



## American Intellectual Property Law Association

May 15, 2020

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*Via email [zxzhengqiuyijian@163.com](mailto:zxzhengqiuyijian@163.com)*

**Re: Comments on the Draft Implementation Plan and Draft Guidelines for IP Judgment Enforcement from the Supreme People's Court (the "SPC")**  
《知识产权判决执行工作实施计划（征求意见稿）》 《知识产权判决执行工作指南（征求意见稿）》

Dear Sir or Madam,

The American Intellectual Property Law Association (AIPLA) appreciates the opportunity to comment on the Draft Implementation Plan and Draft Guidelines for IP Judgment Enforcement from the Supreme People's Court (the "Drafts"). Our comments are presented in the enclosed comment table and are also summarized below for your consideration. We invite you to contact us without hesitation if there are any questions.

AIPLA is a national bar association of approximately 12,000 members engaged in private or corporate practice, in government service, and in the academic community. AIPLA members represent a wide and diverse spectrum of individuals, companies, and institutions involved directly or indirectly in the practice of patent, trademark, copyright, trade secret, and unfair competition law, as well as other fields of law affecting intellectual property. Our members represent both owners and users of intellectual property. Our mission includes helping establish and maintain fair and effective laws and policies that stimulate and reward invention while balancing the public's interest in healthy competition, reasonable costs, and basic fairness.

Turning now to the Drafts, AIPLA welcomes and commends the SPC's efforts in issuing implementation plan and guidelines to strengthen IP judgment enforcement in China. Due to time constraints, AIPLA focuses its comments on a few specific articles in the Draft Implementing Plan and Guidelines. The absence of comments on other articles does not necessarily reflect AIPLA's support of these articles or lack thereof.

## **The Draft Implementation Plan for IP Judgment Enforcement**

### *Article 8*

Article 8 provides that, in accordance with Article 252 of the Civil Procedure Law, a People's court can entrust or assign a related organization or a third party to execute a judgment or carry out an obligation if a recalcitrant defendant refuses to do so. AIPLA commends this measure from the SPC to address the enforcement difficulties often encountered by plaintiffs in IP related lawsuits in China. However, AIPLA is concerned with the broad scope and the lack of specificity of Article 8. For example, the Article does not set forth the qualification or limitation on the related organization or the third party to be entrusted with executing the judgment or be assigned with an obligation. The Article also does not state what rules should apply when deciding whether it is fair and appropriate to attach the judgment to the asset of a third party affiliated with the non-compliant party who is not part of the lawsuit, e.g., a wholly owned subsidiary.

AIPLA notes that some approaches are more effective than others in judgment enforcement and asset protection as learned by other judicial systems through experience. For example, asking the public to come forth with tips on hidden assets may be haphazard and unreliable. On the other hand, banks are in a better position to identify assets, freeze cash flow and attach judgment.

### *Articles 13 and 15*

Articles 13 and 15 set forth a system for publishing IP judgment enforcement results on a publicly accessible website. AIPLA commends this positive step towards bringing transparency and accountability into the enforcement of judicial decisions related to IP disputes. AIPLA encourages further effort from the SPC to publish all court decisions in a timely fashion, whether along with the results of enforcement or shortly after the court decisions become final.

## **The Draft Guidelines for IP Judgment Enforcement**

### *Article 7(1)*

AIPLA respectfully requests a clarification or confirmation that Article 7 is applicable not only to foreign parties who have won awards in Chinese courts but also to foreign judgments issued by courts outside China.

### *Article 7(3)*

Article 7(3) requires that an applicant submitting an application for IP judgment execution shall provide identity cards if the applicant is an individual citizen or business license and the legal representative's identity certificate if the applicant is a legal person. The article is silent on whether legalization and/or notarization is required if the submitted identity card or business license is in foreign language. Often, the legalization/notarization process in China is lengthy and expensive, and requires various notarized and legalized documents such as a Certificate of Business Registration (or Extract of the Company's Business Register); Certificate of Identity of the Legal Representative (CILR), the Written Resolution, Memorandum of Association, and the Articles of Association authorizing the legal representative. Further, under normal

Comments regarding Draft Implementation Plan and Guidelines of Enforcement of IP Judgements 《  
知识产权判决执行工作实施计划（征求意见稿）》《知识产权判决执行工作指南（征求意见稿）》

May 15, 2020

Page 3

circumstances, foreign companies do not appoint a legal representative. AIPLA notes that an application for judgment execution concerns a lawsuit in which the identity of the plaintiff should have been verified when the complaint was filed. AIPLA suggests that the SPC consider waiving the document requirement of the applicant's identity if the applicant is the same as the plaintiff in the lawsuit from which the judgment was issued.

We appreciate the opportunity to provide comments on the SPC's Draft Implementing Plan and Guidelines for IP Judgment Enforcement, and we would be happy to answer any questions that our comments may raise.

Sincerely,



Barbara A. Fiocco

President

American Intellectual Property Law Association

**2020-04-15 AIPLA Comment Table(2)**

English Translation	Notes/Draft Comments
<b>Attachment 1</b>	
<p align="center"><b>Implementation plan for enforcement of intellectual property judgments</b></p>	
<p align="center">(Draft for comments)</p>	
<p>In order to comprehensively strengthen the judicial protection of intellectual property rights, service innovation and development, ensure the timely and effective implementation of intellectual property judgments, safeguard the legitimate rights and interests of all parties, and formulate this work implementation plan in accordance with the actual implementation of the people's courts.</p>	
<p><b>First, work goals</b></p>	
<p>Within the overall framework of the people's court's enforcement work, accurately grasp the characteristics of the enforcement of intellectual property judgments, implement the relevant laws and regulations and judicial interpretations, reform and improve relevant working mechanisms, give full play to the role of information-based enforcement methods, and improve the efficiency of enforcement of</p>	

**2020-04-15 AIPLA Comment Table(2)**

English Translation	Notes/Draft Comments
<p>intellectual property judgments And normative, to ensure the timely and effective implementation of intellectual property judgments, to comprehensively strengthen the legal effects of intellectual property protection, and further consolidate the enforcement of investigation and control model, the realization of property realization model, and the implementation of supervision and management model supported by modern information technology in recent years. .</p>	
<p><b>Second, specific implementation plan</b></p>	
<p>(I) Strictly implement relevant regulations to ensure the effective execution of judgments (rules) in a timely manner</p>	
<p>1. In strict accordance with the provisions of the Civil Procedure Law on the implementation of filing and the "People's Court Regulations on Several Issues of Registration and Registration of the People's Court", continue to implement the filing registration system to ensure that intellectual property judgments that meet the conditions for the execution of statutory applications are within the prescribed period. Be filed and executed in time.</p>	
<p>2. Strictly follow the relevant provisions of the Civil Procedure Law on litigation preservation and pre-litigation preservation, and the "Several Issues of the Supreme People's Court on Examining the Application of</p>	

**2020-04-15 AIPLA Comment Table(2)**

English Translation	Notes/Draft Comments
<p>Laws in Cases of Intellectual Property Disputes," and continue to seal, freeze, Enforcement of rulings such as seizure of property and order to stop infringement shall be carried out in a timely manner in accordance with the case registration system.</p>	
<p>At the same time, strict conduct of property preservation is strictly prohibited. Unauthorized seizures, excessive standard seizures, and excessive seizures are strictly prohibited. The preservation measures are limited to the realization of the applicant's legitimate rights and interests.</p>	
<p>(II) Further improve the efficiency of judgment enforcement</p>	
<p>3. Quickly finding and controlling the property of the executed person according to law is the key to improving the efficiency of judgment enforcement. In the enforcement of intellectual property judgments, we must continue to strictly comply with the Supreme People's Court's Provisions on Several Issues of Property Investigation in Civil Enforcement and regulate the use of property investigations, such as ordering the executed person to report property, executing investigation and control system queries, and issuing property clue reward announcements. Method to timely and effectively investigate and control the property of the person being executed.</p>	

**2020-04-15 AIPLA Comment Table(2)**

<b>English Translation</b>	<b>Notes/Draft Comments</b>
<p>4. The network execution investigation and control system can inquire or control the property of the person being executed in an information-based manner, which is fast and convenient. It is necessary to further strengthen the application in accordance with the law in the enforcement of intellectual property judgments, and effectively improve the efficiency of property search. At the same time, according to the needs of various enforcement cases, including the enforcement of intellectual property judgments, continue to improve the network enforcement investigation and control system, strictly regulate the investigation and control behavior, ensure information security, and ensure that the legitimate rights and interests of the parties concerned are not infringed.</p>	
<p>5. In the implementation of intellectual property judgments, the evaluation of the property to be executed must be carried out in strict accordance with the relevant provisions of the Civil Procedure Law on property evaluation and the "People's Court's Provisions on Several Issues of the People's Court's Determination of Reference Values for Disposal of Property. The quick advantages of the evaluation method make full use of the national court inquiry evaluation system to improve the efficiency of the evaluation process and ensure that the evaluation results are objective and fair.</p>	

**2020-04-15 AIPLA Comment Table(2)**

<b>English Translation</b>	<b>Notes/Draft Comments</b>
<p>6. Where the execution of intellectual property judgments involves the disposal of the property being executed, it shall be carried out in strict accordance with the provisions of the Civil Procedure Law on the disposal of property and the "People's Court Regulations on Several Issues of the People's Court's Online Judicial Auction", and continue to make the Internet judicial auction public. The advantages of high transparency, fast disposal speed and low disposal cost ensure the efficiency and fairness of property disposal procedures.</p>	
<p>7. In order to effectively urge the executed person to fulfill the obligations determined in the effective judgment, the Civil Procedure Law and the "Several Provisions of the Supreme People's Court on Restricting the High Consumption of the Executor and Related Consumption", Several regulations and other provisions provide for compulsory measures and indirect enforcement measures such as fines, detention, restrictions on consumption not required for production and living, and credit punishment. If the person being executed constitutes refusal to execute the judgment or ruling of the people's court, he shall be investigated for criminal responsibility in accordance with the Criminal Law and relevant judicial interpretations. Where the aforementioned measures are taken in the enforcement of intellectual property judgments, they shall be carried out in strict accordance with</p>	



**2020-04-15 AIPLA Comment Table(2)**

English Translation	Notes/Draft Comments
<p>legal regulations. While urging the enforced to perform their obligations in a timely manner, they shall also take into account the protection of the legitimate rights and interests of all parties, and shall protect the parties in accordance with the existing laws and judicial interpretations. The parties have the right to raise objections and reconsiderations, and provide procedural relief to all parties in accordance with the law.</p>	
<p>8. In view of the relatively large number of behavioral obligations involved in the enforcement of intellectual property judgments, the Civil Procedure Law and related judicial interpretations provide alternative performance methods, that is, if the person's non-performing behavioral obligations can be performed by others, the people's court may entrust it according to law. Relevant units or other persons perform, and the cost of performance shall be borne by the person being executed. In the enforcement of intellectual property judgments, the people's courts must further grasp the legal requirements for alternative performance, combining the specific characteristics of the obligation of conduct, accumulate more judicial experience of alternative performance, and improve the efficiency of enforcement of the obligation of conduct.</p>	<p>Article 8 provides that, in accordance with Article 252 of the Civil Procedure Law, a People’s court can entrust or assign a related organization or a third party to execute a judgement or carry out an obligation if a recalcitrant defendant refuses to do so. AIPLA commends this measure from the Supreme People’s Court to address the enforcement difficulties often encountered by plaintiffs in IP related lawsuits in China. However, AIPLA is concerned with the broad scope and the lack of specificity of Article 8. For example, the Article does not set forth the qualification or limitation on the related organization or the third party to be entrusted with executing the judgement or be assigned with an obligation. The Article also does not state what rules should apply when deciding whether it is fair and appropriate to attach the judgement to the asset of a third party affiliated with the non-compliant party who is not part of the lawsuit, e.g., a wholly owned subsidiary.</p> <p>AIPLA notes that some approaches are more effective than others in judgement enforcement and asset protection as learned by other judicial systems through experience. For example, asking the public to come forth</p>

**2020-04-15 AIPLA Comment Table(2)**

<b>English Translation</b>	<b>Notes/Draft Comments</b>
	with tips on hidden assets may be haphazard and unreliable. On the other hand, banks are in a better position to identify assets, freeze cash flow and attach judgment.
<p>9. In accordance with the people's court's reform spirit of promoting simplified and streamlined cases, follow the regular characteristics of the enforcement of intellectual property judgments, and comprehensively consider the ease of finding property, fulfillment of performance obligations, realization of disposal, and delivery of announcements, and promote intellectual property judgments. Enforcement of complicated and simplified cases, reasonable allocation of execution resources, and improved efficiency of case handling.</p>	
<p>10. For the specific enforcement matters that need to be handled in different places during the enforcement of intellectual property judgments, according to the "Administrative Measures of the Supreme People's Court on Strictly Regulating the Enforcement of Enforcement Matters (Trial)", which can be entrusted to other district courts, it should pass the enforcement case handling system as required Initiate commissions, handle related matters, give full play to the advantages of the system's informatization functions, save judicial costs, and improve work efficiency.</p>	

**2020-04-15 AIPLA Comment Table(2)**

English Translation	Notes/Draft Comments
<p>11. Promote enforcement assistance in accordance with the law, further improve inter-departmental cooperation in the enforcement of intellectual property judgments, strengthen communication and coordination with market supervision, customs, intellectual property and other departments, and more effectively and timely investigate and control infringing products, destroy infringing goods and tools, and Promote other related implementation work.</p>	
<p><b>(III)</b> Promote the enforcement of intellectual property judgments according to law</p>	
<p>12. In strict accordance with the provisions of the Civil Procedure Law on judicial disclosure and the "Several Provisions of the Supreme People's Court on the Implementation of the People's Court", "Several Opinions of the Supreme People's Court on Promoting the Construction of the Three Platforms of Judicial Disclosure", "The Supreme People's Court's Implementation Process on the People's Court" Several Public Opinions, "The Supreme People's Court's Provisions on the People's Court's Publication of Judgment Documents on the Internet", etc., continued to advance the implementation of publicity of intellectual property judgments. At the same time, state secrets, business secrets, and personal privacy learned during the</p>	

**2020-04-15 AIPLA Comment Table(2)**

English Translation	Notes/Draft Comments
<p>implementation process are kept strictly confidential and shall not be disclosed in accordance with law.</p>	
<p>13. China Enforcement Information Disclosure Network is an official website that provides “one-stop” enforcement information disclosure services to the public. In the next step, it will continue to improve various types of enforcement information disclosure functions, including enforcement information on intellectual property judgments. Before the end of June 2020, a dedicated “IPR judgment enforcement publicity” section will be opened on the website to focus on the publicity of the implementation of IPR judgments, so that the public can understand and monitor them.</p>	<p>Articles 13 and 15 set forth a system for publishing IP judgement enforcement results on a publicly accessible website. AIPLA commends this positive step towards bringing transparency and accountability into the enforcement of judicial decisions related to IP disputes. AIPLA encourages further effort from the SPC to publish all court decisions in a timely fashion, whether along with the results of enforcement or shortly after the court decisions become final.</p>
<p>14. Directly publicizing the progress of the execution of the case, key enforcement measures, and important node information to the parties is an important part of the implementation disclosure. In the next step, various enforcement cases, including enforcement of intellectual property judgments, will continue to be made public to the parties, making it easier for the parties to query the above-mentioned execution information through computers and mobile terminals, and effectively satisfy their right to information and supervision.</p>	
<p>15. Establish a system for publicly publishing the results of enforcement of intellectual property judgments on a quarterly basis. Beginning in</p>	

**2020-04-15 AIPLA Comment Table(2)**

English Translation	Notes/Draft Comments
<p>2020, within two months after the end of each quarter, the number, types, and overall handling of cases in which intellectual property judgments received and executed by courts across the country during the quarter will be published on the China Enforcement Information Open Online.</p>	
<p><b>Third. Strengthening the enforcement of judgments in accordance with the law</b></p>	
<p>In accordance with the provisions of the Civil Procedure Law, the Organic Law of the People's Court, and relevant judicial interpretations, while accepting the supervision of intellectual property judgments by relevant authorities and the public, the Supreme People's Court has strengthened the local people's courts at all levels, special people's courts, and higher people's courts. Supervise the enforcement of intellectual property judgments by lower-level people's courts, identify and resolve problems in the enforcement of judgments in a timely manner, and continue to improve relevant systems and mechanisms to promote the timely and effective implementation of various enforcement cases, including the enforcement of intellectual property judgments. .</p>	

2020-04-15 AIPLA Comment Table(2)

<b>Attachment 2</b>	
<b>Guide to Enforcement of Intellectual Property Judgments</b>	
(Draft for comments)	
In order to comprehensively strengthen the judicial protection of intellectual property rights, innovate and develop services, facilitate parties to apply to the people's courts for enforcement, and ensure that judgments in which intellectual property cases take effect are quickly implemented in accordance with the law. The Criminal Procedure Law of the People's Republic of China and other provisions have formulated these guidelines.	
I. Specific scope of intellectual property cases	
1. Specific scope of intellectual property cases. Intellectual property cases include: (1) Intellectual property civil cases involving intellectual property rights such as copyright, trademark rights, patent rights, technology contracts, trade secrets, new plant varieties and layout designs of integrated circuits, as well as unfair competition, monopoly, and franchise contracts Civil dispute cases; (2) Intellectual property administrative cases, where the parties are not satisfied with administrative actions on administrative intellectual property rights	

**2020-04-15 AIPLA Comment Table(2)**

<p>such as copyright, trademark rights, patent rights, and unfair competition, and they are filed in a people's court; 3) Intellectual property criminal cases, cases of intellectual property infringement cases stipulated in Chapter III, Section VII of the Criminal Law of the People's Republic of China.</p>	
<p>(Based on: Article 7 of the Opinion of the Supreme People's Court on Advancing Trials of Intellectual Property in Civil, Administrative and Criminal Cases in National Courts)</p>	
<p>II. Implementation of Civil Cases in Intellectual Property</p>	
<p>(I) The parties may apply for preservation before or during the proceedings</p>	
<p>2. Litigation application, guarantee and its amount. In cases where one party's actions or other reasons may make it difficult to enforce the judgment or cause other damage to the party, the other party may apply for the preservation of its property, order it to perform a certain behavior, or prohibit it from performing a certain behavior; if the party does not apply, The people's court may also decide to take preservation measures when necessary.</p>	
<p>The people's court may order the applicant to provide a guarantee by taking preservation measures. If the applicant does not provide a guarantee, the application shall be rejected.</p>	

**2020-04-15 AIPLA Comment Table(2)**

<p>The applicant shall be ordered to provide a guarantee for property preservation not exceeding 30% of the amount requested for preservation; if the property for which preservation is applied is the subject of dispute, the amount of guarantee shall not exceed 30% of the value of the subject of dispute. The amount of ordering the applicant to provide behavior preservation guarantee shall be equivalent to the losses that the respondent may suffer as a result of the implementation of the behavior preservation measures, including reasonable losses such as ordering to stop the infringement from the sales revenue and storage costs of the products involved.</p>	
<p>(Based on: Article 100 of the Civil Procedure Law of the People's Republic of China, Article 5 of the Supreme People's Court's Provisions on Several Issues Regarding the Handling of Property Preservation Cases) Article 11)</p>	
<p>3. Pre-litigation application, guarantee and amount. If the interested party is in an urgent situation and does not apply for preservation immediately, it will cause irreparable damage to its legitimate rights and interests. Take security measures. The applicant shall provide a guarantee, and if no guarantee is provided, the application shall be rejected.</p>	
<p>In applying for pre-litigation property preservation, the amount of guarantee provided shall be equal to the amount requested for preservation; in special circumstances, the people's court may handle it</p>	



**2020-04-15 AIPLA Comment Table(2)**

<p>at its discretion. When applying for pre-litigation behavior preservation, the amount of guarantee provided shall be equal to the loss that the respondent may suffer as a result of implementing the behavior preservation measures.</p>	
<p>(Based on: Article 101 of the Civil Procedure Law of the People's Republic of China, Article 5 of the Supreme People's Court's Provisions on Several Issues Concerning the Handling of Property Preservation Cases) (Provisions on Certain Issues, Article 11)</p>	
<p>4. How will the court take measures after accepting the application for preservation? After the people's court accepts the application, it makes a ruling within the statutory time limit; if the ruling adopts a preservation measure, the enforcement will begin immediately.</p>	
<p>The people's court adopts preservation methods and measures, and handles them in accordance with the relevant provisions of the enforcement procedures.</p>	
<p>(Based on: Articles 100 and 101 of the Civil Procedure Law of the People's Republic of China, Article 156 of the Supreme People's Court's Interpretation of the Application of the Civil Procedure Law of the People's Republic of China, Article 156, Article 15 of the People's Court on Several Issues Concerning the Application of Laws in Examining the Preservation Cases of Intellectual Property Disputes</p>	

**2020-04-15 AIPLA Comment Table(2)**

<p>(II) How the counterparty initiates enforcement proceedings if a party fails to perform its obligations</p>	
<p>5. Enforcement subject of civil cases of intellectual property. The legal documents with legal effect must be fulfilled by the parties. If one party fails to perform, the other party may apply to the people's court with jurisdiction for enforcement according to law.</p>	
<p>Civil judgments, rulings and mediation documents with legal effect shall be executed by the people's court of first instance or the people's court where the property to be executed is located at the same level as the people's court of first instance. For the first instance of a case handled by an intellectual property court, the higher people's court where the intellectual property court is located may designate other intermediate people's courts in the jurisdiction to execute it.</p>	
<p>(Based on: Article 224, Article 236 of the Civil Procedure Law of the People's Republic of China, Article 6 of the Notice of the Supreme People's Court on the Jurisdiction of Cases of Intellectual Property Courts, etc.)</p>	
<p>6. Application deadline. The application period is two years. For the application of suspension or interruption of the limitation period, the relevant provisions of the law on suspension or interruption of limitation period of the law shall apply.</p>	
<p>The period of application for execution shall be calculated from the last day of the period of performance stipulated in the legal document; if</p>	

**2020-04-15 AIPLA Comment Table(2)**

<p>the period of performance is stipulated by the legal document, it shall be calculated from the last day of each period of execution stipulated; Calculated from the effective date.</p>	
<p>(Base: Article 239 of the Civil Procedure Law of the People's Republic of China)</p>	
<p>7. Materials and fees to be applied for enforcement. The parties applying for execution shall submit the following documents and certificates to the people's court, and fill in the confirmation of service address:</p>	
<p>(1) Application for execution. The application execution letter shall clearly state the reasons, matters, subject matter of the application for execution, and the property status of the person being executed as understood by the applicant.</p>	<p>AIPLA respectfully requests a clarification or confirmation that Article 7 is applicable not only to foreign parties who have won awards in Chinese courts but also to foreign judgements issued by courts outside China.</p>
<p>If a foreign party applies for execution, it shall submit a written application for execution in Chinese. If there are special provisions in the mutual legal assistance treaty concluded or co-joined by the country where the party is located and China, it shall be handled in accordance with the treaty provisions.</p>	
<p>(2) A copy of the legal document in force.</p>	
<p>(3) Identification of the applicant. Individuals who apply for citizenship shall present their resident identity cards; for applications by legal persons, they shall submit copies of the legal person's business license</p>	<p>Article 7(3) requires that an applicant submitting an application for IP judgment execution shall provide identity cards if the applicant is an individual citizen or business license and the legal representative's identity certificate if the applicant is a legal person. The article is silent on whether legalization and/or notarization is required if the submitted identity card or business license is in foreign</p>

**2020-04-15 AIPLA Comment Table(2)**

<p>and legal representative's identity certificate; when applying for other organizations, they should submit copies of their business license and identity certificate of the principal responsible.</p>	<p>language. Often, the legalization/notarization process in China is lengthy and expensive, and requires various notarized and legalized documents such as a Certificate of Business Registration (or Extract of the Company's Business Register); Certificate of Identity of the Legal Representative (CILR), the Written Resolution, Memorandum of Association, and the Articles of Association authorizing the legal representative. Further, under normal circumstances, foreign companies do not appoint a legal representative. AIPLA notes that an application for judgment execution concerns a lawsuit in which the identity of the plaintiff should have been verified when the complaint was filed. AIPLA suggests that the SPC consider waiving the document requirement of the applicant's identity if the applicant is the same as the plaintiff in the lawsuit from which the judgment was issued.</p>
<p>(4) Where the heir or right holder applies for execution, he shall submit proof of the right to inherit or inherit the right.</p>	
<p>(5) Other documents or certificates that should be submitted.</p>	
<p>The application application fee is not paid in advance. The application fee shall be collected by the people's court directly from the person to be executed in addition to the content determined by the legal documents in force for the implementation.</p>	
<p>(Based on: Article 20 of the Measures for the Payment of Litigation Costs, and Article 20 of the Supreme People's Court's Provisions on Several Issues in the Implementation of the People's Court (Trial))</p>	
<p>8. Conditions for the people's court to accept a case. The people's court accepting and executing cases shall meet the following conditions:</p>	

**2020-04-15 AIPLA Comment Table(2)**

(1) The legal instrument for which the application has been implemented has entered into force;	
(2) The executor of the application is the right holder or its successor or right holder as determined by the effective legal instrument;	
(3) The applicant executes the application within the legal time limit;	
(4) The legal documents applying for execution have payment content, and the subject of execution and the person being executed are clear;	
(5) The obligor fails to perform its obligations within the period determined by the legal instrument in force;	
(6) It is under the jurisdiction of the people's court applying for enforcement.	
The people's court shall file an application that meets the above conditions within seven days; if it does not meet one of the above conditions, it shall rule that it will not be accepted within seven days.	
(Based on: Article 18 of the Supreme People's Court's Provisions on Several Issues in the Implementation of the People's Court (Trial))	
<b>(III)</b> How to find the property of the executed person	
9. Find the way to find the property of the executed person. During the execution process, the applicant is responsible for providing the person's property clues for verification and execution by the people's court. The applicant for execution may also apply to the people's court for ordering the person to be executed to report the property, or the	

**2020-04-15 AIPLA Comment Table(2)**

<p>people's court to investigate the situation of the person's funds, movable property, real property and other properties through the online enforcement investigation and control system.</p>	
<p>(Base: Article 1 of the Supreme People's Court's Provisions on Several Issues concerning Property Investigation in Civil Execution)</p>	
<p>10. Penalty for breach of the obligation to report property by the person subject to execution. If the person subject to execution refuses to report, false report or overdue report of the property without proper reasons, the people's court shall include it in the list of persons with dishonesty in accordance with relevant regulations, and may subject the person to be executed or its legal agent or relevant unit according to the seriousness of the circumstances. The person in charge or the person directly responsible shall be fined or detained; if a crime is constituted, criminal responsibility shall be investigated according to law.</p>	
<p>(Based on: Article 241 of the Civil Procedure Law of the People's Republic of China, Articles 9 and 10 of the Supreme People's Court's Provisions on Several Issues of Property Investigation in Civil Execution)</p>	
<p><b>(IV)</b> What enforcement measures can the people's court take</p>	
<p>11. What measures can the people's court take after discovering the property? After discovering the property of the person subject to execution, the people's court may adopt measures such as seizure,</p>	

**2020-04-15 AIPLA Comment Table(2)**

seizure, freezing, allocation, and price change according to different circumstances.	
(Base: Article 242 of the Civil Procedure Law of the People's Republic of China)	
12. Time limit for sealing, freezing, and seizure of property by the people's court and how to renew it. The period for the people's court to freeze the bank deposit of the person subject to execution shall not exceed one year, the period for the seizure and seizure of movable property shall not exceed two years, and the period for the seizure of real estate or freezing of other property rights shall not exceed three years.	
(2) Where the application executor applies for an extension of the time limit, the people's court shall complete the procedures for continued seal-up, seizure and freezing before the expiration of the time limit for sealing, seizure and freezing, and the time limit for extension shall not exceed the time limit prescribed above. The people's court may also go through the formalities of seizure, seizure and freezing in accordance with its functions and powers.	
(Base: Article 487 of the Interpretation of the Supreme People's Court on the Application of the Civil Procedure Law of the People's Republic of China)	
13. How to determine the reference price of the property after the people's court controls the property. After the people's court seals up,	

**2020-04-15 AIPLA Comment Table(2)**

<p>seizes or freezes property, it usually starts the procedures for determining the reference price for property disposal within 30 days for properties that need to be auctioned or sold. The reference price will be used as a reference to determine the starting or closing price of the property auction.</p>	
<p>(Based on: Article 1 of the Supreme People's Court's Provisions on Several Issues Concerning the People's Court's Determination of Reference Prices for Property Disposal)</p>	
<p>14. How does the people's court change the value of the property after determining the value of the property. The people's court generally starts the procedure of property price change within ten days after the reference price is determined. In principle, the price change should first adopt the method of online judicial auction.</p>	
<p>(Based on: Article 30 of the Supreme People's Court's Provisions on Several Issues Concerning the Determination of Reference Prices for Disposal of Property by People's Courts, Article 2 of the Supreme People's Court's Provisions on the Auction and Sale of Property in Civil Execution by the People's Court Article 2 of the People's Court on Several Issues Concerning Judicial Auctions Online</p>	
<p>15. How to implement the case of transferring property rights certificate. If the people's court needs to go through the formalities of transferring the property right certificate and other patent certificates,</p>	



**2020-04-15 AIPLA Comment Table(2)**

<p>trademark certificates, etc. during the execution, it may issue a notice of assistance to the relevant unit to request it to assist it.</p>	
<p>(Based on Article 251 of the Civil Procedure Law of the People's Republic of China, Article 502 of the Supreme People's Court's Interpretation of the Application of the Civil Procedure Law of the People's Republic of China)</p>	
<p>16. How to perform alternative or irreplaceable behavior. In the case of apology, ruling, or elimination of influence specified in judgments, rulings, and other legal documents, if the person being executed fails to perform according to the notice of execution, the people's court may enforce it or entrust the relevant unit or other person to complete the cost.</p>	
<p>If the person being executed fails to perform the act specified in the legal document, and the act can only be performed by the person being executed, the people's court may fine or detain it according to law; if it constitutes a crime, criminal responsibility shall be investigated according to law.</p>	
<p>(Based on: Article 252 of the Civil Procedure Law of the People's Republic of China, Article 505 of the Interpretation of the Supreme People's Court on the Application of the Civil Procedure Law of the People's Republic of China)</p>	
<p>17. In addition to measures on property, what other main measures can be taken. The enforced person has not fulfilled the payment obligations</p>	

**2020-04-15 AIPLA Comment Table(2)**

<p>determined by the legal documents in force, and the applicant may apply for restrictions on consumption by the enforced person, restrict his high consumption and related consumption that is not necessary for living or business; he may apply for restrictions on the exit of the executed person. Measures; if it meets the legal situation, you can also apply for it to be included in the list of people who have broken the trust.</p>	
<p>(Based on: Article 255 of the "Civil Procedure Law of the People's Republic of China", "Several Provisions of the Supreme People's Court on Restricting the High Consumption of Recipients and Related Consumption", Article 1, "The Supreme People's Court's Enforcement of Failure to Announce False Credit "Several Provisions on Person List Information" (Article 1)</p>	
<p>(V) When will the case be released?</p>	
<p>18. How long is the payment of the case generally released after the court account. Where the execution money is delivered or transferred to a special execution money account or a case money account designated by the people's court, the people's court generally completes the issuance of the execution money within 30 days of receiving the execution money. VIVI</p>	
<p>(Based on: Article 10 of the Supreme People's Court's Provisions on the Management of Money and Goods)</p>	

**2020-04-15 AIPLA Comment Table(2)**

<p>(VI) Relief in action</p>	
<p>19. Relief that the parties and interested parties believe that the execution is illegal. In the course of implementation, if the parties or interested parties believe that the execution has exceeded the standard, such as sealing up in violation of legal provisions, they may file a written objection to the people's court responsible for execution. Where a party or an interested party raises a written objection, the people's court shall examine it within 15 days from the date of receipt of the written objection. If the reason is established, the order shall be revoked or corrected; if the reason is not established, the order shall be rejected. If the parties or interested parties are not satisfied with the ruling, they may apply for reconsideration to the people's court at the next higher level within ten days from the date of service of the ruling.</p>	
<p>(Base: Article 225 of the Civil Procedure Law of the People's Republic of China, Article 5 of the Supreme People's Court's Interpretation of Several Issues concerning the Application of the Civil Procedure Law of the People's Republic of China)</p>	
<p>20. Relief on the grounds of substantive rights to prevent execution. During the execution process, if the outsider filed a written objection to the object of execution on the grounds of claiming ownership or other entity rights sufficient to prevent the transfer or delivery of the object of execution, the people's court shall review the objection within 15 days of receiving the objection in writing, and the reason is</p>	

**2020-04-15 AIPLA Comment Table(2)**

<p>established , The ruling shall be suspended; if the reasons are not valid, the ruling shall be rejected. If the outsider and the parties disagree with the ruling and consider the original ruling or ruling to be wrong, they shall be handled in accordance with the trial supervision procedures; if the original ruling or ruling has nothing to do with the ruling, they may file a lawsuit in a people's court within 15 days from the date of service of the ruling.</p>	
<p>(Based on: Article 227 of the Civil Procedure Law of the People's Republic of China, Article 15 of the Supreme People's Court's Interpretation of Several Issues concerning the Application of the Civil Procedure Law of the People's Republic of China)</p>	
<p align="center"><b>(VII) How the enforcement program ends</b></p>	
<p>21. How long will the enforcement process end. In the case of civil enforcement of intellectual property rights, if the person to be executed has property available for execution, it is generally concluded within 6 months from the date of filing the case; if there are special circumstances that require the extension of the enforcement period, it shall be reported to the president or vice president of the people's court for approval.</p>	
<p>(Based on: Article 5 of the "Several Provisions of the Supreme People's Court on the Strict Enforcement of the Time Limits of Case Trial</p>	

**2020-04-15 AIPLA Comment Table(2)**

<p>System", and "Article 1 of the" Provisions of the Supreme People's Court on the Time Limits of People's Courts on Handling Cases "</p>	
<p>22. Under what circumstances does the enforcement procedure end. The compulsory enforcement procedure ends when all the matters applied for by the executor of the application have been executed in accordance with the law or legal circumstances such as the petitioner's cancellation of the compulsory enforcement application and the cancellation of the effective judgment have occurred.</p>	
<p>(Base: Article 257 of the Civil Procedure Law of the People's Republic of China)</p>	
<p><b>III.</b> Enforcement of intellectual property administrative cases</p>	
<p>23. Subject of enforcement of intellectual property administrative cases. Where the legally binding administrative judgment, administrative ruling, administrative compensation judgment and administrative mediation are refused by the party responsible, the other party may apply to the people's court for enforcement according to law.</p>	
<p>If the people's court decides that the administrative organ has performed its obligations of administrative compensation, administrative compensation, or other administrative payment, and the administrative organ refuses to perform, the other party may apply to the court for compulsory enforcement.</p>	

**2020-04-15 AIPLA Comment Table(2)**

<p>(1) The administrative judgment, administrative ruling, administrative compensation judgment and administrative mediation that have legal effect shall be executed by the people's court of first instance. If the people's court of first instance considers that the situation is special and needs to be executed by the people's court of second instance, it may report to the people's court of second instance for execution; the people's court of second instance may decide to execute it or the people's court of first instance.</p>	
<p>(Based on: Articles 152 and 154 of the Interpretation of the Supreme People's Court on the Application of the Administrative Procedure Law of the People's Republic of China)</p>	
<p>24. Deadline for applying for enforcement of intellectual property administrative cases. The deadline for application execution is two years. Relevant laws and regulations shall apply to the suspension or interruption of application of the limitation period.</p>	
<p>The time limit for application for execution shall be calculated from the last day of the period of performance stipulated in the legal document; if the legal document stipulates that the performance is to be performed in installments, it shall be calculated from the last day of each specified period of performance; Calculated from the date the document is served on the parties.</p>	
<p>If the application is overdue, the people's court will not accept it unless there are valid reasons.</p>	

**2020-04-15 AIPLA Comment Table(2)**

<p>(Based on: Article 153 of the Interpretation of the Supreme People's Court on the Application of the Administrative Procedure Law of the People's Republic of China)</p>	
<p>25. Procedures for the enforcement of intellectual property administrative cases. For people's courts handling administrative execution cases, the provisions of the Administrative Law, Administrative Procedure Law and relevant judicial interpretations shall apply; if there are no corresponding provisions, the relevant provisions of civil execution shall apply.</p>	
<p>(Base: Article 101 of the Administrative Procedure Law of the People's Republic of China)</p>	
<p><b>IV、</b> Enforcement of Property-Related Criminal Cases</p>	
<p>26. Enforcement subject of intellectual property criminal cases involving some property matters. The following matters concerning property, as determined by the main body of the criminal ruling with legal effect, shall be implemented by the people's court of first instance:</p>	
<p>(1) Fines and confiscation of property;</p>	
<p>(2) order a refund;</p>	
<p>(3) Disposal of stolen money and stolen goods transferred with the case;</p>	
<p>(4) Confiscation of the personal property transferred with the case for use in crime;</p>	

**2020-04-15 AIPLA Comment Table(2)**

(5) Other related matters that should be executed by the people's court.	
(Based on: Articles 1 and 2 of the "Several Provisions of the Supreme People's Court on the Enforcement of the Property Part of Criminal Judgments"	
27. Procedures for the enforcement of property-related matters in intellectual property criminal cases. People's courts handling criminal judgment-related property-related enforcement cases shall apply the provisions of the Criminal Law, Criminal Procedure Law and relevant judicial interpretations; if there are no corresponding provisions, refer to the relevant provisions of civil enforcement.	
(Based on: Article 16 of the "Several Provisions of the Supreme People's Court on the Enforcement of the Property Part of Criminal Judgments")	