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## 1. China Strengths New Framework for Foreign-Related IP Dispute

On July 29, 2024, China's Ministry of Justice published the [Regulations of the State Council on the Settlement of Foreign-Related Intellectual Property Disputes \(Draft for Soliciting Public Opinions\)](#) (in Chinese, "《国务院关于涉外知识产权纠纷处理的规定（公开征求意见稿）》"), marking an important step forward in China's ongoing efforts to bolster IP protection.

The draft, comprising 12 articles, is designed to strengthen IP protection, optimize the business environment, and safeguard the legitimate rights and interests of Chinese citizens and organizations in foreign-related IP disputes. The draft regulations are segmented into two main parts:

### - For Governmental Framework and Public Services

The IP management department and the commercial department of the State Council are entrusted with the following responsibilities:

- **Promote Public Information Services** — These departments are tasked with enhancing the public service system for IP information. They are to collect and disseminate foreign IP legal system information promptly, offering the public accessible databases for reference and queries (Article 4).
- **Monitor and Analyze Foreign IP Practice** — They are charged with the ongoing surveillance of foreign IP system evolutions and significant information, performing thorough analyses of exemplary cases to detect emerging trends and patterns, and to promptly issue risk alerts and early warning notices to the public, offering preemptive insights into foreign-related IP matters (Article 5).
- **Provide Dispute Resolution Guidance** — It is their duty to establish and refine guidance institutions and procedures for handling foreign-related IP disputes, providing strategic advice and rights protection support to Chinese citizens and organizations (Article 6).

### - Support Mechanisms and Encouragement of Services

- **Mediation and Arbitration Support** — The state extends its support to commercial mediation and arbitration organizations, facilitating the resolution of foreign-related IP disputes through efficient and convenient means, and guiding citizens and organizations towards quick resolutions via reconciliation, mediation, and arbitration (Article 7).
- **International Legal Service Development** — The state actively encourages Chinese law firms and agencies to enhance their capabilities in foreign-related IP services. This includes establishing overseas branches or joint operations to provide high-quality and efficient legal services to Chinese entities abroad (Article 8).
- **Insurance and Mutual Aid Fund Incentives** — There is an endorsement for insurance institutions to offer services catering to foreign-related IP rights insurance, supported by the establishment of mutual aid funds to alleviate the financial burden (Article 9).
- **Assistance Platforms and Public Welfare Services** — The state stimulates the creation of assistance platforms by chambers of commerce, industry associations, and cross-border e-commerce platforms. These platforms are intended to provide public welfare services such as consultation, training, and operational hotlines for IP rights protection (Article 10).

### Conclusion

The draft regulations underscore China's dedication to strengthening its IP rights protection system, not merely as a new regulatory framework but as a comprehensive enhancement of existing structures. The dual focus on governmental support and the encouragement of professional services reflects a multifaceted approach to equip Chinese entities with the necessary tools to navigate the complexities of cross-border IP disputes effectively. Asiallians will be watching closely as details emerge.

## 2. New Measures to Enhance Accommodation for Foreign Visitors in China

On July 25, 2024, China's Ministry of Commerce, along with six other government departments, unveiled the [Circular on Several Measures to Facilitate Accommodation for Foreign Travelers to Serve High-standard Opening-up](#) (in Chinese, "《商务部等7部门关于服务高水平对外开放便利境外人员住宿若干措施的通知》(商服贸函〔2024〕324号)"). This move comes as a proactive response to address the accommodation challenges faced by international

travelers and is set to elevate the standards of service within the country's thriving tourism sector.

## Background

The historical context of hotel accommodation for foreigners in China is rooted in regulations that date back to 1988 titled the *Regulations on the Evaluation of Star Levels for Tourism (Foreign-related) Hotels*. Specifically, Articles 25 to 28 of this regulation mentioned that hotels had to obtain a tourism (foreign-related) business license (in Chinese, “旅游（涉外）营业许可证”) from the Ministry of Tourism before they could operate in foreign-related business.

However, by 2003, Beijing was the first to break this policy limitation. Starting from October 1, 2003, the Beijing Public Security Bureau completely lifted the restrictions on designated accommodations for foreigners throughout the city. Any enterprise or institution with hotel business qualifications could legally accommodate foreign guests who have completed temporary accommodation procedures. This reform has since been adopted in many cities across China.

Currently, there are no policy barriers at the national level regarding the reception of foreign tourists for accommodation. Nevertheless, hotels still need to actively register with local public security authorities and report registration information.

The specific legal provisions related to the accommodation of foreigners in hotels are outlined in the *Exit and Entry Administration Law of the People's Republic of China*. Article 39 states that hotels shall register the accommodation of foreigners in accordance with regulations on the public security administration of the hotel industry and submit foreigners' accommodation registration information to the public security organs where the hotels are located. Additionally, under Article 6 of the *Measures for the Administration of Hotel Security Management*, hotels are required to submit accommodation registration forms for foreign guests to the local public security organ within 24 hours.

Given these administrative requirements, some hotels may act cautiously and refuse foreign guests due to perceived inadequacies in their conditions or qualifications. Reasons for refusal might include lack of license for taking foreign guests, unfamiliarity with the public security registration system or insufficient connectivity with public security agencies, as well as concerns about cultural differences and language barriers affecting service quality, or causing potential misunderstandings.

Instances of foreign visitors being denied accommodation have been particularly notable in budget hotels and smaller cities, leading to significant inconvenience. These challenges have been underscored by feedback from travelers from countries such as Nigeria, the United Kingdom, and Pakistan.

In direct response to these issues, on May 24, departments including the [Ministry of Public Security, Ministry of Commerce, and National Immigration Administration provided relevant answers](#). They emphasized that hotels must not refuse to accommodate foreign guests based on the excuse of lacking foreign-related qualifications or not knowing how to enter information into the system. They are actively working with industry departments such as the Ministry of Commerce and Ministry of Culture and Tourism to improve the service capabilities of hotels in hosting foreigners and to enhance the service level of the staff.

## Key Provisions

The new regulations encompass several key provisions:

- **Compliance and Fair Operation:** Authorities at all levels and online platforms are prohibited from restricting accommodation providers from hosting foreign guests based on qualification requirements. There is also a ban on advertising a refusal to accommodate foreign guests.
- **Enhanced Reception Capacity:** Support is provided for training reception staff and upgrading facilities to meet international service standards.
- **Industry Self-Regulation:** Industry associations are encouraged to strengthen self-discipline and ensure fair and honest business practices.
- **Platform Function Enhancement:** Online platforms are encouraged to improve services for foreign users, including language support and streamlined booking processes.
- **Optimized Registration Management:** Efforts are made to simplify the registration process for foreign guests and improve the efficiency of accommodation registration.
- **Improved Service Channels:** Communication channels for foreigners are to be improved, including multilingual support at transit hubs and accessible information services.
- **Payment Convenience:** The acceptance of various payment methods, including foreign bank cards and digital wallets, is promoted to ensure a seamless transaction experience.
- **Friendly Environment Creation:** Efforts are made to create a welcoming atmosphere that reflects China's openness and inclusiveness.

### **Conclusion**

These new measures are part of a broader initiative to improve the tourism experience for foreigners in China, following the country's announcement of favorable policies to boost inbound tourism since 2023. The introduction of increasingly convenient [visa-free access](#) is one such policy, which has led to a significant rebound in the tourism sector, with a 152.7 percent year-on-year increase in inbound travel, and 8.54 millions of these trips being visa-free.

As China continues to refine its policies and practices, the impact of these measures will extend beyond the hotel sector, contributing to the broader goals of international exchange and economic cooperation. It is a step forward in positioning China as not only a culturally rich and historically significant destination but also as a leader in innovative and inclusive tourism practices. Asiallians will persist in monitoring these developments and keep you informed.

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