

**Circular of the Office of Inter–Ministry Joint Conference for  
Implementing the National Intellectual Property Strategy  
Concerning the Printing and Distribution of the *Promotion  
Plan on the Implementation of the National Intellectual  
Property Strategy in 2013***

G. ZH. F. X. Z. [ 2013 ] No. 18

Publicity Department of the CPC Central Committee, 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, Ministry of Health, 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 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, Supreme People’s Court, Supreme People’s Procuratorate and General Armaments Department,

In order to implement the spirit of the 18th CPC National Congress and promote the implementation of the national intellectual property strategy in 2013, *the Promotion Plan on the Implementation of the National Intellectual Property Strategy in 2013* is hereby issued for your implementation.

This Circular is hereby given.

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

March 8, 2013



## Promotion Plan for the Implementation of the National Intellectual Property Strategy in 2013

This plan is promulgated to implement the spirit of the 18th National Congress of the Communist Party of China (CPC), carry out the innovation-driven development strategy, promote the realization of the five-year goals of the Outline of the National Intellectual Property Strategy, and identify the primary goals and measures for the implementation of the national intellectual property strategy in 2013.

### I. Enhancing Intellectual Property (IP) Creation

Goals: Enhancing the quality of intellectual property rights (IPRs) and innovation efficiency, improving the management over the examination of relevant IPs, including patents, trademarks, copyrights, new plant varieties, *etc.*, improving the IP evaluation system, encouraging the IP creators to transfer their focus from quantity to quality, and enhancing the value of IP.

#### Measures:

1. Implement the revised evaluation index system for the State Technological Invention Award, improve the requirements on IP certifying documents for candidate projects of the Award, and steer the evaluation experts towards the quality, as well as the transfer and utilization, of the IP rights of the candidate projects.

2. Perfect the assessment and evaluation system for patent index and the system for IP statistics index; carry out evaluation on the index of “number of invention patents owned by per ten thousand people”.

3. Refine the systems for operation instructions and quality guarantee in patent examination; improve the patent searching capacity; draft policies designed to enhance the patent quality, clarify the orientation of the patent subsidy policy and better the performance of the policy; strengthen the monitoring and handling of abnormal patent applications, and standardize patent applications.

4. Improve the trademark examination standards, complete the 3rd stage construction of the Trademark Registration and Management Automation System, enhance the trademark registration efficiency, and ensure the pendency of trademark registration and examination within 10 months and that of opposition review within 18 months.

5. Intensify the work of copyright registration, improve the system for the collection, submission and publishing of copyright registration data, and enhance the copyright registration volume and its coverage.

6. Formulate and improve the testing guidelines and examination regulations on new plant varieties, strengthen the building of the examining and testing capacity, and achieve better management of new varieties of plants examination, and improve the quality of the granted new plant varieties.

### II. Strengthening IP Layout in Key Industries

Goals: Promoting the integration of IP and industry policies, strengthening IP risk assessment and

warning in strategic emerging industries and industries with regional advantages, reinforcing the guidance to the IP layout in key industries, and guiding the industries and enterprises to enhance their capacities of leveraging IPRs in global competition.

**Measures:**

7. Implement the Opinions on Strengthening the Intellectual Property Work in Strategic Emerging Industries issued by the General Office of the State Council, improve coordination mechanisms, formulate and implement the *Working Plan for the IP Work of Strategic Emerging Industries for 2013*.

8. Implement the Regulations on the *Prioritized Examination of Invention Patent Applications*, and provide prioritized examination for patent applications in strategic emerging industries like energy saving and environmental protection, new-generation information technologies, biology, high-end equipment manufacturing, new energy, new materials, as well as the technologies supporting green development, such as low-carbon technologies and resources-saving technologies.

9. Improve the copyright statistics system, carry out the annual survey on the contributions of copyright-related industries to national economy, and strengthen the instruction and management of copyright trading.

10. Explore the building of a national IP appraisal mechanism, further the pilot programs for IP appraisal in major economic, scientific and technological activities by central enterprises, scientific research institutes and local governments, and improve their capacities of conducting IP analysis and appraisal, and delivering relevant services.

11. Further implement the “Risk Assessment and Early Warning Project for Industrial Intellectual Property”, provide IP Early warning for the selected key industries demanding industrial transformation and upgrading, carry out IP mapping and analysis in key technical fields, and promote market-oriented operation of IP in key industries.

12. Carry out pilot projects of patent-oriented development and patent mapping in selected industries; organize 10 patent analysis and early warning projects in key industries and technical fields; launch 10 research projects on industrial IP analysis, dissemination, and promotion; review *Handbook on Practical Patent Analysis* and formulate *Standards on Patent Analysis Report*.

**III. Promoting IP Utilization**

**Goals:** Strengthening the key role played by enterprises in IP utilization, improving the transformation and commercialization mechanism for IP-linked and IP-based innovations, implementing the policies facilitating IP transformation and transfer to enterprises, and promoting the materialization, commercialization and industrialization of IPRs.

**Measures:**

13. Implement a number of pilot projects on innovation development and application demonstrations of key industries, promote the materialization, commercialization and industrialization of independent IP rights in the large-scale commercialization of next-generation Internet and LTE industry development, and promote the integration of IPRs and standards in digital television, next-generation mobile communications, next-generation Internet technology, etc.

14. Study and formulate guiding opinions on pro-



moting the transfer of technologies in research institutes and universities, and experiment with technology transfer in model institutes to encourage research institutes and universities to establish the standardized IP management system and technology transfer mechanism.

15. Comprehensively implement the “Project on Enhancing the IP Utilization Capacity of Industrial Enterprises”, support the local implementation of the project by certification, assistance and rewards, study and formulate the *Guidelines on IP Management for Industrial Enterprises*, and provide guidance on IP management by pilot enterprises.

16. Implement the promotion program for the industrialization of forestry patents and granted new plant varieties, and promote the transfer and utilization of advanced forestry patents and new plant varieties.

17. Accelerate the mutual transfer of military and civil IPRs, initiate the establishment of an IP management system featuring the feasibility assessment, a system of submission, utilization and management of the technique documentation from equipment procurement, as well as a management system of military software copyright, innovate the IP transfer and transformation model, and promote the utilization of the IP rights relating to national defense.

18. Refine policies on IP investment and financing, formulate guiding opinions on IP pledge and loans by commercial banks, build 20 IP investment and financing service platforms, and implement a pilot project on integrating IP licensing right, stock right, with other forms of assets.

#### IV. Reinforcing IP Protection

Goals: Refining IP-related laws and regulations,

improving the long-term mechanism of combating IP infringement according to the law, and implementing the performance evaluation of IP protection; enhancing the effectiveness of judicial IPR protection and the capacity of administrative enforcement, implementing the special protection operations and assistance programs for key fields and industries, and promoting the information disclosure of IP cases subject to administrative penalty; strengthening the protection of IP resources in the fields with traditional advantages, and enhancing the ability of dealing with international cases.

#### Measures:

19. Accelerate the revision of the *Trademark Law*, *Copyright Law*, *Patent Law* as well as relevant implementation regulations.

20. Provide stronger protection for innovative pharmaceuticals, and carry out studies on formulating relevant policies and legislations on the protection of innovative pharmaceuticals.

21. Draft and promulgate the *Measures on Copyright Supervision and Administration of Films and Videos on Internet*, and the *Guiding Opinions on Copyright Enforcement*.

22. Revise *Several Provisions on Issues Concerning Applicable Laws* in the Trial of Patent Disputes (2001), and formulate *Interpretation on Several Issues Concerning the Applicable Laws in IP Attachment before the Institution of an Action*, *Interpretation on Several Issues concerning the Applicable Laws in the Trial of Trademark Civil Disputes*, and *Interpretation on Several Issues Concerning the Applicable Laws in the Trial of Trademark Granting and Confirmation Cases*; promulgate in a timely manner the guiding opinions on issues concerning the applicable laws in the patent infringe-

ment disputes, patent granting and confirmation, protection of well-known trademark, protection of service trademark, and copyright disputes relating to the karaoke business operators.

23. Moderately increase the number of grass-roots people's courts with jurisdiction over general IP cases, assign to more intermediate people's courts the jurisdiction over first-instance IP cases, further the pilot program of integrating civil, administrative and criminal cases in one IP court, and optimize the judicial coordination mechanism; improve the organizational structure of the grass-roots people's courts, and implement the brand court project.

24. Evaluate the performance of local governments on combating infringements and counterfeits, and formulate a relevant performance evaluation system.

25. Formulate the instruction documents on publishing legal information concerning infringement and counterfeit cases subject to administrative punishment, and promote the disclosure of case information by relevant administrative enforcement authorities.

26. Continue to promote the working mechanism "linking administrative and criminal enforcement", complete the development of an information-sharing platform before the end of the year, and supervise the administrative enforcement authorities to transfer a number of suspected criminal cases.

27. Urge governments at the municipal and county level to accomplish the inspection and improvement involving application of genuine software before the end of 2013, comprehensively promote the application of genuine software in enterprises, and complete the pilot projects on software assets manage-

ment in enterprises.

28. Improve the supervision and management of the pre-installation of legitimate software in new computers, promote the application of safe and controllable legitimate software, and promote the combination of the application of legitimate software and informationization in governmental agencies.

29. Organize anti-counterfeiting campaigns with focus on five kinds of crimes hindering the innovative development of enterprises, baffling the stimulation of domestic demand and employment, damaging public health, endangering manufacturing and living security, and jeopardizing food safety and farmers' interests.

30. Investigate and punish websites involved in copyright infringement and the dissemination of information on counterfeited and shoddy goods, disclose enterprises accessing Internet without authorization, work on effective methods for strengthened domain name information supervision, and raise the accuracy of the registration information of websites.

31. Implement the 9th "Sword net" campaign against online copyright infringement and piracy, and implement the special rectification of infringement and piracy involving online literatures, music, videos, games, animation and software.

32. Strengthen the proactive supervision of website copyrights with focus on application software websites, shopping websites, and video websites.

33. Launch the "Project on Enhancing Patent Enforcement", promote the establishment of enforcement teams, confirmation and consultation centers for patent infringement, and coordination centers for patent administrative enforcement, promulgate and implement the detailed opinions on implementing the



*Decisions on Enhancing Patent Administrative Enforcement*, set up a target-oriented accountability system for enforcement, and promote and guarantee the enhanced capability for patent administrative enforcement.

34. Further enhance the IPR protection in specialized marketplaces, push forward the promulgation of “Several Opinions on Enhancing the IPR Protection in Specialized Marketplaces”, and enhance the capacity for IPR protection in specialized marketplaces; establish and improve the self-discipline mechanisms in industries, and provide assistance to industrial associations on IPR protection.

35. Establish a number of express IPR assistance centers in key areas and industries, establish an express protection mechanism to deliver efficient service to enterprises and industries, explore and establish consultation centers for patent infringement confirmation.

36. Refine the regulation system against trademark infringement, promote the establishment of an information platform for trademark administrative enforcement, organize special actions, supervise the handling of a number of major and serious cases, especially those concerning well-known trademarks, international trademarks, and geographical indications, and increase the penalty for “free ride of well-known brand”, including the unlicensed use of names, packing or decorations of well-known products.

37. Improve the long-term mechanism for trademark protection, speed up the drafting of plans to promote trademark licensing operation in large-scale retail enterprises and famous brand shops in large and intermediate cities, and increase the efficiency of regular supervision.

38. Strengthen the IPR protection by customs, carry out special enforcement actions in key areas and against key products, deepen the enforcement cooperation among customs to jointly combat the infringement in international trade, and increase the technical input in IPR protection by customs for more efficient enforcement.

39. Carry out bilateral and multilateral international IP exchanges and cooperation, lead and participate in bilateral and multilateral IP negotiations, actively promote the negotiation on the *Sino-Euro Agreement on Geographical Indications*, closely follow and participate in the formulation of international IP rules, and actively showcase the accomplishments of IPR protection in China.

40. Enhance assistance to enterprises in foreign-related IP lawsuits, and put into full play the overseas IPR protection and aid centers for enterprises; improve the IP risk assessment and early warning for the major export industries and relevant enterprises in international trade.

41. Promote China's accession to the Hague Agreement Concerning the International Registration of Industrial Designs administered by the World Intellectual Property Organization (WIPO).

42. Provide stronger protection for the new forest plant varieties, and initiate the establishment of a DNA fingerprint database for the new forest plant varieties, e. g. Chinese rose, and provide technical support for the enforcement their rights.

43. Enhance the registration and protection of geographical indication and agricultural product trademarks, put forward the “trademark enriches farmers” project, so as to help promote the construction of new

countryside.

44. Promote the construction of demonstration areas for geographical indications protection, enhance the protection and regulation of the import and export of products with geographical indications, and promote the import and export of geographical indication products and the development on global market of the industry.

45. Investigate and explore the geographical indication resources of agricultural products, and carry out the tracking and monitoring of the quality and safety of agricultural products with geographical indications.

46. Promote the legislation process of the *Regulations on the Access to and Benefit-Sharing of Genetic Resources*, and develop relevant policies and mechanisms for managing the access and benefit-sharing of genetic resources.

47. Initiate the “Study on the Protection of the Traditional Knowledge of the Traditional Chinese Medicine”, promote the specification of traditional Chinese medicine knowledge, and conduct surveys on the knowledge resources of traditional Chinese medicine, so as to provide source materials for the documenting and compiling of the protection list of traditional Chinese medicine knowledge.

48. Implement the project of “Study on the IP Protection of Folklore and Folk Arts”, incorporate IP protection and management into the management system for Chinese folklore resources, and therefore provide an operational IP solution for Chinese folk literature databases.

## V. Improving IP Management Capacity

Goals: Developing policies to strengthen IP man-

agement, improving the IP management system and coordination mechanism, stepping up collaborative, regulatory, and proactive management of IP, improving IP management efficiency, and enhancing the capacity and level of scientific IP management by various stakeholders.

### Measures:

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

50. Study and revise policies and documents related to IP management in colleges and universities, improve the IP management system, and enhance their capacity of IP management.

51. Implement the *Interim Provisions on IP Management of Major National Science and Technology Projects*, urge each project to speed up the formulation of IP management rules in line with its specific characteristics, improve the registration, statistics collection and evaluation system of IP information of major national science and technology projects, and strengthen supervision, assessment and guidance.

52. Refine the *Regulations on Strengthening IP Management of the National Science and Technology Programs*, invite IP experts to participate in performance assessment of the national science and technology programs, strengthen IP statistics collection and assessment in key areas of the national science and technology programs, and promote the publication of achievement information of science and technology programs.

53. Strengthen the IP management of major culti-



vation projects of genetically–modified new varieties of organism, study and draft relevant IP management measures, and provide regulative IP–related guidelines on R&D and industrialization of genetically–modified new varieties of organism.

54. Study and develop guiding documents for the implementation of IP strategy by the cultural system, and strengthen the guidance on their IP work.

55. Innovate the working mechanism for trademark administrative guidance, establish a system providing classified guidance for the implementation of trademark strategy, encourage and guide the market entities to formulate and implement their own trademark strategies based on their own development requirements.

56. Improve the IP management mechanism for radio, film and television, strengthen precautions against the legal risks in radio, film and television, promote the establishment of IP management criteria by radio and television stations at all levels, focus on the spread of the copyright contract demonstration text of radio stations and television stations, promote the construction of media asset management system at radio stations or television stations, guide the Radio and Television Copyright Commission under the China Radio and Television Association to strengthen industrial self–discipline, and improve the internal mediation mechanism for disputes among members and the collective right protection mechanism.

57. Draft and promulgate the *Regulation on the Remuneration for the Statutory License of Textbooks*, amend and promulgate the *Regulations on Remuneration for the Published Written Works*.

58. Strengthen the supervision and management

of copyright collective management agencies, and develop specific systems for their open, transparent and legal operations.

59. Carry out pilot projects on copyright asset management in the publishing industry, initiate a study on the copyright asset management system and mechanism, and study and draft guiding documents for copyright asset management in cultural businesses.

60. Publish the national standard of the *Enterprise Intellectual Property Management*, develop measures for the identification of enterprises with IP (patent) advantages, and carry out the cultivation of enterprises with IP advantages in selected provinces.

61. Study and develop IP management standards or guidelines for the Chinese Academy of Sciences, further standardize IP management in scientific research institutes, draft Measures for *Intellectual Property Management of Scientific Research Projects*, and promote the pilot project on establishing the whole–process IP management system in key scientific research projects.

62. Refine the working system for national defense IP, guide relevant IP mapping and scientific layout, introduce the integrated IP management pilot to the innovator, strengthen IP management in equipment procurement contracts, and initiate the construction of the invention reporting system.

63. Recruit high–end talents from those studying abroad for implementing IP strategy, through various projects, e. g. the “Funding Project for Returned High–level Talents”, the “Advanced Funding Programs for Scientific and Technological Project for Returned Talents”, and the “Overseas Chinese Serving the Country Action Plan”; together with the “Project



of Supporting the Start-ups established by Returned Talents”, offer special support to returned talents who are establishing hi-tech start-ups with self-developed IPRs; improve preferential policies for returned high-level talents, so as to foster a better environment for high-level IP talents and support them to play their roles.

64. Study and formulate Opinions on *Strengthening the Construction of Intellectual Property Talent System*, implement “Hundred, Thousand and Ten Thousand of IP Talents Project”, conduct the evaluation of one hundred high-level talented training candidates, and continue to step up the training of one thousand and ten thousand professionals; launch the program of establishing national IP training bases, develop Opinions on Strengthening the Work of National Intellectual Property Training Bases, and implement the informationization project for IP talents.

## VI. Developing the IP Service Industry

Goals: Improving the management system of the IP service industry by implementing related policies, strengthening the building and utilization of the fundamental IP information resources, guiding IP service agencies to expand business, training high-end IP service talents, cultivating and promoting the development of IP service industry.

### Measures:

65. Implement the *Guidance on Speeding up the Cultivation and Development of the IP Service Industry*, introduce corresponding policies, establish a mechanism for conducting census, monitoring IP service activities and publishing relevant information, promote the construction of IP service industry clusters, and cultivate well-known IP service agencies.

66. Organize and implement the special program for the hi-tech service industry, and take the IP service industry as a prioritized and guiding sector with support.

67. Promote the revision of *Regulations on Patent Commissioning*, advance the development promotion and pilot programs for the industry, and comprehensively carry out training of patent agents on practical skills.

68. Implement the *Administrative Measures on Trademark Commissioning business of Law Firms*, implement the record filing and other related work for law firms engaged in the trademark commissioning business, strengthen the supervision and administration of the commissioning by trademark agencies, and promote standardized trademark legal services.

69. Support and encourage lawyers to provide legal services for patent commissioning, experiment with a patent attorney system in the patent commissioning industry, and make efforts to cultivate and develop more patent attorneys in trademark and patent commissioning industries, so as to provide better patent-related legal services.

70. Promote the establishment of Demonstration cities, institutions, and zones (bases) of copyright, strengthen the guidance and management of copyright trade, and support relevant agencies in the mediation and arbitration of copyright disputes.

71. Promote the integration of IP judicial appraisal into the unified registration management, specify the practicing classification for IP judicial appraisal, improve the technical specifications and standards of IP judicial appraisal, further raise the level of standardization and occupational competence of the IP



judicial appraisal expertise, and support and cultivate a number of highly qualified and high-level IP judicial appraisal institutions.

72. Expand the geographical distribution of patent insurance pilot projects, introduce more patent insurance categories, and build an innovative mechanism for patent insurance services with various participants.

73. Implement the Plan on the Construction of National Patent Public Service System, establish a national system for the macro-management and guidance of the dissemination and utilization of patent information, and support the local delivery of tailored patent information services to industries with featured characteristics.

74. Build up IP integrated data platforms for industries, and establish case databanks for patent research and analysis in key technical fields such as semiconductor lighting and new energy vehicles, the information databanks for software copyright and layout design of integrated circuit, as well as IP early warning databanks for key industries.

### **VII. Strengthen IP Culture Development**

Goals: Strengthening the dissemination of IP knowledge, the training of personnel, and the inclusion of IP in school education, fostering an IP cultural climate of respect for knowledge, advocacy for innovation, integrity and legal observance, strengthening the supportive role of IP in the development of cultural industries, provide support to IP integration and development in major fields like press, radio, film and television, literature and art, *etc.*, and promoting the rapid flourish of cultural industries.

#### **Measures:**

75. Promote the IP culture development pro— 12 —

gram, and promulgate the Guiding Opinions on Strengthening the Development of IP Culture.

76. Disseminate with great effort the important decisions of the 18th CPC National Congress on the implementation of IP strategy and strengthened IPR protection, showcase the IP achievements, introduce best practices of independent innovation, encourage local governments and industries to provide stronger impetus to innovation, and organize various dissemination events including the National IPR Publicity Week.

77. Introduce more IP materials into the amendment of the textbook for compulsory education and the ideological and political textbooks for senior high school education, encourage colleges and universities to set up IP disciplines, and to provide minor IP-related courses, and carry out universal IP education.

78. Guide the high-level legal education training bases to strengthen the training of quality IP professionals, and step up the development of training bases for the IP professionals.

79. Publicize the progress in combating IP infringement and the producing and selling of counterfeits and shoddy goods, make public cases in which the IP infringements were investigated and punished, strengthen the dissemination of IP legal information, and encourage integrity.

80. Further implement the project of producing excellent radio programs, films and television programs, encourage content creation and production, improve the capacity of producing original television dramas, cartoons and documentaries, develop new business models for radio, film and television, and enhance diversified supply capacity.

### VIII. Improving the Organization and Implementation of IP Strategy

Goals: Taking the realization of the five-year goals established in the Outline of the *National Intellectual Property Strategy* as the core objective, strengthening the construction of a working system and platform for the implementation of the IP strategy, implementing comprehensive assessment on the five-year goals of the IP strategy, carrying out the evaluation and selection of the best performers in implementing the national IP strategy, convening conferences on promoting the IP strategy, holding special publicity activities, and further implementing the IP strategy.

#### Measures:

81. Carry out the evaluation of the performances

in accordance to the five-year goals of the Outline of the National Intellectual Property Strategy.

82. Select and award the best performers in implementing the national IP strategy.

83. Organize national publicity activities for the 5th anniversary of implementing the national IP strategy, showcase the achievements and experiences accumulated in the IP undertaking over the past 5 years, and arrange press reports on relevant commemorative activities.

84. Convene conferences on promoting the implementation of national IP strategy, and strengthen the construction of the working system and platform for implementing the national IP strategy.