

New Chinese Internet Domain Space Opens for Registration

The China Internet Network Information Center (CNNIC) has announced that starting October 29, 2012, domain names in the .中国 (“dot zhong guo”, or “dot China in Chinese characters”) space will be made available for registration.

The priority **registration** period is from **September 16, 2012 to October 14, 2012**. At this time, trademark owners will have the opportunity to apply for registration of the domain name corresponding to their trademark.中国 prior to opening to the general public. The trademark must consist of Chinese characters, Roman letters, or numbers.

The priority **updating** period is from **October 15, 2012 to October 23, 2012**. At this time, owners of an English domain name in the “.cn” space (2nd level domains, such as com.cn, net.cn, org.cn, etc.) can register a domain name in the .中国 domain space.

The priority **registration and updating** period will be based on a “first to file” basis. In the event that two owners of the same trademark apply for the registration of the same domain name, the first to file an application will be granted registration. CNNIC will publish the results of domain names registered starting from October 25, 2012.

PRC Supreme People’s Court Issues Provisions on Anti-Trust Claims



The Supreme People's Court released the Provisions of Supreme People's Court on Several Issues Concerning Application of Law in Hearing Civil-law Dispute Cases Arising from Monopolistic Activities (the "Provisions"). The Provisions consist of a total of 16 articles, and provide details on filing civil lawsuits regarding anti-trust claims. The Provisions apply to any claims brought to a civil tribunal. The Provisions clarify issues including filing of claims, acceptance, jurisdiction, burden of proof, evidence and civil responsibility.

China's SAIC Restricts Access to Corporate Registration Records

Local AIC offices have increased the stringency with which they review applications for corporate records. Under the Rules on Search of Corporate Records issued by the SAIC, officials from government agencies have access to complete corporate records, and the public has access to only a limited subset of those records, including those in 1) below. Lawyers involved in litigation may obtain access to more complete records upon presentation of a notice granted by the Court. In practice, SAIC officials have discretion on how much information to release. Lawyers have usually been able to obtain records including 1) through 5) below.

- 1) Corporate name, business address, legal representative, company type, registered capital, business scope, shareholders, business term, registration number, registration date of the company.
- 2) Approval certificate, AOIs, capital audit certificate, tenancy agreement, ID of legal representative, letter of appointment of legal representative, corporate certificate or ID of shareholders, corporate name reservation notice.
- 3) Items of corporate change including date of establishing a subsidiary, change of corporate name, business address, legal representative, company type, registered capital, business scope and etc.
- 4) Items related to dissolution or termination of the company including judgment of bankruptcy, resolution by the company, cancellation decision, liquidation report, date of termination/cancellation.
- 5) Items of inspection including dates and records of the penalties paid by the company, and annual audit reports.

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While there has been no change in the rules and regulations, anecdotal reports indicate that obtaining corporate records has become more difficult. SAIC officials in various cities and provinces have restricted the amount of information they will release at the present time.

The Standing Committee of the National People's Congress Promulgates the Decision on the Amendment of Civil Procedural Law of the P.R.C

Source: The website of National People's Congress of PRC

The Standing Committee of National People's Congress adopted amendments to the Civil Procedure Law of the P.R.C, which will take effect starting January 1, 2013.

Public interest litigation system has been incorporated into the amended Civil Procedure Law for the first time. Agencies and organizations authorized by the law may file a lawsuit with the relevant People's Court against any private action that harms the social or public interest, such as environmental pollution.

The amended Civil Procedure Law also provides for a small claims litigation system. To qualify for this system, a claim must be for no more than the equivalent of 30% of the average employee wage for the prior year. Decisions on small claims cases will be final, and no appeal of the judgment issued by the basic level court will be allowed.

This newsletter does not constitute legal advice. If you have any questions or instructions, please do not hesitate to contact us. Please also feel free to check our website at <http://www.wangandwang.com> for more information.