalties for selling goods bearing counterfeit registered trademarks and then sells the same goods bearing counterfeit registered trademarks;
4. purchasing or selling goods at prices significantly lower than the market price without justifiable reasons;
5. after being discovered by administrative law enforcement agencies or judicial agencies to be selling goods bearing counterfeit registered trademarks, transferring or destroying infrin-

ging goods, accounting documents and other evidence, or providing false certification;

6. Other circumstances that may be regarded as knowing that the goods are counterfeit registered trademarks.

Article 5

Where a person knowingly sells goods that are counterfeit registered trademarks and the amount of illegal proceeds is more than RMB 30,000, it shall be deemed as “a relatively large amount of illegal proceeds” as provided for in Article 214 of the Criminal Law. If any of the following circumstances exists, it shall be deemed as “other serious circumstances” as provided for in Article 214 of the Criminal Law:

1. The sales amount is RMB 50,000 or more;
2. Having been subject to criminal or administrative punishment for committing an act specified in Articles 213 to 215 of the Criminal Law within two years, he commits the act again, and the amount of illegal gains is more than RMB 20,000 or the amount of sales is more than RMB 30,000;
3. The value of the goods bearing counterfeit registered trademarks that have not yet been sold reaches three times or more the sales amount standards prescribed in the first two paragraphs of this paragraph, or the sales amount of the goods that have been sold is less than the sales amount standards in the first two paragraphs of this paragraph, but the total value of the goods and the sales amount of the goods that have not yet been sold reaches three times or more the sales amount standards prescribed in the first two paragraphs of this paragraph.

If the amount of illegal proceeds, sales amount, value of goods, or the total of sales amount and value of goods reaches ten times or more of the standard specified in the preceding paragraph of this Article, it shall be deemed as “the amount of illegal proceeds is huge or there are other particularly serious circumstances” as stipulated in Article 214 of the Criminal Law.

Article 6

Forging or unauthorized manufacturing of another person’s registered trademark or selling forged or unauthorized registered trademark shall be deemed to be a “serious circumstance” as provided for in Article 215 of the Criminal Law if any of the following circumstances exists:

1. The number of labels is more than 10,000, or the amount of illegal income is more than 20,000 yuan, or the amount of illegal business is more than 30,000 yuan;
2. Forging, manufacturing without authorization, or selling forged or unauthorized manufacturing of two or more registered trademarks, the number of which is more than 5,000, or the amount of illegal gains is more than RMB 10,000, or the amount of
3. illegal business is more than RMB 20,000;
4. Having been subject to criminal or administrative punishment for committing an act specified in Articles 213 to 215 of the Criminal Law within two years, and committing the act again, the number of labels is more than 5,000, or the amount of illegal income is more than RMB 10,000, or the amount of illegal business is more than RMB 20,000; selling registered trademark signs illegally manufactured by others, where the number of signs that have not yet been sold reaches three times or more the standards specified in the first three items of this paragraph, or the number of signs that have been sold is less than the standards specified in the first three items of this paragraph, but the total number of signs that have not yet been sold reaches three times or more the standards specified in the first three items of this paragraph;
5. Other serious circumstances.

If the number of labels, the amount of illegal income, and the amount of illegal business reach more than five times the standards specified in the preceding paragraph of this article, it shall be deemed as “particularly serious circumstances” as stipulated in Article 215 of the Criminal Law.

Article 7

The term “two or more registered trademarks” as used in this interpretation refers to two or more registered trademarks that identify different sources of goods or services. Although the registered trademarks are different, if they are used on the same goods or services and point to the same source of goods or services, they should not be considered as “two or more registered trademarks”.

The term “piece” of a registered trademark logo as used in this interpretation generally refers to a logo with a complete trademark image. If several logo images are printed on a tangible carrier and the

logo image cannot be used independently without the tangible carrier, it shall be deemed as one logo.

Article 8

Whoever commits the crime of counterfeiting registered trademarks as provided for in Article 213 of the Criminal Law and also sells goods bearing the counterfeit registered trademarks, and where such a crime is constituted, he shall be convicted and punished for the crime of counterfeiting registered trademarks in accordance with the provisions of Article 213 of the Criminal Law.

If a person commits the crime of counterfeiting registered trademarks as stipulated in Article 213 of the Criminal Law and sells goods that he knows are counterfeit registered trademarks of others, and the crime is constituted, he shall be punished for multiple crimes.

Article 9

Any of the following circumstances shall be deemed as “counterfeiting another’s patent” as provided for in Article 216 of the Criminal Law:

1. Forging or altering another person’s patent certificate, patent document or patent application document;
2. Marking the patent number of another person on the products or product packaging manufactured or sold without permission;
3. Using another’s patent number in a contract, product manual, advertisement or other promotional materials without permission, causing others to mistakenly believe that the invention, utility model or design is that of another.

Article 10

Anyone who counterfeits another person’s patent shall be deemed to be a “serious circumstance” as provided for in Article 216 of the Criminal Law if any of the following circumstances exists:

1. The amount of illegal income is more than RMB 100,000 or the amount of illegal business operations is more than RMB 200,000;
2. causing direct economic losses of more than RMB 300,000 to the patentee;
3. counterfeiting two or more patents of others, with illegal gains exceeding RMB 50,000 or illegal business volume exceeding RMB 100,000;
4. Having been subject to criminal or administrative penalties for counterfeiting another person’s patent within two years, he again com-

mits the act, and the amount of illegal gains is more than RMB 50,000 or the amount of illegal business is more than RMB 100,000;

5. Other serious circumstances.

Article 11

Any act of infringing upon copyright or rights related to copyright without obtaining authorization from the copyright owner, producer of audio or video recordings, or performer, or forging or altering authorization documents, or exceeding the scope of the authorization, shall be deemed as “without the permission of the copyright owner”, “without the permission of the producer of audio or video recordings”, or “without the permission of the performer” as stipulated in Article 217 of the Criminal Law.

A natural person, legal person or unincorporated organization that signs a work or audio or video product in a usual manner as provided for in Article 217 of the Criminal Law shall be presumed to be the copyright owner or audio or video producer, and shall have corresponding rights in the work or audio or video product, unless there is evidence to the contrary.

In cases where there are many types of works, audio and video products involved and the rights holders are scattered, if there is evidence that the works, audio and video products involved were illegally published, copied and distributed, or disseminated to the public through information networks, and the publishers, copy distributors, and information network disseminators cannot provide relevant evidence materials for obtaining permission from the copyright owner, audio and video producer, or performer, it can be determined as “without the permission of the copyright owner”, “without the permission of the audio and video producer”, or “without the permission of the performer” as stipulated in Article 217 of the Criminal Law. However, this does not apply if there is evidence that the rights holder has waived his rights, the copyright of the works involved or the relevant rights of the audio and video products and performers are not protected by China’s Copyright Law, or the protection period of the rights has expired.

Article 12

The act of reproducing and distributing, or reproducing for the purpose of distributing, a work or audio or video recording without the permission of the copyright owner or the owner of rights related to

the copyright shall be deemed as “reproduction and distribution” as stipulated in Article 217 of the Criminal Law.

Without the permission of the copyright owner or the owner of rights related to the copyright, providing works, audio and video products, or performances to the public by wired or wireless means so that the public can obtain them at a time and place of their choice shall be deemed as “dissemination to the public through an information network” as stipulated in Article 217 of the Criminal Law.

Article 13

Where an act of infringing upon copyright or copyright-related rights as provided for in Article 217 of the Criminal Law is carried out, and the amount of illegal proceeds is RMB 30,000 or more, it shall be deemed as “a relatively large amount of illegal proceeds” as provided for in Article 217 of the Criminal Law; where any of the following circumstances exists, it shall be deemed as “other serious circumstances” as provided for in Article 217 of the Criminal Law:

1. The amount of illegal business operations is more than RMB 50,000;
2. Having been subject to criminal or administrative punishment for committing an act specified in Articles 217 and 218 of the Criminal Law within two years, he commits the act again, and the amount of illegal gains is more than RMB 20,000 or the amount of illegal business is more than RMB 30,000;
3. copying and distributing another person’s work or audio or video recording, where the total number of copies is 500 or more;
4. disseminating to the public through information networks other people’s works, audio and video recordings or performances, the total number of which is 500 or more, or the number of which is downloaded more than 10,000 times, or the number of which is clicked more than 100,000 times, or disseminating through a membership system with more than 1,000 registered members;
5. The amount or quantity does not reach the standards specified in Items 1 to 4 of this paragraph, but reaches more than half of two or more of the standards.

If a person knowingly provides others with devices or components mainly used to circumvent or destroy technical measures, or provides technical ser-

vices for others to circumvent or destroy technical measures, and the amount of illegal gains or illegal business reaches the standards prescribed in the preceding paragraph, he shall be held criminally liable for the crime of copyright infringement.

If the amount or quantity reaches more than ten times the corresponding standards stipulated in the first two paragraphs of this article, it shall be deemed as “the illegal proceeds are huge or there are other particularly serious circumstances” as stipulated in Article 217 of the Criminal Law.

Article 14

If a person knowingly sells infringing copies as provided for in Article 217 of the Criminal Law, and the amount of illegal proceeds is RMB 50,000 or more, he shall be deemed to have committed the “huge amount of illegal proceeds” as provided for in Article 218 of the Criminal Law. If any of the following circumstances exists, he shall be deemed to have committed the “other serious circumstances” as provided for in Article 218 of the Criminal Law:

1. The sales amount is more than RMB 100,000;
2. Having been subject to criminal or administrative punishment for committing an act specified in Article 217 or Article 218 of the Criminal Law within two years, he commits the act again, and the amount of illegal gains is more than RMB 30,000 or the amount of sales is more than RMB 50,000;
3. selling another person’s work or audio or video recording, where the total number of copies is more than one thousand;
4. The value of the infringing copies that have not yet been sold or the number of infringing copies that have not yet been sold is more than three times the standards set forth in the first three items of this paragraph; or the value or number of infringing copies that have been sold is less than the standards set forth in the first three items of this paragraph, but the total value or number of infringing copies that have not yet been sold is more than three times the standards set forth in the first three items of this paragraph.

Article 15

Whoever commits the crime of copyright infringement as provided for in Article 217 of the Criminal Law and also sells the infringing copies, and this constitutes a crime, shall be convicted and puni-

shed for the crime of copyright infringement in accordance with the provisions of Article 217 of the Criminal Law.

If a person commits the crime of copyright infringement as provided for in Article 217 of the Criminal Law and knowingly sells the infringing copies of others’ works, and this constitutes a crime, he shall be punished for multiple crimes.

Article 16

Obtaining commercial secrets by means of illegal copying or other means shall be deemed as “theft” as provided for in Article 219, paragraph 1, item 1 of the Criminal Law; obtaining commercial secrets by means of unauthorized or unauthorized use of computer information systems or other means shall be deemed as “electronic intrusion” as provided for in Article 219, paragraph 1, item 1 of the Criminal Law.

Article 17

Infringement of trade secrets under any of the following circumstances shall be deemed to be a “serious circumstance” as provided for in Article 219 of the Criminal Law:

1. causing losses of more than RMB 300,000 to the owner of the rights of the trade secrets;
2. The amount of illegal gains from infringement of trade secrets is more than RMB 300,000;
3. Having been subject to criminal or administrative punishment for committing an act specified in Article 219 or Article 219-1 of the Criminal Law within two years, he commits the act again, causing losses or illegal gains of more than RMB 100,000;
4. Other circumstances of a serious nature.

If the infringement of trade secrets directly leads to the bankruptcy or closure of the rights holder of the trade secrets due to major operational difficulties, or the amount is more than ten times the standard specified in the preceding paragraph of this article, it shall be deemed as “particularly serious circumstances” as stipulated in Article 219 of the Criminal Law.

Article 18

The “amount of loss” for infringement of trade secrets as provided for in this Interpretation shall be determined in the following manner:

1. Where the business secrets of the right holder are obtained by improper means and have not

yet been disclosed, used or allowed to be used by others, the amount of loss may be determined based on the reasonable licensing fee for the business secrets;

2. If a person obtains the right holder's trade secrets by unfair means and then discloses, uses or allows others to use the trade secrets, the amount of loss may be determined based on the loss of profits caused by the right holder's infringement. However, if the amount of loss is lower than the reasonable license fee for the trade secrets, it shall be determined based on the reasonable license fee;
3. If a person violates the obligation to keep confidentiality or the right holder's request to keep business secrets confidential and discloses, uses or allows others to use the business secrets in his possession, the amount of loss may be determined based on the loss of profits caused by the right holder due to the infringement;
4. Where a person knowingly obtains, discloses, uses or allows others to use a trade secret by improper means or in violation of the obligation to keep the trade secret or the right holder's requirement to keep the trade secret, but still obtains, discloses, uses or allows others to use the trade secret, the amount of loss may be determined based on the loss of profits caused by the right holder due to the infringement;
5. If a trade secret has become known to the public or has been lost due to an act of infringing a trade secret, the amount of loss may be determined based on the commercial value of the trade secret.

The commercial value of a trade secret may be determined based on a combination of factors such as the research and development costs of the trade secret and the benefits of implementing the trade secret.

The loss of profits caused by infringement of the rights holder specified in the second to fourth items of the preceding paragraph can be determined by multiplying the total number of product sales reductions caused by the infringement by the reasonable profit of each product of the rights holder; if the total number of product sales reductions cannot be determined, it can be determined by multiplying the sales volume of the infringing products by the reasonable profit of each product of the rights holder. If the trade secret is used for other business activities such as services, the amount of loss can be determined based on the reasonable profit

reduced by the rights holder due to infringement. The remedial expenses incurred by the right holder of the trade secret to mitigate the losses to business operations or business plans or to restore the security of computer information systems or other systems should be included in the losses caused to the right holder of the trade secret.

Article 19

The "amount of illegal gains" from infringement of trade secrets as provided for in this Interpretation refers to the value of property or other property benefits obtained by disclosing or allowing others to use trade secrets, or the profits obtained by using trade secrets. Such profits can be determined by multiplying the sales volume of the infringing products by the reasonable profit of each infringing product.

Article 20

If a foreign institution, organization or individual steals, spies on, buys or illegally provides commercial secrets and the circumstances specified in Article 17 of this Interpretation exist, it shall be deemed as "serious circumstances" as specified in Article 219 of the Criminal Law.

Article 21

In criminal proceedings, if a party, defender, litigation agent or non-party applies in writing for confidentiality measures to be taken with respect to evidence or materials concerning commercial secrets or other commercial information that needs to be kept confidential, necessary confidentiality measures shall be taken, such as organizing the litigation participants to sign a confidentiality commitment letter, based on the circumstances of the case.

Anyone who violates the requirements of the confidentiality measures in the preceding paragraph or the confidentiality obligations stipulated by laws and regulations shall bear corresponding responsibilities in accordance with the law.

Anyone who discloses, uses or allows others to use commercial secrets accessed or obtained in criminal proceedings without authorization shall be held criminally liable in accordance with the law if a crime is constituted.

Article 22

Anyone who knowingly commits a crime of intellectual property infringement by another person

and commits any of the following acts shall be treated as a co-offender, except where otherwise provided by law or judicial interpretation:

1. Providing assistance in producing or manufacturing the main raw materials, auxiliary materials, semi-finished products, packaging materials, machinery and equipment, labels and logos, production technology, formulas, etc. for the production or manufacture of infringing products;
2. Providing loans, funds, accounts, licenses, payment settlement and other services;
3. Providing production or business premises or transportation, warehousing, storage, express delivery, mailing and other services;
4. Providing technical support such as Internet access, server hosting, network storage, and communication transmission;
5. Other circumstances of assisting crimes of infringement of intellectual property rights.

Article 23

Where any of the following circumstances exist in the commission of a crime of infringement of intellectual property rights, a heavier punishment shall generally be imposed as appropriate:

1. Mainly engaged in infringement of intellectual property rights;
2. counterfeiting registered trademarks of goods or services such as emergency and disaster relief supplies or epidemic prevention materials during major natural disasters, accidents, disasters, or public health incidents;
3. Refusing to hand over illegal gains.

Article 24

Where a crime of infringement of intellectual property rights exists and any of the following circumstances exists, a lighter punishment may be given in accordance with law:

1. Those who plead guilty and accept punishment;
2. the right holder has obtained forgiveness;
3. Obtaining the right holder's business secrets by improper means but not disclosing, using or allowing others to use them.

If the circumstances of the crime are minor, prosecution may be waived or criminal punishment may be exempted in accordance with the law. If the circumstances are significantly minor and the harm is not serious, they shall not be treated as crimes.

Article 25

Those who commit crimes of infringement of intellectual property rights shall be sentenced to a fine in accordance with the law by taking into account the amount of illegal gains from the crime, the amount of illegal business, the amount of losses caused to the right holder, the number of infringing and counterfeit goods and the social harm, etc.

The amount of the fine is generally determined to be between one and ten times the amount of the illegal income. If the amount of the illegal income cannot be ascertained, the amount of the fine is generally determined to be between 50% and one time the amount of the illegal business. If both the amount of the illegal income and the amount of the illegal business cannot be ascertained, if a sentence of less than three years of fixed-term imprisonment, criminal detention or a fine is imposed, the amount of the fine is generally determined to be between RMB 30,000 and RMB 1 million; if a sentence of more than three years of fixed-term imprisonment is imposed, the amount of the fine is generally determined to be between RMB 150,000 and RMB 5 million.

Article 26

If an organization commits any of the acts specified in Articles 213 to 219 of the Criminal Law, the organization shall be sentenced to a fine, and the directly responsible supervisors and other directly responsible persons shall be punished in accordance with the conviction and sentencing standards prescribed in these Interpretations.

Article 27

Except in special circumstances, goods with counterfeit registered trademarks, illegally manufactured registered trademark signs, infringing copies, and materials and tools mainly used to manufacture goods with counterfeit registered trademarks, registered trademark signs or infringing copies shall be confiscated and destroyed in accordance with the law.

If the above-mentioned items need to be used as evidence in civil or administrative cases, they may be destroyed upon application by the right holder after the civil or administrative case is concluded or after the evidence is fixed by means of sampling, photographing, etc.

Article 28

The "amount of illegal business" referred to in this

interpretation refers to the value of the infringing products manufactured, stored, transported, and sold by the perpetrator in the process of committing an act of infringement of intellectual property rights. The value of the infringing products that have been sold shall be calculated according to the actual sales price. The value of the infringing products that have not yet been sold shall be calculated according to the actual sales average price of the infringing products that have been ascertained. If the actual average sales price cannot be ascertained, it shall be calculated according to the marked price of the infringing products. If the actual sales price cannot be ascertained or the infringing products have no marked price, it shall be calculated according to the market median price of the infringed products.

The “value of goods” referred to in this interpretation shall be determined in accordance with the value of the unsold infringing intellectual property rights products stipulated in the preceding paragraph.

The “sales amount” referred to in this interpretation refers to all illegal income obtained by and owed to the person from the sale of infringing products during the process of committing acts of infringement of intellectual property rights.

The “amount of illegal income” referred to in this interpretation refers to the total illegal income obtained by and owed to the perpetrator after selling products that infringe intellectual property rights, minus the purchase price of raw materials and products sold; if services are provided, minus the purchase price of products used in the service. If a person makes a profit by charging service fees, membership fees or advertising fees, the fees collected shall be deemed as “illegal income”.

Article 29

Where intellectual property rights infringement is committed multiple times and has not been dealt with but should be prosecuted according to law, the amounts and quantities involved in conviction and sentencing shall be calculated cumulatively.

For products that have been completed but have not yet been affixed with counterfeit registered trademark logos or have not yet been fully affixed with counterfeit registered trademark logos, if there is evidence that the product will counterfeit another person’s registered trademark, its value will be included in the amount of illegal business operations.

Article 30

Where a people’s court accepts a criminal private prosecution case involving infringement of intellectual property rights in accordance with law, and where a party is unable to obtain evidence due to objective reasons but is able to provide relevant clues when filing a private prosecution and applies to the people’s court for the evidence, the people’s court shall obtain the evidence in accordance with law.

Article 31

This interpretation shall come into force on April 26, 2025.



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