



Commissioner's Summary



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The year 2009 marks a very important year in the history of the country as well as an extraordinary year in the development of China's IP system. Consistent with their actions in transforming the patterns of economic development by integrating sustaining economic growth and economic restructuring, boosting domestic demand and seeking advancement, governments at different levels placed IP at a more prominent position, strengthened efforts to nurture core technologies and competitive advantages of IP, and speeded up indigenous innovation and restructuring. Patent filings maintained its fast-growing pace. PCT filings rose to the fifth in the world. Regions and companies with significant IP advantage flexed their risk-proof muscles and manifested strong momentum of development. The IPRs played more and more important roles in promoting social and economic development.

The start of Implementing national IP strategy fared well. SIPO organized two plenary sessions of the Inter-ministerial Meeting of Implementing National IP Strategy to draw up the *2009 Action Plan for Implementing National IP Strategy*. Within the year, 220 measures of the *Action Plan* were completed while 54 IP legislations and legal documents were formulated or revised, 82 policy measures were enacted, 23 enforcement actions were performed, and 28 public service platforms were established.



The revision of relevant laws and regulations including the Implementing Regulations of the Patent Law were completed. On 1 October 2009, the amended Patent Law of the People's Republic of China took effect. On 30 December 2009, the Standing Committee of the State Council approved the *Decision to Amend the Implementing Regulations of the Chinese Patent Law (Draft) in principle*. The revised Implementing Regulation will come into force as of February 1, 2010. The amendment of the Guidelines for Examination and the second draft of the Regulations on Patent Commissioning were completed. *The Interim Measures on Implementing the Amended Patent Law* was promulgated.

Patent filings grew fast while examination capacity significantly bolstered. SIPO received 977,000 patent applications in 2009, up by 18% compared with 2008; 229,000 of which were domestic invention applications, up by 18%. SIPO also received 8,000 PCT international applications, up by 31%; received 11,442 requests for reexamination and invalidation, up by 79%; concluded examination of 195,000 invention patent applications, up by 33%; concluded 9,007 reexamination and invalidation cases, up by 37%. The Pendency for patent examination, reexamination and invalidation remained steady. SIPO received 817 applications for registration of layout designs of integrated circuits, and 655 registrations were published and certificated.

IPRs protection was further strengthened. SIPO joined other government agencies to publish *the Action Plan 2009 for IPRs Protection in China, Circular on Strengthening IP Work for enterprises Attending Overseas Exhibitions, Action Plans 2009 on IPRs Enforcement Campaigns: Thunderstorm and Skynet*, and performed investigations on IPRs protection at Shanghai Expo. SIPO approved the establishment of 61 IP Rights Assistance Centers, launched 12330 IP protection public hotline, initiated May 26 Promoting IPR Enforcement Project and the establishment of key contact bases for patent

protection nationwide. In 2009, local IP administrations accepted 937 cases of patent infringement disputes and 26 cases of other patent disputes, investigated 30 counterfeiting cases and 548 passing off cases at the expense of 13,240 person-time of law enforcement officers, 6,013 times of inspection to business areas, 533 times of trans-departmental cooperative enforcement and 204 times of trans-regional cooperative enforcement.

Exploitation and commercialization of patents made new achievements. The projects promoted by SIPO included IP asset evaluation project, pilot project of financing through IP pledging, state patent commercialization project, state patented technology display and transaction platform, the Third China Patent Week, the 11th China Patent Gold Medal Contest. All these projects aimed to establish an effective national mechanism and platform for patent exploitation and commercialization.

IT construction and public service on patent information proceeded smoothly. SIPO designed Plans for Building National Public Service System on Patent Information, completed construction of 47 local patent information service networks; finished preparation for Chinese Patent Electronic Examination and Granting System (E System) to go online; the intra-office part of the Patent Search and Service System (S System) and the upgrade of Intelligent Graphics Search System of Design Patents were also concluded. SIPO also developed dedicated databases and information service platforms for the restructuring and revitalization plan of ten major industries conducted by the State Council.

International cooperation and exchanges maintained sound momentum. SIPO actively took part in international consultations and dialogs on IP affairs and deepened cooperation with WIPO through the successful convening of an inter-regional high-level forum on intellectual property and an informal roundtable meeting. Dr. Francis Gurry, Director General of WIPO visited China twice within the year. SIPO was active in the IP5 cooperation and SIPO-JPO-KIPO policy dialogue. Cooperation with old partners remained strong. SIPO continued its



technical support to the developing countries, further developed the China-Africa high-level communication platform, and successfully signed the China-ASEAN Memorandum of Understanding on Cooperation in the Field of Intellectual Property.

In 2009, SIPO started the formulation of the 12th Five-Year Plan, published the 2009 National IP Training Plan and the Development Plan of the Patent Attorney Business (2009-2015), and improved the system of the patent bar exam. SIPO took the lead to organize the national IP publicity week for the first time, made significant advancement in IP marco-management, public education and infrastructure service.

In 2010, we will grasp the trunk line of implementation of IP strategy compile and map out a good 12th five-year plan, and focus on enhancing the capacity of IP policy making, coordination and administration, patent examination, IP protection and service, to ensure fast and sound development of the IP system.

The development of China's IP system is an arduous yet glorious task.

Let us give full play to the important role of the IP system in industrial restructuring and the transformation of patterns of economic development, to render greater contribution to the construction of the innovative country as well as the social and economic development.

The calligraphy is written in black ink on a light grey background. The characters are '田力普' (Tian Lipu), written in a fluid, expressive style.

Tian Lipu