

SOFTWARE COPYRIGHT LITIGATION IN CHINA: HIDDEN GEMS

While end-user piracy remains a significant problem for the enterprise software industry, many of the major players do not appear to be using China's courts to seek remedies when licensing negotiations fail. Research from CIELA suggests they are missing out on a powerful driver of revenue: the few software companies who have litigated have achieved some exceptional outcomes.

MOST PROLIFIC FOREIGN PLAINTIFFS 2010-2019

PLAINTIFFS	NO. OF CASES	PLAINTIFFS	NO. OF CASES	Win rate
Rhino Software	113	Autodesk	10	85.3%
Alt-N Technologies	67	Dassault Systems	6	
Microsoft	63	Adobe Systems	4	
Siemens	10	Brother Industries	3	

Chris Bailey, Principal, Rouse Consultancy



“Software companies are naturally reluctant to use the “stick” of litigation against potential customers but raising the deterrence level is also important to drive licensing deals. Surprisingly, few in the industry have taken advantage of the speed and reliability of China’s courts to settle licensing disputes. The highest compensation amounts have been awarded to major foreign software licensors who understood how to apply the tools available to obtain evidence of piracy. Soon, new legislation and a willingness of the courts to accept technical evidence such as “phone home” tracking software should give an even greater boost to licensors looking for efficient and effective license conversion.”

TOP TEN HIGHEST AWARDS FOR FOREIGN SOFTWARE LICENSOR PLAINTIFFS

Dassault Systems	4 cases	USD 6.6M
Microsoft	4 cases	USD 1.8M
NortonLifeLock	1 case	USD 1.4M
Siemens	1 case	USD 1.0M

SOFTWARE COPYRIGHT VS PATENT CASES MEAN COMPENSATION AWARDED

