



ing for Specific Fund for Sponsoring Overseas Patent Applications (Omitted)

Sponsoring Overseas Patent Applications (Omitted)

3. Certificate of Identity of the Legal Representative (Omitted)

2. Application Form for the Specific Fund for

tive (Omitted)

Circular of SIPO, the National Development and Reform Commission, The Ministry of Science and Technology, The Ministry of Agriculture, The Ministry of Commerce, The State Administration for Industry and Commerce, The General Administration of Quality Supervision, Inspection and Quarantine, The National Copyright Administration and The State Forestry Administration Concerning the Printing and Distribution of Guidance on Accelerating the Cultivation and Development of IP Service

G. ZH. F. G. Z. [2012] No. 110

The intellectual property offices, development and reform commissions, science and technology departments (commissions or bureaus), agriculture departments (commissions or bureaus), departments in charge of commerce, administrations for industry and commerce and administrations of quality and technology supervision of all provinces, autonomous regions, municipalities directly under the Central Government, cities under separate state planning and the Xinjiang Production and Construction Corps, Market Supervision Administration of Shenzhen Municipality, and all entry-exit inspection and quarantine bureaus directly under the General Administration of Quality Supervision, Inspection and Quarantine, copyright offices directly under the National Copyright Administration and forestry bureaus directly under the State Forestry Administration,

In order to thoroughly implement the Outline of the National Intellectual Property Strategy (G. F. [2008] No. 18) and Guidelines of the General Office of the State Council on Accelerating the Development of Hi-tech Service Sector (G. B. F. [2011] No. 58) and accelerate the cultivation and development of IP service sector,

the State Intellectual Property Office, National Development and Reform Commission, Ministry of Science and Technology, Ministry of Agriculture, Ministry of Commerce, State Administration for Industry and Commerce, General Administration of Quality Supervision, Inspection and Quarantine, National Copyright Administration and State Forestry Administration have jointly developed and hereby issue Guidance on Accelerating the Cultivation and Development of IP Service for your earnest implementation.

This Circular is hereby given.

November 13, 2012

Guidance on Accelerating the Cultivation and Development of IP Service

The following guidelines are proposed in order to thoroughly implement the Outline of the National Intellectual Property Strategy (G. F. [2008] No. 18) and Guidelines of the General Office of the State Council on Accelerating the Development of Hi-tech Service Sector (G. B. F. [2011] No. 58), actively push forward the development of the IP service sector, cultivate new advantages for industrial development, and reinforce the role of IP services in promoting scientific progress and economic development.

I. Fully recognize the important role of the IP service sector in the development of the Chinese economy

The IP service sector is a new service sector that mainly provides IPR “accessibility–use–protection” services and derivative services for intellectual property involving patents, trademarks, copyright, business secrets, new plant varieties and other special fields so as to promote the transformation of intellectual achievements into intellectual property and their commercialization and industrialization. It is an important aspect of the modern service industry and a

key field of development of the hi-tech service sector as well.

China is now in the key stage of the all-round building of a well-off society, a crucial period for deepening the reform and opening up and speeding up transformation of the mode of economic development, and the strategic transition from “Made in China” to “Created in China”. Developing the IP service sector conduces to enhancing the performance and level of independent innovation, improving the quality and benefits of economic development, and forming a modern industry system featuring an optimized structure, high added value and the capability of providing more employment opportunities. Accelerating the development of the IP service sector greatly helps promote the close combination of technologies and the economy, and is an important measure for improving core industrial competitiveness, promoting economic restructuring and speeding up the transformation of the economic development mode.

The IP service sector, with intensive technologies and knowledge and high added value, is playing



an increasingly significant role in supporting technical innovation, industrial development, foreign trade and cultural development. It presents broad market prospects, but its existing policy system is imperfect, market entities underdeveloped, top talents in short supply and integrated service ability yet to be improved. All these do not meet the requirements of the economic and social development in China, and are badly calling for greater efforts for cultivation and development.

II. Guiding Thoughts, Basic Principles and Objectives of the Development of the IP Service Sector

2.1 Guiding thoughts

Adhere to the Deng Xiaoping Theory and the important thought of “Three Represents” as guidance, thoroughly implement the Scientific Outlook on Development, and focus on accelerating the transformation of the economic development mode and promoting industrial transformation and upgrading to improve the management mechanism, build a sound service system, foster market demand, enrich service modes, and promote the IP service sector’s rapid, sustainable and sound development.

2.2 Basic principles

Guided by the government and driven by the market. Bring into play the guiding role of the government, and improve the service system and supporting policies. Give full play to the basic role of the market in allocating resources, and vigorously develop socialized, professional and large-scale IP services.

Give classified guidance and highlight priorities. Give classified guidance for the development of the IP service sector based on imbalanced regional economic

development, and identify priority development fields such as the IP agency, IP law service, information service, commercialization service, consulting service and training service.

Lay a solid foundation and develop innovatively. Reinforce the foundation for the development of the IP service sector, strengthen the building of the IP basic information resource and service platform, and improve the supporting system. Reform the management system and mechanism, increase the depth of services, create new service modes, and actively cultivate emerging business modes.

2.3 Objectives

Overall objective: by 2020, integrate IP services with technical and economic development in depth, significantly improve the capability of IP creation, utilization, protection and management, and provide support for enhancing the level of technical innovations and significantly improving the benefits of economic development; develop the IP service sector into one of the most dynamic fields in the hi-tech service sector and dramatically improve its contribution to social and economic development.

Main objectives: further improve the IP service system, and develop public services and market-oriented services in a coordinated way; diversify IP service entities and foster a number of professional, large-scale and internationalized IP service agencies; dramatically increase the number of IP service practitioners and improve their service ability, optimize the personnel structure, cultivate strong international competitiveness of top talents, and significantly improve the proportion of the scale and output value of the IP service sector in the modern service sector.

III. Fields to be developed with priority in IP service sector

3.1 IP agency

Speed up development of such agency services as application, registration, reviewer–examination, invalidation and opposition of patents, trademarks, copyright, integrated circuit (IC) layout designs and new plant varieties. Guide the development of IP agency services in specific fields. Focus on improving the foreign–related agency capability of the IP agencies. Encourage the IP agencies to provide services in more fields, improve the quality of their services, and expand their business scale.

3.2 IP law service

Develop IP–related legal services, and protect the legitimate rights and interests of the market entities. Encourage the expansion of IP law services in such business activities as enterprise IPOs, merger, acquisition, liquidation, investment and financing, strengthen the IP responsible investigation service, improve IP law assistance for SMEs and micro enterprises, expand the overseas IPR defense service, and improve the ability of the IP service agencies to get familiar with and apply international rules and enhance their international competitiveness.

3.3 IP information service

Develop such information services as IP information search and analysis, data processing, literature translation, database building, software development and system integration. Encourage IP service suppliers to process the basic IP information in–depth, support the use of new technologies like the mobile Internet, the next generation Internet, cloud computing and the Internet of Things, build professional IP in-

formation service platforms, create new service modes, develop high–end IP analysis tools, and improve the efficiency of using IP information.

3.4 IP commercialization service

Develop such services of commercializing intellectual property as IP assessment, value analysis, transaction, transformation, pledge, investment, financing, operation and trust. Strengthen and regulate the assessment of IP assets, build a sound work system for IP operation, improve the IP investment and financing system where financial institutions and venture capital are the mainstay and private capital participates extensively, push the financial institutions to expand their IP pledge and financing services, encourage financing guarantee institutions to provide guarantees for IP ledge and financing, and explore the establishment of a system where a number of parties share the pledge and financing risks.

3.5 IP consulting service

Develop IP strategy, IP policy, IP management and IP practice consulting and other high–end consulting services. Actively guide professional IP consultation agencies to develop healthily, push forward consulting services in major projects’ decision–making, industrial development planning and building of industrial alliances, and strengthen the consulting services for the improvement of the enterprise management system, services and trade, market expansion, overseas deployment, transfer of core technologies, standardization, *etc.*

3.6 IP training service

Develop IP education and training services and improve the professionalism of IP practitioners. Develop the framework of occupational competency of IP



talents, guide the regulated development of IP training agencies, support IP training agencies to launch practical trainings for different fields and at different levels, push forward international communication and cooperation, and cultivate a group of professional IP training brands and agencies by introduction of talents, cooperative running of schools, *etc.*

IV. Main tasks for accelerating the development of the IP service sector

4.1 Consolidate the foundation for the development of IP service sector

Strengthen the integration, disclose and sharing of basic IP information resources, improve the capacity of IP information public service, and provide accurate, timely and all-round IP information. Support less developed regions to improve local construction of public facilities of IP services. Build a national platform for transferring and applying patented technologies. Make use of cloud computing and other advanced information technologies to push forward standardization and promote resource sharing. Improve the building of the national IP public service system, and build a service system in which government departments, industrial associations, library and intelligence agencies, IP service agencies, enterprises, institutions of higher education and scientific research institutions participate, coordinate and interact.

4.2 Improve the legal and policy environment for IP services

Timely revise and improve IP service-related laws, regulations and supporting policies in combination with technological and economic development. Strengthen alignment between industrial, regional, technological, trade and competition policies and IP

policies. Coordinate with the overall work arrangement and pilots in the reform of the IP service sector, and push forward the development of fiscal, financial and taxation policies conducive to the development of the IP service sector. Study and push IP service agencies to enjoy relevant tax incentives. Establish and improve the IP review system for major economic and scientific projects. Facilitate the setup of the early warning and emergency response mechanism and the overseas IP protection and dispute resolution mechanism.

4.3 Intensify the supporting role of IP services in the economy

Push industries and enterprises to build relevant IP information service platforms and theme databases in such strategic emerging industries as energy-saving and environment protection, new generation IT, biology, high-end equipment manufacturing, new energies, new materials and new energy vehicles, and support industrial innovations. Facilitate integration of IP services into local economic development, and promote the optimization and upgrading of local special industries. Strengthen IP services for patents, trademarks of agricultural products and new plant varieties, and promote the innovative development of modern agriculture and forestry. Strengthen IP services for copyright, design patents, *etc.*, and promote the prosperous development of cultural and creative industries. Guide social service resources to extensively explore domestic geographic indications, actively expand foreign-related geographic indications, and further display the role of geographic indications and the special protection for them in foreign trade and regional economic development. Implement IP

service linkage projects and provide whole-process IP services for scientific and technological innovation-based small, medium-sized and micro enterprises. Encourage IP service agencies to provide professional services in export, service outsourcing, overseas exhibitions, overseas investment, brand output, patent incorporated into standards, *etc.*, and support the implementation of the “go global” strategy.

4.4 Intensify the role of IP service in supporting science and technology

Provide IP services for original innovations, integrated innovations and innovations after digestion and absorption. Promote the selection and exploitation of idle patents, and provide diversified channels for institutions of higher education and scientific research institutions to commercialize their patents. Encourage technology enterprises to actively utilize trademarks and the trade secret system to protect innovation achievements. Reinforce IP orientation in scientific and technological innovations, and improve the system for managing national scientific and technological plans and major technological projects. Encourage undertakers of major technological projects to commission IP service agencies to provide consultation and services if necessary. Encourage scientific and technological enterprise incubators, productivity promotion centers, technology transfer agencies, science and technology parks of universities and similar institutions to provide IP services, improve the level of technical innovations, protect technical innovation achievements, and push forward the transformation and application of innovation achievements.

4.5 Vigorously foster the IP service sector

Advance institutional reform of government-

sponsored institutions in the IP service sector following the requirement to transform government functions and reform government-sponsored institutions. Support public IP service agencies to launch pilot restructuring towards business entities where conditions permit, and enjoy relevant tax incentives as provided. Orderly disclose basic IP information resources so that IP service entities of all kinds can access them at a low cost, participate in IP services in multiple forms, and improve their capability of supplying market services. Increase government procurement, introduce the market mechanism in the public service sector, and diversify IP service entities. Explore the setup of government-led IP operation funds involve multiple parties, and promote IP utilization. Cultivate and develop emerging modes like IP securitization, IP insurance and IP operation. Intensify IP service publicity and cultural building, and expand industry influence.

4.6 Launch IP service pilot and demonstration units

Organize pilot and demonstration units of the cluster development of IP services, and encourage areas with suitable conditions to implement the pilot and demonstration program first. Support IP service agencies to enter national demonstration zones of independent innovations, national bases of modern service industrialization, hi-tech service industry bases, national pilot projects of integrated reform of the service sector and fields of cooperation between Taiwan, Hong Kong and Macao with Mainland China, support pilot and demonstration cities of innovative development of the modern service industry nationwide to develop the IP service sector, and guide the centralized, intensive and cluster development of IP serv-



ices. Launch pilot/demonstration projects of innovative IP service modes relying on such new technologies as the Internet, next generation Internet, cloud computing, the Internet of Things, *etc.* Build IP service demonstration units, push forward brand building of IP service agencies, give priority to cultivating a group of IP service agencies each with a better foundation, high capabilities, excellent performances and great credibility, and enhance their social influences and international competitiveness in key development fields of the IP service sector.

4.7 Strengthen the cultivation of IP service talents

Push forward the establishment of the IP service talent vocational qualification system and title appraisal system, and accelerate the cultivation of talents in IP practices. Enlarge the size of the IP agent team, improve the professionalism of IP agents, and cultivate IP management, consultation, operation, evaluation, insurance and information analysis talents. Support the introduction of high-level international versatile talents that have technologies and know laws, the economy and management. Improve the cultivation mechanism for IP service talents and create a new mode of talent cultivation. Encourage school-enterprise cooperation in joint cultivation of IP service talents. Introduce international faculty, actively launch vocational training, and cultivate high-level talents in IP service practices.

V. Main measures for promoting the development of the IP service sector

5.1 Strengthen organization and leadership

Build an inter-departmental coordination and cooperation development mechanism in the IP service

sector, make overall planning for developing the IP service sector, and solve prominent problems of all kinds in coordination. Each relevant department or region has to, based on the local reality, develop implementing opinions on pushing forward the development of the IP service sector, and carry out all the work. Constantly improve the working mechanism, form a work pattern featuring overall deployment, multi-party coordination and effective interaction.

5.2 Increase the input of human and financial resources

Push the country and regions with suitable conditions to set up special funds for developing the IP service sector. Provide IP services for industrialized projects in the hi-tech service sector. Provide IP services for major projects, launch statistical surveys in the IP service sector, promote IP service pilot and demonstration units, and build IP service cluster areas. Carry out IP service guidance programs, foster IP service agencies with famous brands, and support and guide privately-run IP service agencies to develop healthily. Encourage financial institutions to increase credibility, push forward the innovation of financial products like IP pledge and financing, industrial chain financing, *etc.* Guide and attract credit funds, foreign capital and social capital to flow in the IP service sector through many channels in multiple forms like funds, interest subsidies, guarantees, *etc.*

5.3 Strengthen industry supervision, control and self-discipline

Establish and improve IP service industry associations (alliances), and give full play to the role of industry associations (alliances) in self-discipline, development of standards, product promotion, ex-

changes, cooperation, *etc.* Establish a rational and open IP service market admittance system, and maintain the market order of fair competition. Build a system of IP service standards and norms, and improve the quality and effectiveness of IP services. Reinforce the supervision and management of the practices of IP service agencies and practitioners, and guide IP service agencies to build a sound internal management system. Build a system for grading and evaluating IP service agencies, and improve such mechanisms as industry credit rating, honesty publicity, punishment, *etc.* Encourage service agencies to build regional service alliances to realize mutual-complementary and resource sharing. Strengthen government in-

structions, support, supervision and control of industry associations.

5.4 Build a statistical monitoring system

Build a system for monitoring IP statistics and a system for surveying and investigating the IP service sector. Clarify the scope and targets of statistics, design statistics indicators, regulate the content of statistics, normalize statistics standards, and support and improve the monitoring system of hi-tech service statistics. Explore and study the ways and methods of including emerging forms of IP services into national statistics. Establish a sound mechanism for monitoring the development of the IP service sector and releasing relevant information.

Circular of the SIPO on Implementing Fast Track IP Enforcement (Piloting)

G. ZH. F. G. Z. [2012] No. 112

The intellectual property offices of all provinces, autonomous regions and municipalities directly under the Central Government,

In order to meet the demand for economic and social development, SIPO decides to launch pilot projects of fast track IP enforcement in areas with clustered industries, and hereby notifies relevant matters:

I . Objectives

Thoroughly carry out the scientific outlook on development, vigorously advance the implementation of

the national IP strategy, orderly launch pilot projects of fast track IP enforcement in areas with a high degree of industry clustering, strong demand for fast track IP enforcement and mature working conditions, speed up the building of fast track patent enforcement mechanisms, actively explore modes for the effective operation of the IP system with Chinese characteristics, promote the building of a long-term mechanism for IP protection, fully absorb excellent resources of innovation both at home and abroad, push forward in-