



Circular Concerning the Printing and Distribution of Working Plan on Patent Enforcement and Protection for Shanghai World Expo 2010

G. ZH. F. G. Z. [2010] No. 33

Intellectual property offices of all provinces, autonomous regions, municipalities directly under the Central Government, separately listed cities, Xinjiang Production and Construction Corps, and sub – provincial cities, as well as the intellectual property offices of all national intellectual property model cities, model creation cities, and pilot cities.

To further fulfill the deployment of the Central Government for relevant tasks, fully play the important role of intellectual property authorities in patent enforcement and protection, and create a good exhibition order for the World Expo, we hereby issue the Working Plan on Patent Enforcement and Protection for Shanghai World Expo 2010 for your implementation.

This notice is hereby given.

March 25, 2010

The Working Plan on Patent Enforcement and Protection for Shanghai World Expo 2010

All local intellectual property offices should attach actual importance to the patent enforcement and protection activities for Shanghai World Expo with a view to creating a peaceful international environment for development and accelerating the transform of economic development mode from the height of further

fulfilling the deployment of the Central Government. Based on local situations, concrete measures shall be taken and implemented timely for the tasks, coverage and requirements presented in this so as to guarantee better results.

I. Tasks

Coordinate relevant departments and institutions through overall cooperation of the system with Shanghai as the pivot and important support from the Yangtze River Delta Region, prevent and solve various World Expo related patent disputes on a timely basis, rapidly and effectively handle patent infringement disputes, and resolutely investigate and handle repeated infringement, collective infringement and patent counterfeiting related to the World Expo, so as to maintain the good exhibition order of Shanghai World Expo and create a good environment for promoting innovation, consumption and investment.

II. Coverage

(i) **Rapidly organize pre – Expo patent certainty inspection and assessment of exhibits**

To guarantee the patent certainty of exhibits is an important measure to reduce patent disputes. To minimize the patent infringement and counterfeit related to the exhibits, the intellectual property offices of all provinces (regions, municipalities) should direct the intellectual property offices of their subordinate cities (districts, prefectures, alliances) to conduct comprehensive patent certainty inspection and assessment on the exhibits before the exhibitors within their jurisdictions go to Shanghai World Expo. Among them, the exhibits to be displayed in China Pavilion or a Provincial Pavilion should be inspected and assessed by the intellectual property office of the respective province (region, municipality); the exhibits to be displayed in an Enterprise Pavilion should be inspected and assessed by the intellectual property office of respective city under guidance of the intellectual property office of the province (region, city) where the enterprise

carries out production. The office of respective province (region, municipality) should launch the mentioned work on a timely basis and report the inspection results to SIPO.

All local intellectual property offices should direct local exhibitors to actively and voluntarily carry out patent certainty inspection and assessment, and promise to remove an exhibit immediately if the exhibit is declared by the competent intellectual property enforcement authority as infringement or counterfeit.

(ii) **Effectively solve and mediate patent disputes during exhibition**

All local intellectual property offices should properly solve and mediate the patent disputes of exhibitors within their jurisdictions according to their responsibilities. The intellectual property offices in the Yangtze River Delta Region should cooperatively support Shanghai Intellectual Property Administration and work with relevant government agencies to properly solve and mediate World Expo related patent disputes and resolutely combat willful infringement and counterfeiting. The intellectual property offices of all provinces in the Yangtze River Delta Region should fully take advantage of administrative enforcement and make proper arrangement and fulfillment from the aspects of plan establishment, policy guidance, momentum building, information communication, complaint acceptance, intellectual property enforcement assistance, law enforcement and case investigation, etc.

Relevant local intellectual property offices should establish their contingency plans for solving and mediating World Expo related patent disputes. In case of a dispute, if one or both of the parties are Chinese exhibitors, the efforts in administrative mediation should



be strengthened for a proper solution to the dispute; if both parties are foreign exhibitors, in addition to administrative mediation, attention should also be paid to the role of foreign affair sections, judicial agencies and social organizations such as relevant chambers of commerce and associations, urging a reasonable solution to the dispute.

All local intellectual property offices should make greater efforts in combating willful infringement, repeated infringement, collective infringement, and patent counterfeiting related to the World Expo, and actively carry out law enforcement and investigation in supply chain and production processes. The clues of infringing or counterfeiting other IPR found during case tackle should be forwarded immediately to relevant enforcement authorities; any case suspected of offending the criminal law should be forwarded rapidly to respective public security agencies.

III. Requirements

(i) Establish work responsibility mechanisms and guarantee law enforcement in place

The intellectual property offices of all provinces (regions, municipalities) and the intellectual property offices of all cities in the Yangtze River Delta Region should specify responsible persons and contact points for World Expo patent enforcement and protection activities (the principal and the person directly in charge of local intellectual property offices act as the joint responsible person; the principal of enforcement division (section) is the contact point). The human resources of enforcement division should be enhanced and the enforcement officials increased if necessary to guarantee enforcement in place.

The intellectual property offices of all provinces

(regions, municipalities) should summarize and submit to SIPO the reports on patent stability inspection and assessment of exhibits from all exhibitors within their jurisdiction prior to April 30, and the information of exhibitors within their jurisdictions related to patent protection before December 1.

(ii) Create information reporting mechanisms and promote mutual cooperation

Greater efforts should be made in reporting information on World Expo related patent enforcement and protection. All local intellectual property offices should report to SIPO the important issues and information related to World Expo related patent enforcement and protection on a timely basis, and copy to Shanghai Intellectual Property Administration when necessary. Mutual forwarding of case clues should be conducted according to the jurisdiction. Mutual buck – passing should be resolutely prohibited and local protectionism restrained. SIPO will duly report the information on World Expo related patent law enforcement and protection within the entire system.

(iii) Use the reporting and complaint mechanism and guarantee rapid response

The IPR enforcement assistance centers throughout China should clearly list World Expo related patent protection, reporting and complaint as the focus of the year on major local media and web portal of the centers, and enhance the promotion of “12330” hotline for IPR assistance. Upon receiving any reporting or complaint on World Expo related patent cases, the Center should immediately forward such clues to relevant intellectual property authorities, follow up on the progress made in case investigation, and make timely response to the person who has made the reporting or

complaint. The IPR enforcement assistance centers established in municipalities, the Yangtze River Delta Region, and the Pearl River Delta Region should prepare active response plans, arrange sufficient labor force, and cooperate with Shanghai Intellectual Property Administration and local intellectual property offices to make full use of the “12330” hotline and carry out good practice in reporting and complaint and intellectual property protection, as well as support the World Expo On – Site work of Shanghai Intellectual Property Administration in accepting complaints and provide labor and brain force if necessary. The local intellectual property offices which have not established IPR enforcement assistance centers should announce the local World Expo Patent protection Hotline starting from April 20. The intellectual property assistance, reporting and complaint hotline should be used for joint enhancement of the rapid response capacity for World Expo Shanghai related patent enforcement and safe-

guard.

(iv) Launch enforcement patrol mechanisms and solidify work efficacy

All local intellectual property offices should make greater efforts in enforcement patrol, and organize law enforcement and investigation regarding World Expo related patent protection in local commodity circulation and production processes. According to SIPO’s arrangement and actual needs, the offices should coordinate with Shanghai Intellectual Property Administration and the organizers to go to the site of World Expo Shanghai if necessary, in order to carry out enforcement and intellectual property patrol on local exhibits. The enforcement officials should wear patent administrative enforcement certificates, be properly dressed, and bear unified enforcement symbols.

Annex: Contact Information for World Expo Patent Enforcement and protection (omitted)

Circular on Accelerating the Promotion of Patent Electronic Filing

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Intellectual property offices of all provinces, autonomous regions, municipalities directly under the Central Government, separately listed cities, Xinjiang Production and Construction Corps, and sub – provincial cities.

Active promotion of patent electronic filing (briefly “e – filing” hereinafter) is an important measure to implement the National Intellectual Property Strategy and a key task of us in this year. To make active promotion of e – filing and fully exert the role of intellectual property offices in promoting the e – filing, we notify you of the relevant matters as below: