Peirce-Tsinghua Chinese IP Law Summer Program
The Introduction to Chinese IP Law
Final Examination
(12/07/2002)

Examination Number:_____

General Instructions

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This is a two-hour close-book examination. You shall not consult any written materials, and activity on the problem outside the exam room or discussion with any other person during the examination period is prohibited. Individual questions have different points. Apportion your time in accordance with the value of the question. Be sure to put your examination number on each item which you submit to be graded. Please fill in the blanks on this original white sheet and answer your questions in yellow books. Write on only one side of the page and observe margins. Organize your answer before you begin to write and try to keep your answers concise. If you feel that the facts are less than sufficient to answer the question completely, state what additional pieces of information you would need to know to answer the question completely.

1. Fill in the blanks (35 points)

(1) (6 points) Under the Copy Right Law of PRC, The term of protection of the property right of the copyright of a Chinese citizen's work is_____ _____ _____; The term of protection of the property right of the copyright of the work of a legal entity or other organization is _____, counted from _____; The term of protection of the property right of the copyright of a cinematographic work or a work created by virtue of an analogous method of film production is _____, counted from _____.

(2) (3 points) The transfer of ownership of the original copy of a work of fine art, or other works, shall not be deemed to include the transfer of _____ in such work, provided that the right _____ shall be enjoyed by the owner of such original copy.

(3) (3 points) Under the Patent Law of PRC, The term of protection of patent for invention is _____, the term of protection of patent for utility model or design is _____, counted from _____.

(4) (3 points) Under the Patent Law of PRC, in order to be approved the application for patent for invention shall go through _____examination and

examination _____, the application for patent for utility model or design shall go through _____examination.

(5) (5 points) Under the Trademark Law of PRC, the first term of protection of registered trademark is _____,counted from the date on which_____ _____; or from the date on which_____ _____ _____.

(6) (5point) Under the relevant IP laws of PRC, the owner of copyright includes____ _____ _____; the owner of trademark includes _____ _____.

(7) (4 points) Under the Trademark Law of PRC, the varieties of trademark include _____, _____ _____, _____.

(8) (3 points) Under the Patent Law of PRC, any individual person or entity which obtained a compulsory license for a patent shall make _____ to the patentee of the patent and shall not enjoy _____right.

(9) (3 points) Under the Patent Law of PRC, the patents include patent for _____ _____, patent for _____and patent for _____.

2. Answer questions (35 points)

(1) (10 points) Under the Trademark Law of PRC, what is well-know trademark? Please describe the protection of well-know trademark stipulated by the Trade Law and relevant Regulation.

(2) (13 points) Under the Copyright Law of PRC, what are commission works, joint works, service-works and entity's works? Please analyze the main differences among them.

(3) (12 points) Please analyze the difference between registered trademarks and unregistered trademarks in terms of their legal status, use and administration according to the Trademark Law of PRC .

3. Explain the following terms according to the IP law of PRC (30 points)

(1) (6 points) The substantial requirement for granting patent for invention;

(2) (6 points) The content of patent right

(3) (6 points) The protection scope of registered trademark

(4) (6 points) "Exhaustion Principle of Patent Right"

(5) (6 points) Service invention-creation