

China's National Intellectual Property Administration Announces Record 2.49 Million RMB Fine Against Patent Firm for Unauthorized Practice of Law and Filing Abnormal Patent Applications

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On June 8, 2022, [China's National Intellectual Property Administration](#) (CNIPA) announced a record 2.49 million RMB (~\$372 thousand USD) fine against a Zhejiang-based patent firm for practicing patent law without a license and filing [abnormal](#) (irregular) patent applications. The fine is part of the "[Blue Sky](#)" program to crack down on problems in the patent industry. The previously reported highest fine was 1.04 million RMB.

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“蓝天”行动：重拳整治无资质专利代理，浙江单案罚没249万元

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无资质专利代理行为严重扰乱代理行业秩序，严厉打击无资质专利代理是“蓝天”专项整治行动的重点任务之一。

近日，浙江一机构因未经批准擅自从事专利代理业务被罚没249万余元，罚没金额是目前查处无资质专利代理违法案件之最。浙江省市场监管局(知识产权局) 接到国家知识产权局交办的线索，发现该机构涉嫌无资质专利代理行为，即立案调查。该机构于2016年开始，在未取得专利代理机构执业许可的情况下，擅自开展专利代理业务。自2019年3月1日（新的《专利代理条例》实施之日）起，该机构共为137个专利申请人代理专利申请566件，专利代理费用84万余元，扣除已缴纳的税费1万余元，违法所得83万余元。该机构还存在从事非正常专利申请的行为，视为从重处罚的情节，浙江省市场监管局(知识产权局)决定给予没收违法所得，并处罚款合计249万余元的行政处罚。

本案对无资质专利代理行为起到了很大的震慑作用，彰显了从严整治无资质专利代理的决心。下一步，国家知识产权局将加大对无资质专利代理行为的打击力度，净化行业环境，促进知识产权代理行业健康有序发展。

The [Zhejiang Provincial Market Supervision Bureau \(Intellectual Property Office\)](#) received evidence from the CNIPA and found that the unnamed agency was suspected of unauthorized practice of patent law, and immediately began an investigation. It was determined that the agency started in 2016 to carry out the patent agency business without obtaining a license to practice as a patent agency. Since March 1, 2019 (the date of the implementation of the new “Patent Agency Regulations”), the agency has represented 137 patent applicants in 566 patent applications, generating revenue of more than 840,000 RMB – deducting the taxes and fees paid of 10,000 RMB yielded illegal income of more than 830,000 RMB. The agency also engaged in abnormal patent applications. The Zhejiang Provincial Market Supervision Bureau (Intellectual Property Office) decided to confiscate the illegal income and impose an administrative penalty totaling more than 2.49 million RMB.

CNIPA stated,

Unqualified patent agency acts have seriously disrupted the order of the agency industry, and cracking down on unqualified patent agency is one of the key tasks of the “Blue Sky” special rectification action.

...

This case has played a great deterrent effect on the behavior of unqualified patent agents, and demonstrated the determination to strictly eliminate unqualified patent agents. In the next step, the CNIPA will increase the crackdown on unqualified patent agency behaviors, purify the industry environment, and promote the healthy and orderly development of the intellectual property agency industry.

The full text of the announcement is available [here](#) (Chinese only).

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