

Court Jurisdiction for Hearing IP Cases in China

Court	Subject Matter	Territorial	Financial thresholds
Supreme People's Court	<ol style="list-style-type: none"> All IP matters on re-trial from SPC IP Tribunal First instance in very important cases (which will be very rare with establishment of SPC IP Tribunal) 	All of China	None
SPC IP Tribunal	<ol style="list-style-type: none"> First instance in very important cases Second Instance appeal court for civil and administrative cases relating to patent infringement and validity cases, high technology cases (not including design patents) and anti-monopoly cases from higher people's courts or intermediate people's courts Second Instance appeal on all other IP matters from higher people's courts "Re-trial court" for final IP decisions 	All of China	None
Higher People's Courts	<ol style="list-style-type: none"> First instance in high value cases Appeals from Intermediate people's courts in TM, copyright, unfair competition cases and design cases NOT appeals in high technology cases and anti-monopoly cases which go to SPC IPC Tribunal 	Whole province D in province Infringing act in province On appeal: from a court in province	<ol style="list-style-type: none"> Over RMB 5 billion (US\$850 million) Important cases not subject to this limit if higher people's court accepts case
Beijing IP Court	<ol style="list-style-type: none"> First instance patent and high technology cases Anti-monopoly cases Appeals in IP cases from Basic People's Courts in Beijing Appeals from Trademark Review and Adjudication Department and Re-examination and Invalidation Department 	Beijing D in Beijing Infringing act in Beijing On appeal: Basic People's court in Beijing	Up to RMB 5 billion in TM, copyright, unfair competition cases and design patent infringement cases. No limit in patent (not including design patent) infringement cases, high technology matters and anti-monopoly cases
Shanghai IP Court	<ol style="list-style-type: none"> First instance patent and high-technology cases Anti-Monopoly cases Appeals in IP cases from Basic People's Courts in Shanghai Review of city level administrative decision relating to IP 	Shanghai D in Shanghai Infringing act in Shanghai On appeal: Basic people's court in Shanghai	As for Beijing IP Court

<p>Guangzhou IP Court</p>	<ol style="list-style-type: none"> 1. First instance patent and high technology cases 2. Anti-Monopoly cases 3. Appeals in IP cases from Basic People's Courts within its territorial jurisdiction 	<p>Guangdong Province except Shenzhen</p> <p>D in Guangdong (except Shenzhen)</p> <p>Infringing act in Guangdong (except Shenzhen)</p> <p>On Appeal: basic people's court in Guangzhou City.</p>	<p>As for Beijing IP Court</p>
<p>Intermediate People's Courts (except where IP courts have been established)</p>	<ol style="list-style-type: none"> 1. Patent cases (not all IPCs have jurisdiction) 2. Major cases involving foreigners 3. Appeals from decisions of Customs 4. Cases above financial threshold for Basic People's Court 	<p>Area/Region/City in which they are based</p> <p>Cross region jurisdiction for patent cases</p>	<p>Up to RMB 5 billion</p> <p>Minimum where one party not from same province</p> <p>Jiangsu Zhejiang, Shenzhen: Over RMB 50 Million</p> <p>Tianjin etc: Over RMB 20 million</p> <p>Jilin etc: Over RMB 10 million</p> <p>Tibet etc: Over RMB 5 million</p>
<p>Basic People's Courts where IP courts established</p>	<p>IP Cases not in jurisdiction of IP courts</p>	<p>Guangzhou: within own area</p> <p>In Beijing 6 of 16 and in Shanghai, 4 of 16 basic people's courts have been given cross district jurisdiction to hear IP cases</p>	<p>Less than RMB 5 billion</p>
<p>Basic People's Courts (Except where IP Courts established)</p>	<p>IP Cases not otherwise reserved to intermediate courts</p> <p>Some basic people's courts have jurisdiction to hear design patent cases</p>	<p>Within own area</p>	<p>Below minimum threshold for intermediate people's court</p>
<p>Beijing, Hangzhou, and Guangzhou Internet Courts</p>	<p>Online copyright cases</p>	<p>Within jurisdiction of basic people's courts within their cities</p>	<p>Within the jurisdiction of basic people's court for that city</p>