



fringement emergencies concerning Asian Games, conduct risk analysis on all factors and areas that may trigger infringement emergencies, and test the contingency plan through comprehensive drills and exercises to improve the emergency response mechanism.

VI. Strengthen guidance and increase the self – discipline sense of operators. Relevant departments shall guide and cause operators to increase their sense of IPR protection, integrity and compliance through a variety of channels and avenues, strengthen self – discipline, enhance IPR management and self – examination. The compliance responsibility agreement may be signed with media units and operators to increase their sense of self – discipline. Administrative interview may be used to familiarize heads of market organizers and media with laws and regulations and guide them to establish relevant rules and policies.

VII. Expedite examination for IPR protection by law on a timely basis. Relevant departments shall, pursuant to Protection Measures for the Logo of Asian Games, Protection Measures for the Logo of Guangdong Asian Games, Regulations on IPR Protection of Guangzhou Asian Games and international sports convention, actively guide and help Guangzhou Asian Games Organizing Committee to register and apply for the Asian Games – related IPR, and expedite examination and approval for IPR protection on a timely basis.

VIII. Utilize resources to improve volunteers' IPR protection. Existing resources and communication platform shall be utilized to further conduct relevant events in order to promote volunteers' work in IPR protection of Asian Games, raise their awareness on IPR protection and make them bravely assume related responsibilities. Meanwhile, this opportunity shall be taken to enrich IPR protection with innovative methods so as to promote the development of volunteers' work in IPR protection.

September 3, 2010

Circular Concerning the Printing and Distribution of National Patent Development Strategy (2011 ~ 2020)

G. ZH. F. B. Z. (2010) No. 126

Intellectual property offices of all provinces, autonomous regions, municipalities directly under the Central Government, cities specifically designated in the state plan, Xinjiang Production and Construction Corps and sub – provincial cities.

In order to thoroughly implement the Outline of National Intellectual Property Strategy (hereinafter referred to as the Outline) , enhance China's capacity to create, utilize, protect and administer patent and provide vigorous support for accelerating transformation of economic development mode and promoting social and economic development, our Office decides to compile and implement the National Patent Development Strategy (2011 ~ 2020) (hereafter referred to as the Development Strategy) . And now the completed version is hereby issued for your implementation according to practical situations.

To better carry out the strategic goals, tasks and measures put forward in the Development Strategy, specific suggestions on the implementation and relevant matters are hereby notified as follows:

I. Strengthen the leadership, organization and coordination of strategy in implementation

Promulgating and implementing the Development Strategy is a major event for nationwide intellectual property offices. The nationwide intellectual property offices shall fully understand that the implementation of patent development strategy is a necessary, arduous and long – term task, effectively strengthen the leadership and organization of strategy in implementation, meticulously organize the implementation based on unified deployment, and make full use of the ministerial joint meeting concerning the implementation of national IPR strategy and such coordination mechanisms as provinces in consultation with ministries and consultation between ministries to strengthen the coordination in implementing the patent development strategy and endeavor to complete the strategic goals and tasks.

II. Clarify division of responsibilities for implementation of the strategy

The goals and tasks of the Development Strategy shall be further assigned so that each measure is taken by specific department and unit with a clear division of responsibilities. Relevant departments shall, according to their responsibilities, make focused deployment and coordinate with each other for the implementation of various tasks. Intellectual property offices of all provinces, autonomous regions and municipalities directly under the Central Government shall promote the development and implementation of the patent development strategy inside their own regions according to local characteristics and actual situation, combined with national and local specific requirements of the Outline of Intellectual Property Strategy.

III. Plan tasks for phased implementation of the strategy

To guarantee the full realization of all strategic goals in 2020, unified planning and overall deployment are made, the patent strategy promotion plan is introduced, and they have been integrated into the overall annual promotion plan of the country for implementation of IP strategy. The Development Strategy has three phases for implementation:

Phase One (the year 2011): Assign tasks and divide responsibilities. Divide various strategic tasks, define specific measures for implementation, complete division and deployment of work tasks for specific departments and units, and fully start implementation of various special tasks.

Phase Two (from 2012 to 2015): Break through for key strategic targets and tasks and carry out pilot



work. According to the nature, characteristics and complexity of various tasks, emphasis should be placed on breakthroughs for some strategic goals and tasks with weak foundation and more difficulties in implementation, and pilot work shall be carried out when conditions permit to complete phased strategic goals.

Phase Three (from 2016 to 2020): Push forward comprehensively and complete relevant goals. Based on the implementation and pilot work in the previous stage, push forward the implementation of various strategic tasks and measures. Classified guidance and overall balance shall be further strengthened for different regional and industrial developments in order to complete various strategic goals comprehensively.

IV. Guarantee the conditions for implementation of the strategy

To guarantee the implementation of various tasks and measures for the Development Strategy, the State Intellectual Property Office and intellectual property offices of all provinces, autonomous regions, municipalities directly under the Central Government shall provide funds for which specifically appointed persons are responsible, and strengthen classified guidance to different industries and enterprises for a successful realization of the overall target and tasks of the Development Strategy.

This circular is hereby given.

October 26, 2010

National Patent Development Strategy (2011 ~ 2020)

This Strategy is formulated for the purpose of thoroughly implementing the Outline of National Intellectual Property Strategy (hereinafter referred to as the Outline), enhancing China's capacity to create, utilize, protect and administer patent and providing vigorous support for accelerating transformation of economic development mode and promoting social and economic development.

I. Preface

The patent system is an important component of intellectual property system. As a fundamental system to encourage and protect innovation, the patent system is playing an increasingly important role in economic, technological and social developments of a country. In

the 21st century, with rapid development of knowledge economy and acceleration of the globalization process, the patented technology has become strategic resources for the core competitiveness of a country, and the patent system has become an important instrument for international industrial distribution, which is concerned by a growing number of countries. Currently in the context when China is carrying out a new round of industrial restructuring and brooks no delay in accelerating transformation of economic development mode and enhancing China's core competitiveness, it is crucial to thoroughly implement the Outline, earnestly accomplish all the strategic tasks put forward in the Outline, draw up and implement the national pa-

tent development strategy and make full play of the fundamental role of the patent system in encouraging and protecting innovation.

Over the past 30 years, China's patent undertakings have made notable achievements. The laws and regulations on patents have fully developed. The capacity to create and utilize patents has been constantly enhanced and the capacity to examine and approve patents has significantly improved. The patent protection mode with Chinese characteristics has initially been established. The level of disseminating and serving the patent information has been steadily raised. The patent talent tank has basically met the demand for the development of the patent work. The international exchange and cooperation on patents has created a new situation. All this has created favorable social and legal environments for China's technological innovation and economic development

However, as China has a short history of establishing the modern patent system, with the development of the situation, currently there remain some problems that cannot meet China's economic and social development. The patent system has not become fully integrated with development of socialist market economy, and its role has not been brought into full play in guiding industrial restructuring and upgrading and promoting China's innovation capacity. The patent policies are not closely consistent with China's policies on economy, science and technology, and effective patent policy system to encourage and protect innovation has not been fully established. The market entities have inadequate number of core patents and their capacity to utilize patent is poor. The system and mechanism of patent administration needs to be improved

and law enforcement on patent protection needs to be further enhanced as well. There is still a gap between the current situation of patent information dissemination and service and the demand for economic and technological development. The general public does not know much about the patent system and their patent awareness is poor. All these problems have largely restricted the role of the patent system in encouraging innovation and promoting economic development.

The National Patent Development Strategy is a long – term and overall plan for enhancing China's core competitiveness by making use of patent system and resources. To implement the National Patent Development Strategy is a pressing need to thoroughly apply the “Scientific Outlook on Development” and implement the Outline; it is a key measure to solve the overall, institutional and long – term issues of patent development; it is an inexorable requirement to deal with fierce international competition and accelerate transformation of economic development mode; it is a strong support for making China an innovative country and attaining the goal of building a moderately prosperous society in all respects.

II. Guiding Ideas and Basic Principles

1. Guiding Ideas

In implementing the national patent strategy, we need to hold high the great banner of socialism with Chinese characteristics, follow the guidance of Deng Xiaoping Theory and the important thought of “Three Represents”, comprehensively apply the Scientific Outlook on Development and abide by the policy of encouraging creation, effective application, legal protection and scientific administration. We must concentrate our efforts to enhance China's core competitive-



ness, focus on utilizing patent system and resources, actively work to create a favorable legal environment, market environment and cultural environment for the development of patent in order to greatly raise China's level to create, utilize, protect and administer patents, actively serve market entities and make the patent system provide strong support in economic and social development as well as for the effort to make China an innovative country.

2. Basic Principles

In comprehensively promoting the National Patent Development Strategy, we must abide by the following principles:

- **Combine China's basic conditions with orientation toward the world.** Promoting the national patent development strategy shall not only accord with the practical needs of China's economic and technological development and combine the patent system with China's economic and social development, but also respond to the international development trend of the patent system so as to create a favorable international environment for China's peaceful development in the process of reform and opening up.

- **Combine a push from the government with market regulation.** Promoting the national patent development strategy shall give full play to the function of the government in its organization, coordination and public service, constantly enhance the policy-making capacity and service level, fully unleash the fundamental role of the market mechanism in patent creation and utilization and resource distribution, and vigorously enhance the capacity of market entities to create, utilize, protect and administer patents.

- **Combine right protection with safeguarding of public interests.** Promoting the national patent development strategy shall not only give full play to the role of patent system in protecting innovation and effectively safeguard patentees' rights and interests, but also correctly handle the relationship between protection of patent rights and safeguarding of public interests to prevent abuse of patent rights.

- **Combine comprehensive promotion with classified implementation.** In promoting the national patent development strategy, we shall not only make an overall plan for China's patent system and patent development, but also practice categorized guidance according to different regions and industries.

III. Strategic Goals

The long-term goal of the national patent development strategy is to significantly improve the capacity to master and utilize the patent system and patent resources, make patent system provide strong support for construction of an innovative country as well as economic and social development, and ultimately develop China into a powerful country in patents.

By 2020, China will become a country with a comparatively high level in creation, utilization, protection and administration of patents. The patent system will be in effective operation and the guiding role of patent policies in China's economic and technological work will be conspicuous. The legal environment for patents will be much better. The quantity of patents for inventions every one million people and the quantity of patent applications in foreign countries will quadruple. A large number of core patents will be acquired in some key fields of emerging industries and in key technological fields of traditional industries. Market

entities will be in better position in creation, utilization, protection and administration of patents. The proportion of patent applications in industrial enterprises above designated size will reach 10%. The quantity of owning patent rights will significantly rise. Patent service industry will develop quickly, and the public service and social service capacity for patents will basically meet the demands of economic and social development. The patent talent tank can meet the need of economic and social development and patent development. The public awareness of patents will be increased greatly. The patent system will be able to effectively support the efforts to make China an innovative country, and the role of the patent system in promoting economic and social development in China will become very apparent.

Goals for 2015

- **The patent system will be further improved.** The laws and regulations on patents will be constantly improved, and coordination among laws and regulations related to patent will be further enhanced. The guiding role of the patent policies in China's economic and technological work will be apparently strengthened. A well-established patent administration and mechanism with Chinese characteristics will be formed, and the patent administration will basically respond to the demand of economic and social development.

- **The capacity and level to create patents will be improved by a large margin.** The annual quantity of applying for patents for inventions, utility models and designs will reach 2 million. China will rank among the top two in the world in terms of the annual number of patents for inventions granted to the

domestic applicants, and the quality of patents filed will be further improved. The number of owning patents every one million people and the number of overseas patent applications filed by Chinese applicants will double. The proportion of patent applications in industrial enterprises above designated size will reach 8% and the quantity of owning patent rights will significantly rise. Guided by national strategic demands, we will make arrangements in advance in some key technological fields and master the patent rights of a number of core technologies to support the development of some emerging industries in China and industrial restructuring.

- **The benefits of utilizing patents will be enhanced significantly.** The rate of patent industrialization will steadily rise. The patent transaction services will be established in major cities of China with annual patent transaction amounts reaching 100 billion yuan. The proportion of patent-intensive products will grow significantly and the proportion of exported products with patent rights will markedly rise. Enterprises and public institutions will make progress in improving their systems for managing patents. Importance will be attached to cultivating a number of preponderant enterprises that own core patents, skillfully utilize the patent system and have strong international competitiveness. 10 model cities that can comprehensively utilize the patent system and have excellent intellectual property market environment will be established.

- **The capacity to examine and approve patents will be further enhanced.** The examination efficiency will be greatly raised and the examination quality will be further improved. The average period for ex-



aming an invention patent application will be shortened to around 22 months, and that for a utility model or design will be shortened to around 3 months. The average time for patent re-examination and invalidation will be shortened to 12 months and 6 months respectively. The public's satisfaction with the examination quality will be steadily improved. The patent-granting quality and comprehensive examination capacity will rank among the advanced in major intellectual property authorities of the world.

- **The protection of patents will be significantly improved.** The systems, mechanisms, organizations and training of all types of patent talents for patent protection will be further strengthened and the patent enforcement efficiency will be further enhanced, which will effectively safeguard the legitimate rights and interests of the patent owners and holders. The patent market environment will be significantly improved and the capacity of enterprises to protect their patent rights and respond to a lawsuit will be greatly enhanced.

- **The patent service level will be significantly raised.** We will establish a patent information service system in which public services and commercial services provide mutual support and develop jointly. We will vigorously promote development of patent service industry, trying to make the capacity of public services and commercial services of patents basically meet the demand of China's economic development and the general public.

- **The patent talent pool will develop stably.** We will accelerate cultivating and training a large number of patent talents with optimum structure, reasonable distribution and high quality. The talent tank

for patent administration and law enforcement will increase steadily. The patent examiner will reach 9000. The quantity and quality of patent talents in enterprises will improve significantly. The talents in the patent service industry will be greater and the professional categories will be more complete, with certified patent agents reaching 10000. The patent talent pool will basically meet the demand of China's economic and social development and patent development.

- **The public awareness on the importance of patents will universally improve.** The intellectual property culture that respects knowledge, advocates innovation and lays emphasis on honesty and observation of laws will take initial shape. A system of intellectual property culture in education, publicity and theoretic studies with Chinese characteristics will be initially established. The public awareness of the importance of patent will significantly improve and the social environment for respecting and protecting patents will be much better.

- **The international exchange and cooperation on patents will develop comprehensively.** The fields of international exchange and cooperation on patents will be further expanded. The capacity to coordinate the affairs of foreign-related intellectual property will be greatly enhanced and the capacity to participate in international affairs will be significantly improved. We will strive to create a good external environment suitable for China's patent development.

IV. Strategic Focuses and Supporting Measures

(i) Further Improving Patent Laws and Regulations

Proceeding from China's basic conditions, on the

premise of international rules, laws and regulations concerning patents with Chinese characteristics need to be improved. We should promptly study the latest development trend in international patent legislation and learn from their successful experiences. We will study and formulate laws and regulations on service inventions and rationally define the right ownership of service inventions. We will explore system on reform of designs and study the feasibility of separately formulating a law for designs. We will study and improve the procedures of confirming a patent right and shorten the period of handling patent confirmation and disputes. We will research on substantial and procedural regulations on abuse of patent rights. We will pay close attention to new issues arising from patent right transfer, licensing and pledge and regulate them in time. We will amend Regulations on Patent Commissioning and improve other supporting laws and regulations.

We will establish information communication and coordination mechanisms between the department in charge of patents and other departments in the process of formulating and implementing patent – related laws and regulations, and promote connection between relevant laws and regulations. In accordance with relevant provisions of the Anti – monopoly Law, we will study and actively promote the development of standards and procedures to determine whether the abuse of patent right constitutes monopolistic behavior. We will actively promote formulation of administration regulations as a national standard related to patents and specify the handling principles and disclosure obligations related to patent issues in the national standard. We will improve regulations and collaborative

mechanisms in the laws and regulations such as foreign trade and customs intellectual property protection related to patents. We will improve the coordination and connection between the administration regulations of genetic resources and the patent system.

(ii) Vigorously Promoting Establishment of Policy System Related to Patents

Give full play to the role of patent policies in pushing forward China's industrial restructuring and promoting transformation of economic development mode. Strengthen study of patent policies and promote formulation of patent policies meeting the demands of different industries. Encourage enterprises to actively apply for patents and accelerate popularization and application of common patent technologies of an industry and promote industrial restructuring and upgrading. In some major and special plans for national science and technology and plans to reinvigorate key industries as well as strategic emerging industries, make arrangements in advance in some key technological fields to master a number of core technologies and make rational layout both at home and abroad so as to form core competitiveness. Encourage enterprises to acquire patent rights through innovation on the basis of digesting and absorbing imported patented technology.

Focusing on the regional planning of the state, formulate reasonable and effective policies on patent support and policies to encourage regional patent transfer.

Give full play to the guiding role of patents in the macroscopic policies of the state. Strengthen coordination and cooperation between the administration department in charge of patents and relevant departments. Encourage enterprises to create and utilize



more core patents through the use of policies related to finance and taxation. Further improve the patent index statistical system and actively incorporate the patent indices into the evaluation and appraisal system of China's economic and scientific and technological work. Further improve the patent management of technological projects involving major national interests and enhance the starting point and level of innovation of technological projects. Enhance the capacity to turn the innovation advantage into the patent advantage to safeguard the national technological security. Support and foster the export of patented products and increase the proportion of exported patent – intensive commodities and strengthen guidance on patent policies for enterprises in the process of overseas mergers and acquisitions. Balance the relationship between the patent policies and some major public policies such as public health and climate change.

Further strengthen coordination in the process of formulating patent policies. Make full use of the existing coordination mechanism, enhance exchange and coordination between different departments, explore the review mechanism of establishing patent policies and ensure the patent policies are valid, rational and consistent with international rules. Establish information disclosure platforms for patent policies.

(iii) Further Strengthening Construction of Patent Administration System and Mechanisms. Improve patent administration systems and mechanisms. Further promote the construction of intellectual property management agencies at provincial and prefecture levels. The intellectual property agencies in economically developed areas will be initially established. Improve the leadership and coordination mechanism for intel-

lectual property work and bring it into full play. Actively strengthen horizontal/lateral linkages/connections and coordination with the relevant departments to promote the construction/development of national and regional patent policy systems.

Strengthen patent administration functions. Vigorously strengthen the capacity building of patent management departments at all levels, enhance management level, expand and strengthen such functions as policy making for regional economic development, patent implementation and industrialization, assets appraisal of intellectual property, consideration of intellectual property for major economic projects. Make closer ties between the patent work and national and local economic and social development. Actively carry out evaluation/assessment on development of local intellectual property rights, strengthen local management capacity building and create a favorable environment for development of intellectual property.

(iv) Vigorously Enhancing the Capacity to Create and Utilize Patents. Develop the policy system and environment to promote creation of patents. Further promote and improve the right ownership and benefit sharing mechanisms for innovations made in state – funded projects and encourage more innovations to acquire patent rights. Carry out the feasibility study to include the rewards for the inventor into the production costs and promote enterprises to make and implement the policies to reward the inventor. By providing preferential policies such a taxation, actively encourage enterprise to produce the high – value – added products with core patent right and encourage enterprises to change the development mode. Optimize patent subsidy policy and further define the orientation

to enhance patent quality, increase the number of patent ownership in foreign countries and promote transformation of self-relied innovations into property rights.

Vigorously promote patent utilization. Further define the responsibilities of the patent management department and relevant departments to promote industrialization of patented technology. Try to obtain policy support from relevant departments for industrialization of patented technology to make preferential policies on taxation encouraging individuals and enterprises to transfer and grant patents. Make efforts to establish multi-level patent transfer modes such as national patent exhibition and transaction center, technology transfer center of academic institutions, venture capital firms invested in patent and patent business companies, and strengthen construction of patented technology utilization and commercialization platform. Further strengthen patent pledge loans. Encourage a number of preponderant enterprises to seek financing by listing them on the stock market and promote establishment of equity and bond market for patent industrialization. Promote establishment of multi-level financing system of patented technology such as pledge loans, risk investment, listing and securitization. Explore establishment of multipartite patent working capital of various kinds under the guidance of the state and promote utilization of valuable patents by academic institutions and research institutes. Deeply promote construction of national patent industrialization bases. Further strengthen the guiding role of economic benefits of Chinese Patent Awards. Strengthen and regulate the evaluation of patent assets and enhance evaluation capacity for patent value.

Further enhance the capacity of enterprises and public institutions to utilize the patent system. Guide enterprises to develop enterprise patent strategy according to their own characteristics on the basis of market analysis and patent analysis. Encourage and support enterprises to carry out patent layout in foreign countries. Guide innovation factors and patent resources to aggregate and transfer to enterprises and encourage enterprises to establish patent pools. Encourage and support enterprises to upgrade the patented core technology and key technology in the areas of strength in China as national standard or international standard. Further improve management practices for enterprise patents and management rules for enterprise patent assets. Vigorously carry out pilot and demonstration work in enterprises and public institutions, implement the project to promote intellectual property strategy in medium and small-sized enterprises, implement the project to cultivate preponderant enterprises with intellectual property and enhance the capacity of enterprises and public institutions to utilize the patent system. Through such measures as patent trust and support for strong enterprises, promote outstanding patent service agencies to provide public services for medium and small-sized enterprises and provide individualized services for preponderant enterprises.

(v) Enhancing Comprehensive Capacity to Examine Patents

Further enhance capacity to examine patents. Guided by social demands, constantly improve patent examination standard and examination management policies. Moderately expand the scale of patent examiners, strengthen their capacity building and carry out construction of examination culture. Establish



efficient and scientific operation and management system for examination business and constantly improve examination efficiency and quality. Establish speedy examination system and create more flexible, convenient and efficient examination methods and improve the communication efficiency between the examiners and interested parties. Participate in international cooperation in examination business in a pragmatic manner and promote examination capacity building. Strengthen capacity building for patent examination. Make an overall plan for examination resources and coordinate with policies on development of key state industries, provide such services as patent application tactics and patent analysis guidance and actively guide market entities to attach importance to tapping patent value. Establish the mechanism support intermediaries based on examination resources, guide intermediaries to expand service scope and enhance service capacity. Take active measures to provide relevant service and business guidance for market entities to apply for patents in foreign countries.

(vi) Enhancing Capacity to Protect Patents

Further improve the coordination mechanism for patent protection. Establish and improve coordination mechanism for handling patent cases, coordination mechanism for policies, coordination and supervision mechanism for major cases, mechanism for studying and dealing with new issues arising from patent protection as well as joint protection mechanism for intellectual property of important activities. Further improve the patent protection mode by which the judicial protection and administrative law enforcement coordinate with each other. Try to achieve connection between patent administrative law enforcement and the

judicial proceedings. Make sure the leading role of judicial protection of patents and give full play to administrative law enforcement in its timeliness and efficiency. Effectively reduce the expense of protecting patents and vigorously safeguard the lawful rights and interests of patent owners and holders. Make more efforts to strengthen border protection of patent rights and combat the illegal act of infringing on patent rights for imported and exported goods. Make efforts to establish more IPR protection and assistance agencies nationwide and increase input in patent protection and effectively provide public services for IPR protection.

Bring the advantages of administrative law enforcement of patents into full play. Push forward construction of administrative law enforcement system on patents and make more efforts to strengthen administrative law enforcement on patents and bring into full play the advantages of administrative law enforcement for its quick investigation and punishment and simple procedures. Endow the patent administrative department at county level with the right of administrative law enforcement, and endow the patent administrative department with right to execute the investigation results. Strengthen supervision and guidance on the patent administrative law enforcement cases and establish and improve the system of presenting advisory opinions on infringement determination. Explore the methods and means of linking administrative law enforcement with re-examination invalidation. Establish the mediation procedures before the patent dispute litigation. Give play to the role of trade associations and intermediaries in patent protection. Strengthen building of local talent pool in patent law enforcement and enforcement conditions.

Strengthen services for overseas patent rights protection. Establish the system of making a follow – up study of major patent cases, informing major overseas patent cases and communicating foreign affairs. Accelerate establishment of overseas IPR protection information network and timely introduce and issue patent protection system and status of relevant countries or regions so as to provide information reference for enterprises to “go abroad”. Make full use of the IPR assistance hotline 12330, make the most of the IPR protection and assistance centers, establish various kinds of overseas patent rights protection and assistance mechanisms, make more efforts to provide professional guidance for enterprises to settle overseas patent disputes and help enterprises properly address overseas patent disputes.

(vii) Establishing Review Mechanism of Intellectual Property for Major Economic Activities Cultivate and improve early warning mechanism for patent analysis. Further strengthen early warning of patent analysis in the development of China’s strategic and emerging industries. Formulate policies and documents related to the early warning of national patent analysis, implement popularization projects on patent analysis and further improve and popularize standard and guidelines for early warning of patent analysis. Strengthen training of patent analysis talents. Guide the early warning service of patent analysis to enter the market. Encourage patent agencies to carry out patent analysis and early warning services.

Establish intellectual property review mechanism at state level. Carry out study on intellectual property review mechanism at state level on major economic activities with patent review at the core and put forward

concrete proposals and policy suggestions. By cooperating with relevant departments, select some key areas that are badly in need of patent analysis to initiate pilot work and establish the intellectual property review mechanism in due course.

Carry out pilot work on intellectual property review for local major economic activities. Carry out pilot work on local intellectual property review with patent review at the core, formulate and issue policies and regulations on intellectual property review related local major economic activities. Summarize in time experiences of the pilot work at various localities and gradually expand the pilot scope.

(viii) Strengthening Dissemination and Utilization of Patent Information and Informatization Construction

Establish a multi – level and multi – aspect public information service system for patents. At state level, establish a system of macro – management and business guidance for dissemination and utilization of national patent information and promote extensive dissemination and effective utilization of patent information. Establish a user – oriented, coordinated and cooperative patent information management and operational mechanism with a clear division of responsibilities and virtuous cycle. In accordance with the provisions of the Patent Law, disclose basic patent information in a complete, accurate and timely manner and provide data resources for the society in various ways. At the local level, guide the local patent information agencies, libraries and information institutions and intermediaries to carry out patent information service, guide market entities to enhance information utilization and promote patent information to serve sci-



entific and technological innovation and economic and social development. Expand dissemination channels for patent information and establish multi - aspect patent information service networks.

Establish and improve a public service platform for national patent information. Establish and improve a public service platform for national patent information that is based on Internet and takes information technology as a means and whose function and access load design is reasonable, providing fully - functioned, convenient and quick patent information public service for the society. By 2015, the national patent data center, five regional patent information service centers and 47 local patent information service centers will be established.

Provide patent information to support major national technological and economic decision - making. Strengthen cooperation among government departments between governments and trade associations, carry out patent information analysis related to key state development industries, promote patent information to serve patent creation and utilization for key state industries and give play to the supporting role of the patent information in major national technological and economic decision - making.

(ix) Accelerating Development of Patent Service Industry

Vigorously promote rapid and sound development of the patent service industry. Actively boost formulation of support policies in finance and taxation favorable for development of the patent service industry and encourage non - governmental sectors to participate in commercial patent information service. Vigorously promote development of patent service industry involving

information retrieval, analysis, early warning, data processing, database building, patent consultation, transaction, trust, assets appraisal and pledge loans. Support pilot reform to transform qualified public patent information service agencies into enterprises, support and foster a number of specialized patent information service enterprises. Strengthen supervision on the patent service industry.

Improve the environment for the development of patent agency industry. Improve the mutually coordinated and effectively - functioned supervision and management mechanism that combines administrative supervision with industry self - regulation and has a clear positioning and reasonable division of labor. Regulate the market competition order of patent agency industry. Improve the system of national patent agent qualification examination. Make a study on establishment of the system of patent agency practice insurance and promote solution of practice restriction on patent agents. Establish and improve the patent agency assistance system, mobilize the policy resources favorable for promoting coordinated regional development for patent agency industry, establish exchange mechanism, promote establishment of the assistance and cooperation mechanism for patent agencies between the east and the west region of China so as to promote common development. Establish the self - regulation management system for patent agency industry with a complete system, reasonable structure, standard conduct and sound regulations. Establish the integrity system for patent agency industry, improve the integrity management system such as integrity information publicity of the industry, credit rating and discipline for dishonesty and strengthen self - regulation and integri-

ty building in the patent agency industry.

(x) Strengthening Building of Patent Talent Tank

Improve the policy environment and institutional environment favorable for development of patent talents. Improve the incentive mechanism and policy measures for cultivation and selection and appraisal of patent talents. Make efforts to include patent talents into the scope of professional evaluation and study and improve the evaluation system and the professional certificate system for professional patent talents. Establish the input mechanism for cultivating patent talents with guidance from the government and joint participation from relevant departments and the social forces. Actively introduce patent talents and strengthen infrastructure construction for training work. Establish the talents cultivation mode in which government departments, academic institutions, research institutes, enterprises and public institutions jointly participate and the talents to be cultivated improve themselves. Establish the mechanism of talents flow and guarantee based on market regulation.

Strengthen cultivation of various types of patent talents. Taking expansion of patent talents as the basis and high – level interdisciplinary and application – oriented patent talents as the focus, promote development of the whole patent talent pool and further boost optimization and upgrading for the structure of patent talents. Actively implement some important talents projects such as the New Century National Hundred – Thousand – Ten Thousand Talents Project. Proceeding from the demand for economic and social development, strengthen cultivation of high – level talents. Vigorously cultivate talents in patent examina-

tion, patent administration and law enforcement, patent management talents in enterprises and public institutions and high – end talents in such intermediary services as patent agency, patent information retrieval and analysis, integrated design for patented products, patented technology market analysis and patent portfolio analysis, trying to provide competent talents for enhancing China’s competitiveness in Intellectual property rights.

Vigorously carry out education and training for patent talents. Guide development of education in intellectual property, innovate the cultivation mode for patent talents in the academic institutions and improve the cultivation level for patent talents. Establish and improve the input system for continuing education on intellectual property and improve the continuing education system that is guided by government and demand – oriented and can bring initiatives of all sides into full play. Optimize, integrate and make full use of domestic and international education and training resources and establish wide – ranging and multi – level education and training network. Actively expand training channels and vigorously carry out social training of intellectual property rights, encourage trade associations to provide training service of intellectual property with industry and professional characteristics and vigorously cultivate skill and application – oriented talents. Make more efforts to train leaders in intellectual property and enhance the leaders’ awareness in intellectual property. Accelerate compilation of textbooks on intellectual property and strengthen construction of the teaching staff.

(xi) Strengthening Construction of Intellectual Property Culture



Enrich the publicity content of intellectual property, innovate publicity means and methods and enhance publicity effect. In giving play to the role of such traditional media as the newspapers, radio and TV, establish authoritative and efficient intellectual property platforms by taking advantage of emerging media such as Internet, mobile phones and carry out rich and varied publicity on intellectual property. Make more efforts to publicize and popularize intellectual property and try to create and nurture publicity campaign brands with wide – ranging social impact. Further expand publicity channels by using effective publicity means, actively carry out international publicity and build up China's good international image in intellectual property. Make a study of the possibility of establishing a Chinese patent museum.

Actively push forward the project of developing intellectual property culture and extensively carry out education popularizing intellectual property. Focusing on hot topics.

on intellectual property, carry out theme activities of various forms such as forums, salons, lectures and exhibitions. Publish some readable high – quality books, magazines and journals by using some typical cases on intellectual property and directing at different audiences. Actively integrate social resources and produce and broadcast some movies and TV programs. Carry out a series of educational activities aimed to arouse youngsters' innovation enthusiasm and cultivate correct concept on intellectual property. Vigorously promote the cultural idea of the intellectual property right that is characterized by respect for knowledge, enthusiasm for innovation and creation, being honest and obeying law.

(xii) Carrying out All – directional International Exchange and Cooperation Concerning Patents Establish a new pattern of international cooperation on patents. Strengthen exchange and cooperation with international organizations related to intellectual property such as World Intellectual Property Organization (WIPO) and play an active role in the international affairs on multi – lateral intellectual property and enhance China's power of discourse in the international community. Actively participate in international cooperation, meet the challenge in patent business and gradually enhance China's impact on the development of regional patent business. Increase assistance to developing countries in the capacity building on intellectual property and strengthen coordination with developing countries on China's positions and promote common development in patent area.

Deepen international exchange and cooperation on patents. Consolidate and develop multi – lateral and bilateral communication channels with major countries and regions, create a stable overall situation framework, keep close ties with developing countries, strengthen strategic planning with neighboring countries and regions, innovate cooperation forms, enrich cooperation means and expand cooperation areas, trying to obtain external resources for the development of China's patent undertakings and economy and technology and create a favorable international environment.

Enhance comprehensive capacity to participate in international affairs concerning patents. Strengthen coordination in affairs related to overseas intellectual property, increase guidance on local intellectual property related to foreign affairs and improve communication and exchange mechanisms on patent information

related to foreign affairs. Strengthen research on global and strategic policies in the affairs related to overseas patents. In accordance with the development trend of international intellectual property regime, duly adjust international cooperation policies on patents. Promote development of high – end talents for international cooperation who are familiar with technology, laws, foreign languages and the market.

The implementation of the national patent devel-

opment strategy is a long – term and step – by – step process. We must fully mobilize the initiatives from all sides with the government as the leader, market as the basis and enterprise and public institutions as the principal players. We must plan carefully, organize meticulously and push it forward by steps with multiple layers and focus, and ensure the national patent development strategy is effectively implemented.

Circular Concerning Strengthening the Reporting and Complaining Service among China Assistance Centers for IPR Enforcement

G. ZH. F. G. Z. [2010] No. 139

Intellectual property offices in all provinces, autonomous regions and municipalities directly under the Central Government, urban intellectual property offices with intellectual property enforcement assistance centers and intellectual property enforcement assistance centers.

Recently the General Office of the State Council issued the Circular of the General Office of the State Council on Issuing the Plan for the Special Campaign on Crackdown on Intellectual Property Infringements and Production and Sale of Fake Commodities (G. B. F. [2010] No. 50), requiring that “ all the IPR enforcement assistance centers shall actively participate in the special campaign and receive through the “12330” hotline IPR complaints from the public and IPR owners; relevant departments shall receive and handle such complaints on a timely basis ” . In order to implement arrangements of the State Council, accommodate social needs, further enhance and improve work relating to IPR complaints, protect legitimate rights and interests of owners and create a favorable environment for innovation and development, this notice is hereby given in respect of relevant work items:

I. Objectives and Scope of Work

To establish a system for handling of IPR complaints mainly composed of IPR enforcement assistance centers (“Centers”), supported by intellectual property offices and featuring cross – department and inter – regional col-