

The Promotion Plan for the Implementation of the National Intellectual Property Strategy in 2014

Office of the Inter-Ministerial Joint Meeting for Implementation of the National Intellectual Property Strategy

This plan is promulgated to implement the requirements of the 18th National Congress of the Communist Party of China(CPC) and the 3rd Plenary Session of the 18th CPC Central Committee, carry out the requirements of the national television and telephone conference on implementing intellectual property strategy, promote the deep and efficient implementation of the national intellectual property strategy, identify the primary goals and measures for the implementation of the strategy in 2014.

I. Raising the Intellectual Property (IP) Creation Quality

Goals:

Improving IP performance evaluation system, raising the pertinence and efficiency of the IP creation. Optimizing the policy orientation for improving the quality of patent application, strengthening the supervision on the quality of patent applications. Improving examinations of various IP types, strengthening the quality management, raising the examination efficiency. Upgrading the creation capability of IP innovators, enhancing IP layout in key fields.

Measures:

1. Implement the Opinions on further Improving the Quality of Patent Applications, optimize the orientation of regional patent evaluation, improve general policy on patent subsidizing, implement special patent subsidizing policy, highlight the quality orientation of patent awarding policy, promote the integration of quality index of patent applications into relevant policies.

2. Establish the supervision system for facilitating the quality improvement of patent applications, strengthen the monitoring and handling of low quality patent applications, develop the credit database of patent applicants, seriously handle the cases involving swindling patent subsidies and awards, explore to establish the quality monitoring and feedback system of patent applications.

3. Raise the trademark registration efficiency, strengthen the quality management of trademark examination, ensure the trademark examination pendency below 9 months and the disagreement review pendency below 12 months.

4. Promote the implementation of the Notice on further Standardize the Copyright Registration Procedure and Relevant Works, improve registration of various copyrights, such as literatures, computer software, and hypothecations.

5. Establish the pilot and demonstration projects on forestry IP, improve the performance evaluation system on pilot units, guide the pilot units to raise IP quality.

6. Promote the core IP cultivation in the strategic technology-led projects and major projects, explore the establishment of IP quality supervising index system in China Academy of Science, publish the annual report on IP quality.

7. Select key technologies of national defense, organize analysis on patent status and trends, guide the IP layout, form IP portfolios with advantages.

II. Upgrading the Effectiveness of IP Utilization

Goals:

Strengthening the connection between IP policies and industrial,

regional policies, promoting the IP in strategic emerging industries, conduct study on the development mode and the cultivation policy relating to Chinese IP-intensive industries. Refining the transformation and utilization mechanisms for IP-cored and IP-based innovations, implementing the policies and measures facilitating the IP transfer and transformation, promoting the materialization, commercialization and industrialization of IP rights.

Measures:

8. Accelerate the cultivation and development of strategic emerging industries, strengthen the aggregated IP administration of strategic emerging industries, publish patent development report on national strategic emerging industries.

9. Carry out the fundamental research on IP-intensive industries, identify the scope of IP-intensive industry, explore the establishment of catalogue and statistical specifications for IP-intensive industry in line with China's own conditions.

10. Promote the revision of the Law of the PRC on Promoting the Transformation of Scientific and Technological Achievements, promote the research institutions and colleges to establish technology transfer system, reform and refine the management and distribution system for scientific and technological achievements in central public institutions, set up national guidance fund for the transformation of scientific and technological achievements, actively promote the patent sharing and achievement transformation in the strategic alliance for industrial technology innovations.

11. Raise the IP utilization capabilities of industrial enterprises, publicize and implement the Guideline for IP Management in Industrial Enterprises, regulate the IP utilization capability evaluation index of enterprises, support the local governments to develop featured-industry or regional IP utilization pilot projects with focus on the industrial transformation and upgrading.

12. Study and formulate the Management Regulations on the Property Exhibition and Trading Platform of Technological Achievements in Seed Industry, publish the relevant exhibition and trade information, promote the standard trade contracts, trade rules and regulations.

13. Establish the patent exhibition and matching platform for the new varieties of plants and relevant IPRs, implement the promotion project for forestry IP industrialization; select a number of granted new varieties of plants for transformation and utilization in various forestry technology plans; establish IP strategic alliance in the key forestry fields.

14. Strengthen the development of national base for copyright trading, support the organization of large-scale copyright fairs, such as the 2014 China International Copyright Expo, and the Fuzhou Cross-Strait Copyright (Creative) Industry Fair.

15. Accelerate the implementation of patent-oriented pilot projects, carry out the patent-oriented analysis projects in 3 patent-oriented experimental zones, explore the establishment of working mechanism closely integrating patent analysis and industry operation decision, develop patent storage and operation projects in 2-3 key industrial technology areas.

16. Promote the IP financial service, enhance the IP mortgage financing, IP investment and financing, and patent insurance, establish

the patent transfer and transformation service mechanism in IP demonstration zones, promote the utilization of patent value analysis index system.

17. Draft policies and opinions on rights ownership and benefit distribution of IP rights in the national defense area, carry out the national defense IP utilization pilot, promote pilot programs for the transformation and utilization of national defense IP.

18. Draft the policies on promoting the IP transformation between military and civil fields, develop and promulgate the IP transformation and implementation catalogue, provide the pilot and demonstration programs for IP transformation and utilization, promote the two-way IP transformation and utilization between military and civil areas.

III. Raising the Effectiveness of IP Protection

Goals:

Refining the IP legislation, improving the long-term mechanism for IP protection. Promoting the development of IP trial system, raising IP judicial protection level. Enhancing the capacity of IP administrative enforcement, implementing special enforcement and assistance programs for key fields, areas and procedures. Promoting the mediation of IP disputes and, improving the diversified dispute resolution mechanisms. Strengthening the IP protection in cyber environment, enhancing the protection for IP resources in the traditional advantage areas.

Measures:

19. Promote the drafting and revising of relevant laws and administrative regulations, such as Copyright Law, Patent Law, Implementation Regulation of Trademark Law, and Service Invention Regulation.

20. Complete the drafting of the Interpretation on Several Issues Concerning the Application of Law in the Trial of Patent Infringement Disputes (II), Decision on Amendments to the Interpretation on Several Issues Concerning the Application of Law to the Trial of Patent Dispute Cases, Interpretation on Several Issues Concerning Applicable Law in the Trial of Trademark Civil Disputes, Provisions on Several Issues Concerning Applicable Law in the Trial of Trademark Granting and Confirmation Administrative Cases, Interpretation on Several Issues Concerning the Applicable Law in IP Attachment before the Institution of an Action.

21. Continue to promote the drafting and formulating of Regulations on Administration of the protection of Innovative Pharmaceutical, strengthen the protection of innovative pharmaceutical.

22. Explore the establishment of IP special court, optimize the IP protection system, improve the incentive mechanism for innovation.

23. Improve the mechanism linking administrative enforcement and judicial enforcement, refine central-level information sharing platform, accelerate the establishment of information sharing platforms at provincial and lower levels, promote the integration of the above platforms, provide effective case transfer and feedback. Publish the case information concerning administrative punishment against producing and selling counterfeit and shoddy goods and IP infringement according to the law.

24. Study and formulate the Implementation Opinions on the Management Regulations of Legitimate Software Application in Governmental Agencies, carry out supervision and inspection on application of legitimate software, improve performance assessment on legitimate software application in governments at municipal and county levels, further promote the legitimate software application in enterprises with focus on state-owned enterprises, financial institutions, large-scale and private enterprises, press and publication industry, guide enterprise to strengthen management on software assets, develop carry out special inspection on the pre-installation of legitimate operation system software in computers.

25. Carry out IP antitrust investigation, initiate antitrust investigation at appropriate time into following activities: abusing market dominant position to refuse license, license with high price, reverse payment, and using patent pool to make price monopoly agreement to exclude and limit competition.

26. Highlight the fight against crimes with serious social influence and strong public reaction, such as producing and selling counterfeit medicines, foods, agricultural products, daily chemicals, mechanical and electrical products, refine the integrated and informatization fight mechanism, with focus on application of the counterfeits tracing technology, promote the coordination mechanism between police and enterprises, accelerate the sharing of logistics information and administrative enforcement information, improve the actual fight application mechanism.

27. Strengthen the IP protection in cyber environment, carry out special crackdown major infringement and counterfeit goods sold on Internet.

28. Implement the 10th Sword-net campaign against online copyright piracy, implement special crackdown on online copyright piracy.

29. Implement the Project on Enhancing Patent Administrative Enforcement Capability, establish and improve mechanisms of IP protection assistance and complaint, patent enforcement coordination, fast patent dispute mediation and patent infringement determination, raise the patent administrative enforcement capabilities, improve the IP protection assistance and complaint platform, refine the evaluation index system of enforcement performance.

30. Promote the mechanism construction on IP dispute mediation and arbitration, cultivate a number of IP institutions with public credibility on IP dispute mediation and arbitration, enhance the roles of civil mediation, administrative mediation and arbitration in solving IP disputes.

31. Actively expand the business field of IP notarization, accelerate the establishment of IP pre-protection mechanism.

32. Enhance the IP protection in specialized market, cultivate a number of model specialized markets, promote the establishment of the evaluation system for IP protection in specialized markets.

33. Refine the IP protection in free trade zone, explore the supervision mechanism on transshipment cargo with suspected IP infringement.

34. Research the basic principles of IP protection social credit evaluation, refine the social credit system.

35. Enhance regional and departmental cooperation on trademark administrative enforcement,

prioritize the investigations into the cross-regional and large-scale trademark infringement cases with serious social influence, severely combat "imitation of famous brand" behaviors, further refine the long-term trademark protection mechanism.

36. Carry out active copyright supervision on large-scale online content suppliers, expand the supervision scope at appropriate time, refine the long-term working mechanism, further standardize the copyright order of online literature.

37. Improve the coordination mechanism of geographical indications, promote the united recognition and protection of geographical indications, explore the legislative research on uniform provisions on the granting, administration and protection of geographical indications.

38. Carry out special campaigns against the new variety of plants right infringement and the producing and selling of counterfeit and shoddy seeds.

39. Continue to promote the legislative process of the Regulations on the Access to and Benefit-Sharing of Genetic Resources, implement national working plans on improving access and benefit-sharing of genetic resources.

40. Promulgate the Research Outline for Protection of Traditional Knowledge of Traditional Chinese Medicine, carry out the national survey on traditional knowledge of Chinese traditional medicine, set up preliminary protection catalogue and database for the traditional knowledge of Chinese traditional medicine.

41. Promote the online dissemination of the folklore database, explore the benefit-sharing mechanism between folklore depositaries and following creators.

42. Strengthen the investigation and handling of major IP cases in customs, improve the unified enforcement, upgrade the IP Protection and Enforcement System in Customs, support the establishment of the regional IP protection ally for the enterprises holding self-developed IP rights, conduct investigation into the IP protection by customs among the enterprises exporting famous band products.

43. Accelerate the revision of the National Defense Patents Ordinance, strengthen the protection to the IP relating to national defense, launch the pilot program for the protection to the IP rights relating to national defense.

IV. Improving IP Management and Public Service

Goals:

Improve the IP management and public service system with focus on creating favorable development environment and providing excellent public services. Promoting the construction of public IP information service platform, improving the information disclosure. Promoting the construction of IP appraisal mechanism for major economic activities, improving the IP information analysis and early warning in key areas. Raising the IP management capabilities of enterprises, universities and institutes.

Measures:

44. Promulgate the policies on improving IP management, refine the IP management mechanism, improve IP management capabilities of the government, industries, enterprises, universities, research institutes and service agencies.

45. Accelerate the revision of Regulations on Strengthening IP Management of the National Science and Technology Programs, im-

plement Interim Provisions on IP Management of Major National Science and Technology Projects, further promote the formulating and the promulgating of IP management rules on major national science and technology projects, refine the registration, statistics and evaluation system of IP information of major national science and technology projects.

46. Study and revise relevant policy documents relating to IP management in universities and institutes, establish IP management standards for universities and institutes, improve the IP managements system in universities.

47. Establish IP risk assessment and early warning projects in key industries and technical areas, organize the release of IP early warnings trends in key industries; study and establish the tackling and early warning mechanism for IP risks in key technical areas.

48. Promote the IP appraisal for major economic activities, formulate the IP analysis and appraisal standards, improve the service capabilities of IP analysis and appraisal agencies.

49. Establish the national committee for the standardization of knowledge management technology, establish and refine the national standard system of knowledge management, study and propose the planning projects for formulating and revising national standards, guide the enterprises to implement Enterprise Intellectual Property Management Standards, implement the authentication for IP management systems, speed up the cultivating of the national IP demonstration enterprises and advanced enterprises, implement the IP strategy promotion projects for SMEs, carry out IP trusteeship for SMEs and micro enterprises.

50. Promote the construction of national patent information public service system, study and formulate the plan for further disclosure of patent basic data resources, refine the National Guidelines for Patent Information Public Service.

51. Accelerate the construction of geographical indication information system for the agricultural products in JinNong Project and related databases, promote the construction of agricultural IP platform, implement analysis, evaluation and IP early warning involving domestic and worldwide agricultural IP information, and periodically promulgate the Chinese Agricultural IP Creation Index Report.

52. Promulgate, implement and disseminate the Management Regulations on Patent-related National Standards (interim), promulgate the national standard of the Special Procedure of Standard Establishment, Section 1: Standards Involving Patents.

53. Further reform the management system for judicial appraisals, promote the integration of IP judicial appraisal into the unified registration management, explore the establishment of the specialist bank of judicial appraisals.

54. Improve the IP statistics index system, analysis and include the IP index into the technology and trade-related statistical yearbooks, consider the establishment of the statistics system for the import and export of IP-intensive merchandise, promote the integration of IP into the counting and monitoring of the quality of the economic development, stress the statistical accounting of IP products in the revised national economic accounting system.

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