Several Provisions of the Supreme People’s Court on the Jurisdiction over First-Instance Intellectual Property Civil and Administrative Cases

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Fa Shi [2022] No. 13

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Promulgated on April 20, 2022

Annex: Notice of the Supreme People’s Court on Printing and Issuing the Matters Concerning the Jurisdiction of Basic People’s Courts over First-Instance Intellectual Property Civil and Administrative Cases (Fa [2025] No. 167)

For the purpose of further improving the jurisdiction system for intellectual property cases, rationally positioning the adjudication functions of the four levels of courts, in accordance with the Civil Procedure Law of the People's Republic of China, the Administrative Litigation Law of the People's Republic of China and other laws, and in light of intellectual property adjudication practice, these Provisions are formulated.

Article 1 — First-instance civil and administrative cases concerning disputes over ownership and infringement of invention patents, utility model patents, new plant varieties, layout designs of integrated circuits, technical secrets and computer software, as well as monopoly disputes, shall be under the jurisdiction of the intellectual property courts, the intermediate people's courts at the seat of the people's government of each province, autonomous region or municipality directly under the Central Government, and the intermediate people's courts designated by the Supreme People's Court.

Where laws provide otherwise regarding the jurisdiction of intellectual property courts, such provisions shall prevail.

Article 2 — First-instance civil and administrative cases concerning disputes over ownership and infringement of design patents, and cases involving the recognition of well-known trademarks, shall be under the jurisdiction of the intellectual property courts and the intermediate people's courts; with the approval of the Supreme People's Court, they may also be under the jurisdiction of the basic people's courts, except for administrative cases concerning design patents.

First-instance intellectual property cases other than those specified in Article 1 of these Provisions and paragraph 1 of this Article, where the amount of the subject matter of the action is at or above the amount determined by the Supreme People's Court, and those involving administrative acts of the departments of the State Council, the local people's governments at or above the county level, or the customs authorities, shall be under the jurisdiction of the intermediate people's courts.

Where laws provide otherwise regarding the jurisdiction of intellectual property courts, such provisions shall prevail.

Article 3 — First-instance intellectual property civil and administrative cases other than those specified in Articles 1 and 2 of these Provisions shall be under the jurisdiction of the basic people's courts designated by the Supreme People's Court.

Article 4 — With respect to intellectual property civil and administrative cases of a new type, difficult or complex cases, or cases with guiding significance for the application of law, the people's court at a higher

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level may, in accordance with the relevant provisions of the procedural laws, try the case at a higher level upon the request of the people's court at a lower level or by its own decision.

Where it is truly necessary to hand over a first-instance intellectual property civil case under the jurisdiction of this court to a people's court at a lower level for trial, approval shall be sought from the people's court at the next higher level on a case-by-case basis in accordance with paragraph 1 of Article 39 of the Civil Procedure Law.

Article 5 — Where, in accordance with these Provisions, the jurisdiction needs to be determined by the Supreme People's Court, or the standards for the amount of the subject matter of the action or the regional scope of jurisdiction need to be adjusted, the matter shall be reported to the Supreme People's Court level by level for approval.

Article 6 — These Provisions shall come into force on May 1, 2022. Where judicial interpretations previously issued by the Supreme People's Court are inconsistent with these Provisions, these Provisions shall prevail.

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