



**Statistical Analysis Report on Intellectual Property Cases
in the Film and Television Industry
(07.2016–06.2017)**

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Beijing IPHouse Network Technology Co., Ltd.

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Brief Introduction to the Editorial Organization

Beijing IPHOUSE Network Technology Co., Ltd. (hereinafter “IPHOUSE”) is jointly initiated and established by several experienced intellectual property professionals who have been in the field for more than a decade. IPHOUSE focuses on providing retrieving Chinese intellectual property judgment and analyzing the legal data thereof.

Up to now, the IPHOUSE China Intellectual Property Judgment Instrument Database has collected more than 400,000 judgments from the people’s courts at all levels for on intellectual property rights, and all the relevant laws and rules. This database becomes the most complete specialized intellectual property rights database in China.

The IPHOUSE Judicial Data Research Center is the first institution established by IPHOUSE and specializes in researching judicial intellectual property rights data in China. IPHOUSE consists of more than 30 domestic and overseas famous intellectual property professionals, scholars, data analysis experts, etc. whom have the goal to develop and promote the research on China intellectual property rights big data.

IPHOUSE endeavors at providing professional, authoritative and convenient judicial data services on China’s intellectual property rights for Chinese and foreign corporate users, governmental departments, judicial departments, and other professionals.

IPHOUSE utilizes innovation to create new values and serves the IPR with data!

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I . Overall Analysis

1. Number of cases

From the China Intellectual Property Judgement Database (www.iphouse.cn) of IPHouse, we retrieved 15,693 IP cases in the film and television industry that Chinese courts adjudicated between July 2016 and June 2017. Among these cases, 6,397 were closed by means of judgement and 9,296 were closed by means of ruling. The trial level distribution of the cases is shown below:

Trial level	Number of cases
First instance	14,147
Second instance	1,446
Retrial	100

Table 1. Trial level distribution

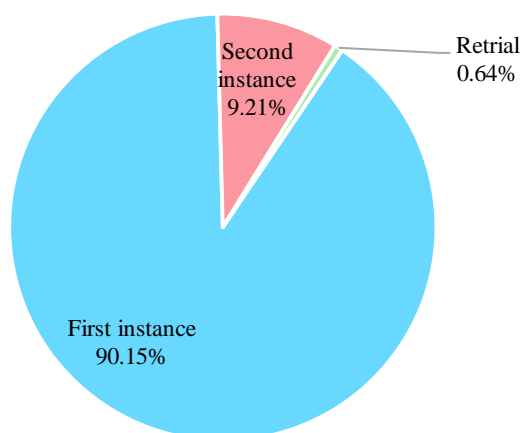


Fig. 1. Trial level distribution

2. Regional distribution

A study of the regional distribution of the film and television industry IP cases reveals the top 10 provinces (or municipalities) for such cases are as follows:

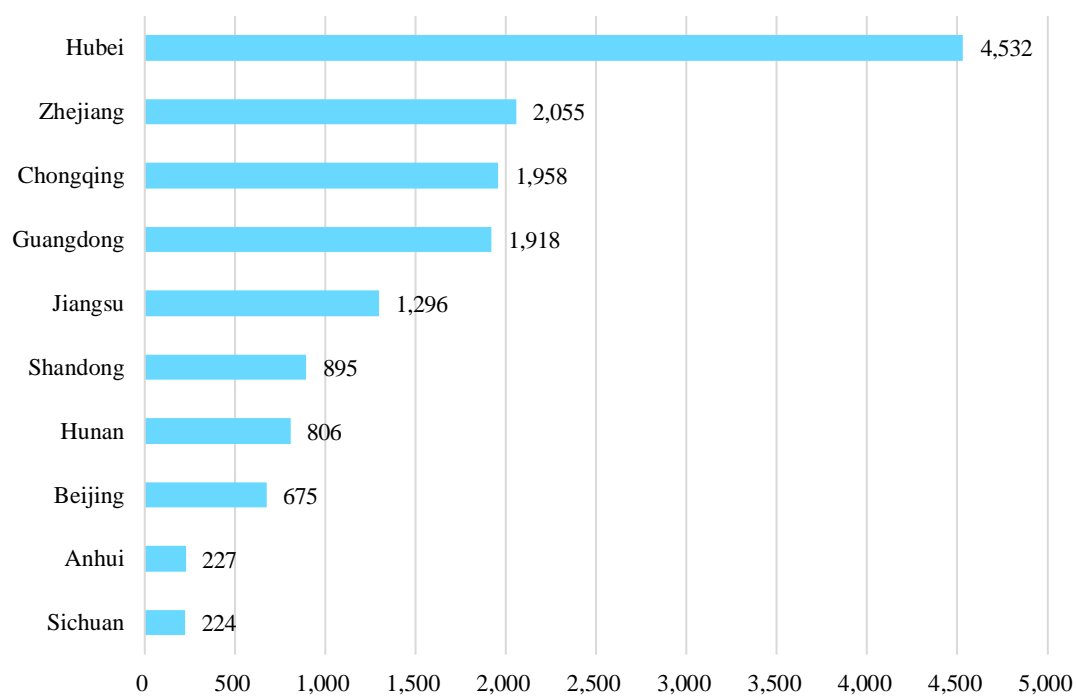


Fig. 2. Top 10 case regions

3. Case type distribution

Distribution of the types of IP cases in the film and television industry is shown below:

Case type	Number of cases
Copyright	15,657
Trademark	25
Patent	3
Unfair competition	17

Table 2. Case type distribution

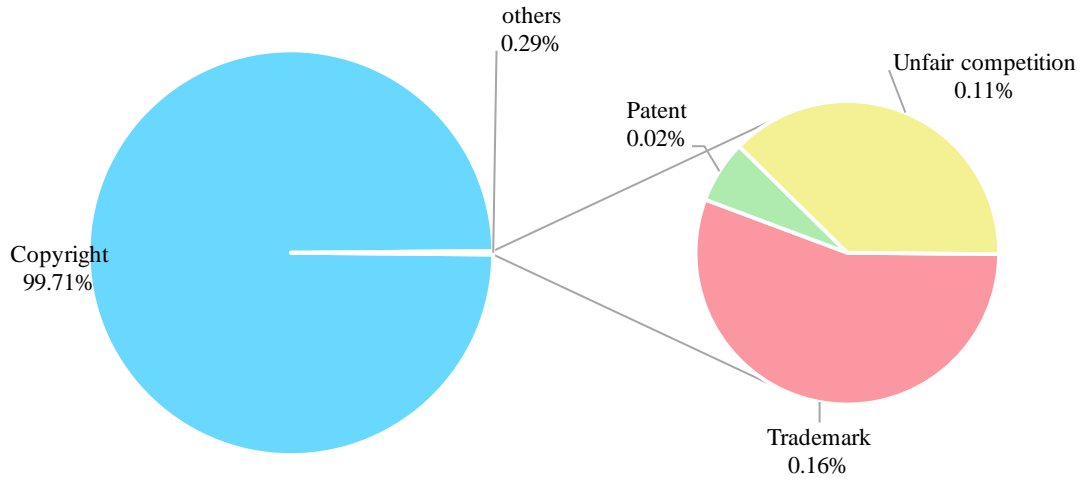


Fig. 3. Case type distribution

4. Length of trial

The figure below shows the average length of trial (days) for cases at different trial levels and with different means of settlement.

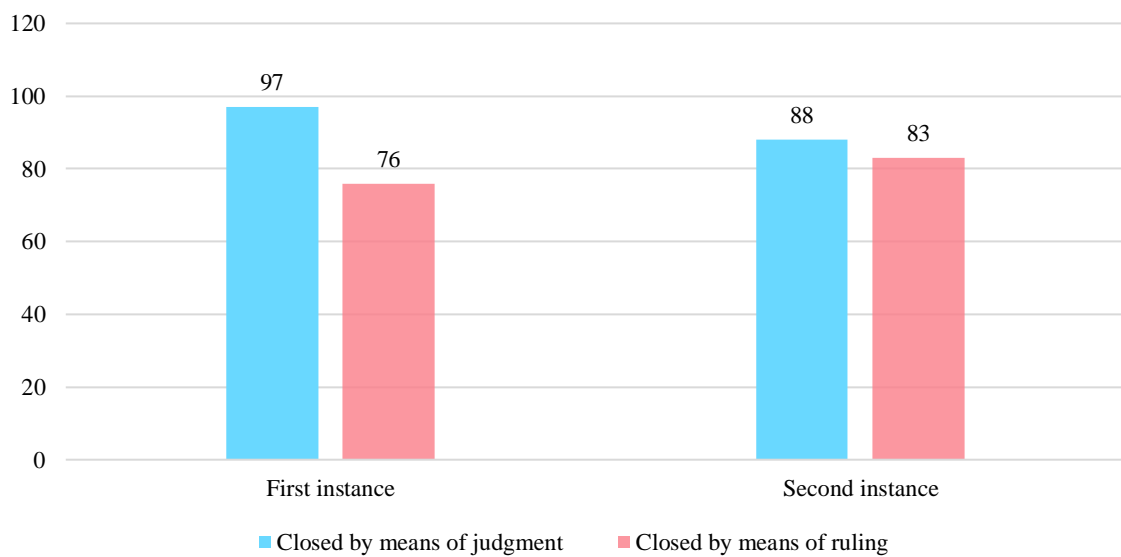


Fig. 4. Trial length distribution

5. Foreign-related cases

Among the film and television industry IP cases that Chinese courts adjudicated between July 2016 and June 2017, three are related to foreign affairs: two copyright cases, one trademark case. One of the copyright cases is infringement dispute, the other is contract dispute. The trademark case is an infringement dispute. The trial level for the cases is shown below:

Trial level	Number of cases
First instance	2
Second instance	1

Table 3. Trial level distribution

In all the three cases, the foreign party was the plaintiff, and the courts all ordered in support of the plaintiff's claims, namely, the claims of the foreign party.

The second-instance case was a contract dispute. The first-instance court rejected the plaintiff's claims on the grounds that the agreement involved hadn't come into force. The second-instance court ruled that although the agreement was not legally effective, part of the rights and duties between the plaintiff and the defendant still existed based on other evidence and the content of the agreement. Therefore, the first-instance judgement was overruled and the plaintiff's claims were upheld.

II. Analysis of Copyright Cases

1. Number of cases

Between July 2016 and June 2017, there were altogether 15,657 film and television industry copyright cases adjudicated by Chinese courts. Among these cases, 6,372 were closed by means of judgement and 9,285 were closed by means of ruling.

The trial level distribution of the cases is shown below:

Trial level	Number of cases
First instance	14,120
Second instance	1,439
Retrial	98

Table4. Trial level distribution

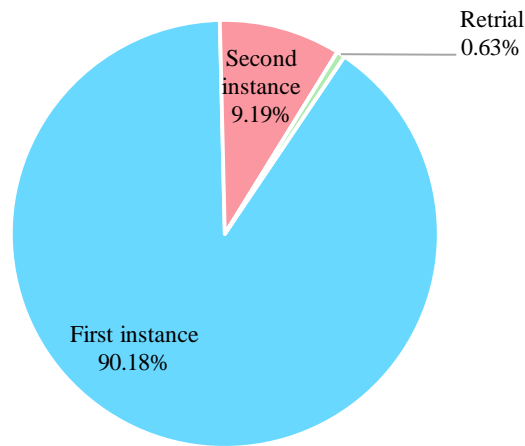


Fig. 5. Trial level distribution

2. Regional distribution

A study of the regional distribution of the film and television industry copyright cases reveals the top 10 provinces (or municipalities) for such cases are as follows:

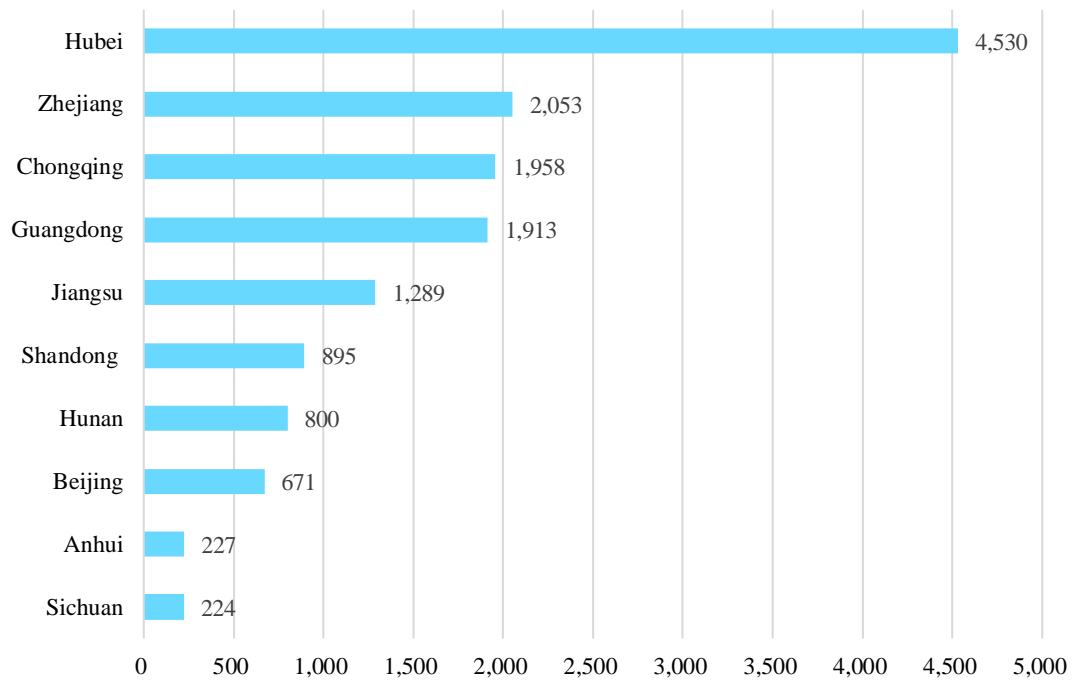


Fig. 6. Top 10 case regions

3. Length of trial

The figure below shows the average length of trial (days) for film and television industry copyright cases at different trial levels and with different means of settlement.

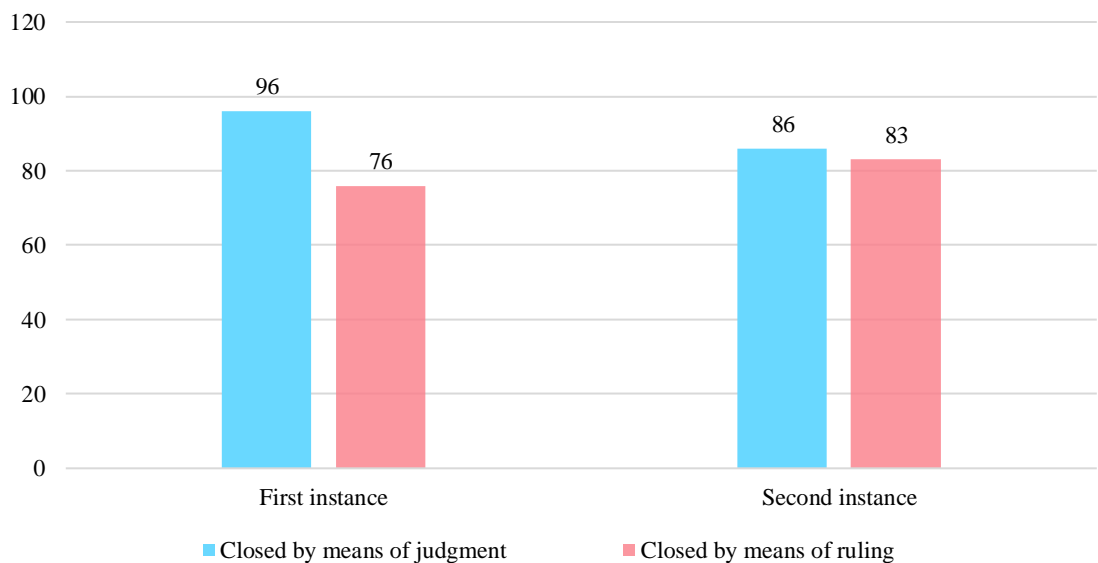


Fig. 7. Trial length distribution

4. Trial results

In the first-instance cases of copyright disputes in the film and television industry, 5,651 were won by the plaintiff, with a winning rate of 99.3%; 8,274 were withdrawn by the plaintiff, with a withdrawal rate of 58.6%. For the rest, one case was not accepted by the court, 152 were dismissed.

Among the second-instance cases, 625 upheld the first-instance trial decisions, accounting for 92.0% of the total; 54 overruled the previous decision, accounting for 8%; 44 were remanded; and 6 were dismissed.

5. Analysis of infringement cases

5.1 General analysis

Among the sample data, there were altogether 15,398 copyright infringement cases in the film and television industry. Among these cases, 6,326 were closed by means of judgement and 9,072 were closed by means of ruling. The trial level distribution of the cases is shown below:

Trial level	Number of cases
First instance	13,892
Second instance	1,412
Retrial	94

Table 5. Trial level distribution

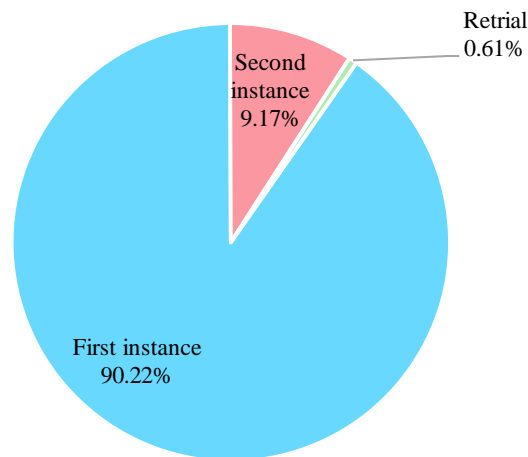


Fig. 8. Trial level distribution

5.2 Analysis of the compensation amounts ordered

The following table shows the compensation amounts ordered to first-instance copyright infringement cases in the film & television industry. There were 28 cases where the court ordered to fully support the amount claimed by the right holders.

	Amount (RMB <i>yuan</i>)
Maximum	1,253,188
Minimum	300
Median	1,500
Average	8,506.7
Average claims support rate	30.3%

Table 6. Statistical analysis of the compensation amounts ordered

5.3 Analysis on the types of copyright involved

Fig. 9 shows the types of copyright that were claimed to be infringed upon in the cases closed by means of judgement. From the figure we can see the right of projection is involved in the largest number of cases. Among the copyright infringement cases,

China Audio-Video Copyright Association has the biggest presence, getting involved in 9,813 cases, of which 3,326 were closed by means of judgement. And in nearly all the cases where China Audio-Video Copyright Association claims its rights had been infringed upon, the right of projection is always included. This explains the right of projection's involvement in the largest number of cases.

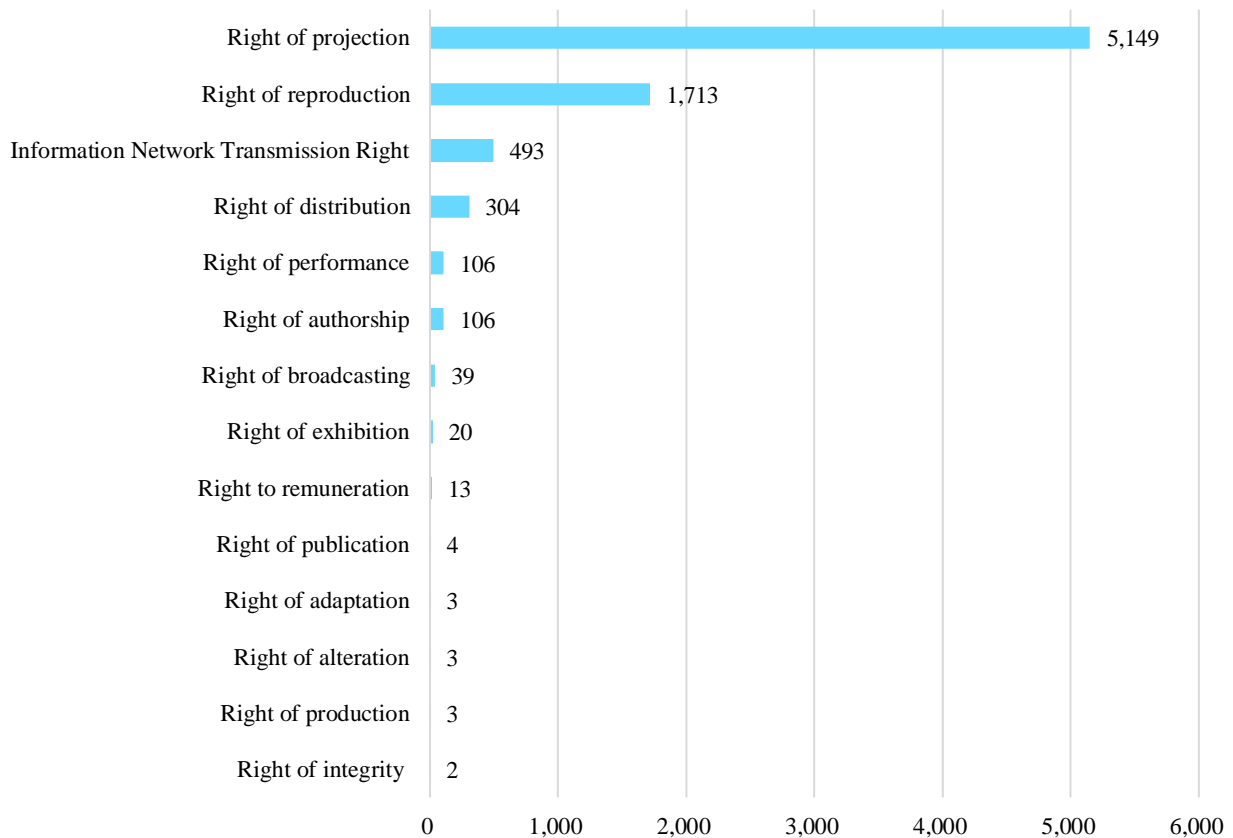


Fig. 9. Distribution of copyright types involved in the cases

6. Analysis of Internet-related cases

6.1 Number of cases

To further classify the cases closed by means of judgement, 558 were related to Internet, accounting for 8.8% of the total. Among the film and television industry copyright cases, a large number of cases filed by organizations like China Audio-Video Copyright Association involve KTV, which is not counted as Internet related, therefore

the number of Internet-related copyright cases in the film and television industry is relatively low.

6.2 Trial results

Among the first-instance Internet-related copyright cases, 368 were won by the plaintiff, with a winning rate of 97.9%. Among the second-instance cases, 160 upheld the first-instance trial decision, accounting for 87.9%.

7. Analysis of the copyright cases involving games

7.1 Number of cases

Among the copyright cases in the film and television industry, 12 involve games. And all these cases were closed by means of judgment. Their trial level distribution is as follows:

Trial level	Number of cases
First instance	2
Second instance	10

Table 7. Trial level distribution

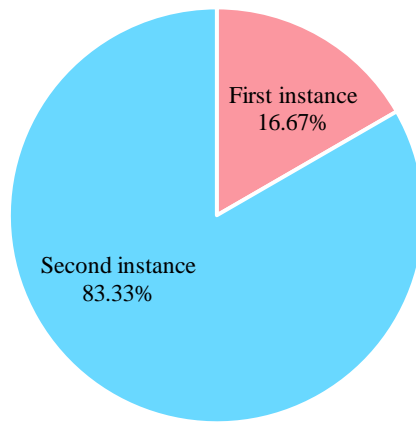


Fig. 10. Trial level distribution

7.2 Regional distribution

The regional distribution of copyright cases involving games is shown below:

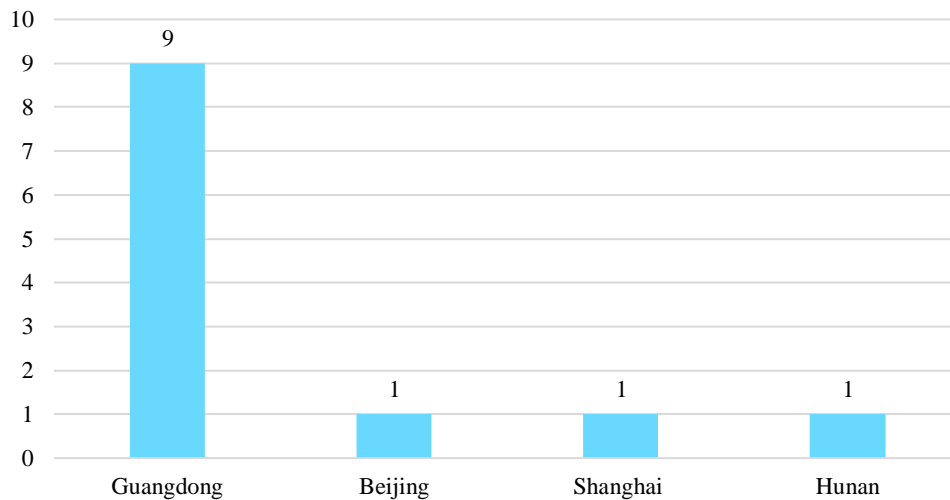


Fig. 11. Regional distribution of the cases

7.3 Trial results

Among the first-instance copyright cases involving games in the film and television industry, 2 were won by the plaintiff, with a winning rate of 100.0%.

Among the second-instance cases, there was no overrule of previous decision; all

upheld the first-instance trial decision.

7.4 Compensation amounts ordered

All the 12 copyright cases involving games are infringement cases. The compensation amounts ordered by the first-instance courts are as follows:

	Amount (RMB yuan)
Maximum	502,000
Minimum	6,000
Median	25,400
Average	25,400
Average claims support rate	46.4%

Table 8. Statistical analysis of the compensation amounts ordered

III. Analysis of Unfair Competition Cases

1. Number of cases

There were altogether 17 cases of unfair competition disputes among the film and television industry IP cases, of which 7 were closed by means of judgement and 10 were closed by means of ruling. The trial level distribution of the cases is shown below:

Trial level	Number of cases
First instance	15
Second instance	2

Table 9. Trial level distribution

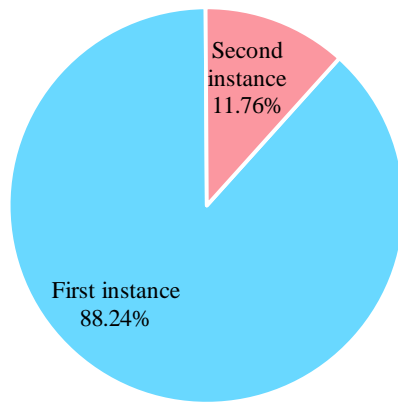


Fig. 12. Trial level distribution

2. Regional distribution

Fig. 13 shows the regional distribution of the unfair competition cases.

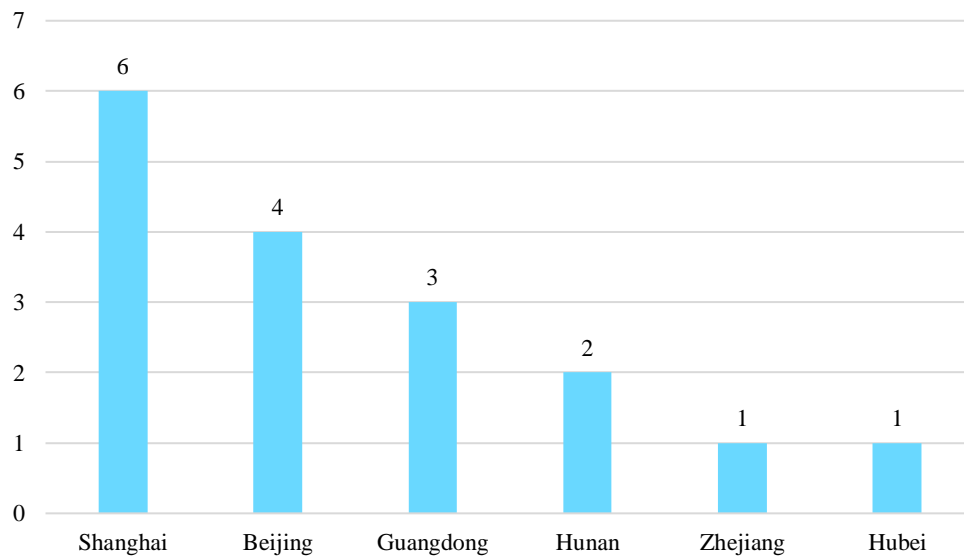


Fig. 13. Regional distribution of the cases

3. Length of trial

The average length of trial for first-instance cases of unfair competition disputes is 227 days. Since the acceptance date of the second-instance cases is not reflected in

the judgement documents, statistics for the trial length of second-instance cases is not collected here.

4. Trial results

In the first-instance cases of unfair competition disputes, 5 were won by the plaintiff, with a winning rate of 100.0%; 10 were withdrawn by the plaintiff, with a withdrawal rate of 66.7%.

Among the second-instance cases, all upheld the first-instance trial decisions.

5. Compensation amounts ordered

The compensation amounts ordered to the first-instance cases of unfair competition disputes are as follows:

	Amount (RMB yuan)
Maximum	1,353,188
Minimum	50,000
Median	100,000
Average	350,637.6
Average claims support rate	38.1%

Table 10. Statistical analysis of the compensation amounts

6. Analysis of the grounds for opposition

The following figure shows the grounds for opposition by defendants in the unfair competition cases closed by means of judgement. From the figure we can see the most common grounds for opposition is incompetent plaintiff.

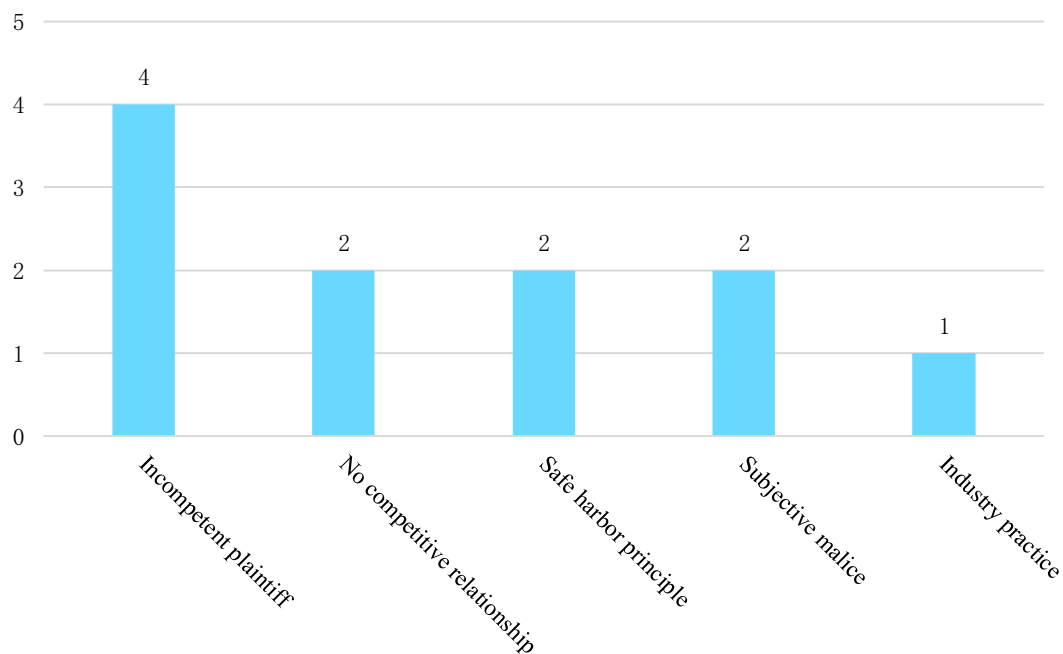


Fig. 14. Distribution of different grounds for opposition

7. Analysis of Internet-related cases

Among the unfair competition cases closed by means of judgement, 5 were related to the Internet, accounting for 71.4% of the total.

Among the first-instance Internet-related cases of unfair competition disputes, 4 were won by the plaintiff, with a winning rate of 100.0%. All the second-instance courts upheld the first-instance trial decision.

IV. Analysis of Other Case Types

1. Analysis of trademark cases

1.1 Number of cases

Between July 2016 and June 2017, there were altogether 25 trademark cases among the film and television industry IP cases adjudicated by Chinese courts. Among the trademark cases, 21 were closed by means of judgement and 4 were closed by means of ruling. The trial level distribution of the cases is shown below:

Trial level	Number of cases
First instance	17
Second instance	6
Retrial	2

Table 11. Trial level distribution

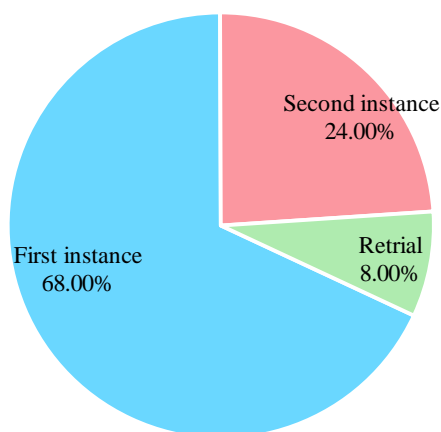


Fig. 15. Trial level distribution

1.2 Regional distribution

The regional distribution of the film and television industry trademark cases is shown in the following figure.

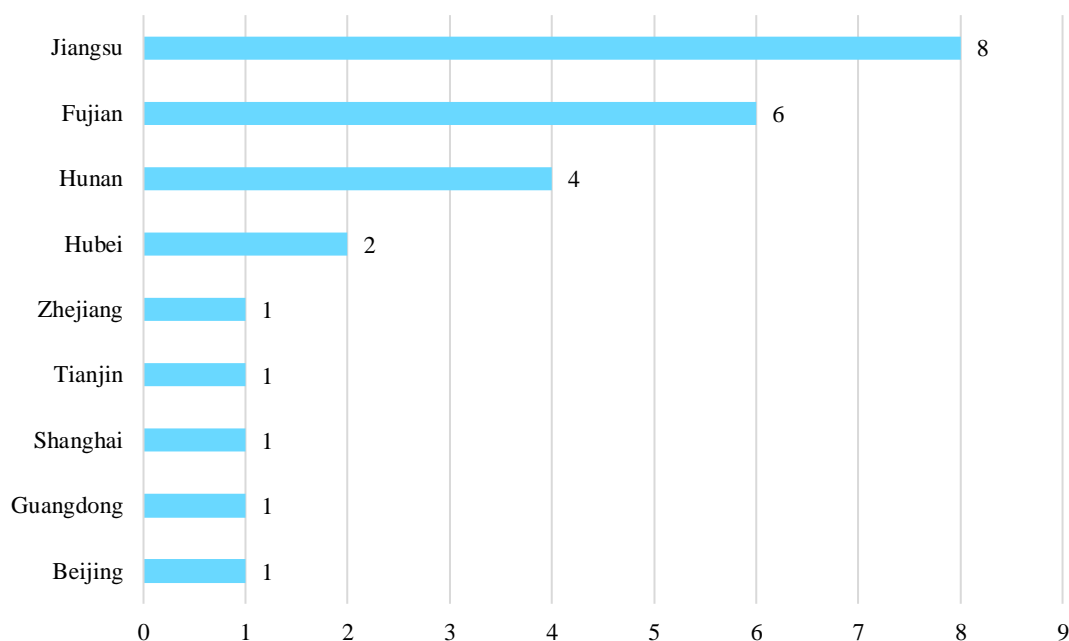


Fig. 16. Regional distribution of the trademark cases

1.3 Length of trial

Fig. 17 shows the average length of trial for trademark cases closed by means of judgement. Since the acceptance date is not reflected in the files for cases closed by means of ruling, statistics for the trial length of such cases is not collected here. Compared with the overall level, the trial for trademark cases takes far longer, reflecting the greater difficulty of trademark cases.

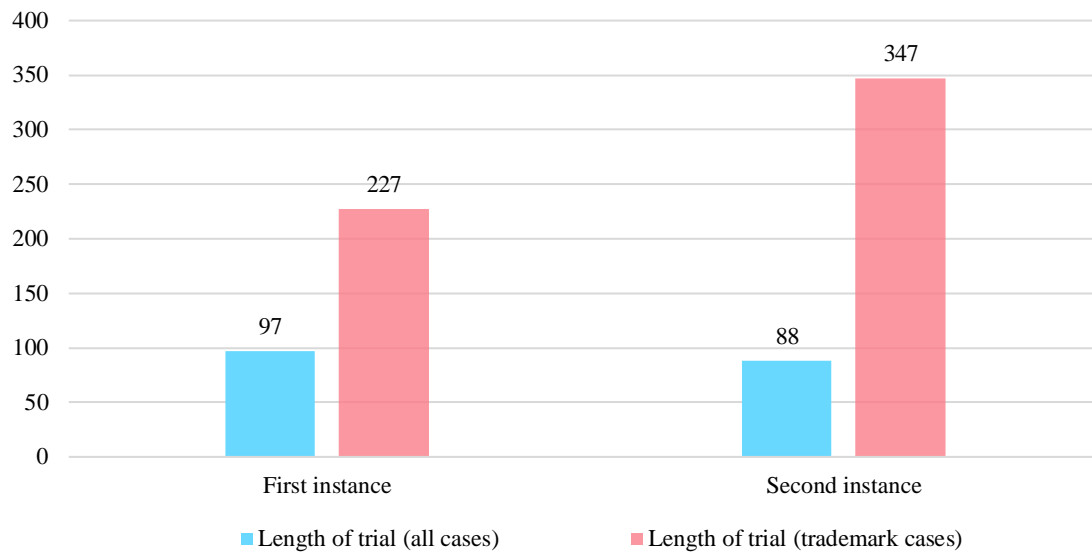


Fig. 17. Trial length distribution

1.4 Trial results

Among the first-instance trademark cases in the film and television industry, 11 were won by the plaintiff, with a winning rate of 78.6%; 3 were withdrawn by the plaintiff, with a withdrawal rate of 17.6%.

Among the second-instance cases, 6 were closed by means of judgement, all upheld the first-instance trial decisions.

1.5 Compensation amounts ordered

Among the 25 trademark cases, 24 were infringement disputes, one was contract dispute. The following table is a statistical analysis of the first-instance infringement cases closed by means of judgement.

	Amount (RMB yuan)
Maximum	30,000
Minimum	2,800
Median	3,300
Average	8,040

Average claims support rate	25.0%
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Table 12. Statistical analysis of the compensation amounts ordered

2. Analysis of industrial design cases

2.1 Number of cases

There are 3 patent cases in the film and television industry IP cases adjudicated by Chinese courts. It was design patent in all these cases, and they were all closed by means of judgement. All the three cases were first-instance cases.

2.2 Regional distribution

The regional distribution of the patent cases is shown below:

Region	Number of cases
Jiangsu	2
Guangdong	1

Table 13. Regional distribution of the patent cases

2.3 Length of trial

The average length of trial for first-instance patent cases is 167 days.

2.4 Trial results

Among the patent cases, 3 were won by the plaintiff, with a winning rate of 100.0%.

2.5 Compensation amounts ordered

All the three patent cases were infringement disputes. Table 14 is a statistical

analysis of the amounts of compensation ordered. In two of the cases, the court supported the plaintiff's claims in full.

	Amount (RMB <i>yuan</i>)
Maximum	10,000
Minimum	10,000
Median	10,000
Average	10,000
Average claims support rate	88.9%

Table 14. Statistical analysis of the compensation amounts ordered



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