



Circular on the Issuance of the Promotional Plan for National Patent Development Strategy in 2012

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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, all departments of the State Intellectual Property Office, all departments under the Patent Office of SIPO, and all entities and social groups directly under the State Intellectual Property Office:

The Promotional Plan for National Patent Development Strategy in 2012 is hereby issued for your earnest implementation according to actual conditions.

This Circular is hereby given.

November 7, 2011

Promotional Plan for National Patent Development Strategy in 2012

This Plan is formulated in order to further implement the Outline of the National Intellectual Property Strategy, fully carry out the National Patent Development Strategy (2011–2020) and promote more effective integration of patent-related work into economic and social development.

The basic roadmap for promoting the patent strategy in 2012 is as follows: Consistently adhere to the orientation of economic and social development needs, center on the utilization of the patent system and resources, under the principles of “Overall Planning,

Integrate Resources, Classified Implementation and Well-focused Promotion”, endeavor to improve the quality of patents, promote patent utilization, intensify patent enforcement, develop patent service sectors, foster patent talent and develop intellectual property (IP) culture, facilitate the transformation and upgrading of businesses, support the development of key geographical areas, promote industrial restructuring and ensure the implementation of the “Go Global” strategy, and give full play to the strong supporting role of the patent system in building an innovative

country and economic and social development.

Promotion of the patent strategy in 2012 will include 10 programs.

I. “Patent Quality Enhancement” Program

(I) Objective

Stress the orientation of the quality of patents and provide guidance for all parties to shift their focus from the quantity to the quality and structure of patents.

(II) Content

1. Regulate local financial supports for patents. Develop guidelines on financial supports for patents in combination with relevant agencies, specify the priority areas, restrictions and prohibitions in the use of financial supports and stress the quality-oriented nature of financial support policies. (Patent Administration Department, Patent Examination Affairs Administration Department)

2. Improve the assessment indicators regarding invention patents owned by every 10,000 people. Develop the implementing plan for the assessment of invention patents owned by every 10,000 people. Break down and improve assessment indicators under the principle of “combining overall coordination with system independence, total measurement with effort manifestation, and quality enhancement with restructuring”. (Planning and Development Department)

3. Continuously improve the quality of patent examination. Continue to improve the system of examination quality evaluation, effectively intensify the procedural assurance and control of examination quality, improve the community-based feedback channels for the quality of patent examination, and create a collaborative mechanism for improving examination quality

that involves patent agencies and innovating entities. (Patent Examination Affairs Administration Department)

4. Strengthen the surveillance of abnormal patent applications. Explore a long-term working mechanism for the surveillance and handling of abnormal patent applications. (Patent Administration Department, Patent Examination Affairs Administration Department)

5. Carry out non-defensive patent publication. Survey and assess infringements upon existing technologies of China. Improve the system of defensive non-patent literature (NPL) disclosure and conduct research on building China’s NPL defensive open database. (Patent Documentation Department)

(III) Members of Program Team

Patent Administration Department takes the lead, and the participants are the Planning and Development Department, Patent Examination Affairs Administration Department and Patent Documentation Department.

IP offices of provinces, autonomous regions and municipalities directly under the Central Government and Xinjiang Production and Construction Corps participate in Work Items 1, 2 and 4;

IP offices of Tianjin and Guangdong participate in Work Item 3;

Guangdong IP Office participates in Work Item 5.

II. “Patent Utilization Promotion” Program

(I) Objective

Strengthen the utilization of patents, create the commercialization and utilization mechanism for innovation outputs bonded by patents and characterized by close collaboration among industries, universities and research institutes, thereby promoting the patenting,



commercialization and industrialization of innovation outputs.

(II) Content

1. Develop regulations on patent management of government-funded research projects. Establish a market-orientation for R&D activities, create the evaluation mechanism for patent application, maintenance and abandonment, improve the service-related invention system, clarify the mechanism of benefit sharing among all parties in the industry-university-research institution collaboration, and strengthen the management of patented technology transfer. (Patent Administration Department)

2. Introduce policies promoting patent utilizations. Introduce supporting policies in combination with relevant agencies to encourage patent transfer and licensing; facilitate the realization of profits from market through patent utilization; support the creation of patent pools and break "patent thicket" constraints on technological innovation and patent implementation; centralize the management of "idle" patents of universities and research institutes and promote collaboration among industries, universities and research institutes. (Patent Administration Department, Legal Affairs Department)

3. Explore the setup of a patent utilization system. Work with relevant agencies to establish the patent utilization guidance fund and explore the setup of a patent utilization system featuring sharing and collaboration between national/regional patent utilization entities and university-based patent utilization bodies. (Patent Administration Department)

4. Strengthen IP investment and financing services. Establish the service mechanism for IP value

analysis, provide supports for patents generated based on public finance assistance and assessed to have a good commercial value and provide support for universities to boost IP transfer services. (Patent Administration Department)

5. Carry out the recognition of products with cutting-edge patented technologies. Develop standards for the recognition of products with cutting-edge patented technologies. Prepare the catalog of products with cutting-edge patented technologies. (Patent Administration Department)

(III) Members of Program Team

Patent Administration Department takes the lead, and the participant is Legal Affairs Department.

IP offices of Tianjin, Hunan, Chongqing and Shaanxi participate in Work Item 1;

IP offices of Beijing, Tianjin, Liaoning, Fujian, Hunan, Guangdong, Chongqing and Guizhou participate in Work Item 2;

IP offices of Beijing, Tianjin, Shanghai, Guangdong and Chongqing participate in Work Item 3;

IP offices of Tianjin, Hebei, Liaoning, Jiangsu, Fujian, Henan, Hubei, Hunan, Guangdong, Guangxi, Chongqing, Sichuan, Yunnan, Guizhou and Gansu participate in Work Item 4;

IP offices of Tianjin, Hebei, Shanghai, Jiangsu, Hubei, Hunan, Guangdong, Chongqing, Sichuan and Gansu participate in Work Item 5.

III. "Administrative Patent Enforcement Promotion" Program

(I) Objective

Crack down on patent infringements leveraging on the quickness and procedural simplicity of administrative patent enforcement, protect rights of patent

holders, greatly increase the cost of patent infringements and significantly reduce the cost of patent protection.

(II) Content

1. Promote the development of the administrative patent enforcement system. Facilitate the development and improvement of laws and regulations on administrative patent protection, improve the policy on compulsory patent licensing and develop or improve policies on the supervision of administrative patent enforcement, supervision of patent enforcement cases, performance assessment and incentives to infringements reporting. (Patent Administration Department, Legal Affairs Department)

2. Improve the working mechanism for administrative patent administration. Innovate in the administrative mediation mechanism for patent disputes, optimize the mechanism for alignment between patent infringement remedies and patent invalidation procedures, improve the collaboration mechanism for administrative patent enforcement, optimize the incentive mechanism for administrative patent enforcement, establish the social credibility evaluation and supervision mechanism for IPR protection, create the IPR protection assistance and service mechanism for top talent and major programs, and deepen the major liaison mechanism for patent protection. (Patent Administration Department, Patent Re-examination Board)

3. Enhance the capability of administrative patent enforcement. Step up efforts to build the administrative patent enforcement team, boost the competency of administrative patent enforcement personnel, improve the working conditions for administrative patent enforcement, boost informatization in administrative

patent enforcement, strengthen the development of the IPR protection assistance platform, and introduce local IP offices' assessment indicators. (Patent Administration Department, Legal Affairs Department)

(III) Members of Program Team

Patent Administration Department takes the lead, and the participants are the Legal Affairs Department and Patent Re-examination Board.

IP offices of provinces, autonomous regions and municipalities directly under the Central Government and Xinjiang Production and Construction Corps participate in Work Items 1, 2 and 3.

IV. “Patent-driven Business Transformation and Upgrading” Program

(I) Objective

Strengthen efforts in providing guidance for enterprises in patent work, enhance enterprises' ability to utilize the patent system and resources, and facilitate the transformation and upgrading of enterprises.

(II) Content

1. Promote the IP management standards for enterprises and public institutions. Promulgate and implement IP management standards for enterprises and public institutions. Help enterprises and public institutions to properly manage, plan and operate IPRs as strategic assets. Pursue alignment and integration between IP management standards for enterprises and public institutions and relevant policies. (Patent Administration Department)

2. Implement the project of fostering enterprises with an IP advantage. Develop and improve the standards for the qualifications of enterprises with an IP advantage. Foster 50 enterprises with an IP advantage through creating the key enterprise liaison mecha-



nism, establishing corporate patent information exchange stations and launching the corporate patent weakness improvement program. (Patent Administration Department)

3. Implement the SME IP trust program. Introduce the Intellectual Property Trust Assessment Standards, select and recommend 50 excellent service entities to provide patent services for 2,000 SMEs, and effectively improve SMEs' capability of IP creation, utilization, protection and management. (Patent Administration Department, Legal Affairs Department, All-China Patent Attorneys Association)

(III) Members of Program Team

Patent Administration Department takes the lead, and the participants are the Legal Affairs Department and All-China Patent Attorneys Association.

IP offices of Beijing, Tianjin, Hebei, Shanghai, Jiangsu, Fujian, Hunan, Guangdong, Guangxi, Chongqing and Sichuan participate in Work Item 1;

IP offices of Tianjin, Hebei, Liaoning, Shanghai, Fujian, Henan, Hubei, Hunan, Guangdong, Guangxi, Chongqing, Yunnan and Guizhou participate in Work Item 2;

IP offices of Beijing, Tianjin, Hebei, Shanghai, Fujian, Henan, Hubei, Guangdong, Guangxi, Chongqing, Guizhou, Gansu and Xinjiang participate in Work Item 3.

V. “Patent-driven Industrial Restructuring” Program

(I) Objective

Facilitate the incorporation of patent indicators and related work into optimal industrial restructuring. Create an effective service mechanism for patent-driven optimal industrial restructuring.

(II) Content

1. Facilitate the creation of an IP evaluation mechanism for major economic activities. Explore effective modes to create a nation-level IP evaluation mechanism for proposed major S&T and economic projects in combination with relevant agencies based on the review of local experience in the pilot program of IP evaluation mechanism for proposed major S&T and economic projects. (Protection and Coordination Department)

2. Facilitate the fostering and development of strategic emerging industries. Release guidelines on strengthening IP work in strategic emerging industries in combination with relevant ministries, establish the orientation for improving innovation capability and international development of strategic emerging industries, create the patent analysis and early warning mechanism for strategic emerging industries, accelerate the shaping of industries' competitive edge in IP, generate a batch of patents in core technologies, and provide a strong impetus to the growth of strategic emerging industries. (Protection and Coordination Department)

3. Facilitate the setup of industry-wide patent pools. Provide guidance for and set up about 30 industry-wide patent pools led by key enterprises in collaboration with industry associations regarding priority industries supported by the State, with the aim of strengthening industry-wide patent coordination. (Patent Administration Department, Planning and Development Department)

(III) Members of Program Team

The Protection and Coordination Department takes the lead, and the participants are the Patent Affairs

Administration Department and Planning and Development Department.

IP offices of Tianjin, Jiangsu, Shanghai, Henan, Hubei, Hunan, Guangdong, Chongqing, Guizhou and Gansu participate in Work Item 1;

IP offices of Beijing, Liaoning, Shanghai, Henan, Hunan, Guangdong, Chongqing and Sichuan participate in Work Item 2;

IP offices of Shanghai, Fujian, Hunan, Guangdong, Guangxi and Chongqing participate in Work Item 3.

VI. “Patent-driven Key Area Development” Program

(I) Objective

Implement the national overall strategy for regional development, strengthen supports for patent development in key areas and foster IP-leading areas that also help drive the development of adjacent areas.

(II) Content

1. Strengthen efforts in providing guidance in patent for key provinces through the province-ministry consultation mechanism. Integrate provincial and ministerial resources, strengthen supports, stress classified guidance, utilize the patent system, and carry out consultation aimed at meeting local economic and social development needs. (Patent Administration Department, Protection and Coordination Department)

2. Strengthen efforts in providing guidance in patent for key economic zones established with the approval of the State Council. Follow up on State Council deployments and issue guidelines on strengthening patent-related work in China’s key economic areas. (Patent Administration Department)

3. Strengthen efforts in providing guidance in

patent for national hi-tech industrial development zones. Issue guidelines on strengthening IP-related work of national hi-tech industrial development zones, provide guidance for national hi-tech zones to effectively improve their indigenous innovation capability leveraging on the patent system and resources, and enhance core competitiveness of national high-tech zones. (Patent Administration Department)

4. Establish national patent strategy promotion and service centers. Establish about 3 national patent strategy promotion and service centers in key areas on a demand-oriented basis, with the aim of providing integrated, pertinent and professional services for local industries and areas. (Patent Administration Department)

(III) Members of Program Team

The Patent Administration Department takes the lead, and the participant is the Protection and Coordination Department.

IP offices of Tianjin, Heilongjiang, Shanghai, Jiangsu, Fujian, Hubei, Hunan, Guangdong, Guangxi, Chongqing, Guizhou, Shaanxi, Gansu and Xinjiang participate in Work Item 1;

IP offices of Tianjin, Liaoning, Hunan, Guangdong, Chongqing, Sichuan and Shaanxi participate in Work Item 2;

IP offices of provinces, autonomous regions and municipalities directly under the Central Government where national hi-tech development zones are located participate in Work Item 3;

IP offices of Tianjin, Shanghai, Jiangsu, Guangdong and Chongqing participate in Work Item 4.



VII. “Patent-backed ‘Go Global’ Strategy Implementation” Program

(I) Objective

Effectively respond to international trade conflicts, mitigate the high cost of overseas patent protection and improve Chinese enterprises' capacity of responding to overseas patent disputes.

(II) Content

1. Establish an overseas patent protection assistance mechanism. Develop a guide to overseas patent protection assistance and guidelines on overseas patent-related early warning for enterprises, serve the “Go Global” strategy of enterprises and release patent-related early warning and analysis report for major foreign-related fields. (Patent Administration Department, Protection and Coordination Department, International Cooperation Department, Patent Documentation Department, Patent Protection Association of China)

2. Provide emergency response assistance for enterprises involved in overseas patent disputes. Help and provide guidance for enterprises to respond to overseas patent lawsuits that affect industry development. (Patent Administration Department, Protection and Coordination Department, International Cooperation Department, Patent Documentation Department, Patent Protection Association of China)

3. Actively promote enterprises' foreign patent applications. Issue guidelines on patent applications in China's main destination countries in trade, establish the supporting examination mechanism for enterprises' foreign patent applications, create the channels for connection between enterprises' foreign patent applications and intermediary patent service resources in des-

ination countries, and provide support for enterprises to seek foreign patent grants. (Patent Administration Department, Legal Affairs Department, Patent Examination Affairs Administration Department)

(III) Members of Program Team

The Patent Administration Department takes the lead; and the participants are the Protection and Coordination Department, Legal Affairs Department, International Cooperation Department, Patent Examination Department, Patent Documentation Department and Patent Protection Association of China.

IP offices of Tianjin, Shanghai, Hunan, Guangdong and Chongqing participate in Work Item 1;

IP offices of Shanghai, Hunan, Guangdong and Chongqing participate in Work Item 2;

IP offices of Tianjin, Hebei, Shanghai, Henan, Hunan, Guangdong, Chongqing, Guizhou and Gansu participate in Work Item 3.

VIII. “Patent Examination-supported National Major Policies” Program

(I) Objective

Coordinate patent examination resources to accelerate the development of the patent examination service capacity and step up the support from patent examination for national major development policies.

(II) Content

1. Strengthen patent examination services for China's major development policies. Provide patent application strategies and create expedited patent examination channels for major industries supported by the State. Expand the input of patent examination resources in major provinces supported. Explore the set-up of a patent examination coordination and liaison mechanism with major enterprises and public institu-

tions supported by the State and endeavor to provide timely, effective protection of indigenous innovation outputs. (Patent Examination Affairs Administration Department, Patent Affairs Administration Department)

2. Actively promote the promotion and application of patent analysis. Improve the working mechanism for patent analysis. Conduct patent research and analysis on selected national major S&T and economic projects; publish popular patent analysis reports on selected industries with high reference value; cause patent service organizations to promote patent analysis methods among innovating entities. (Patent Examination Affairs Administration Department, Planning and Development Department)

(III) Members of Program Team

The Patent Examination Affairs Administration Department takes the lead, and the participants are the Patent Administration Department and Planning and Development Department.

IP offices of Tianjin and Chongqing participate in Work Item 1;

IP offices of Tianjin, Hebei, Liaoning, Henan, Hunan, Guangdong, Guangxi, Chongqing, Guizhou and Gansu participate in Work Item 2.

IX. “Comprehensive Patent Service Capacity Enhancement” Program

(I) Objective

Increase the depth of patent services to allow patent-related public services and social services to basically meet economic development and public needs.

(II) Content

1. Accelerate the development of the patent

agency sector. Facilitate the revision of the *Regulations on Patent Commissioning*, launch the revision of the *Measures for the Administration of Patent Agency* and other relevant ministerial regulations; strengthen the development of the patent agency sector management system; continue to improve the patent agent examination system; step up standardization of patent agency services; implement the patent agency service capability enhancement program; explore the setup of patent agency service assessment system; step up the innovation and implementation of policies supporting the patent agency sector and promote coordinated development of the patent agency sector; fully promote training on patent agent skills; establish the patent agency assistance mechanism. (Legal Affairs Department, Patent Administration Department, Human Resources Department, Personnel and Education Department, Patent Examination Affairs Administration Department, All-China Patent Attorneys Association and China IP Training Center)

2. Strengthen patent information dissemination, utilization and informatization construction. Accelerate the implementation of the plan for national patent information-related public service system development, establish the macro-management and guidance system for nationwide patent information dissemination and utilization; facilitate the implementation of the national patent information dissemination and utilization base project and establish additional patent information dissemination and utilization bases of the SIPO nationwide; expand channels for enterprises to fully utilize patent information resources, and create an assistance and advisory system for enterprises' patent information utilization. (Planning and Development Department,



Patent Documentation Department, Automation Department)

3. Foster the development of patent service sectors. Vigorously promote the development of patent service sectors including patent information retrieval, analysis and early warning, trading, operation and asset appraisal. Provide support for and foster a batch of specialized patent service enterprises. (Planning and Development Department, Patent Administration Department, Patent Documentation Department)

(III) Members of Program Team

Legal Affairs Department and Planning and Development Department take the lead, and the participants are the Patent Administration Department, Human Resources Department, Personnel and Education Department, Patent Examination Affairs Administration Department, Patent Documentation Department, Automation Department, China IP Training Center and All-China Patent Attorneys Association.

IP offices of Beijing, Tianjin, Hebei, Shanghai, Jiangsu, Fujian, Henan, Hunan, Guangdong, Guangxi, Chongqing, Sichuan, Guizhou, Shaanxi and Gansu participate in Work Item 1;

IP offices of Beijing, Tianjin, Liaoning, Shanghai, Fujian, Henan, Hunan, Guangdong, Chongqing, Guizhou and Gansu participate in Work Item 2;

IP offices of Tianjin, Hebei, Shanghai, Henan, Hunan, Guangdong, Guangxi, Chongqing and Gansu participate in Work Item 3.

X. "Top Patent Talent Development" Program

(I) Objective

Promote talent development mechanism reform and policy innovation. Provide strong talent assurance

and intellectual supports for patent development.

(II) Content

1. Foster top talent in patent information. Establish a patent information talent team that is sufficiently staffed, reasonably structured, highly competent and adapted to patent developments. (Patent Documentation Department)

2. Implement the top talent development plan for patent agency sector. Facilitate the selection and development of 100 top talents in the patent agency sector. (Legal Affairs Department, Human Resources Development, Personnel and Education Department, All-China Patent Attorneys Association)

3. Explore innovation in the top talent working mechanism. Explore the setup of the patent value analyst development mechanism and the long-term mechanism for fostering top talent in patent operation. (Patent Administration Department, Human Resources Development)

(III) Members of Program Team

Human Resources Department takes the lead, and the participants are the Legal Affairs Department, Patent Administration Department, Personnel and Education Department, Patent Documentation Department and All-China Patent Attorneys Association.

IP offices of Tianjin, Liaoning, Shanghai, Hunan, Guangdong and Chongqing participate in Work Item 1;

IP offices of Beijing, Tianjin, Liaoning, Shanghai, Jiangsu, Fujian, Guangdong, Chongqing, Sichuan and Guizhou participate in Work Item 2;

IP offices of Tianjin, Hunan, Guangdong, Chongqing and Gansu participate in Work Item 3.