

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-



dustry transformation and upgrading, and accelerate the transformation of the economic development mode.

II. Work contents

1. Build a mechanism for fast track patent enforcement. Give full play to the role of fast track IP enforcement centers in supporting and assisting patent administrative enforcement, build a mechanism for commissioned handling of patent enforcement based on the demand for industrial development, and speed up the mediation of patent disputes and similar cases.

2. Actively push forward fast track patent re-examination and fast track confirmation of patent right. Follow relevant provisions in the management measures for patent priority examination, measures for design patent application and timely examination and those for patent grant confirmation consulting to provide professional training, operational guidance and technical support for pushing forward fast track patent re-examination and fast track confirmation of patent right.

3. Establish effective alignment between administrative enforcement and judicial protection. Promote the establishment of the system for administrative mediation before trial of patent infringement cases and the judicial confirmation system for administrative mediation of patent disputes.

4. Build an industry protection mechanism. Advance the establishment of IP protection alliances, promote industry self-discipline, and strengthen industrial IP enforcement.

III. Application conditions

Regions applying for launching pilot projects shall meet the following conditions:

1. The ratio of the output value of the local corresponding cluster industry to the national total ex-

ceeds that of the output value of similar industries to the national total.

2. The local corresponding cluster industry has strong demand for fast track IP enforcement, especially fast track design patent enforcement, and product lifecycles are updated faster.

3. The local people's government highly prioritize IP enforcement, and outpaces similar cities in terms of the number of IP enforcement cases handled; the municipal IP office ranks among the best in the province in the evaluation of patent administrative enforcement and its performance in IP enforcement and legal assistance.

4. An IP enforcement assistance center has been built locally upon the consent of SIPO, and an IP enforcement coordination mechanism and mechanism for transferring reports and complaints have been built among relevant IP departments.

5. A local IP office with sound organization has been built; and the office venue, staff, information equipment, online environment and funds for the IP enforcement assistance center are fully guaranteed and meet the basic requirements in Guiding Opinions on Launching the Work of IP Enforcement Assistance (G. ZH. F. G. Z. [2007] No. 157). Over 10 staff members and over 200 square meters of working area can be guaranteed for the IP enforcement assistance center.

6. Local abnormal patent applications account for less than 5‰ of the total number of applications of the year.

IV. Application materials and ways of application

Main contents of the application materials:

1. The general situation of IP work in recent years, especially patent administrative enforcement and case handling.

2. The output value of the relevant cluster industry and its ratio to the national total, the number of granted patents of various categories in the industry, and local demand for fast track patent enforcement.

3. The setup, guarantee of funds, working conditions and office supplies, IT equipment and staff members of the local patent enforcement center and patent administrative enforcement agency.

4. The plan for fast track enforcement (including work ideas, measures to be taken, staffing, office space and other supporting conditions).

Cities (districts) applying for fast track enforcement pilot projects shall submit written application materials to the intellectual property offices of the provinces (autonomous regions and municipalities directly under the Central Government) (hereinafter referred to as the “provincial intellectual property offices”) where local people’s governments are located. The provincial intellectual property offices check and review the application materials and submit those meeting the requirements to SIPO in the form of written recommendation.

SIPO will organize site visits according to the recommendations or applications made by the provincial intellectual property offices, carry out evaluation following the principle of objectiveness and impartiality, and launch pilot projects in areas with suitable conditions.

V. Work responsibilities

The local people’s government shall build a government-led fast track enforcement leading group,

guarantee sufficient funds for fast track enforcement, and necessary staffing of the fast track enforcement center.

Provincial intellectual property offices have to actively build fast track enforcement centers, guide the work of fast track enforcement, give operational guidance to staff members in the fast track enforcement center, ensure that the working efficiency and quality of the center meet the requirements set herein, and give more support to the fast track enforcement center in the development of local policies, laws and regulations, guarantee of funds and working conditions so as to well coordinate the launch of fast track enforcement.

Municipal intellectual property offices shall build a fast track enforcement responsibility system, study and develop ways of fast track IP enforcement, entrust and guide the center to carry out fast track enforcement; ensure the staffing of the center, organize necessary training, constantly improve the professionalism of the staff, supervise and handle the abnormal applications that are very likely to appear, and advance the establishment of IP protection alliances of the industry.

Fast track IP enforcement centers have to speed up case handling as commissioned, develop highly efficient IP case handling procedures; actively support, help and participate in the handling of patent administrative enforcement cases; ensure the efficiency and quality of case handling, shorten the duration of case handling to generally less than 1/2 of the legal time limit, and timely preview the applications to enter the fast track review and grant confirmation mechanisms following work arrangements.



SIPO will give instructions on supervise and make performance appraisals of the building and operation of the fast track enforcement center; organize professional training and examinations of the staff in the fast track enforcement center; and speed up case handling in accordance with relevant measures and out of local demand for developing cluster industries.

VI. Performance assessment of the pilot projects

SIPO will organize annual assessment of the performance of the pilot projects in accordance with the following indicators:

1. The annual patent applications and grants in the local corresponding cluster industry shall grow significantly and the growth rate shall not be lower than 20% during the piloting period.

2. The annual patent administrative enforcement cases accepted and wound up shall grow faster, and the growth rate shall not be lower than 40% during the piloting period; the efficiency of handling patent administrative enforcement cases shall improve significantly, and cases with a handling time limit shorter than 1/2 of the legal time limit shall account for over 80% during the piloting period.

3. The output value of the local corresponding cluster industry and that of local enterprises above the

designated size, and the number of design enterprises and technology-intensive enterprises shall increase significantly year on year during the piloting period.

4. Local abnormal patent applications shall account for less than 5% of the total number of applications of the year during the piloting period.

In case of the insignificant role of fast track enforcement in supporting local economic development and industrial transformation, insufficient attention to IP enforcement, inadequate input of staff and capital, below-the-standard number of cases handled and time limit of case handling, excessive abnormal patent applications in the corresponding cluster industry, *etc.*, SIPO will require rectification within the deadline, and if seeing no significant effect after the rectification, deprive the region concerned of its qualification as a pilot region.

Pilot projects with effective measures and significant effects may continue to launch pilot work in the following year, and SIPO will strengthen guidance and provide more support. This Circular is hereby given.

State Intellectual Property Office

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