



**Circular of the Office of Inter–Ministry Joint Conference for
Implementing the National IP Strategy Concerning the
Printing and Distribution of the *Promotion Plan for the
Implementation of the National IP Strategy in 2014***

G. ZH. F. X. Z. [2014] No. 24

The Propaganda Department of the CPC Central Committee, the Supreme People's Court, the Supreme People's Procuratorate, Ministry of Foreign Affairs, National Development and Reform Commission, 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, Ministry of Environmental Protection, Ministry of Agriculture, Ministry of Commerce, Ministry of Culture, National Health and Family Planning Commission of the People's Republic of China, 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 Administration, State Intellectual Property Office, Legislative Affairs Office of the State Council, Chinese Academy of Sciences, State Administration of Science, Technology and Industry for National Defense and General Armament Department,

In order to implement the spirit 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 the Intellectual Property Strategy, and promote the implementation of the national intellectual property strategy in 2014, the *Promotion Plan for the Implementation of the National IP Strategy in 2014* is hereby issued for your careful implementation.

This Circular is hereby given.

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

April 1, 2014

The Promotion Plan for the Implementation of the National IP Strategy in 2014

This plan is promulgated to implement the spirit 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 the Intellectual Property Strategy, promote the deep and efficient implementation of the national intellectual property strategy, and identify the primary goals and measures for the implementation of the strategy in 2014.

I. Improving IP quality

Goals: Improve the IP performance evaluation system, raise the pertinence and efficiency of the IP creation; optimize the policy orientation for improving the quality of patent application, and strengthening the supervision over the quality of patent applications; improve examination of intellectual property rights of various types, strengthen quality management, raise the examination efficiency; and upgrade the creation capability of IP innovators, enhance IP portfolio in key fields.

Measures:

1. Implement the Opinions on Further Improving the Quality of Patent Applications, optimize the orientation of regional patent evaluation, improve the 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 a supervision system that facilitates the quality improvement of patent applications, strengthen the monitoring and handling of low quality patent applications, develop the credit database for patent applicants, seriously handle the cases involving swindling patent subsidies and awards, and explore to establish the quality monitoring and feedback system of patent applications.

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

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

5. Establish the pilot and demonstration projects on forestry IP, improve the performance evaluation system on pilot units, guide the pilot units to enhance 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 the Chinese Academy of Sciences, and publish the annual report on IP quality.

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



II. Upgrading the Effectiveness of IP Utilization

Goals: Strengthen the connection between IP policies and industrial, regional policies, promote IP development in strategic emerging industries, conduct study on the development mode and the cultivation policy relating to Chinese IP-intensive industries; refine the transformation and utilization mechanisms for IP-cored and IP-based innovations, implement the policies and measures facilitating IP transfer and transformation, and promote the materialization, commercialization and industrialization of IP rights.

Measures:

8. Accelerate the cultivation and development of strategic emerging industries, strengthen cluster-type IP administration for strategic emerging industries, and publish the patent development report of national strategic emerging industries.

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

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

11. Enhance the IP utilization capabilities of industrial enterprises, publicize and implement the Guidelines for IP Management in Industrial Enterprises, regulate the IP utilization capability evaluation index of enterprises, and support the local governments to develop featured-industrial 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 Industries, publish the relevant exhibition and trade information, and promote the standard trade contracts, trade rules and regulations.

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

14. Strengthen the development of the 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 mechanisms closely integrating patent analysis and industry operation decision, and develop patent reserve and operation projects in 2-3 key industrial technical fields.

16. Promote the IP financial service, enhance the IP pledge financing, IP investment and financing, and patent insurance, establish the patent transfer and transformation service mechanism in IP demonstration zones, and promote the utilization of the 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, and promote pilot programs for the transformation and utilization of national defense IP.

18. Draft 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, and promote the two-way IP transformation and utilization between military and civil areas.

III. Raising the Effectiveness of IP Protection

Goals: Improve IP legislation, strengthen the building of long-term mechanism for IP protection; promote the development of IP trial system, raise IP judicial protection level; enhance the capacity of IP administrative enforcement, implement special enforcement and assistance programs for key fields, areas and procedures; promote the mediation of IP disputes, improve the diversified dispute resolution mechanisms; strengthen the IP protection in cyber environment, and enhance 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 Regulations

of Trademark Law, and Service Invention Regulations.

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*, and *Interpretation on Several Issues Concerning the Applicable Law in IP Attachment before the Institution of an Action*.

21. Continue to promote the drafting and formulation of *Regulations on Administration of the Protection of Innovative Pharmaceuticals*, strengthen the protection of innovative pharmaceuticals.

22. Explore the establishment of special IP court, optimize the IP protection system, and 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, so as to realize effective case transfer and feedback. Publish the case information concerning administrative punishment against producing and selling counterfeited and shoddy goods and IP infringement according to the law.

24. Study and formulate the *Implementation Opinions on the Management Regulations of Genuine Software Application in Governmental Agencies*, carry out



supervision and inspection on the application of Genuine software, improve performance assessment on genuine software application in governments at municipal and county levels, further promote the genuine software application in enterprises with focus on state-owned enterprises, financial institutions, large-scale and private enterprises, press and publication industry, etc., guide enterprises to strengthen the management of software assets, and carry out special inspection on the pre-installation of genuine 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 information-based fight mechanism, with focus on the application of the counterfeits tracing technology, promote the coordination mechanism between the 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, and carry out special crackdown on major infringement and counterfeit goods sold on the Internet.

28. Implement the 10th Sword Net campaign against online copyright piracy and infringement, im-

plement special crackdown activities on online copyright piracy and infringement.

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, and refine the evaluation index system of enforcement performance.

30. Promote the mechanism building for IP dispute mediation and arbitration, cultivate a number of IP institutions with public credibility on IP dispute mediation and arbitration, and 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 preventive protection mechanism.

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

33. Refine the IP protection in free trade zones, and explore the mechanism for supervising transshipment cargo with suspected IP infringement.

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

35. Enhance regional and departmental cooperation on trademark administrative enforcement, prioritize the investigations into cross-regional and large-scale trademark infringement cases with serious social

impact, severely combat “imitation of famous brand” behaviors, and further refine the long-term trademark protection mechanism.

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

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

38. Carry out special campaigns against the infringement of the right of new plant varieties and the producing and selling of counterfeited and shoddy seeds.

39. Continue to promote the legislative process of *the Regulations on the Access to and Benefit-Sharing of Genetic Resources*, and implement national working plans on improving access to 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 traditional Chinese medicine, and set up preliminary protection catalogue and database for the traditional knowledge of traditional Chinese medicine.

41. Promote the online dissemination of the folklore database, and 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 regional IP protection alliance among enterprises with self-developed IP rights, and conduct investigation into the IP protection by customs among the enterprises exporting famous brand products.

43. Accelerate the revision of the Regulation on National Defense Patent, strengthen the protection of the IP relating to national defense, and launch the pilot program for the protection of 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; promote the construction of public IP information service platform, and improve information disclosure; promote the construction of IP appraisal mechanism for major economic activities, and improve the IP information analysis and early warning in key areas; and enhance the IP management capabilities of enterprises, universities and institutes.

Measures:

44. Introduce policies for strengthening IP management, refine the IP management system and mechanism, and enhance the IP management capacity of governments, industries, businesses, universities, research institutions and service agencies.

45. Accelerate the revision of *Regulations on Strengthening IP Management of the National Science and Technology Programs*, implement *Interim Provi-*



sions on *IP Management of Major National Science and Technology Projects*, further promote the formulating and promulgating of IP management rules on major national science and technology projects, and 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, and improve the IP managements system in universities.

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

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

49. Establish the National Technical Committee for the Standardization of Knowledge Management, establish and improve 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 cultivation of the national IP demonstration enterprises and advanced enterprises, implement the IP strategy promotion projects for SMEs, and 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, and refine the *National Guidelines for Patent Information Public Service*.

51. Accelerate the construction of the geographical indication information system for the agricultural products in “Jinnong Project” and related databases, promote the construction of the agricultural IP platform, implement analysis, evaluation and IP early warning involving domestic and worldwide agricultural IP information, and periodically release 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, and explore the establishment of the specialist bank of judicial appraisals.

54. Improve the IP statistics analysis index system, 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, highlight the statistical accounting of IP products in the revised national economic accounting system.

V. Promoting IP International Exchange

Goals: Perfect the exchange and dealing mechanism of foreign IP information, participate in the establishment of international IP system, improve foreign related IP working capabilities; promote the exchanges and cooperation with international organizations and major countries, enhance the capabilities and initiative of dealing with global IP affairs, enhance the IP influence globally; and expand the overseas development space for Chinese enterprises, improve the guidance and service for protecting overseas rights of Chinese enterprises.

Measures:

Measures 55—63 (Omitted)

VI. Promoting Fundamental IP Capabilities

Goals: Accelerate the development of IP service industry, guide the service agencies to make specialized, branded and globalized development; enhance IP talents cultivations, refine the evaluation standards of IP specialists, promote the concentration of high-end talents toward IP areas; innovate in the IP publicity and education mode, promote IP cultural construction, and enhance the overall IP capabilities of the public.

Measures:

64. Develop the *Guiding Opinions on National Intellectual Property Service Standardization System*, undertake national IP service survey, and promote the construction of national experimental zones of IP service agglomeration development and the cultivation of national IP service brands.

65. Promote the revision of *the Regulations on Patent Commissioning*, study and formulate the middle and long-term development plan for the patent

commissioning sector, promulgate promotion policies for the patent commissioning sector, establish the service standards of patent agencies, and refine the qualification examination system for patent agents.

66. Improve incentive policies for high-end returned overseas talents, draw IP-related high-end overseas talents through various talent introducing plans; enhance the guidance to the entrepreneurship parks for overseas talents, and provide support to the hi-tech enterprises started by overseas talents with independent IP rights.

67. Establish national bases for cultivation of IP talents, promote the collaborated innovations in IP researches, guide the high-end IP specialist cultivation by the professional cultivation bases for law talents, improve IP courses of universities and vocational schools, offer IP related minor courses, and enhance IP publicity and education in middle schools and primary schools.

68. Implement *Opinions on Strengthening the Construction of Intellectual Property Talent System*, integrate the IP related occupations into the National Occupation Classification, establish and refine the evaluation mechanism of IP specialists, integrate IP talents into the scope of the professional title evaluation, improve talents evaluation, and promote the development and rational flow of talents.

69. Establish IP specialist system for national defense technology research projects, gradually build up the national defense IP specialist team, explore the establishment of specialist qualification and training assessment mechanism; promulgate the IP specialist management measures of the Chinese Academy of Sciences, and specify the responsibilities



and career development plans for IP specialists.

70. Organize news agencies to undertake IP-themed publicity activities, with focus on key moments and relevant activities; enhance online publicity, and organize the central media agencies, central news websites and major business portals to enhance the effect of dissemination and guidance via new media forms.

71. Combine the IP legal publicity with the “six targets” (governments, counties, communities, schools, enterprises and institutions) of legal publicity, widely popularize the knowledge of IP protection, undertake IP-themed legal publicity on the official microblog site of China Legal Publicity, and organize local legal publicity websites to carry out various IP-themed legal publicity activities.

VII. Achieving Better Organization and Implementation of IP Strategy

Goals: Strengthen the overall planning and top-level designing for deepening the implementation of IP strategy; refine the IP strategic planning and implementation in various fields and regions, promote the effective integration of the IP strategy implementation into the economic development of various fields and regions; and improve the inter-ministerial joint conference system of the IP strategy implementation, strengthen the organization and implementation of the strategy.

Measures:

72. Formulate and promulgate the *Action Plan for Deepening the Implementation of the National Intellec-*

tual Property Strategy (2014–2020).

73. Improve the construction of the working system and platform for the implementation of the IP strategy, promote the integration of IP strategy implementation index into the local performance evaluation system, and undertake the supervision and inspection over the implementation of the IP strategy at proper time.

74. Launch the formulation and research of the IP working plan for the 13th Five-year Plan Period.

75. Promote the implementation of regional IP strategy in accordance with the categorized guidance requirements, improve the links between planning of key areas like Capital Economic Circle and Circum-Bohai Sea Economic Zone, major policies and IP policies, establish and optimize the regional IP cooperation mechanism, promote the development of some eligible provinces into IP-driven ones.

76. Launch the formulation of the national defense IP strategy for the 13th Five-year Plan period, and optimize the organizing and working mechanism of the strategy implementation.

77. Study and formulate guiding documents on IP strategy in the cultural system.

78. Publish the *Guidance on Strengthening the IP Work in Medicine, Health and Family Planning*, and promote its implementation.

79. Complete the periodic evaluation summary on the implementation of the local IP strategy, and generate the development report on the implementation of the local IP strategy.