

**Circular of SIPO, the Ministry of Education,  
the Ministry of Science & Technology,  
the Ministry of Industry and Information Technology,  
State-owned Assets Supervision and Administration  
Commission of the State Council, the State Administration  
for Industry and Commerce, the National Copyright  
Administration and Chinese Academy of Sciences  
Concerning the Printing and Distribution of *Several  
Opinions on Further Implementing the National IP  
Strategy so as to Strengthen and Improve IP Administration***

G. ZH. F. X. Zi. [ 2014 ] No. 41

The intellectual property offices of all provinces, autonomous regions, municipalities directly under the Central Government, and Xinjiang Production and Construction Corps; departments (commissions or bureaus) of education; departments (bureaus and commissions) of science and technology; industry and information technology departments; State-owned Assets Supervision and Administration Commission; administrations for industry and commerce; copyright administrations and all departments of the Chinese Academy of Sciences,

In order to thoroughly implement the *Outline of the National Intellectual Property Strategy* and improve the management level of intellectual property, *Several Opinions on Further Implementing the National IP Strategy to Strengthen and Improve IP Administration* is hereby printed and distributed for your careful implementation.

This Circular is hereby given.

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## Several Opinions on Further Implementing the National IP Strategy to Strengthen and Improve IP Administration

The following opinions are given in order to speed up the transformation of government functions, improve the management of intellectual property and the capability of public service, and effectively support the implementation of the innovation-driven development strategy.

### I. General Requirements

1. Guiding Ideas. Guided by Deng Xiaoping Theory, the important thought of “Three Represents” and the scientific outlook on development, thoroughly implement the spirit of the 18th National Congress of the Communist Party of China, the 2nd and 3rd Plenary Sessions of the 18th CPC Central Committee; follow the general requirements of the innovation-driven development strategy to vigorously carry out the national intellectual property strategy, strengthen intellectual property utilization and protection, and improve the incentive mechanism for technical innovation; aiming at creating a good development environment, provide high-quality public service and safeguard social fairness and justice; stick to the principle of standardization, coordination, initiative and high efficiency; focus on improving macro management, strengthening market supervision, perfecting the management system, and innovating the service modes; and improve the level of scientific management of intellectual property so as to provide greater supports for the innovative development of market players.

### 2. Basic Principles

—Regulated management. Take management in accordance with the law as the yardstick, insist on combining market orientation with government guidance, complete the management system and procedures, regulate market behaviors, and improve innovation entities' ability to manage intellectual property and the management level of IP service agencies.

—Coordinated management. Aim at ensuring coordinated and smooth operation of the intellectual property system, stick to the combination of divided responsibilities and unified coordination, improve competent government departments and the mechanism for division of labor and coordination of work, and pool administrative efforts.

—Proactive management. Focus on improving the ability to guard against and handle risks, insist on the combination of forward-looking deployment and active countermeasures, make intellectual property management more forward-looking and improve the timeliness of risk handling, and turn passive management into active management.

—Efficient management. Take it as the direction to improve public service, insist on combining function transformation with capacity building, build public service platforms with advanced technical means, innovate in the service mode and procedures, and improve the effectiveness of administrative management.

### 3. Main Objectives

By 2020, an intellectual property administration system that meets the demand of economic and social development and a highly-effective and smooth coordination mechanism will have been built, noticeably strengthening and improving the intellectual property macro control capability, and significantly improving the level of strategic planning and policy guidance. Enterprises, universities and scientific research institutes will have established an intellectual property management system and have set up management teams that meet the development demand; major scientific research projects will have realized whole-process intellectual property management. The market supervision of intellectual property will have been further enhanced. The functions of social organizations and service agencies as service providers will basically meet market demands, and there will be noticeable improvement in intellectual property transaction and service market order. A relatively standard and complete intellectual property management system will have been established in fields like science and technology, education, trade and business and culture, etc. The intellectual property public service will have basically met social demands.

## **II. Improving the macro control of intellectual property and the overall management effectiveness**

4. Optimize the administrative management system. Deepen the restructuring of the intellectual property administration system, strengthen the team building of patent, trademark and copyright administrators; intensify the building of a local intellectual property management work system, optimize work process

and mechanism, improve administrative effectiveness; further streamline administration and delegate power to lower levels, reform the intellectual property administrative examination and approval system, and give full play to the decisive role of the market in allocating innovation resources.

5. Improve the overall planning and coordination mechanism. Strengthen the building of the system of inter-ministerial joint conference on the implementation of the national intellectual property strategy, intensify the effort to guide and coordinate macro control over intellectual property, study and develop major guidelines and policies on intellectual property development on a regular basis, push forward the implementation of the intellectual property strategy as a whole, consult and make decisions on major issues concerning the development of intellectual property; reinforce interdepartmental coordination and cooperation, push forward the combination of industrial policies, regional policies, scientific and technical policies, economic and trade policies and intellectual property policies; encourage and support the local government to build an efficient mechanism for making overall planning for and coordinating the work of intellectual property, strengthen the communication and coordination between the central and the local governments, and pool management forces.

6. Enhance the strategic deployment of intellectual property rights. Work for the objective of improving the innovation-driven development capability of the industries, launch patent navigation pilots, carry out a group of patent navigation pilots facing industrial cluster areas, industries and enterprises, make patent deployment, develop patent pools to support



industrial ( corporate ) competitiveness; release reports on patent development in major industries on a regular basis, guide enterprises to strengthen the R&D and reservation of cutting-edge technologies of their industries, improve enterprises' core competitiveness; start intellectual property analysis and review in major national economic activities, provide intellectual property analysis and review service to major industrial planning and major government investment programs, strengthen intellectual property risk prevention and control in economic activities; intensify studies on the intellectual property strategy for major national S&T campaigns, launch intellectual property analysis and early warning on a regular basis, and study and develop major special intellectual property strategies.

7. Make comprehensive use of the policy tool to support intellectual property creation and utilization. Employ fiscal, taxation and financial policies, etc. to guide market players to create and utilize intellectual property; improve the policy for enterprises to offset their taxable incomes with research and development expenses, including the incentives for patent inventors in the R&D costs to stimulate innovation; study and reform policies for gain on sale relating to the transformation of scientific and technological achievements in institutional organizations, and mobilize the initiative of units and individuals to utilize intellectual property; encourage financial institutes to continue developing patent licensing securitization, patent insurance pilots, among other new-type financial products and services in an innovative way, provide financial support to financial institutes which launch the intellectual property pledge loan business, guide

national funds to offset risks of loans for transforming scientific and technological achievements through the transformation of national scientific and technological achievements, and promote the industrialization of intellectual property achievements.

### **III. Reinforcing intellectual property enforcement and supervision and maintaining sound market order**

8. Intensify intellectual property administrative enforcement. Push forward the building of a regular mechanism for inspecting intellectual property enforcement, launch enforcement inspection and supervision in an orderly way; further strengthen the establishment of an administrative enforcement team, strictly apply the system where law enforcers work with qualification certificates and their qualifications are under strict management, expand the team of law enforcers; highlight special rectifications of serious problems infringing intellectual property rights; strengthen cross-region and cross-department enforcement and coordination, enhance law enforcement and control, and advance integrated and joint law enforcement; carry out surveys on social satisfaction of intellectual property protection, improve the mechanism for appraising and evaluating the performance of intellectual property enforcement and rights defense; accelerate the building of a platform for sharing information on intellectual property administrative enforcement and criminal justice, and achieve comprehensive sharing of enforcement and justice information.

9. Highlight intellectual property supervision at key links. Strengthen supervision of the production source and the circulation processes; intensify efforts of intellectual property enforcement and protection at

various exhibitions, and set up intellectual property complaint and handling agencies at key exhibitions; do a good job in intellectual property supervision on the Internet and in emerging media, regulate the order of network operations; build an intellectual property management system and standards in specialized markets, explore the setup of an intellectual property protection inspection office in each and every important specialized market to realize routine market inspections.

10. Strengthen market supervision of intellectual property service. Improve a statistics and monitoring system in the intellectual property service sector, push forward the building of a standardization system in the intellectual property service sector, clarify service contents and processes and improve the standardization level of service; push forward the establishment of the occupational qualification system of intellectual property service, regulate the supervision of the service market; aggravate the punishment of violations, build a fair and just market order; strengthen the guidance and supervision of collective administration of copyright, standardize charging and income distribution behaviors; build an intellectual property service information platform to timely make public such information as credit rating, punishment against bad faith, awards of service establishments and practitioners, guide service establishments to develop in the direction of professionalization, branding and internationalization; encourage intellectual property service associations or alliances to reinforce practice supervision and management and strengthen industrial self-discipline.

11. Strengthen prevention of foreign related intellectual property risks. Strengthen guidance on pre-

venting intellectual property risks in overseas investment projects, guide enterprises to take precautions against intellectual property risks in international trade and to obtain licensing or get registered if it involves technology import and export; improve foreign-related IP information communication and exchange mechanism, study the feasibility of carrying out statistical monitoring of intellectual property trade; release intellectual property early-warning and analysis reports for key fields and foreign related fields, report on the intellectual property environment status of key countries and regions, and effectively support the internationalized development of Chinese enterprises.

#### **IV. Improving the intellectual property management system and raising the standardized management level.**

12. Lead enterprises to standardize intellectual property management. Carry out standardized intellectual property management projects in enterprises, popularize the national *Intellectual Property Management Standards for Enterprises*, lead enterprises to strengthen the building of intellectual property administrations and an intellectual property system, and implement standardized management through the whole process of corporate production and operation; cultivate regulated certification bodies to thoroughly implement the quality management standards under the ISO9001: 2000 system, regulate the work of certification; take the certification of intellectual property management standards in enterprises as an important referential condition for the approval and initiation of technical projects, as well as identification of hi-tech enterprises, intellectual property demonstration enterprises and advantageous enterprises, thus



promoting standardized intellectual property management in enterprises; support small and medium-sized enterprises to adopt centralized and entrusted intellectual property management to reduce their management costs.

13. Promote whole-process intellectual property management in scientific and technological projects. Integrate intellectual property management into the whole-process management of major scientific and technological projects and national scientific and technological plans; explore the establishment of an intellectual property attaché system, strengthen the initiation, execution, acceptance, evaluation and results transformation of scientific research projects as well as intellectual property management in results transformation and operation in hi-tech industrialization projects, major technical reformation projects and major national special scientific research projects; encourage institutions of higher education and scientific research institutes meeting the conditions to set up agencies—which integrate intellectual property management, transformation and utilization into one—to make overall planning for the work of intellectual property management.

14. Establish and improve a sound intellectual property assets management system. Establish and improve a sound intellectual property assets evaluation system; help enterprises to divide the part of intellectual property assets into those to be expensed and those to be capitalized in a scientific and reasonable way in intellectual property development according to related provisions of enterprise accounting standards in order to correctly reflecting the recorded value of intellectual property assets; scientifically assess the in-

tellectual property assets created independently or purchased by enterprises or obtained from their investment, standardize the disposal and operation of intellectual property assets in M&As, equity transfer and foreign investment; push forward the management of software assets, build a long-term effective mechanism for using genuine corporate software; develop guidelines for releasing information on the property assets held by listed companies to direct enterprises to timely and rationally release intellectual property information.

15. Encourage social organizations to strengthen industrial management. Encourage associations and chambers of commerce, among other social organizations, to set up intellectual property management departments, supporting social organizations to launch such activities as intellectual property appraisal, consultation, training, rights defense, mediation in accordance with the law; encourage the development of emerging intellectual property organizations like intellectual property leagues to manage the intellectual property resources in the industry in a centralized way and to explore an intensive intellectual property utilization and protection mechanism; direct social organizations to improve industry intellectual property self-discipline standards and to play the function of self-control and joint rights defense; establish a special mechanism, and smooth the channels for routine and convenient communication between social organizations and the government.

**V. Innovating in the intellectual property service mode and providing high-quality public service.**

16. Improve intellectual property examination serv-

ice; perfect the intellectual property review standards, innovate in the review mode, promote e-application, and improve review effectiveness; build a creditability file system for patent applicants to intensify supervision and punishment and regulate patent application; Aiming to optimize patent quality, improve the subsidy policy for patent applications, promote the quality of patent applications; perfect the work mechanism for trademark review and objection, adjudication and hearing, further improve the effectiveness of trademark registration and examination; strengthen the building of the copyright registration system, and expand the coverage of copyright registration.

17. Improve the level of intellectual property utilization and service. Advance the interlink and inter-communication of patent, trademark, copyright among different types of intellectual property platforms, strengthen the sharing and openness of basic intellectual property information, and provide convenient and fine basic information for the society; push forward intellectual property management and publication of enforcement information to facilitate public reading; to support the establishment of socialized service platforms in key areas and industries through government purchase of services; set up “one-stop” intellectual property service agencies integrating the receiving of application, consultation, training and information service in key industrial cluster areas and key industrial parks; encourage the construction of intellectual property operation centers that feature multi-party participation, open mechanisms and resource sharing, and integrate trading, evaluation, investment and financing service into one; explore the establishment of a centralized mode of operation, carry out

capitalized intellectual property operation, especially patented technologies held by universities and research institutes, and activate intangible assets; guide social forces to provide extensive intellectual property trainings; support market players to develop intellectual property management systems and tools; encourage the use of advanced information technology to innovate in the intellectual property information service mode and promote coordinated innovation and development.

18. Improve the level of intellectual property rights-defense service. Strengthen the building of intellectual property rights-defense aid centers, regulate the operations of such rights-defense centers, expand the team of rights-defense volunteers and that of rights-defense supervisors; improve the intellectual property violation reporting and complaining mechanism and the building of the platform for reporting and complaining about intellectual property infringement through hotline, strengthen information sharing, and perfect the library of e-files of reports on and complaints about infringement; explore the building of a rapid patent rights-defense work mechanism to provide rapid patent confirmation and rights-defense services for patent owners in industry cluster areas where the demand for intellectual property protection is high; improve the mechanism for providing enterprises with intellectual property rights-defense aid overseas, and explore to launch emergency rescue of enterprises in overseas intellectual property disputes.

#### **VI. Enhancing organizational guarantee and ensuring the effective implementation of all measures.**

19. Strengthen organization and leadership. The



inter-ministerial joint conference on the implementation of the national intellectual property strategy shall advance system construction in an accelerated way, improve its intellectual property management and service capabilities, and organize and coordinate effective implementation of related works. Relevant departments shall strengthen coordination and cooperation, double their efforts to give instructions to local work, launch supervision and inspection on a regular basis, and ensure effective policy implementation. People's governments at all levels shall strengthen the setup of intellectual property strategy coordination agencies, put intellectual property management on the agenda of important tasks, make overall planning for allocating resources, and promote the implementation of all policies and measures. All regions and related departments shall, based on the actual working environment, study and develop supporting policies to strengthen intellectual property management, explore actively and steadily advance the reformation and innovation of the intellectual property management mode.

20. Strengthen the building of the management team. Improve the system for assessing intellectual property professionals, integrate intellectual property professionals into the professional title evaluation, strengthen the evaluation of talents' professionalism, promote the growth, development and rational flow of talented people; encourage universities to develop intellectual property courses and train high-level intellectual property professionals; support universities and scientific research institutes in building a team of intellectual property professionals, train and cultivate a group of talents who are familiar with cutting-edge

technologies, intellectual property laws and management; improve the preferential policies for high-level talented people back to China from abroad, and give priority to introducing a group of high-end managerial talents badly needed for the implementation of the intellectual property strategy.

21. Ensure capital input. Innovate in the investment mechanism, give play to the leading role of fiscal capital, vigorously attract social capital to invest in the construction of intellectual property management and operation platforms, and gradually build a multi-channel capital guarantee mechanism; the costs concerning intellectual property affairs of those units undertaking national scientific planning projects (special projects and projects supported by national foundations) shall be listed in the project budget and expended as required; intensify efforts to guarantee local funding, and ensure the smoothness of all works.

22. Strengthen examination and supervision. Complete the intellectual property statistical indicators system, include intellectual property indicators into the statistical surveys of economic and social development, regularly evaluate such indicators and release reports on intellectual property development; build a sound intellectual property administration evaluation indicators system, and improve management and the service capability around the level and effect of public service; guide enterprises and institutional organizations to build an intellectual property performance-centered evaluation system, and scientifically instruct intellectual property creation and utilization.