

Promotion Plan for the Implementation of the National Intellectual Property Strategy in 2013

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), carry out the innovation-driven development strategy, promote the realization of the five-year goals of the Outline of the National Intellectual Property Strategy, identify the primary goals and measures for the implementation of the national intellectual property strategy in 2013.

I. Enhancing Intellectual Property (IP) Creation

Goals:

Raising the quality of intellectual property rights (IPRs) and innovation efficiency; improving the relevant examination management, i.e. patent, trademark, copyright, new plant varieties, etc., improving the IP performance evaluation system, encouraging the IP creators to transfer their focus from the quantity to the quality; and upgrading the IP value.

Measures:

(1) Implement the revised evaluation index system for the State Technological Invention Award, improve the requirements on IP certifying documents for candidate projects of the Award, and steer the evaluation experts towards the quality, as well as the transfer and application of the IP rights of the candidate projects.

(2) Perfect the assessment and evaluation system for patent index and the system for IP statistics index; carry out evaluation on the index of "invention patent number per ten thousand people."

(3) Refine the systems for operation instructions and quality guarantee in patent examination; improve the patent searching capacity; draft policies designed to enhance the patent quality, clarify the orientation of patent subsidizing policy and raise the performance of the policy; strengthen the monitoring and handling of abnormal patent applications, standardize patent applications.

(4) Improve the trademark examination standards, complete the 3rd stage construction of the Trademark Registration and Management Automation System, enhance the trademark registration efficiency, ensure the trademark registration and examination pendency below 10 months and the disagreement review pendency below 18 months.

(5) Strengthen the copyright registration, improve the system for collection, submission and publishing of copyright registration data, enhance copyright registration volume and its coverage.

(6) Formulate and improve the testing guidelines and examination regulations on new varieties of plants, raise the capacity of examining and testing, achieve a better management of new varieties of plants examination, improve the quality of the granted new varieties of plants.

II. Strengthening IP Layout in Key Industries

Goals:

Promoting the integration of IP and industry policies, strengthening the IP risk assessment and warning in strategic emerging industries and industries with regional advantages, reinforcing the guidance to the IP layout in key industries, guiding the industries and enterprises to enhance their capacities of leveraging IPRs in global competition.

Measures:

(7) Implement the Opinions on Strengthening the Intellectual Property Work in the Strategic Emerging Industries by the General Office of the State Council, improve coordination mechanisms, formulate and implement the working plan for the IP work of strategic emerging industries for 2013.

(8) Implement the Regulations on the Preferential Examination of Invention Patent Applications, provide preferential examination for patent applications in strategic emerging industries like energy saving and environmental protection, the new-generation information technology, biology, high-end equipment manufacturing, new energy, new materials, as well as the technologies supporting a green development, such as low-carbon technologies and resources-saving technologies.

(9) Improve the copyright statistics system, carry out the annual survey on the contributions of copyright-related industries to national economy, strengthen the instruction and management of copyright trading.

(10) Explore the construction of a national IP appraisal mechanism, further the pilot programs for IP appraisal in major economic, scientific and technological activities by central enterprises, scientific research institutes and local governments to improve their capacities of conducting IP analysis and appraisal, and delivering relevant service.

(11) Further implement the Risk Assessment and Warning Project for Industrial Intellectual Property, provide IP warning for the selected key industries demanding industrial transformation and upgrading, carry out IP mapping and analysis in key technical fields, promote a market-oriented operation of IP in key industries.

(12) Carry out pilot projects of patent-oriented development and patent mapping in selected industries; organize 10 patent mapping and warning projects in key industries and technical fields; launch 10 research projects on industrial IP analysis, dissemination, and promotion; review Handbook on Practical Patent Analysis and formulate Standards on Patent Analysis Report.

III. Promoting IP Utilization

Goals:

Strengthening the key role by enterprises in IP utilization, improving the transformation and commercialization mechanism for IP-linked and IP-based innovations, implementing the policies facilitating IP transformation and the transfer to enterprises, promoting the materialization, commercialization and industrialization of IP rights.

Measures:

(13) Implement a number of pilot projects on innovation development and application of key industries, promote the materialization, commercialization and industrialization of self-relied IP rights in the large-scale commercialization of next-generation internet and LTE industry development, promote the integration of IPRs and standards in digital television, next-generation mobile communications, next-generation internet technology, etc.

(14) Study and formulate guiding opinions on promoting the technology transfer in research institutes and universities, experiment with technology transfer in model institutes to encourage research institutes and universities to establish standardized IP management system and technology transfer mechanism.

(15) Comprehensively implement the Project on Enhancing IP Utilization Capacities of Industrial Enterprises, support the local implementation of the project by confirmation, assistances and rewards, study and formulate the Guidelines for IP Management by Industrial Enterprises, provide guidance on IP management by pilot enterprises.

(16) Implement the promotion program for the industrialization of forestry patents and granted new varieties, promote the transfer and utilization of advanced forestry patents and new varieties.

(17) Accelerate the mutual transfer of military and civil IPRs, initiate the establishment of an IP management system featuring the feasibility assessment, a system of submission, utilization and management of the technique documentation from equipment procurement, as well as a management system of military software copyright, innovate the IP transfer and transformation model, promote the utilization of the IP rights relating to national defense.

(18) Refine policies on IP investment and financing, formulate guiding opinions on IP pledge and loans by commercial banks, build 20 IP investment and financing service platforms, implement a pilot project on integrating IP licensing right, stock right, and other assets.

IV. Reinforcing IP Protection

Goals:

Refining IP-related laws and regulations, improving the long-term mechanism of combating IP infringement according to the law, implementing the performance evaluation of IP protection. Enhancing the effectiveness of judicial IPR protection and the capacity of administrative enforcement, implementing the special protection operations and assistance programs for key fields and industries, promoting the information disclosure of IP cases subject to administrative penalty. Strengthening the protection of IP resources in the fields with traditional advantages, enhancing the ability of dealing with international cases.

Measures:

(19) Accelerate the revision of Trademark Law, Copyright Law, Patent Law as well as relevant implementation regulations.

(20) Provide stronger protection for the innovative pharmaceutical, initiate study on policy and legislation on innovative pharmaceutical protection.

(21) Draft and promulgate the Measures on Copyright Supervision and Administration of Films and Videos on Internet, and the Guiding Opinions on Copyright Enforcement.

(22) Revise the Several Provisions on Issues Concerning Applicable Law in the Trial of Patent Disputes (2001), formulate Interpretation on Several Issues Concerning the Applicable Law in IP Attachment before the Institution of an Action, Interpretation on Several Issues concerning the Applicable Law in the Trial of Trademark Civil Disputes, and Interpretation on Several Issues Concerning the Applicable Law in the Trial of Trademark Granting and Confirmation Cases; promulgate in a timely manner the guiding opinions on issues concerning the applicable laws in the patent infringement disputes, patent granting and confirmation, protection of well-known trademark, protection of service trademark, copyright disputes relating to the Kara OK music operators.

(23) Moderately increase the

number of grass-roots people's courts with jurisdiction of general IP cases, assign more intermediate people's courts to the jurisdiction of first-instance IP cases, further the pilot program of integrating civil, administrative and criminal cases in one IP court, optimize the judicial coordination mechanism; improve the organizational structure of the grass-roots people's courts, implement the brand court project.

(24) Implement the performance evaluation of local governments on combating infringements and counterfeits, formulate relevant performance evaluation system.

(25) Formulate the instruction documents on publishing legal information concerning infringement and counterfeit cases subject to administrative punishment, promote the disclosure of case information by relevant administrative enforcement authorities.

(26) Continue to promote the working mechanism linking administrative and criminal enforcement, complete the development of information-sharing platform before the end of the year, and supervise the administrative enforcement authorities to transfer a number of suspected criminal cases.

(27) Urge governments at municipal and county level to accomplish the inspection and improvement involving application of licensed software before the end of 2013, comprehensively promote the application of licensed software in enterprises, complete the pilot projects on software assets management in enterprises.

(28) Improve the supervision and management on the pre-installation of legitimate software in new computers, promote the application of safe and controllable legitimate softwares, promote the combination of the application of legitimate software and informatization in governmental agencies.

(29) Organize the anti-counterfeiting campaign with focus on 5 crimes hindering the innovative development of enterprises, baffling the stimulation of domestic demand and employment, damaging public health, endangering manufacturing and living security, and jeopardizing food security and farmers' interests.

(30) Investigate and punish websites involved in copyright infringement and the disseminating information of counterfeited and shoddy goods, disclose enterprises accessing internet without authorization, work on effective methods for strengthened domain name information supervision, raise the information accuracy of the registered websites.

(31) Implement the 9th Sword-net campaign against online copyright piracy, implement the special rectification on infringement and piracy involving online literatures, music, videos, games, animation and software.

(32) Strengthen the proactive supervision of website copyrights with focus on application software websites, shopping websites, and video websites.

(33) Launch the Project on Enhancing Patent Enforcement, promote the establishment of enforcement teams, confirmation and consultation centers for patent infringement, coordination centers for patent administrative enforcement, promulgate and implement the detailed opinions on implementing the Decisions on Enhancing Patent Administrative Enforcement, set up a target-oriented accountability system for enforcement, promote and guarantee the enhanced capability for patent administrative enforcement.

(34) Enhance the IPR protection in specialized marketplaces, promote the promulgating of Several Opinions on Enhancing the IPR Protection in Specialized Marketplaces, promote the capacity for IPR protection in specialized marketplaces; establish and improve the self-discipline mechanisms in industries, provide assistance to IPR protection by industrial associations.

(35) Establish a number of express IPR protection centers in key areas and industries, establish express protection mechanism to deliver efficient service to enterprises and industries, explore and establish consultation centers for patent infringement confirmation.

(36) Refine the regulation system against trademark infringement, promote the establishment of information platform for the trademark administrative enforcement, organize special actions, supervise the handling of a number of major and serious cases, especially those concerning the well-known trademarks, international trademarks, geographical indications, increase penalty for "Free ride of brand", including the unlicensed use of packing or decorations of well-known products.

(37) Improve the long-term mechanism for trademark protection, speed up the drafting of plan to promote the trademark licensing operation in large-scale retail enterprises and famous brand shops in large and intermediate cities, increase the efficiency of regular supervision.

(38) Strengthen the IPR protection by customs, carry out special enforcement actions in key areas and against key products, deepen the enforcement cooperation among customs to jointly combat the infringement in international trade, increase the technical input in zhong IPR protection by customs for more efficient enforcement.

(39) Carry out bilateral and multilateral international IP exchanges and cooperation, lead and participate in bilateral and multilateral IP negotiations, actively promote the negotiation on Sino-Euro Agreement on Geographical Indications, closely follow and participate in the formulation of international IP rules, actively showcase the accomplishments of IPR protection in China.

(40) Enhance assistance to enterprises in foreign-related IP lawsuits, put into full play the overseas IPR protection and aid centers for enterprises; improve the IP risk assessment and pre-warning for the major export industries and relevant enterprises in international trade.

(41) Promote China's accession to the Hague Agreement Concerning the International Registration of Industrial Designs administered by the World Intellectual Property Organization (WIPO).

(42) Provide stronger protection for the forest new varieties of plants, initiate the establishment of a DNA fingerprint database for the forest new varieties of plants, e.g. Chinese rose.

(43) Enhance the registration and protection of geographical indication and agricultural product trademarks, put forward the "trademark enriches farmers" project, and promote the construction of new countryside.

(44) Promote the construction of demonstration areas for geographical indications protection, enhance the protection and regulations of the import and export products with geographical indications, promote the import and export of geographical indication products and the development on global market of the in-

dustry.

(45) Investigate and explore the geographical indication resources of agricultural products, carry out the tracking and monitoring of the quality and safety of agricultural products with geographical indication.

(46) Promote the legislation process of the Regulations on the Access to and Benefit-Sharing of Genetic Resources, develop relevant policies and mechanisms managing the access and benefit-sharing of genetic resources.

(47) Initiate the Study on the Protection of the Traditional Knowledge of the Traditional Chinese Medicine, promote the establishment of traditional Chinese medicine knowledge specification, conduct survey on the traditional Chinese medicine knowledge resources, so as to provide source materials for the documenting and compiling of protection list of traditional Chinese medicine knowledge.

(48) Implement the Study on the IP Protection of National and Folk Arts, incorporate the protection and management of IP into Chinese folklore resource management system, and therefore provide an operational IP solution for Chinese folk literature databases.

V. Improving IP Management Capacity

Goals:

Developing policies to strengthen IP management, improving IP management system and coordination mechanism, stepping up collaborative, regulatory, and proactive management of IP, improving IP management efficiency, enhancing the capacity and level of scientific IP management by various stakeholders.

Measures:

(49) Develop policies for strengthening IP management, refine IP management system and mechanism, and enhance the IP management capacity of governments, industries, businesses, universities, research institutions and service agencies.

(50) Study and revise policies and documents related to IP management in colleges and universities, improve the IP management system, and enhance the capacity of IP management in colleges and universities.

(51) Implement the Interim Provisions on IP Management of Major National Science and Technology Projects, urge each project to speed up the formulation of IP management rules in line with its specific characteristics, improve the registration, statistics collection and evaluation system of IP information of major national science and technology projects, strengthen the supervision, assessment and guidance.

(52) Refine the Regulations on Strengthening IP Management of the National Science and Technology Programs, invite IP experts to participate in performance assessment of the national science and technology programs, strengthen the IP statistics collection and assessment in key areas of the national science and technology programs, and promote the publication of achievement information of the science and technology programs.

(53) Strengthen the IP management of major cultivation projects of genetically modified new varieties of organism, study and draft relevant IP management measures, provide regulative IP-related guidelines on R&D and industrialization of genetically modified new varieties of organism.

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