

**Circular of the State Intellectual Property Office,
Ministry of Finance, Ministry of Human
Resources and Social Security, All–China
Federation of Trade Unions and Central Committee
of the Communist Young League Concerning the
Printing and Distribution of *Opinions on Further
Strengthening IP Utilization and Protection for the
Purpose of Promoting Innovation and Entrepreneurship***

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To intellectual property offices, departments (bureaus) of finance, departments (bureaus) of human resources and social security of all provinces, autonomous regions and municipalities direct under the Central Government, the All–China Federation of Trade Unions, the Central Committee of Communist Young League and relevant departments of Xinjiang Production and Construction Corps,

For the purpose of effectively implementing *Several Opinions of the CCCPC and the State Council on Deepening the Reform of the Institutional Mechanisms to Accelerate the Implementation of Innovation–driven Development Strategy* (Z. F. [2015] No. 8) and *Opinions of the State Council on Several Policies and Measures for Vigorously Advancing the Mass Entrepreneurship and Innovation* (G. F. [2015] No. 32), duly satisfying the requirements of *the Plan on Thorough Implementation of the National IP Strategic Actions (2014–2020)* (G. B. F. [2014] No. 64), thoroughly implementing the innovation–driven development strategy and national IP strategy, giving full play to the important role of IP in promoting innovation and entrepreneurship, stimulating the enthusiasm of the mass entrepreneurship and innovation, and effectively protecting the innovation entrepreneurs' legal benefits, the *Opinions on Further Strengthening IP Utilization and Protection for the Purpose of Promoting Innovation and Entrepreneurship* is jointly formulated by the State Intellectual Property Office, Ministry of Finance, Ministry of Human Resources and Social Security, All–China Federation of Trade Unions and Central Committee of the Communist Young League and is hereby printed and distributed for your earnest implementation.

Hereby to notify.

September 7, 2015



Opinions on Further Strengthening IP Utilization and Protection for the Purpose of Promoting Innovation and Entrepreneurship

Intellectual property is the bridge and link between innovation and market. IP system is an important system to ensure the success of innovation and entrepreneurship, which is an effective support to motivate innovation and entrepreneurship passion and protect the achievements of innovation and entrepreneurship. In order to further implement innovation-driven development strategy and national IP strategy, further intensify IP application and protection and assist innovation and entrepreneurship, the following opinions are proposed.

I. Overall Requirements

(I) Guiding Ideas

Fully prosecute the spirit of the 18th National Congress of the Communist Party of China and the second, the third and the fourth plenary sessions of the 18th CCCPC, conscientiously implement decisions of the Central Committee of the Communist Party of China and the State Council, give full play to decisive functions of market in resources allocation, give better play to government functions, innovate IP management mechanism, improve IP public service system, lead revolution of innovation and entrepreneurship mode, optimize market competition environment, release creative vitality of the entire society, expedite more innovation and entrepreneurship opportunities, and make innovation and entrepreneurship rooted in IP fertile soil.

(II) Basic Principles

Firstly, market orientation. Exert incentive functions of IP to stimulate innovation and entrepreneur-

ship activities, fully mobilize market forces, establish the IP motivation and benefit distribution mechanisms for innovation and entrepreneurship, and promote rational flow and efficient allocation of innovation and entrepreneurship factors.

Secondly, strengthen the guidance. Highlight the guide function of IP on innovation and entrepreneurship activities, apply more effective approaches such as patent navigation pilots, innovate service mode and procedures, and improve innovation and entrepreneurship development level.

Thirdly, actively promote. Stick to policy coordination, initiative action and opening cooperation, establish IP innovation supporting policy and entrepreneurship service system hosted by government, driven by market and attended by the society, and try hard to build a good environment of mass entrepreneurship and innovation.

Fourthly, focus on actual effects. Stay close to the actual demands of innovation and entrepreneurship activities, establish working mechanism of horizontal coordination and vertical linkage, intensify evaluation and feedback in the process of policy implementation, keep improving and deepening policy environment, system environment and public service system, then form a pattern which facilitates innovation and entrepreneurship.

II. Improve IP Policy System and Lower Innovation and Entrepreneurship Threshold

(III) Comprehensively apply IP policy approaches. Guide the massive innovation and entrepreneur-

ship personnel to create and apply IP, improve IP supporting policies for innovation and entrepreneurship of sci-tech innovation talents in colleges and universities and institutions, study-abroad returnees and other high-end talents and high-quality technicians, and offer capital and project supports to application, conversion and application of IP for excellent entrepreneurship projects. Further refine measures to reduce expenses of application and maintenance of IP for medium and small enterprises. Give full play to and carry out functions of supporting policies for each finance and tax item, and support college students, college graduates, ex-servicemen, registered unemployed personnel, the disabled and other focus groups to apply patented innovation and entrepreneurship. Set special service windows for patent agencies in various regions, and provide convenient and professional patent affairs and policy consulting services for innovation and entrepreneurship personnel.

(IV) Expand channels to realize IP values. Further develop revolution pilots of utilization, handling and benefits management of scientific and technological achievements in public institutions, and mobilize the initiative of units and personnel to apply IP. Support financial development of internet IP, and encourage financial institutions to provide new financial products and services such as IP asset securitization, patent insurance to innovation and entrepreneurship personnel. Improve value assessment, pledge and circulation system of IP, promote generalization, normalization and scale development of IP pledge financing services, lead banks and investment institutions to develop investment-loan linkage, actively explore pledge financing of permitted patent income

right and other new modes, and actively assist eligible innovation and entrepreneurship personnel to go through IP pledge loans. Support eligible provinces to set up intellectual property operation funds for key industries, support the establishment of the IP alliance in key fields, and promote entrepreneurship success by intensifying IP coordination and application.

III. Enhance the Incentive Policy for Intellectual Property and Release Vitality of Innovation and Entrepreneurship

(V) Encourage the utilization of invention and creation for service and non-service entrepreneurship. Improve legal systems for service invention and non-service invention, rationally define rights and obligations of units and service inventors, and practically guarantee the legal rights of service inventors to enable innovative talents to share achievements and benefits. Support enterprises, colleges and universities, scientific research institutions, R&D centers and other professional technicians and skilled workers to make non-service invention and creation, provide corresponding public training and consulting services, give full play to functions of education and training expenses of enterprises and public institutions, intensify education training about innovation, creation and development and trainings to broaden horizon and improve skills for front-line employees, encourage employees to actively participate in innovation activities, encourage enterprises and public institutions to set special supporting fund for small-scaled employee invention and creation, and improve IP service supporting mechanisms for entrepreneurship of destitute groups.

(VI) Provide qualified IP public services. Establish and improve targeted IP public service mecha-



nism, and promote to introduce outstanding overseas talents. Intensify IP supports to the entrepreneurship group based on the youth, establish and improve IP tutoring system and promote high-quality entrepreneurship. Actively create the incubation chain of patent entrepreneurship, encourage and support the youth to drive employment with entrepreneurship. Organize to develop the entrepreneurship IP trainings in colleges and universities, and support colleges and universities to develop and set practical skill courses of IP for innovation and entrepreneurship. Select a batch of entrepreneurship IP tutors from excellent researchers on IP, patent examination practical experts, experienced agents of IP and famous enterprise managers of IP to actively guide trainings and practices of youth entrepreneurship.

IV. Promote IP Operation and Lead Direction of Innovation and Entrepreneurship

(VII) Promote to apply achievements of patent analysis. Implement a batch of macro patent navigation projects, release patent navigation achievements of industry planning category and optimize resource allocation in various entrepreneurship activities in a wider range. Implement a batch of micro patent navigation projects and lead qualified entrepreneurship activities to develop towards high-end industry. Establish practical patent technology screening mechanism to provide technical supports for innovation and entrepreneurship personnel. Promote to establish industrial IP alliance, improve patent coordination and application system which is led by enterprises and attended by innovation and entrepreneurship personnel, and build a low-cost, convenient, full-element and opening IP innovation and entrepreneurship base featured with in-

dustrial characteristics.

(VIII) Improve IP operation service system.

Fully utilize the community network, big data and cloud computing technologies to accelerate the promotion of construction of national public service platform for IP operation, build a new opening innovation and entrepreneurship platform, and attract and gather more entrepreneurs. Actively build IP operation service system, and combine public welfare and market mechanism together to provide high-end professional IP operation services for innovation entrepreneurship personnel. Explore to support pioneering enterprises to purchase patent operation services from IP operating institutions by issuing innovation vouchers.

V. Improve IP Service System and Support Innovation Entrepreneurship Activities

(IX) Improve acquisition efficiency of IP information. Further enhance the public service level of IP, establish the IP liaison system in mass innovation field and other new entrepreneurship service platforms, develop IP expert service pilots, implement refined services, and cover all the basic services. Intensify innovation and entrepreneurship patent information services and encourage developing high-leveled entrepreneurship activities. Improve essential patent data service experiment system, expand essential patent data opening range and develop patent information push services.

(X) Develop comprehensive IP services. Exert industrial associations' function of organizing and leading, promote IP service institutions to provide full-chain IP services for innovation entrepreneurship personnel through market mechanism, professional service and capitalization approaches. Encourage IP serv-

ice institutions to directly participate in innovation and entrepreneurship in a new cooperation mode of equity participation and equity buying to drive youth entrepreneurship activities. Widely develop pilots of promoting employment of college graduates with IP in national IP pilot cities, intensify trainings about practical skills of intellectual property and provide high-quality employment positions.

VI. Intensify Construction of IP Training Conditions and Improve Innovation and Entrepreneurship Ability

(XI) Intensify training about the entrepreneurial intellectual property. Practically intensify the construction of the teaching team and training institutions for entrepreneurial IP trainings, and actively promote trainings about the IP entrepreneurship module, entrepreneurship case teaching and entrepreneurship practical training. Encourage various IP associations to actively undertake responsibilities of innovation and entrepreneurship training, and provide supports of technology, site, policy, management and entrepreneurship incubation services for entrepreneurs. Focus on skilled talents with entrepreneurial intention, arrange training resources in priority, and offer all the young men with entrepreneurial intention and training demands with opportunities of IP training.

(XII) Lead and offer various advantageous entities of intellectual property with professional practical trainings. Comprehensively adopt government purchase services, unpaid subsidy funds, business reward and other forms to establish the practical training system for innovation and entrepreneurship intellectual property in national intellectual property training base, national intellectual property training base for

medium and small enterprises, national intellectual property advantage and demonstration enterprises and intellectual property service brand institutions. Lead national IP advantage and demonstration enterprises and scientific research organizations to provide free experiment sites and experiment instruments and equipment to young entrepreneurs.

VII. Intensify Law Enforcement and Legal-right Safeguard for IP, and Protect Innovation and Entrepreneurship Achievements

(XIII) Reinforce patent administrative enforcement of patents. Improve IP protection measures, reinforce administrative enforcement mechanism and capacity building, and practically protect legal IP rights of innovation and entrepreneurship personnel. Further develop construction of legal-right safeguard and assistance mechanism, improve layout of IP right safeguard and assistance centers, accelerate layout of legal-right safeguard and assistance centers in places where innovation and entrepreneurship activities are the most active in priority, promote combination of administrative law enforcement and judicature, shorten period for authentic light review and infringement treatment and improve legal-right safeguard efficiency.

(XIV) Improve IP right safeguard and assistance system. Build a network IP right safeguard and assistance system to provide effective services for innovation and entrepreneurship personnel. Improve patent law enforcement and right protection mechanism in E-commerce field, rapidly mediate and deal with patent infringement disputes on E-commerce platform, timely investigate and deal with patent counterfeiting acts, formulate IP dispute solutions complying with innovation and entrepreneurship characteristics, and



improve administrative mediation and other non-law-suit dispute solution approaches. Establish IP credit system for network E-commerce to guide and support E-commerce platform to reinforce IP protection works and intensify IP protection in professional markets.

VIII. Promote Cultural Construction of IP, and Create an Innovation and Entrepreneurship Environment

(XV) Intensify public opinion guidance for IP. Widely develop patent technology promotion, exhibition, promotion and other activities, advocate innovation spirit, stimulate the entrepreneurship passion, drive more laborers to actively attend innovation and entrepreneurship activities, and try to gradually form a good environment “where innovation and entrepreneurship depend on intellectual property, and IP faces innovation and entrepreneurship” in the entire society. Rely on national patent technology exhibition and trading centers to build the communication platform for IP innovation and entrepreneurship, organize to develop the entrepreneurship patent introduction and connection, and encourage social forces to organize and develop various public IP activities centered on the mode of mass entrepreneurship and innovation.

(XVI) Actively carry out various theme activities. Actively carry out youth-oriented entrepreneurial IP public courses, improve entrepreneurship ability and promote to start up a business successfully. Encourage social force to carry out various innovation and entrepreneurship competitions for IP services, and promote qualified places to actively build physical platforms for IP innovation and entrepreneurship. Intensify tutorship of entrepreneurial IP, and support “Youth Entrepreneurship” China Youth Innovation

and Entrepreneurship Competition, “Challenge Cup” Extracurricular and Academic Contest of National College Students and other activities. Encourage innovation and entrepreneurship projects and teams with excellent performance to participate in various large-scaled IP exhibitions. Set special service zones on various key IP exhibitions to provide opportunities to communicate experience, exhibit results and share resources for innovation and entrepreneurship.

The SIPO, together with Ministry of Finance, Ministry of Human Resources and Social Security, All-China Federation of Trade Unions, Central Committee of the Communist Young League and other relevant departments and units shall establish a long-term promotion mechanism for innovation and entrepreneurship intellectual property to comprehensively plan, coordinate, guide and implement relevant works. Local governments shall establish the corresponding coordination mechanism, combine with their own actual situations to formulate the specific implementation scheme, clarify work arrangement, and practically increase capital investment, policy support and condition assurance strength. Local governments and relevant departments shall combine with characteristics, demands and practical works of innovation and entrepreneurship, give full play of the market's dominant role, keep improving policy systems and service systems for innovation and entrepreneurship IP, and ensure implementation of various policy and measures. Local governments shall investigate implementation of relevant policies, make statistics to and summarize development situations and other works, and timely report about the working progress.