

# Promotion Plan for the Implementation of the National Intellectual Property Strategy in 2012

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

Promotion Plan for the Implementation of the National Intellectual Property Strategy in 2012

To fully implement the Outline of National Intellectual Property Strategy and propel the work in 2012 in an effective and in-depth manner, the Promotion Plan for the Implementation of the National Intellectual Property Strategy in 2012 is formulated under the principles of "task-oriented, focus-highlighted, overall interest-attended, and effect-pursued".

## I. Enhance Quality of Intellectual Property (IP)

Mission:

Improve IP appraisal and assessment system, enhance IP examination and management of various intellectual property rights, including patent, trademark, copyright, and new varieties of plant, guide inventors to shift the focus on IP quantity to IP quality, and boost IP value.

Measures:

(1) Revise the Assessment Index System of National Technology Invention Awards, enhance the assessment on patent quality, increase the rewards to significant technological inventions and IP rights obtained through indigenous innovation activities. (MOST)

(2) In the process of deploying major projects which are dedicated to industrialization and technology reform, give priority and assistance to projects which obtained IP rights through indigenous innovation activities, specify the acceleration of indigenous innovation capacity building while drafting industrial policies, develop craft equipments, technology and products that have their own IPRs. (MIIT)

(3) Construct an appraisal and assessment system with reference to "the number of invention patents per 10,000 people", and carry out a pilot program accordingly. (SIPO)

(4) Improve the system for assessing the quality of patent examination, establish an examination steering system, identify the responsibilities of examination quality management, improve channels for public feedback/comments on the quality of patent examination. (SIPO)

(5) Improve the monitoring and settlement of abnormal patent application, regulate local patent subsidy, promulgate in due time further opinions on regulating patent subsidy. (SIPO)

(6) Improve the system for managing the quality of trademark examination, steadily expand examination categories, realize examination in full-category step by step, enhance the consistency of examination results, increase trademark examination quality. (SAIC)

(7) Conduct works registration in key cities and key fields; carry out study on works classification, promote works utilization; research and carry out city ranking based on the volume registered works. (NCAC)

(8) Improve the examination and management of new varieties of plant, formulate test guidance on new varieties of plant, revise and publish rules for examining and approving new varieties of plant, improve the quality of granted varieties. (MOA, SFA)

(9) With regard to major projects dedicated to national defense,

provide guidance to relevant bodies that undertake the projects on how to protect IP rights, increase the quality of patent application; recruit more examiners for patent in national defense, improve examination quality control, enhance capacity of examining patents involving national defense. (PLA GAD)

## II. Apply IP to Promote the Development of Burgeoning Strategic Industries

Mission:

Construct a system for promoting IP in the burgeoning strategic industries, promulgate a package of complete IP policies aimed at cultivating and developing the burgeoning strategic industries, enhance IP analysis and IP layout in the burgeoning strategic industries, and highlight IP-oriented feature of burgeoning strategic industries.

Measures:

(10) Formulate and promulgate the Several Opinions on Reinforcing IP in Burgeoning Strategic Industries, accelerate the construction of a system aimed at propelling IP in the burgeoning strategic industries. (SIPO, NDRC, MOE, MOST, MIIT, MOF, SAIC, NCAC, CAS)

(11) Reinforce guidance on IP application of the burgeoning strategic industries, support enterprises to conduct IP analysis of and risk assessment on some of industrial fields, make IP a comparative advantage in key technical fields. (MIIT, MOST, SIPO)

(12) Continue to support the development of burgeoning strategic industries, support major projects involving rare earth, rare mineral new materials, biological breeding, etc. (MOF)

(13) Support central state-owned enterprises to search IP information and analyze patent information in certain fields around the burgeoning strategic industries, establish a mechanism for IPR infringement alert and risk precaution within the central state-owned enterprises step by step. (SASAC, SIPO)

(14) Advance the establishment of patent alliances among burgeoning strategic industries, guide and set up 30 or so such alliances. (SIPO, MOST)

(15) Improve the green channel for patent examination, accelerate the acquisition of IPRs by burgeoning strategic industries from their innovations. (SIPO, MOST.)

## III. Promote IP Application

Mission:

With IP as a link among industry, academia and research community, improve the transferring and utilizing mechanisms for innovative results, promulgate policies that will promote IP transference and utilization, propel the translation of IP from laboratory to market as well as the commercialization and industrialization of IP.

Measures:

(16) Promulgate the Several Opinions on Further Intensifying the Protection of Legal Rights and Interests of Inventor or Creator of Service Inventions and Promoting IP Application and Implementation. (SIPO, MOE, MOST, MIIT, MOF, MHRSS, MOA, SASAC, SAIC, NCAC, SFA, PLA GAD)

(17) Conduct research on the establishment of a science and technology reporting system, propel the transformation and application of IP from major national science and technology projects and other science and technology projects, take into account the level of IP

protection and the effects brought about by IP transference and transformation, which shall be adopted in the criteria of administrative permission, appraisal, and acceptance check of the projects. (MOST)

(18) Draft the policy related to IP disposition in technical standards, the patent assessment and implementation, increase the proportion of China's IP in major international technical standards. (MIIT, MOST, AQSIQ)

(19) Further improve the criteria for assessing IP, intensify quality inspection on IP-related business provided by asset assessment bodies, improve the mechanism for IP assessing services for SMEs. (MOF, SIPO)

(20) Propel the transference of agricultural IP, actively explore the feasibility of agricultural technology to be applied in patent financing and pledging. (MOA, SFA)

(21) Screen patented technology which can promote the development of forestry industry, provide publicity and transference activities for forestry patent, provide platforms for the transaction of patented technology for forestry institutes, universities, and enterprises, promote the industrialization of IP through indigenous innovation in the field of forestry. (SFA)

(22) Draft the Regulations on Service Invention (Draft), promote the commercialization and utilization of service inventions. (SIPO, MOST)

(23) Extend IP financial service to SMEs, set up a supporting system with experts and a platform providing service of patent financing and pledging to the public, cultivate a number of national IP financing and pledging model bodies. (SIPO)

(24) Reinforce IP-related cooperation with enterprises, industrial sectors, local establishments, universities and scientific research institutes, and international bodies by means of information release, patent incubation, collaboration between universities and local establishments, achievements exhibition, etc., accelerate the transference and transformation of scientific and technological outcomes. (CAS)

(25) Take great effort to promote reciprocal transference of IP between national defense application and civilian application. (PLA GAD)

## IV. Intensify IPR Protection

Mission:

Strengthen the establishment of a permanent mechanism for combating IPR infringement, increase the cost of IPR infringement, reduce the cost of IPR protection and enforcement, promote the transfer of IP cases from administrative authorities to judicial authorities, carry out special campaigns, combat crimes of IPR infringement in key fields and regions.

Measures:

(26) Revise the Trademark Law of the People's Republic of China. (SCLAQ, SAIC)

(27) Revise the Copyright Law of the People's Republic of China with emphasis on right coverage and classification, right content, right ownership, fair use, registration and confirmation, protection of broadcasting organizations, standard amount of infringement remedies and damage compensation, etc. (NCAC)

(28) Revise the Patent Law of the People's Republic of China, improve articles involving adminis-

trative enforcement, remedies for infringement and design patent, etc. (SIPO)

(29) Promulgate the Supreme People's Court's Interpretation Concerning Several Issues in the Application of Law During Adjudication of Civil Disputes of Infringing On-line Information Dissemination and the Supreme People's Court's Rules Concerning Several Issues in the Application of Law During Adjudication of Monopoly-Related Civil Disputes. (SPC)

(30) Draft the Opinions on Several Issues Concerning the Trial of Disputes Involving Patent Infringement, the Opinions on Several Issues Concerning the Trial of Administrative Cases Involving Patent Licensing and Confirmation, the Guiding Opinion on Strengthening Judicial Protection for Well-known Trademarks and Restraining Malicious Registration and Imitation of Well-known Brands, and the guiding opinions on procedure issues in cases involving licensing and confirmation of trademark rights. (SPC)

(31) Consolidate results achieved from the Operation Strike of the Sword in combating IPR infringement and counterfeit and shoddy goods, implement crack-down with a powerful police force on IPR infringement and crimes involving counterfeit and shoddy goods, maintain a high-profile crackdown. (MPS)

(32) Improve the registration system for IPR protection at customs, the methods for disposing infringement goods via post and courier, and other relevant complementary systems, effectively protect the legitimate rights and interests of right owners and those of the consignors and consignees. (GAC)

(33) Improve the coordination mechanism with IP right owners, increase the efficiency and accuracy of combating crimes involving imported/exported infringement goods, enhance protection for geographical indication trademarks. (GAC)

(34) Collectively combat infringing activities of selling counterfeited goods with registered trademarks, especially those well-known trademarks and foreign-related trademarks; intensify crackdown on unfair competitions involving IPR infringement, such as the infringement of right to exclusive use of registered trademarks, unauthorized use of the name particular to goods, packaging, appearance of a well-known product, and unauthorized use of the name of an enterprise or of a person. (SAIC)

(35) Promote the Trademark License System and the trademark archives announcement system nationwide, strive to extend the systems to large department stores in the 31 provincial capitals (including municipalities directly under the Central Government and prefectures where the provincial capital is located), promote market operators to set up trademark archives, examine and verify trademarks of market goods before their entry to the market which literally bring market regulation beyond the entry of market goods. (SAIC)

(36) Launch the 8th Special Campaign on internet infringement and piracy, especially those involving cyber literature, music, video, video game, comic and animation, software, etc. (NCAC, MPS, MIIT.)

(37) Launch inspection and administration of video websites and mobile-based media, further

regulate internet copyright. (NCAC, SARFT)

(38) Ensure a successful Diplomatic Conference on the Treaty on Protection of Audiovisual Performances of WIPO, promote the adoption of the Treaty on the Rights of Performers in Audiovisual Performances and also the Treaty on the Rights of Broadcasting Organizations. (NCAC, SARFT, MFA)

(39) Promote the application of licensed software in governments and enterprises, ensure the inspection and regulation on application of licensed software in governments at provincial and municipal levels to be achieved on time. (NCAC)

(40) Launch a Special Campaign of Sea Escort focusing on IPR protection and enforcement, take great effort to investigate and punish massive and repeated infringement, patent counterfeiting and patent frauds. (SIPO)

(41) Optimize the layout of IP jurisdiction, moderately increase the number of local courts with jurisdiction over general IP cases, encourage basic and intermediate courts to conduct collective jurisdiction across regions in accordance with work needs, optimize the allocation of adjudication. (SPC)

(42) Further propel the pilot work of civil, administrative and criminal IP cases in collective trial by IP tribunals, establish a coordinating mechanism for civil, administrative and criminal trials. (SPC)

(43) Propel the transfer of IP cases from administrative authorities to judicial authorities in striking IPR infringement and counterfeits and shoddy goods, improve the mechanism for "network linking and information sharing" between administrative enforcement and criminal and judicial enforcement. (MOFCOM, SPP, MPS, and relevant administrative enforcement departments)

(44) Revise the Regulation on National Defense Patent, promulgate and implement the Measures on Management of People's Liberation Army on Armament IP, the Measures for the Registration of Integrated Circuit Layout Design for Military Use and the Measures for the Registration of Military Software Copyright. (PLA GAD)

## V. Develop IP in Fields with Comparative Advantages

Mission:

Arrange and rediscover IP resources in fields with comparative advantages, such as geographical indication (hereinafter referred to as GI), genetic resources, traditional knowledge (hereinafter referred to as TK) and folklore, research the establishment of IPR protection systems in these fields, and promote relevant IP legislation.

Measures:

(45) Rediscover IP resources in fields with comparative advantages, such as genetic resources and related TK, research the establishment of a system for obtaining access to and sharing benefits of genetic resources and related TK, promote the legislation for regulating the system. (MEP, MOA, AQSIQ, SFA, SIPO)

(46) Improve the protection list for genetic resources and related TK, systematically arrange and document TK which involves genetic resources, establish national genetic resources and related TK databases and libraries. (MEP, MOA, AQSIQ, SFA, SIPO)

(47) Propel the establishment of a coordination mechanism for

GI among ministries, propel the promulgation of the Inter-ministerial Joint Meetings for Geographical Indication and the Measures on Joint Accreditation and Protection for Registration of Geographical Indication. (SAIC, MOA, MOFCOM, AQSIQ)

(48) Actively rediscover quality agricultural products with GI, further improve the system incorporating GI specialists, test agencies and GI inspectors, explore the feasibility of establishing a GI inspection and traceability model for agricultural products. (MOA)

(49) Take great effort to spread the new agricultural business model of "combining company, GI trademarks, and farmers", continue to improve the mechanism of which trademark is instrumental in increasing farmers' income and in which GI serves as the core advantage. (SAIC)

(50) Promote the establishment of protection demonstration areas for GI products in line with focus fields, separate industries and separate categories, further establish and improve a standard system, a test system, and a quality guarantee system for GI products. (AQSIQ)

(51) Initiate and organize the bilateral negotiations on GI agreements, participate in the Doha Round of WTO negotiations on the protection for GI and genetic resources. (MOFCOM)

(52) Organize and carry out a pilot census of Traditional Chinese Medicine resources among 10 provinces (including autonomous regions, municipalities directly under the Central Government) and the database for and the demonstration research on TK about Traditional Chinese Medicine, explore the feasibility of a legal protection list of TK about Traditional Chinese Medicine. (MOH, SIPO, MEP, SFA)

(53) Promote the legislation of the Regulations on the Copyright Protection of Folklore. (NCAC)

(54) Promote the establishment of an information platform for national culture and artistic resources, rediscover folklores, establish a mechanism for sharing benefits between conservators of folklores and those who use the folklores to create in a reasonable manner. (MOC)

(55) Organize the participation in the Intergovernmental Committee Meeting of WIPO on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and in other negotiations of relevant subjects. (SIPO, NCAC)

## VI. Enhance IP Management Capacity

Mission:

Improve IP management system, improve the efficiency of scientific management, improve IP management in governments, industries, enterprises, colleges and universities, scientific institutes and service agencies, etc.

Measures:

(56) Review the formulation of policies on IP management, enhance the level of national IP management. (SIPO, SAIC, NCAC)

(57) Give more guidance to local governments on strategy implementation, research and promulgate key points for implementing local IP strategy to, launch the pilot assessment on the implementation of the local IP strategy, promulgate in due time the Guidelines on Conducting Assessment on the Local IP Strategy Implementation. (SIPO, SAIC, NCAC)

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