

Circular of the General Affairs Office of the SIPO
Concerning the Printing and Distribution of the
Implementation Measures for Work in Cluster
Development Areas of National IP Service Sector

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Intellectual property offices of all provinces, autonomous regions and municipalities directly under the Central Government and Xinjiang Production and Construction Corps,

Cluster development is an inevitable choice for scaled service industry. The intellectual property service sector, as an important component of modern service sector, reflects more and more obvious trend in the cluster of service demand, resources and talents. In order to thoroughly implement *The 12th Five-Year Plan for Service Sector Development* and *Guiding Opinions of the General Office of the State Council on Accelerating the Development of the High-tech Service Industry*, the SIPO has launched the work to build experimental zones for cluster development of national IP service sector. The *Implementation Measures for Work in Cluster Development Areas of National IP Service Sector (Trial)* (G. Zh. F. G. Zi. [2012] No. 61) has been put into trial implementation for two years, and amended and improved according to the reality. The amended *Implementation Measures for Work in Cluster Development Areas of National IP Service Sector* is hereby printed and distributed for your implementation.

This Circular is hereby given.

The SIPO General Affairs Office

September 29, 2014



The Implementation Measures for Work in Cluster Development Areas of National IP Service Sector

Chapter 1 General Provisions

Article 1 In order to promote the cluster development of the intellectual property service sector, strengthen and regulate the work of cluster development areas of the intellectual property service sector (hereinafter “cluster areas”), these Measures are hereby developed in accordance with *Guidelines of the General Office of the State Council on Accelerating the Development of Hi-tech Service Sector* and *Guidance on Accelerating the Cultivation and Development of Intellectual Property Service*.

Article 2 Through guiding and fostering the cluster development of IP service sector, efforts will be made to improve the management system of the intellectual property service sector in the cluster areas, optimize the service structure, improve the service capability, make the intellectual property service sector stronger and bigger, and push forward in-depth integration of intellectual property into industries, technologies and economy.

Article 3 The State Intellectual Property Office (“SIPO”) makes the decisions to approve the set up of cluster areas, and takes charge of the work of guidance and acceptance. Competent intellectual property departments of all provinces, autonomous regions and municipalities directly under the Central Government (hereinafter “competent provincial intellectual property departments”) recommend certain areas to apply

for the title of cluster areas, and take charge of business guidance and coordination. The people's governments where the cluster areas are located shall be responsible for specific construction work of the cluster areas.

Article 4 The construction of cluster areas are divided into two stages, namely the stage of experimental areas and that of demonstrative areas.

Chapter 2 Application and Ratification

Article 5 The applying entities of cluster areas are the local people's governments of hi-tech industrial development zones, economic and technological development zones, foreign trade industrial parks, comprehensive reform pilot areas of the service sector, and intellectual property pilot and demonstration parks.

Article 6 Application requirements

(1) The local people's government of the cluster area attaches great importance to the development of the intellectual property service sector, enjoys a relatively complete intellectual property management mechanism and clear planning for the development of the intellectual property service sector, and ensures funds for its development.

(2) The cluster area shall have significant industrial advantages and gather a group of innovation-oriented enterprises and leading enterprises, and the local innovation entities have a stronger demand for

intellectual property service and higher requirements on intellectual property service.

(3) The intellectual property service agencies in the cluster area have developed into a certain amount with each cluster area has more than 30 IP service agencies, which can substantially meet the service demand for patent, trademark, copyright, geographical indication and new plant variety among other types of intellectual property.

Article 7 Application procedures

Local people's government of the cluster area shall, guided by the competent provincial intellectual property department, develop the initial work plan for cluster development areas of national intellectual property service sector, and submit an application to the competent provincial intellectual property department. The competent provincial intellectual property department gives a recommendation opinion after verifying the application to be qualified, and submits related materials to the SIPO.

Application materials mainly include:

- (1) Letter of recommendation by the competent provisional intellectual property department;
- (2) *Application for a Cluster Development Area of National Intellectual Property Service Sector*;
- (3) *Initial Work Plan for a Cluster Development Area of National Intellectual Property Service Sector*;
- (4) Letter of commitment on the truthfulness of the application materials.

Article 8 The SIPO examines the application materials, selects them carefully, and approves the building of cluster development areas of national intellectual property service sector. In principle, the application and ratification are organized annually.

Chapter 3 Construction and Implementation

Article 9 The construction period of an experimental area shall be three years, starting from the date of ratification of the application.

Article 10 With the approval to build an experimental area, the competent provincial intellectual property office shall develop a *Construction Plan for a Cluster Development Area of National Intellectual Property Service Sector* (hereinafter the "Construction Plan") together with the local people's government and submit it to the SIPO within three months upon such approval.

Article 11 The cluster area shall be developed mainly in the following aspects:

- (1) Create an environment to promote the development of intellectual property service sector, consolidate the development foundation, and explore new measures for developing the intellectual property service sector according to the status quo of the intellectual property service sector in the cluster area;
- (2) Integrate and optimize resources, concentrate service forces, construct a complete chain of intellectual property services, so as to be equipped with comprehensive intellectual property service capacity;
- (3) Focus on the development of industries and key enterprises in the parks, dig the demand for intellectual property services, organize the matchmaking of supply and demand between service organizations and innovation entities, stimulate the service market, and give play to the role of intellectual property service in supporting technological innovation and economic development;
- (4) Improve the service capacity of service



agencies, innovate in their service mode, cultivate brand agencies, and regulate the service market through incentives and guidance;

(5) Deepen international communication to introduce advanced concepts from abroad, and cultivate high-end service talents.

Chapter 4 Guarantee and Management

Article 12 The SIPO gives guidance on major issues concerning the construction of the cluster areas, and offers supports in such aspects as training of talents, use of information resources and funds.

Article 13 The competent provincial intellectual property department and local people's government of the cluster area shall identify the department in charge of the construction of the cluster area, strengthen guidance, and intensify support. The cluster area shall designate or set up special agencies and personnel, ensure supportive funds, and organize and carry out construction of the cluster area.

Article 14 The *Construction Plan* is an important basis for validating the cluster area. Should there be any need to amend some contents or indicators during implementation, local people's government of the cluster area shall timely submit the amendment opinion and related explanations to the SIPO.

Article 15 The cluster area shall submit a written report on its work in the previous year to the SIPO and the competent provincial intellectual property department by the end of each January, while putting forward the overall arrangements of and specific planning for the work in the following year. The SIPO will organize inspections accordingly.

Chapter 5 Check and Acceptance

Article 16 Upon the expiry of the construction period, the SIPO will organize check and acceptance. Main contents to be checked include:

(1) Implementation of the goals, tasks, key projects and each and every indicator set in the *Construction Plan*, and the effectiveness achieved;

(2) The cluster area's main practices and experience in mechanism, system, management and innovation;

(3) The cluster area's ideas on and planning for further supporting and pushing forward the work of the intellectual property service sector;

Article 17 The check and acceptance result can be excellent, qualified and unqualified. In case the cluster area passes the check as excellent, it shall be confirmed as "Demonstrative Cluster Development Area of the National Intellectual Property Service Sector;" if it passes the acceptance as qualified, it shall get the title of "Cluster Development Experimental Area of the National Intellectual Property Service Sector;" if it fails to pass the acceptance, it shall make rectification within a set period. Cluster areas whose check and acceptance results are qualified or unqualified may take the initiative to apply for another check and acceptance according to their work progresses.

Article 18 The title of demonstrative area shall be effective for three years, during which efforts will be made to push forward the work of the cluster area as required. At the expiry of the term, the SIPO organizes a review and keeps the title to the cluster area if it is qualified; orders the cluster area which is unqualified to make rectification; and cancel the title

to the cluster area which remains unqualified even after rectification.

Chapter 6 Supplementary Provisions

Article 19 The right to interpret these Measures shall reside in the SIPO Planning and Development Department.

Article 20 The Measures shall come into force

Annex:

upon promulgation. Should there be any inconsistency between these Measures and related documents promulgated before these Measures come into force, these Measures shall prevail.

Annex:

Guidelines on the Construction of Cluster Development Experimental Areas of the National Intellectual Property Service Sector

Guidelines on the Construction of Cluster Development Experimental Areas of the National Intellectual Property Service Sector

Construction Tasks	Main Measures	Work Ideas
Creating a better environment to promote the development of intellectual property service sector and consolidating the development foundation	Developing policy measures	Develop policy measures to promote the development of the intellectual property service sector, improve effective connection between policies on the industrial park industry, science and technology, trade and awards and intellectual property policies
	Building a work mechanism	Establish and improve a work mechanism for developing the intellectual property service sector and identify the leaders in charge and responsible departments in the construction of the cluster area
	Intensifying the support	Set up special funds for the construction of the cluster development experimental areas of the intellectual property service sector; explore and develop preferential land, house, rental policies conducive to the development of the intellectual property service sector; intensify government efforts to purchase intellectual property service
	Investigating the development status quo	Carry out statistical surveys of the intellectual property service sector to find out the development status quo of the intellectual property service sector and the effectiveness of intellectual property service in supporting industries in the cluster area
	Innovating in work measures	Highlight the “experimental” nature of the cluster area, to encourage “first try, first pilot”, and explore new measures for developing the intellectual property service sector



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Construction Tasks	Main Measures	Work Ideas
Integrating and optimizing resources and gathering service forces	Integrating the existing resources	Integrate the existing public service platforms for the spread and use, display and trading of intellectual property information and that for IP rights defense and assistance, and build an intellectual property public service system
	Improving the service chain	Apply the mode of combining native cultivation with the introduction of high-end service resources to try to extend service resources of various kinds into the cluster areas, form comprehensive intellectual property service capacity, and build a complete intellectual property service chain
Activating the service market and giving play to the role of intellectual property service in supporting technological innovation and economic development	Exploring the demand for service	Focus on the development of industries with special characteristic and key backbone enterprises, and explore real demand for intellectual property service sector
	Organizing supply-demand matchmaking	Organize supply-demand matchmaking around industries in the area and enterprises' demand; establish positive interaction between the intellectual property service entities and innovation entities so as to push forward common development
	Giving play to the role in supporting technological innovation and industrial development	Establish a patent analysis and early warning mechanism for industries in the industrial park, focus on analyzing patent status and the building of industry-wide patent alliances; encourage IP service agencies to provide whole-process IP services for small and medium-sized enterprises; strengthen the steering role of intellectual property in technological innovation, and explore the establishment of an intellectual property appraisal mechanism for appraising the construction, special technological projects, merges and acquisitions supported by fiscal, technological and state-owned assets
Cultivating brand agencies, and regulating the service market	Improving service capacity	Strengthen policy orientation; guide service agencies to broaden service scope, reinforce high-end services, and improve service quality; cultivate famous regional intellectual property service agencies, and give play to the demonstration effect and pacesetter role
	Innovating in the service mode	Support intellectual property service agencies to learn and draw advanced experiences from abroad, achieving technical innovation, management innovation and business mode innovation; encourage service agencies to utilize cloud computing, big data and other emerging technical means to provide services; and bring forward the combination of intellectual property service with financial capital

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Construction Tasks	Main Measures	Work Ideas
Cultivating brand agencies, and regulating the service market	Regulating service market	Advance the development of the intellectual property service sector standards, guide service agencies to establish and improve an internal management system; push forward the establishment of intellectual property service alliances, strengthen the self-discipline of alliance members, build a system for credit rating, integrity announcement and punishment against breach of faith, and create a fair and orderly environment for market competitions
	Publicizing the communication experience	Summarize successful experience in the cluster area and strengthen the publicity of these experience; organize and encourage service agencies to exchange ideas and cooperate with one another
Deepening international communication and cultivating high-end service talents	Intensifying international communication and cooperation	Apply various forms such as forum and seminar to promote the communication with well-known overseas service agencies; encourage intellectual property service agencies to “go global” and learn advanced experience; support intellectual property service agencies to introduce high-level international talents
	Cultivating high-level service talents	Absorb domestic and foreign teachers, learn advanced concepts, service modes, case studies, personalized counseling, and intensified practices both at home and abroad; train high-level service talents with international vision and being proficient in applying international rules to the intellectual property service sector