

Message from the Commissioner




Tian Lipu, Commissioner of the State Intellectual Property Office

The year 2012 was a remarkable year for the development of China's Intellectual Property undertaking. The 18th National Congress of the Communist Party of China was successfully convened, and its report clearly set forth that China will implement the "Development Strategy Driven by Innovation", and highlighted the implementation of the IP strategy and the protection of IP, which have great practical and guiding significance for the IP work, and have identified directions for future IP development.

The year 2012 witnessed notable achievements in the IP work in China. It has been four years since the implementation of the National IP Strategy, and from central to local governments, from IP administrative departments to innovators, the scientific development of various IP work has manifested very sound and prosperous momentum.

Throughout the year, the nationwide IP offices taking the scientific development as main theme and serving the accelerated transformation of economic growth mode and the building of innovative country as the main line, implemented in-depth the National IP Strategy, and steadily push forward the National Patent Development Strategy. New progress was made in various aspects.

The implementation of the National IP Strategy entered a new stage. The implementation of the



National IP Strategy was pushed forward on a comprehensive frontline. The 2012 Promotion Plan for the Implementation of the National IP Strategy was formulated and released, and 90 key measures were carried out. Local IP Strategy implementation working framework was basically established and 27 provinces, autonomous regions and municipalities, as well as the Xinjiang Production and Construction Corps have formulated their own IP strategies. The patent strategy promotion work fared well, and various tasks for 2012 were completed.

IP legal and policy system was further improved. The *Draft Amendment to the Patent Law (for public comments)* and the *Regulation on Service Invention (Draft) (for public comments)* have come to the stage of soliciting public opinions. The post-enactment evaluation of the revision of the *Regulation on Patent Agency* is in progress. The *Administrative Measures on Prioritized Examination of Patent Applications* was released, and the revision of *Methods on Patent Compulsory Licensing*, *Methods for Labeling Patent Marks*, and *Regulation on Administrative Review* were concluded. Together with 9 Ministries and Departments including the National Reform and Development Commission, we formulated the *Several Opinions on Strengthening the IP work for Newly-emerging Industries*, which was then circulated by the General Affairs Department of the State Council. We also jointly formulated the *Several Opinions on Further Enhancing the Protection of Service Inventors' Lawful Rights and Promoting the Implementation of Intellectual Property Prosecution* with relevant departments, issued the *Guiding Opinions on Accelerating the Fostering of IP Service Industries*.


The IP environment for markets became more regulated and orderly. We organized and implemented the special campaign in the name of “convoy” on patent prosecution and legal assistance, during which we highlighted the inspection of major goods distribution locations and large exhibitions, strictly combated patent counterfeiting and passing off activities, and timely mediated and solved patent disputes. Patent administrative enforcement was strengthened, and evaluation of the performance concerning the complaint



disposal over enforcement and legal assistance was carried out. We also actively carried out the pilot program for fast IP right claiming, which was found to be very effective. In 2012, the nationwide IP offices handled 9,022 cases, twice more than the previous year.

Patent transfer and prosecution were effectively promoted. The IP pledging finance pilot was continued, and 14.1 billion RMB was financed through IP pledging throughout the year, which increased by 56.7% compared with previous year. Patent insurance pilot was also carried out to help enterprises connect with insurance providers. Special services were provided regarding IP trade in key exhibitions. Besides, we also carried out pilot programs in local area and major high-tech parks on the IP evaluation of major economic and scientific activities, and conduct IP evaluation for central enterprises, leading programs of the Chinese Academy of Science and in the field of national defense. We have concluded the patent analysis of several major national scientific research programs, and continued with the patent analysis, popularization and dissemination programs for 10 major industries.

The comprehensive capacity of patent examination was steadily elevated. We have optimized the guidance of patent quality policies, improved the evaluation and implementation solution for the index of the amount of invention patents owned by per ten thousand people. For the whole year, SIPO received 2.051 million patent applications, and granted 1.255 million patent rights, among which there were 653,000 invention patent applications, an increase of 24% compared with the previous year, and there were 217,000 granted invention patents, an increase of 26.1% year on year. Besides, SIPO received 20,000 PCT applications, an increase of 14% year on year. The domestic (excluding Hong Kong SAR, Macau SAR and Taiwan, China) index of the amount on invention patents owned by per 10 thousand people was 3.23. The examination pendency for invention, utility model and industrial design was 22.6 months, 4.4 months, and 2.9 months respectively. The average examination pendency for reexamination cases was 12.5 months, and for invalidation cases 6.6 months. The structure of substantive examination pendency for invention patent



application became sounder. The construction of examination cooperation centers outside Beijing was undergoing smoothly, and the pilot for new business in local branches was steadily pushed forward. The patent examination guiding system and examination quality guarantee system were further improved.

The IP public service was constantly strengthened. The IP service has become one of the four supporting systems of the overall planning of national service industry, and was also listed as one of the eight key areas of the high-tech service. We have established the statistical system for IP service industries, set up the first batch of 3 pilot zones for cluster development of IP services, and identified the first batch of 47 national IP service brand fostering units. The promotion project for the development of patent agencies was initiated, and pilot projects were identified to speed up the development of patent agencies. In 2012, 2,966 students passed the national patent agent qualification test, which was a historical high. The construction of patent service system was promoted, and the building of the core system of National Patent Data Center was completed. The first regional patent information service center was established in Guangzhou, and the first batch of 29 local information service centers were set up. Four new patent information dissemination and utilization bases were added to the list. China has now collected more than 80 million patent documentations, which cover 102 countries, regions and organizations. In July 2012, the Chinese patent documents were officially included into the PCT Minimum Documentation.

IP management achieved very sound effect. The *Regulations on the Cooperation between State Intellectual Property Office and Provincial People's Government* was revised, to establish exchange channels. SIPO now has now carried out cooperation with ten provincial governments. The city IP pilot and demonstration work was adjusted and deepened on a comprehensive basis, and the first batch of 25 IP demonstration cities was identified. At the same time, IP work at county levels was also deepened, and the pilot and demonstration work in major gardens was further promoted. The formulation of IP management standard for enterprises was implemented, and pilot projects were carried out in



6 provinces and municipalities. The fostering system for enterprises with IP advantages was established, and key contacts were maintained with many central enterprises. The 14th Chinese Patent Award and the 6th Chinese Patent Week were successfully organized.

In 2012, we also made great achievements in the fostering of IP culture, the training of talents, international cooperation and infrastructure building. With the scientific decision making and under the strong leadership of the CPC Central Committee and the State council, with the common efforts of people from various areas and various departments, the IP awareness of the whole society was broadly promoted, and innovation activities became more and more active. China's influence in international IP field was notably enhanced, the foundation for China's IP development became more solid, and the environment sounder.

The year 2013 will be the starting year to implement the spirit of the 18th National Party Congress, and marks the 5th anniversary of the implementation of the *Outline of the National IP Strategy* and a critical year to realize the goals for the first stage of the implementation of the Outline. We will follow the strong leadership of the CPC Central Committee and the State Council, carry out the national IP strategy, and earnestly implement the national patent development strategy and various tasks stipulated in the 12th Five Year Plan. We will be diligent in our work, keep forging ahead, so as to make more contribution to the scientific development of IP, and provide strong support to the implementation of the development strategy driven by innovation.

Calligraphy of the name 'Tian Lipu' in Chinese characters, written in a bold, expressive style.

Tian Lipu