

**Circular of the Office of Inter–Ministry Joint Conference for  
Implementing the National IP strategy Concerning the  
Printing and Distribution of *Promotion Plan for the  
Implementation of the National IP Strategy in 2015***

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To Publicity Department of the Communist Party of China, Ministry of Foreign Affairs, National Development and Reform Commission (NDRC), Ministry of Education, Ministry of Science and Technology, Ministry of Industry and Information Technology, Ministry of Public Security, Ministry of Justice, Ministry of Finance, Ministry of Human Resources and Social Security (MHRSS), Ministry of Environmental Protection, Ministry of Agriculture, Ministry of Commerce, Ministry of Culture, National Health and Family Planning Commission, State–owned Assets Supervision and Administration Commission, General Administration of Customs, State Administration for Industry and Commerce, General Administration of Quality Supervision, Inspection and Quarantine, State Administration of Press, Publication, Radio, Film and Television (National Copyright Administration), State Forestry Bureau, State Intellectual Property Office, State Council Legislative Affairs Office, Chinese Academy of Sciences, State Administration of Science, Technology and Industry for National Defense, Supreme People’s Court, Supreme People’s Procuratorate and Chinese PLA General Armament Department,

To carry out the spirit of the 18th National Congress of the Communist Party of China, the third and the fourth plenary session of the 18th CCCPC, implement the deployment and schedule of the *Plan on Thorough Implementation of the National Intellectual Property Strategic Actions (2014–2020)*, promote the solid conduction of the national intellectual property strategical implementation work in 2015, the *Promotion Plan for the Implementation of the National IP Strategy in 2015* is printed hereby and please pay attention to organization and implementation.

Hereby to notify.

Office of Inter–Ministry Joint Conference for Implementing the National Intellectual Property Strategy

April 9, 2015



## Promotion Plan for the Implementation of the National IP Strategy in 2015

To carry out the spirit of the 18th National Congress of the Communist Party of China, the third and the fourth plenary session of the 18th CCCPC, implement the strategic requirements on innovation-driven development and promote the thorough implementation of national intellectual property strategies, determine the strategy implementation key tasks and work measures in 2015 and formulate the plan based on the deployment of *the Plan on Thorough Implementation of the National IP Strategic Actions (2014–2020)*.

### **I. Strengthen the IP protection and encourage the innovative creation**

1. The information disclosure condition for intellectual property infringement administrative penalty case will be included into the statistics and notification scope of fighting against infringement and counterfeiting work with strengthening the assessment.

2. Explore and conduct the credit standard research and formulation work related to the intellectual property standards, including the credit archive information and its collection, processing and evaluation, etc.

3. Push each region to publish the false patent and patent infringement case information promptly. Issue the patent credit system construction work plan and determine collection rules and usage methods for the credit information of the patent infringement, false patent and patent agent dishonesty, etc.

4. Publish the checklist of seven customs protection rights for the intellectual property, including the guarantee for obligee's application for detaining the in-

fringement suspicious goods, reverse guarantee for goods receivers and senders, detaining the infringement suspicious goods after application, detaining the infringement suspicious goods based on the authority, the intellectual property case investigation and affirmation, administrative penalty and goods disposal, etc. Pilot to conduct the territory notification system of illegal enterprises, disclose the list of illegal enterprises and report to the local government promptly.

5. Conduct the special action of law-enforcing and right-safeguarding "protection" for the intellectual property with focuses to fight against the patent infringement and counterfeit actions related to fields of people's livelihood and high and new technology including the food and drug, medical apparatus and instruments as well as environmental protection, etc.

6. Conduct the special action of "2015 Red Shield Net Sword" and severely crack down illegal actions, including the network trademark infringement and sales of the fake and shoddy goods, etc.

7. Conduct the special action of "Sword Net 2015" to crack down network infringement and pirate and conduct the special governance for the network infringement and pirate.

8. Perfect the law-enforcing and right-safeguarding system in the e-commerce field and guide the preparation of the work scheme on the e-commerce platform patent protection. Conduct the centralized check, regulation and handling of the patent infringement counterfeit actions in the large business

places.

9. Build and perfect the work mechanism of intellectual property laws enforcing and rights safeguarding in large exhibitions and strengthen the laws enforcing and right safeguarding from aspects of check before the exhibition, check during the exhibition and site mediation, etc. Revise the *Protection Methods for Exhibitions Intellectual Property*.

10. Complete the annual construction tasks of the national copyright supervision platform, conduct the supervision and evidence collection on the infringement and pirate of internet communication works and include the new communication ways such as APP into the copyright supervision scope.

11. Establish the management system of copyrighted software, perfect the software legalization duty system and report problems and the list of responsible people promptly. Perfect the statistics system for enterprise software legalization information, strengthen the centralized purchase and software asset management of copyrighted software for central enterprises, conduct the work checking on the central enterprise usage of copyrighted software and issue the work guidance for software legalization of central enterprises timely.

12. Strengthen the intellectual property supervision during goods production, processing and transfer, explore and build the work mechanism infringement determination and consultation for the patent infringement goods involved in the cross-border trade and import and export. Build and perfect the patent law-enforcing and right-safeguarding work mechanism suitable to the domestic free trade zone characteristics.

13. Pay high attention to the crackdown of criminal behaviors of manufacturing and sales of fake and shoddy products, which endanger the public health and safety and hamper the development driven by innovations. Perfect the practical application of the counterfeit crackdown and traceability technology platform and refine the coordination mechanism with the key e-commerce enterprises.

14. Pay high attention to investigation and handling of a batch of severe and bad-effect infringement and counterfeit criminal cases and vigorously investigate and handle the duty crimes related to infringement and counterfeit crimes. Make the guide for procuratorial organ to handle the criminal case investigation and arrest, including the infringement and counterfeit, and the guiding opinions for public prosecution departments to accurately grasp the legal boundary of economic crimes policies.

15. Strengthen the construction of information share platform for connection between the intellectual property administrative law enforcement and criminal justice and conduct the investigation and survey with focuses on the information share platform construction progress, information share scope, information recording content and duration and actual operation effects, etc.

16. Issue *Supreme People's Court's Decisions on Revising Several Decisions about Applicable Legal Problems for Hearing the Patent Dispute Cases*, *Supreme People's Court's Explanations for Several Issues of Application Laws on Hearing the Patent Infringement Dispute Cases (II)*, *Supreme People's Court's Explanations for Several Issues of Application Laws on Hearing the Intellectual Property and Competition Dispute Be-*



*havior Preservation Cases, Supreme People's Court's Regulations for Several Problems on Hearing Trademark Licensing and Affirmation Administrative Cases and Supreme People's Court's Explanations for Several Issues of Application Laws on Hearing Trademark Civil Disputes Cases.*

17. Standardize the intellectual property dispute mediation work, set up the organization for intellectual property dispute mediation, explore the work mechanism for the intellectual property dispute mediation and strengthen the professional training of the mediation team.

18. Issue the investigation report related to the notarization industry service intellectual property protection in China, and explore new modes for notary methods, service types and service methods of the intellectual property notarization. Perfect the construction of practicing platform for intellectual property evidence materials notarization and custody and promote the intellectual property rights affirmation and disputes resolution.

## **II. Promote the intellectual property creation and application and support industrial transformation and upgrading**

19. Support the joint conduction of the industry patent information analysis, patent portfolio and operation service by industry organizations, industry alliances and professional institutions in major industries including mobile communication, integrated circuits and new-energy automobile, etc. Explore and build the intellectual property coordinated application mechanism and select the pilot provinces and cities for conduction of intellectual property integrated application capacity cultivation work by centering on the charac-

teristic industries.

20. Issue the construction guide of the patent alliance, lead the industrial association to build the patent alliance, promote the construction of the patent application coordination entities by scientific research institutions and enterprise, explore and construct the promotion platform for the service patent technology transfer and transformation.

21. Complete the implementation guide for the patent navigation pilot projects and actively explore the introduction of the patent navigation work mechanism in the formulation processes of national major planning, local region planning and industry special-project planning, etc.

22. Start the construction of the intellectual property operation public service platform in Beijing, build the characteristic pilot platform for the integration of military and civilian patent technologies and intellectual property financial innovation, support a batch of the patent operation agencies in the mode of equity investment in partial pilot provinces and promote the construction of the patent operation companies in key fields including the information technologies.

23. Enlarge the pilot scope of the patent operation in central enterprises and promote the work conduction of "national patent operation pilot enterprises".

24. Conduct the statistical research of the intellectual property intensive industries in the whole country and each province (region and city), promote the issuing of judgment standards for the patent intensive industries and build the patent-intensive industries catalogue and statistical report issuing mechanism.

25. Conduct the statistics investigation of the national intellectual property service industry. Promote

the construction of trail plots and demonstration areas for the agglomeration development of the intellectual property service industries. Study and formulate general standards for the intellectual property service basis and standards related to the patent information service. Conduct the intellectual property service brand agencies connection with zones for series actions and implement the pilot items of the intellectual property service capacity improvement.

26. Support the extensive participation of institutions (such as banks) into the intellectual property financing service products. Support the entry of service institutions into the market including the intellectual property assessment, trade, guarantee, laws and information service, etc.

27. Build and perfect the patent rights pledge dynamic management system and encourage the guarantee and investment institutions to provide services for the patent rights pledge financing of medium and small enterprise. Promote the conduction of the insurance business and including the patent enforcement insurance, the patent infringement liability insurance and the intellectual property comprehensive liability insurance, etc.

28. Formulate and revise national standards for content involving the agricultural infrastructure, safe planting and healthful breeding, agricultural products reasonable processing and circulation, etc. Conduct the improvement project of the agricultural standardized demonstration plots.

29. Implement the construction and protection plans for national cartoon brands, promote the construction of the cultural brands laboratories and issue the 2015 ranking lists for cultural enterprises competi-

tiveness and cultural bands in China.

30. Conduct the trademark rich-peasant work and strengthen the geographical indications and trademark protection of the agricultural products.

31. Perfect the check system of protecting products with the geographical indications, technology standards, quality guarantee and inspection system.

32. Promote the organization of the technology innovation alliance for the modern soil cultivation, livestock and poultry production environment control and equipment, etc.

33. Build the patent alliance including wood floors, etc. and the forestry intellectual property service platform.

34. Build the copyright trade base and the trade center work coordination mechanism and perfect the network publishing license payment mechanism.

### **III. Strengthen the intellectual property management and service and promote the transfer and transformation of innovative achievements**

35. Put the whole process management of the central financial science and technology plan (special items and funds, etc.) into the intellectual property management and build the intellectual property target assessment system after the completion of the central finance science and technology plan (special items and funds, etc.).

36. Conduct the scientific and technological achievement usage, disposal and revenue management reform and pilot work of the central institutions.

37. Promote the analysis and appraisal on work of the local conduction of major industries planning and governmental major investment activities, etc. Issue the intellectual property analysis and appraisal opera-



tion guideline and speed up the formulation of the patent analysis and appraisal standards. Support the convoking of analysis and appraisal meetings by enterprises and improve the intellectual property analysis and appraisal capacity of enterprises and service institutions.

38. Promote the standardized work in fields of the intellectual property management, the traditional knowledge protection and management, knowledge management organization, etc., comprehensively carry out the national standard on IPR Administration Regulations for Enterprises and strengthen the capacity construction of the intellectual property management system certification authority. Guide the implementation of *Industrial Enterprises IP Management Guidelines* by industrial enterprises. Explore and conduct the demonstration work of standards by combining patents in the national-level high and new technology development zones and intellectual property demonstration zones. Start the national project of powering the enterprises with intellectual property.

39. Formulate the intellectual property management standards of universities and scientific research institutes and guide the construction of formal intellectual property management system by universities and scientific research institutes.

40. Start the distribution work of the intellectual property regions, promote the conduction of the analysis work of regional intellectual property resources, explore and build the intellectual property (patents) resources database.

41. Perfect the intellectual property value evaluation standards and methods, speed up the construction of the analysis standardization for patent value, conduct the patent value analysis pilot work and pro-

mote the strengthening of intellectual property management by enterprises in the activities of merger and acquisition, equity circulation and external investment, etc.

42. Formulate and perfect policies and measures for management on the whole process of scientific research projects intellectual property and build the evaluation indexes system for the same. Start the cultivation work of high-level intellectual property persons in Chinese Academy of Sciences and complete the report of *Patent Navigation Innovation Guide*.

43. Strengthen the patent application quality supervision, prepare the patent application quality supervision reports and intensify the investigation and handling on the low-quality patent application. Perfect the patent examination business guide system and examination quality safeguard system and conduct the social satisfaction survey about the patent examination.

44. Optimize the trademark examination system, perfect the trademark examination standards, build and perfect the convenient and effective trademark examination coordination mechanism.

45. Formulate the test guide for new varieties of agricultural plants, perfect the examination and test management system for new varieties of agricultural plants, build the online application system for rights of new plant varieties, support the selection and cultivation of good varieties fitting to the market demands into the variety certification green channel through cooperation among universities, scientific research institutions and enterprises.

46. Perfect the patent basic data resource opening system and facilitate the social public obtaining of the patent basic data resources in low cost. Prepare the

project book for the public service system of the national intellectual property basic information.

47. Formulate the intellectual property entrusted management service specification, enlarge the trusteeship scope of medium and small enterprises' intellectual property and build the intellectual property information platform for medium and small enterprises.

48. Promote the database construction of the forestry plants new varieties, etc. and conduct the intellectual property analysis and pre-alarm study in the forestry key industries and major technical fields.

49. Formulate *the Medium and Long Term Planning for Patent Agency Industry (2016–2025)* and issue the patent agency service standards.

50. Issue relevant opinions on proper handling of the national defense intellectual property rights ownership and profits distribution, issue the national defense patent work regulations on coding and decoding, issue *Registration Methods for Military Computer Software Copyright* and complete the registration pilots for military computer software copyright.

51. Issue the implementation content for the intellectual property transfer in the national defense field. Issue the content of partial key technologies and products of the automatic intellectual property necessary to be grasped in the army–civilian combined high and new technology field and explore and build the promotion, transfer and decoding system for the intellectual property of the national defense science and technology industries knowledge.

#### **IV. Expand the intellectual property exchange and cooperation and promote the international competitiveness increase**

52. Participate actively into relevant activities of the World Intellectual Property Organization (WIPO),

World Trade Organization (WTO), International Union for the Protection of New Varieties of Plants (UPOV) and Asia–Pacific Economic Cooperation (APEC) and expand the intellectual property cooperation with countries and regions including America, England, Canada, Australia, New Zealand, Japan, Korea, Association of Southeast Asian Nations and European Union.

53. Give play to the bilateral governments dialogue mechanism effects of the intellectual property work groups of China–America and China–Europe, etc. and serve the major bilateral activities of China–US Strategic and Economic Dialogue, Sino–US Joint Commission on Commerce and Trade (JCCT) and China–Europe leaders summit, etc. Implement China–America and China–Europe intellectual property cooperative projects.

54. Further promote the communication and coordination in the fields of patents, trademarks and copyrights with the intellectual property departments in relevant countries and regions.

55. Strengthen the intellectual property work of overseas embassies and consulates, trail and study the intellectual property regulations and policies of relevant countries, strengthen the intellectual property foreign information exchange and complete the foreign intellectual property response.

56. Promote the issuing of department regulations for the domestic protection of import trade intellectual property. Explore and build the law enforcement coordination mechanism about the imported products' infringement of Chinese intellectual property.

57. Strengthen the construction of the overseas intellectual property safeguard and assistance mechanism, explore and perfect the information exchange



mechanism with the domestic industries and industrial associations and encourage enterprises to build the overseas rights safeguard alliance of the intellectual property. Continue to set up the Chinese enterprise intellectual property service stations in key international exhibitions (expos).

58. Promote the construction of the overseas intellectual property information service platform, build the overseas intellectual property service network, issue the overseas intellectual property environment reports and develop a batch of the observation enterprises to effectively provide the overseas risks information.

59. Guide the connection between the excellent service institutions and export-oriented enterprises and promote the construction of the intellectual property affairs coordination mechanism for export-oriented enterprises.

60. Strengthen the cooperation in multiple levels, including the reporting clues, evidence collection with investigation cooperation and judicial assistance, etc. with the overseas law enforcement departments, and organize and conduct the cross-border joint law-enforcement actions in the investigation of major cases concerning foreign interests.

61. Build and perfect the multilateral and bilateral law-enforcement cooperation mechanism, strengthen the customs cooperation mechanism of Guangdong, Hong Kong and Macao and promote the law enforcement cooperation of the intellectual property among international customs.

62. Strengthen the patent cooperation among five bureaus of China, US, Europe, Japan and Republic of Korea, strengthen the examination quality information exchange, expand and perfect the patent examination fast roads.

## **V. Strengthen the support degree and improve the guarantee level for intellectual property strategy implementation**

63. Guide the provision of risks compensation by the fund for the scientific and technological achievement transformation loans complied with conditions through the national scientific and technological achievements transformation.

64. Lead and encourage the local governments to construct the small and micro enterprises' credit loan risk compensation fund with focus on provision of support for the intellectual property pledge loans.

65. Conduct the supervision work of the patent activities and the economic profit statistics of industries and enterprises in national scale and the patent value calculation and study work in the national economy calculation system.

66. Perfect assessment methods for the professional and technical personnel in the intellectual property field, put relevant occupations in the field of the intellectual property into national occupation classification and build the education and training system of classification. Implement the professional and technical personnel knowledge updating project, strengthen the civil servants relevant training and strongly support the introduction of high-end talents of the intellectual property.

67. Guide the setup of minor courses for relevant fields of the intellectual property by universities, encourage and support the automatic setting of undergraduate majors about the intellectual property by universities. Set up the national talents cultivation bases of the intellectual property and the intellectual property publicity and education demonstration schools and build the intellectual property coordinated innovation centers.



68. Conduct the project of millions of talents for the intellectual property and build the national intellectual property talents pool for the public. Complete the work for national and medium & small enterprises' intellectual property training bases.

69. Strengthen the publicity and reporting of key content, including the Intellectual Property Strategy Implementation and strong nation construction, etc., and search for and report the classical cases about the intellectual property application and protection, etc. by each industry and each enterprise. Publicize vigorously policies and measures of China to promote the intellectual property strategy implementation combining the international opinion concerns, display the steadfast determination of China to strengthen the intellectual property protection and achievements and reflect sufficiently the external exchange and cooperation achievements in the intellectual property field in China.

70. Carry out thoroughly the law-related education for the intellectual property and promote the combination of the intellectual property laws and regulations publicity with the activity "six fields of laws popularization". Promote the whole inclusion of scientific popularization work into the intellectual property content.

71. Promote the revising of *Patent Agent Rules* and research and formulate the *Position Invention Rules*.

72. Promote the fourth revising of *Patent Law*.

73. Promote the legalization progress of *Management Rules for Biological Genetic Resources Acquisition* and *Management Rules for Human Genetic Resources*.

Implement the *National Work Schemes on Strengthening the Biological Genetic Resources Management (2014–2020)*.

74. Formulate the implementation opinions on the *Plan on Thorough Implementation of the National IP Strategic Actions (2014–2020)* in the industrial and information field.

75. Issue several opinions on implementation of the *Plan on Thorough Implementation of the National IP Strategic Actions (2014–2020)* by the national defense science and technology industries and build the intellectual property platform for national defense science and technology industries.

76. Issue *Guiding Opinions on Strengthening the Cultural System IP Work*.

77. Issue *Guiding Opinions on Further Strengthening the Intellectual Property Work in Health and Family Planning Fields*.

78. Actively promote the revision work on the *Regulation of the P. R. China on the Customs Protection of IP Rights* and relevant chapters.

79. Conduct the evaluation work in the national defense intellectual property strategy implementation stage and formulate the work planning for the "13th Five-year" Plan national defense intellectual property strategy implementation.

80. Organize and conduct the study on relevant policies for construction of intellectual property strong country and present the strategic targets, tasks and measures for the same. Formulate relevant policy documents for deepening the reform in the intellectual property field and building the intellectual property strong country.