



## *Commissioner's Summary*



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The year 2008 was the 30th year after China's adoption of reform and opening-up policy, and a year worth recalling in the development of the Chinese IP system. In the past 30 years, Chinese IP system had made tremendous achievements. The IP system was an outcome of the reform and opening-up and gradually refined along with its evolution. Successful implementation of IP system in China rendered tremendous contribution to the development of the Chinese economy and society. The IP system made itself an integral component of China's grand endeavor in reform and opening-up.

In this year, we overcame a handful of difficulties at home and negative impact of the international financial crisis, made palpable achievements in various lines of work. The entire IP system displayed great trend that represented coordinated and sustainable development.

The implementation of National Intellectual Property Strategy had been advancing steadily. The Outline of National Intellectual Property Strategy was promulgated on June 5, vowing to construct China into a country with comparatively higher level of intellectual property right (IPR) creation, utilization, protection and administration by 2020, symbolizing Chinese IPR work's entry into a brand new development phase. In an attempt

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to accelerate strategy implementation, State Council approved SIPO's request to establish an inter-ministerial joint meeting mechanism for the implementation of national IP strategy. SIPO chaired the mechanism of 28 central agencies. The first meeting was held on November 21. Vice Premier Wang Qishan attended and delivered a keynote speech, requiring the participating agencies to exercise their duties for the strategy implementation. SIPO had conducted a series of effective preparatory work for the strategy implementation.

Legislation of patent laws and regulations had made significant advancement. On December 27, the Sixth Session of the Eleventh Standing Committee of the National People's Congress approved the Decision Regarding the Amendment of the Patent Law of the People's Republic of China, which will be in force from October 1, 2009. The amended Patent Law further clarifies the nature of patent, improves patent protection, elevates patentability standard and tightens sanctions on wrongdoing. The amendment of the Implementing Regulations of the Patent Law fared smoothly. Legal instruments concerning the qualification exam of patent agents were also refined.

Government organizational restructuring rendered new missions to SIPO. In July, General Office of the State Council of China issued Regulations on Main Missions, Internal Structure and Staffing of SIPO. SIPO were vested with authorities in organizing, coordinating IPR protection throughout the nation, promoting construction of IPR protection mechanism, establishing inter-agency enforcement coordination mechanism, implementing relevant administrative enforcement actions, conducting IPR publicity, implementing national IPR strategy in cooperation with other agencies. A department with the name of Protection and Coordination Department is added. All these competencies offered SIPO important organizational safeguard for the IPR development.

Receiving and examination of patent applications made new progress. SIPO received 828,328 patent applications in 2008, 289,838 of which were for invention, 225,586 of which were for utility model and 312,904 of which were for design, representing an increase of 18.2%, 24.4% and 17.0% respectively. PCT international applications maintained sharp growth with 6,081 applications received, or 17.7% increase. PCT applications from a Chinese company ranked top of the list for the first time. SIPO also received 6,398 requests for reexamination and invalidation, up 34.8%. Quality and capacity of patent examination were gradually enhanced and



patent examination administration was further regulated.

IPR public and private enforcement were further enhanced. IPR enforcement joint meeting mechanism was improved. An inter-agency and cross-region enforcement coordination mechanism was shaped. Local IP administrations nationwide dispatched 17,000 officers/times to inspect and investigate 7,000 commercial premises. 327 inter-agency joint enforcement actions were organized and 262 cross-region actions were launched. SIPO had already approved operation of 44 assistance centers for IPR enforcement nationwide after launching this new system in 2008.

SIPO actively conducted IP international cooperation and achieved tangible results including extensively participating in various activities of WIPO and other international organizations, actively attending cooperation of IP5 and SIPO-JPO-KIPO, expanding realm of bilateral cooperation and building mutual trust, making advancement in cooperation with African countries and IP training for other developing countries. Frequent meetings with foreign IP leaders and interaction with international partners facilitated international cooperation and development in the IP field.

In addition, information technology construction for IPR, publicity and training and fundamental support services all achieved tangible advancements, offering strong support for the development of the IP system. Local administrations also exerted effective efforts for the implementation of the IPR strategy.

The year 2009 is the year that China celebrates its 60th birthday and a crucial year for the country to overcome the negative impact of the international financial crisis and stimulate domestic demand to maintain steady and relatively fast growth of economy. It is also a crucial year for SIPO to fulfill its new missions and to fully implement the IP strategy with new trends and new opportunities in front of us. We may expect harder task in the new year, but I believe that as long as we uphold unwavering confidence, sense of accountability to our IP work and the principles of being equal, open and mutually beneficial, we will undoubtedly promote healthy and fast development of the Chinese IP system and contribute more to the construction of an innovative country.

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