

2016 Intellectual Property Rights Protection in China

**The State Intellectual Property Office of the People's
Republic of China**

(This publication is released in both Chinese and English, and in the event of any discrepancy, the Chinese version shall prevail.)

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2016 Intellectual Property Rights Protection in China

2016 is the opening year of the implementation of the *Outline of the 13th Five-Year Plan for the National Economic and Social Development of the People's Republic of China*, and is also the critical year for deepening the reforms in the field of intellectual property and accelerating the construction of an IP Powerhouse. At an important address at the 30th Meeting of the Central Leading Group for Comprehensively Deepening Reform, General Secretary Xi Jinping of the Central Committee of the Communist Party of China (CPC) stressed the guiding role of IPRs like patents, trademarks and copyrights to create an overall chain including IPRs creation, application, protection, management and service in alignment with the needs of innovation-driven development. Premier Li Keqiang underlined in the Government Work Report that efforts should be made to step up IPR protection and application, and crack down on IPR infringement and the production and sale of counterfeiting products in accordance with law. For the first time, the State Council has incorporated IP work into the national key planning and issued *The 13th National Five-Year Plan on Intellectual Property Protection and Utilization* to strengthen IPR protection. Positive progress has been made in all areas of IPR protection.

I. Legislation

In 2016, IP-related ministries have made new progress in IP legislation through continued efforts in improving IP laws, regulations and policies according to the practical needs of economic and social development and the strategic deployments on comprehensively promoting law-based governance.

The Legislative Affairs Office (LAO) of the State Council worked in conjunction with relevant ministries to modify relevant laws and regulations. Amendments to the *Copyright Law* and the *Patent Law* proceeded orderly in accordance with the State Council's legislation plan for 2016, and the research on and consideration of the *Revised Draft of the Patent Law (for Review)* and the *Revised Draft of the Copyright Law (for Review)* also progressed positively after extensively seeking opinions from stakeholders and the public.

The State Intellectual Property Office (SIPO) provided positive support to LAO for reviewing the *Revised Draft of the Patent Law (for Review)* and the *Revised Draft of the Regulations on Patent Commissioning (for Review)*; conducted studies on improving the service invention system; drafted and solicited public comments on the *Revised Draft of the Guidelines for Patent Examination*; and pushed forward the formulation of or amendments to the *Measures for Reducing Patent Fees*, the *Measures for Patent Priority Examination* and the *Provisions on Regulating Patent Application*.

The State Administration for Industry and Commerce (SAIC) actively pushed forward the amendments to the *Anti-unfair Competition Law* by submitting the *Revised Draft of the Anti-unfair Competition Law (for Review)* to LAO; and pressed ahead with the reform on facilitating trademark registration by amending the *Rules for Trademark*

Review and Adjudication, and issuing the *Interim Provisions on Authorizing Local Administrations for Industry and Commerce and Market Regulation to Accept Trademark Registration Applications* and the *Work Procedures for the Pledge Registration Office of Exclusive Rights of Registered Trademarks*.

The National Copyright Administration of China (NCAC) earnestly carried forward the 3rd amendments to the *Copyright Law* and related laws and regulations, and provided support to the review of the *Revised Draft of the Copyright Law (for Review)*; and formulated the *Work Guideline on the Administration of Copyrighted Software* and the *Interim Rules for the Registration of Copyrights on Computer Software for Military Purposes*.

The Ministry of Agriculture (MOA) and the State Forestry Administration (SFA) completed the amendments to the *Seed Law*. As approved by the 17th Session of the Standing Committee of the 12th National People's Congress, the revised *Seed Law* came into force as of January 1, 2016, in which there was a dedicated chapter for "the protection of new plant varieties". MOA and SFA also jointly launched the amendment to the *Regulation on the Protection of New Plant Varieties*, and completed the *Revised Draft of the Regulation on the Protection of New Plant Varieties (for Proposal)*. MOA released the protection catalogue of agricultural plant varieties (batch X), extending the protective range to 138 genera or species.

The SFA pushed ahead with efforts to improve the system for the protection of new forestry plant varieties by formulating the *Detailed Working Rules for Implementing the Compulsory Licensing and Examination of New Plant Varieties*, the *Service Guidelines for Implementing the Compulsory Licensing and Examination of New Plant Varieties*, the *Detailed Working Rules for the Examination and Approval of Transferring to*

Foreigners the Application Rights of New Forestry Plant Varieties or the Rights of New Plant Varieties and the *Service Guidelines for the Examination and Approval of Transferring to Foreigners the Application Rights of New Forestry Plant Varieties or the Rights of New Plant Varieties*.

The General Administration of Customs (GAC) issued the *Work Procedures for the Customs Protection of Intellectual Property Rights* and the *Reference Standards of the Customs on the Range of Administrative Penalties on Illegally Imported and Exported Goods Infringing Against Intellectual Property Rights (for Interim)*, standardizing the processing of and application of law in IP-related cases and establishing standards for determining the value of goods involved and for administrative penalties.

The Supreme People's Court (SPC) further improved rules for patent infringement adjudication by releasing the *Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Laws in the Trial of Patent Disputes (II)*.

II. Approval and Registration

2016 witnessed new breakthroughs in the IPR approval and registration in China, with continued increase in the number of granted and registered IPRs and significantly improved examination quality and efficiency.

Patent applications continued to increase and mounted up to 3.465 million in 2016, up by 23.8% year on year. Among the patent filings, there were 1.339 million applications for invention patents, representing a year-on-year increase of 21.5%; 1.476 million for utility model patents, up by 30.9% year on year; and 650,000 for design patents, up by 14.3% year on year.

China continued to enhance patent examination capacity. 2.31 million patent applications were examined, showing a year-on-year increase of 11%. Among the examined applications, 675,000 were for invention patents, up by 21% year on year. On average, the examination pendency period was controlled within 22 months.

A total number of 404,000 invention patents (up by 12.5% year on year), 903,000 utility model patents and 446,000 design patents were granted. By 2016, there were 1,772,000 valid invention patents in total, a year-on-year increase of 20.4%. The number of invention patents divided by per ten thousand population (excluding Hong Kong, Macao and Taiwan) was 8.0.

A total of 44,992 international applications under *Patent Cooperation Treaty* (PCT) were accepted, representing a year-on-year increase of 47.3%. 82,109 international applications entering the national phase in China were accepted, with a year-on-year decrease of 2.3%, including 81,055 applications for invention patents and 1,054 applications for utility model patents.

A total number of 2,605 applications for patent pledge registration were handled, involving a value of RMB 43.6 billion.

In 2016, 2,360 applications for the registration of layout design for integrated circuit were accepted, of which 2,154 applications were registered and granted with certificates. By the end of 2016, 15,535 applications for the registration of integrated circuit layout designs had been accepted, of which 14,043 applications had been published and granted with certificates.

Trademark applications grew significantly. A total of 3,691,400 applications for trademark registration were accepted in 2016, representing a year-on-year increase of 28.35%. 3,111,000 applications were examined, showing a year-on-year increase of

33%. By the end of 2016, there had been 22,094,100 trademark applications accepted, 14,508,800 trademarks registered and 12,376,400 in force. The protection of geographical indications (GIs) and the registration of agricultural product trademarks were enhanced further. In the year, the registration of 394 collective marks and certification marks of GIs were approved. By the end of 2016, the cumulative number amounted to 3,374.

International trademark applications under the Madrid System grew steadily. In 2016, 3,014 international trademark applications under the Madrid System (multi-country application) from domestic applicants were filed. This represents a year-on-year increase of 29.8%, making China the world's 5th largest trademark filing country in the Madrid Union for the first time. The cumulative number of valid registration was 22,270. International trademark applications under the Madrid System filed by foreign applicants with SAIC amounted to 21,238, making China the top filing country in the Madrid Union for 12th consecutive years, with a cumulative number of valid registration of 236,000.

In 2016, 1,410 applications for trademark pledge registration were handled, involving a value of RMB 64.99 billion.

Copyright registration witnessed rapid growth. In 2016, a total of 2,007,600 copyrights were registered, representing a year-on-year rise of 22.33%. To be specific, there were 1,599,600 copyrights on works and 410,000 copyrights on software, up by 18.65% and 39.48% year on year respectively.

327 applications for copyright pledge were registered, involving a primary debt of RMB 3.376 billion.

Record-breaking numbers of applications for and grants of new agricultural plant

variety rights were witnessed in 2016. Throughout the year, 2,523 applications for new agricultural plant variety rights were accepted, pushing China to the top among members of the International Union for the Protection of New Varieties of Plants (UPOV). In particular, 94.0% applications were filed by domestic applicants and the remainder 6.0% by foreign applicants; 1,937 applications for new agricultural plant variety rights were granted, of which 94.9% were filed by domestic applicants and the other 5.1% by foreign applicants. By the end of 2016, a cumulative 18,075 applications for new agricultural plant variety rights were accepted and 8,195 granted. In 2016, as many as 212 products were granted the GI certificate for agricultural products, marking a cumulative total of 2,004.

Applications for new varieties of forest plants continued to grow. In 2016, 400 applications for new varieties of forest plants were accepted and 195 granted, with the total number reaching 2,188 and 1,198 respectively by the end of the year. 389 applications for new plant variety rights were preliminarily examined, 189 applications were examined on site by experts on DUS (Distinctness, Uniformity and Stability), and 195 variety rights that failed to meet required conditions were terminated ahead of schedule and then published.

Applications for customs recordation for IPR protection grew rapidly. In 2016, 12,050 applications for customs recordation were accepted, of which 11,510 applications were concluded and 8,844 were approved. On average, the pendency was 22.5 working days, approximately 25% shorter than the statutory pendency. In particular, 3,130 applications filed by IPR holders were all concluded. By the end of 2016, Chinese enterprises filed 27,873 applications for customs recordation for IPR protection, accounting for 52.5% of the entire valid recordation.

III. Law Enforcement

In 2016, ministries and authorities responsible for IPR protection further intensified law enforcement, and enhanced the administration of key fields while strengthening day-to-day supervision according to the unified arrangements of the State Council and under the leadership of the National Leading Group on the Fight Against IPR Infringement and Counterfeiting. Administrative law enforcement authorities throughout the country investigated and processed 189,000 infringement and counterfeiting cases, public security organs investigated and solved more than 17,000 cases, procuratorates prosecuted 7,059 persons in 3,863 cases involving IPR infringement, and judicial organs concluded approximately 172,000 cases.

(I) Judicial Protection

In 2016, the judicial departments at all levels throughout the country earnestly implemented the instructions of the Central Committee of the CPC, performed their duty of providing judicial protection for IPR and safeguarded the implementation of the National Intellectual Property Strategy and the construction of an IP Powerhouse from a judicial perspective.

People's courts fully played their role in adjudicating civil lawsuits to protect the legitimate rights and interests of IPR holders. In 2016, local people's courts nationwide accepted 136,534 new IPR-related civil cases of first instance and concluded 131,813 cases. This represented year-on-year increases of 24.82% and 30.09% respectively. The case closure rate at first instance was 83.18%. To be specific, there were 12,357 patent cases, up by 6.46% year on year; 27,185 trademark cases, up by 12.48% year on year;

86,989 copyright cases, up by 30.44% year on year; 2,401 technology contract cases, up by 62.23% year on year; 2,286 cases of unfair competition cases (including 156 civil cases on monopoly), up by 4.81% year on year; and 5,316 other IPR-related cases, up by 71.87% year on year. In 2016, a total of 1,667 foreign-related IPR civil cases of first instance were concluded, up by 25.62% year on year, and 1,130 IPR civil cases involving Hong Kong, Macao and Taiwan were concluded, up by 291.99% year on year. Meanwhile, 20,793 new IPR civil cases of second instance were accepted and 20,334 concluded, showing year-on-year increases of 37.57% and 35.33% respectively; 79 new retrial cases were accepted, down by 31.30% year on year, and 85 cases were concluded, down by 25.44% year on year. In addition, the SPC accepted 369 IPR civil cases, down by 3.15% year on year, and concluded 383 cases (including cases filed in previous years), up by 1.59% year on year; more specifically, 7 second instance cases were accepted and 11 concluded; 319 retrial cases were accepted and 331 concluded; 32 cases trialed by lower courts were reviewed and 32 concluded.

People's courts also played their role in adjudicating administrative cases to promote the law-based administration. In 2016, local courts throughout the country accepted 7,186 new IPR administrative cases of first instance and concluded 6,250 ones, representing year-on-year decreases of 26.96% and 42.80% respectively; and the case closure rate at first instance was 53.16%. To be specific, there were 1,123 patent cases, down by 34.75% year on year; 5,990 trademark cases, down by 19.89% year on year; 37 copyright cases, up by 270% year on year; and 36 other IPR administrative cases, down by 94.45% year on year. Among the judgments awarded in the concluded first-instance administrative cases, 4,214 upheld the specific administrative actions involved in the cases and 1,263 revoked the specific administrative actions involved.

Meanwhile, local people's courts nationwide accepted 3,233 new IPR administrative cases of second instance and concluded 3,069 ones, showing year-on-year rises of 44% and 31.77% respectively. In addition, SPC accepted 355 IPR administrative cases, and concluded 352 cases, down by 6.08% and 6.63% year-on-year respectively. In particular, 282 retrial applications were accepted and 283 concluded.

People's courts enhanced the punishment against IPR-related crimes by adequately carrying out their role in criminal adjudication. In 2016, local people's courts nationwide accepted 8,352 new IPR criminal cases of first instance and concluded 8,601 ones, down by 23.9% and 20.43% year on year respectively; the case closure rate at first instance was 89.06%. Among the 10,431 persons involved in the judgments, 10,334 were found guilty. Judgments rendered in 3,903 of the concluded cases were based on the finding of IPR infringement, involving 5,167 persons; 2,855 judgments were based on the production and sale of fake and counterfeit goods (involving IPR infringement), involving 3,032 persons; 1,551 judgments were based on illegal business operation (involving IPR infringement) in 1,551 cases, involving 1,790 persons; and 292 judgments were based on other crimes in connection with IPR infringement, involving 442 persons. Among the cases with a judgment finding guilty of IPR infringement, 1,793 were based on counterfeit registered trademark, involving 2,604 persons; 1543 were based on the sale of products labeled with counterfeit registered trademark, involving 1,823 persons; 311 were based on illegal manufacture and sale of signs protected by registered trademarks, involving 420 persons; 5 were based on counterfeit patent, involving 1 person; 207 were based on copyright infringement, involving 274 persons; 4 were based on the sale of infringing copies, involving 2 persons; 40 were based on trade secret infringement, involving 43 persons. 787 new

IPR criminal cases of second instance were accepted, almost equal to the previous year, and 812 cases were concluded, up by 3.83% year on year.

Procuratorates nationwide performed procuratorial functions to punish IPR-related crimes. In 2016, they approved the arrest of 3,797 persons in 2,251 suspected IPR infringement cases and prosecuted 7,059 persons in 3,863 cases. In particular, the arrest of 1,911 suspects involved in 1,037 cases of counterfeit registered trademark was approved and 3,259 suspects in 1,684 cases were prosecuted; the arrest of 1,330 suspects involved in 873 cases of sale of products involving counterfeit registered trademarks was approved and 2,470 suspects were prosecuted in 1,486 cases; the arrest of 264 suspects involved in 167 cases of illegal manufacture and sale of signs protected by registered trademarks was approved and 556 suspects were prosecuted in 294 cases; the arrest of 97 suspects involved in 66 cases of copyright infringement was approved and 307 suspects were prosecuted in 182 cases; the arrest of 5 suspects involved in 4 cases of sale of infringing copies was approved and 3 suspects were prosecuted in 2 cases; the arrest of 36 suspects involved in 22 cases of commercial secret infringement was approved and 57 suspects were prosecuted in 25 cases; the arrest of 27 suspects involved in 17 cases of multiple criminal charges including IPR infringement was approved and 45 suspects were prosecuted in 18 cases; the arrest of 127 suspects involved in 65 cases of other crimes including IPR infringement was approved and 360 suspects were prosecuted in 170 cases.

With regard to the supervision on criminal litigation procedures, nationwide procuratorates actively supervised the transfer of suspected criminal cases by administrative law enforcement authorities and the law-based filing of investigation by public security organs with the emphasis on tackling IPR infringement crimes, so as to

prevent and correct failures in transferring and in filing investigation and the replacement of punishment with fines. In 2016, procuratorates nationwide recommended administrative enforcement authorities to transfer 145 cases and 180 persons involving suspected IPR-related crimes, of which 137 cases and 172 persons were transferred as recommended; and supervised public security organs to file 135 investigation cases, involving 159 person with suspected IPR-related crimes.

Public security organs nationwide intensified the fight against IPR-related crimes. The Ministry of Public Security (MPS) supervised the investigation of 153 major infringement and piracy cases, performed supervision and provided guide for local public security organs in the whole process and facilitated the achievement of key breakthroughs. In total, public security organs nationwide solved 17,000 infringement and counterfeiting cases, involving a total value of RMB 4.626 billion.

MPS continued to focus on infringement and counterfeiting crimes that endanger public health, threaten public safety and hamper innovative development, optimized the cluster action pattern under the information-based investigation mechanism, and organized raid on more than 230 trans-regional, industrialized fakes manufacturing and sale networks nationwide. In August 2016, MPS directed public security organs of 11 provinces and municipalities including Shandong and Guangdong to solve a case involving the production and sale of counterfeit branded sneakers, arresting 23 primary suspects, destroying 20 production, warehousing and sale sites and capturing on site more than 210,000 counterfeit sportswear and shoes of such brands as “Nike” and “Adidas” with a value of more than RMB 30 million at the average sale prices of illegal persons.

(II) Administrative Law Enforcement

In 2016, law enforcement departments at all levels further improved administrative law enforcement abilities, stepped up the supervision of administrative law enforcement and constantly intensified IPR protection.

SIPO continued to step up patent administrative enforcement. It strengthened IPR protection in key fields like e-commerce and exhibitions and the safeguard of legal rights by enforcement. IP offices nationwide handled 48,916 patent administrative cases, with the total number exceeding 40,000 representing a year-on-year increase of 36.5%, of which patent dispute cases amounted to 20,859, exceeding 20,000 for the first time and up by 42.8% year on year; and counterfeit patent cases 28,057, up by 32.1% year on year. 13,123 patent cases were investigated in the e-commerce field, up by 71.7% year on year, and 2,860 in the exhibition field, up by 4.3% year on year.

SAIC continued to combat infringement and counterfeiting and strengthened the protection of trademark rights. It strengthened the guidance to local administrative enforcement for trademarks, and organized and implemented the special action for protecting the “Disney” trademark; and the “2016 Network Market Supervision Special Action”, carrying out 1,918,000 online investigation on websites and online stores, issued 19,500 rectification orders websites times, and solving 13,400 network violation cases. In 2016, nationwide authorities for industrial and commercial administration and market regulation registered and investigated 49,000 infringement and counterfeiting cases and concluded 45,000 cases, involving a value of RMB 560 million. To be specific, more than 28,000 trademark infringement and counterfeiting cases were cracked, involving a value of RMB 350 million; and 203 suspected cases were transferred to courts. In 2016, nationwide industrial and commercial administrations

and market regulatory departments at all levels investigated 5,710 unfair competition cases with IPR infringement such as counterfeiting and commercial secret infringement, involving a value of RMB 110 million, with a fine of RMB 58.27 million.

NCAC enhanced its administrative law enforcement against IPR infringement and piracy by intensifying Internet copyright monitoring. Joining hands with the National Internet Network Information Office, the Ministry of Industry and Information Technology (MIIT) and the MPS, it carried out the special action “Swordnet 2016” for cracking down on Internet infringement and piracy, and conducted a special rectification of infringement and piracy in the fields of cyber literature, mobile software applications, e-commerce platforms, online advertising alliances and private cinemas, investigating 514 administrative cases and fining RMB 4.67 million, transferring 33 criminal cases to courts, with RMB 200 million involved. It stepped up the regulation of copyright in the internet environment by continuing the key supervision of 20 video websites, 20 music websites, 8 storage service providers and 20 literature-related websites, and releasing a total number of 7 batches of key warning against films and television programs which involved 284 works. Meanwhile, it carried out the special action against illegal printing, reproduction, and publication by investigating 1,662 illegal pirate copy shops, closing down 499 unlicensed printing shops and capturing more than 310,000 infringing and pirate publications. It also carried out the special action “Autumn Wind 2016”, taking over more than 4.60 million infringing and pirated publications and solving 1,500 cases; implemented special operation against cyber literature infringement and piracy, investigating key cases such as “Fengyuwenxue Net” in Suzhou Jiangsu and “269 Novel Net” in Chongqing and establishing the blacklist and whitelist for cyber literature regulation. In addition, it carried out special protection

targeting the Spring Festival Gala, domestic movies and Olympics, monitoring 31,062 pieces of offline Internet-based infringement and piracy information.

NCAC pushed forward the use of licensed software by strengthening the supervision and examination and establishing pilot programs for the use of domestic software. In 2016, it organized 10 inspection teams to check randomly 1,316 computers of 32 governmental authorities at central level and under the State Council, 60 provincial-level governmental agencies of 10 provinces, autonomous regions and municipalities, 20 state-owned enterprises and 20 financial institutions, covering all the governmental authorities at central level and under the State Council. 93.38% of public institutions affiliated to central governmental authorities have achieved the goal of using licensed software. In 2016, government organs at all levels spent RMB 367 million on 667,200 sets of operating systems and office and antivirus software. Crucial breakthroughs were achieved in the use of licensed software in enterprises, with a rate of nearly 100% for central state-owned enterprises and large and medium-sized financial institutions; A total of 31,532 enterprises nationwide reached a 100% rate of using licensed software after the inspection. Central state-owned enterprises and financial institutions spent RMB 6.585 billion on purchasing, upgrading and maintaining operating systems and office and antivirus software.

The Ministry of Culture (MOC) guided and supervised local administrations in strengthening cultural market regulation. To provide key protection for the online gaming market, it carried out the inspection with the theme of “random inspection, random assignment and timely disclosure”, inspecting randomly 200 online gaming companies and sanctioning according to law 36 and ordering rectification against 71; it deployed the 25th and the 26th batches of investigations on illegal Internet cultural

activities, punishing 49 illegal operating entities. Meanwhile, it continued to intensify IPR protection in the cultural market by supervising, examining and handling more than 20 IP-related major cases. Cultural administration authorities and cultural market comprehensive enforcement organs at all levels dispatched over 9.25 million person-times of law-enforcement personnel, inspected over 3.93 million operating entities, accepted 19,600 pieces of reports and complaints, filed and investigated 43,000 cases, concluded more than 47,000 cases, gave more than 44,000 warning-times, fined over RMB 156 million and ordered 4,540 rectification-times.

MOA intensified the management of key fields, organized supervision and examination on seed enterprises, spring and autumn market inspections and regional rectification of illegal activities related to seeds, and imposed severe punishments against counterfeit trademarks, the production and sale of fake products and other unlawful activities. It stepped up the protection of GIs on agricultural products and cracked down on the counterfeiting of agricultural materials. Nationwide agricultural administrations at all levels dispatched 2.41 million person-times of law-enforcement personnel, inspected 1.24 million agricultural material enterprises, reorganized 398,000 marketplaces, seized 9,038 tons of forged and fake agricultural materials and 91,000 accessories, solved 24,000 cases, transferred 121 cases to courts and averted an economic loss of RMB 550 million.

SFA pushed ahead with the protection of forest plant variety rights by implementing the *Measures for Administrative Law Enforcement for the Protection of New Forest Plant Varieties*, organizing the nationwide efforts to tackle infringements against rights on new forest plant varieties and improving the evaluation system.

GAC cracked down on the illegal import and export goods involving infringement,

with the critical supervision on major and serious cases through special actions. Nationwide Customs administrations implemented the “Fair Wind Action” to safeguard the reputation of “Made in China”; organized the special action for the “protection of patents on self-balancing scooters”, taking 28 groups of protective measures and involving 12,766 products, with a value of over RMB 13 million; it strengthened the management of the Internet environment, intensified the law enforcement in postal and express delivery channels, seizing from over 16,000 batches of infringing commodities involving more than 540,000 pieces of goods with a value of RMB 5.40 million; GAC deployed 4 joint enforcement actions to the local customs of Guangzhou, Huangpu, Shenzhen and Hong Kong, seizing 307 batches of commodities, involving 140,000 pieces of goods with a value of RMB 9.09 million. In total, nationwide customs captured over 17,000 batches of infringing products, involving over 42 million pieces of goods with a value of approximately RMB 230 million. To be specific, over 670 batches of infringing products were seized at the point of import, involving 440,000 pieces of goods with a value of approximately RMB 50 million; and over 16,000 batches were seized at the point of export, involving over 41 million pieces of goods with a value of around RMB 180 million. Among the infringing products captured, 41 million were related to trademark infringement, 538,000 were related to patent infringement, and 57,000 were related to copyright infringement.

IV. Mechanism and Capacity Building

2016 witnessed continuous optimizations in IPR protection mechanisms and improvements in IPR protection capacities as all IP-related departments pushed ahead

with reforms and innovations and improved IPR protection patterns and evaluation systems according to the unified arrangements of the State Council.

The *General Scheme for Experimental Reform on Integrated Intellectual Property Administration* was deliberated and approved by the 30th Meeting of the Central Leading Group of the Central Committee of the CPC for Comprehensively Deepening Reform and was then issued by the General Office of the State Council. The document requests the deepening of reform in IPRs and the establishment of an efficient IPR integrated management system. The Inter-ministry Joint Conference for Implementing National Intellectual Property Strategy under the State Council, convened by State Councilor Wang Yong, was established. The Conference comprised 31 ministries and authorities, with its office established at SIPO. The General Office of the State Council issued the *Program for the Division of Key Tasks of the Opinions of the State Council on Accelerating the Construction of a Intellectual Property Powerhouse under the New Circumstances*, containing a detailed distribution of tasks including “applying stricter IPR protection” according to the duties of relevant Conference members, in order to facilitate the implementation of relevant work.

The Office of the National Leading Group on the Fight Against IPR Infringement and Counterfeiting gathered working forces by strengthening the communication and coordination between relevant mechanisms and mobilizing local authorities. It organized the drafting and issued on behalf of the General Office of the State Council *the Key Points for the Work of Combating Infringement upon Intellectual Property and Manufacture and Sale of Fake or Substandard Commodities Nationwide in 2016*, and held the national videoconference on the crackdown on infringement and counterfeiting to make overall arrangements. Meanwhile, it regulated in particular key fields such as

the Internet, rural market, import and export and licensed software and intensified daily monitoring and law enforcement targeted at key products and focused on prominent problems; adhered to the combination of crackdown, building and prevention, and energetically stepped up the building of long-term mechanisms involving legal and the credit systems. In addition, significant progress was achieved in administrative law enforcement and criminal justice as the Office of the National Leading Group on the Fight against IPR Infringement and Counterfeiting, in collaboration with the Supreme People's Procuratorate (SPP), took the lead in advancing information sharing platform for the connection between administrative law enforcement and criminal justice, built up basically the information sharing system at central, provincial, municipal and county levels nationwide and registered 340,000 cases. In the meantime, the Office promoted the construction of the credit system, propelled the construction of the nationwide credit information sharing platform and gathered more than 700 million pieces of information. Directed against the new characteristics and new trends of infringement and counterfeiting, it improved the joined regulatory force by organizing trans-regional coordination, and promoted the construction of the clue notification and cooperative investigation mechanism by convening working conferences involving the Yangtze River Delta Region, the Beijing-Tianjin-Hebei Region and the Pan-Pearl-River Delta Region; the "Cloud Sword" action targeted at e-commerce was carried out jointly by five provinces and municipalities of the Yangtze River Delta Region. In addition, the Office pushed ahead with social co-governance, gave play to self-discipline of industrial sectors, carried out in-depth cooperation between governments and enterprises and deepened the coordination with e-commerce companies. It also improved the performance appraisal system, took the crackdown on IPR infringement

and the production and sale of counterfeit and shoddy goods as an important part of the building of “Safe China”, reformed local performance appraisal systems, improved appraisal measures, and organized on-site appraisal by 16 teams.

SIPO stepped up the regulation of patent protection in all respects and built a rapid collaborative protection system by issuing the *Opinions on Strict Protection of Patents* and the *Notice on Implementing the Rapid Collaborative Protection of Intellectual Property Rights*; and improved the performance appraisal of law enforcement and right protection appraisal and other policy indicators by amending the *Operating Guidelines for Patent Administrative Law Enforcement (for Trial)* and issuing the *Guide to the Determination of Patent Infringements (for Trial)*, the *Evidence Rules for Administrative Law Enforcement Involving Patents (for Trial)* and the *Guidelines for Administrative Mediation of Patent Disputes (for Trial)*, the *Measures on Evaluation and Reviews of Files Relating to Patent Administrative Enforcement (for Trial)*. It continued to strengthen IP law enforcement capacity building, improved the case submission system for administrative law enforcement of patents, and launched the assistance, report and complaint system for rights protection. Meanwhile, SIPO performed rapid IPR protection in relevant industrial cluster districts by setting up another 9 rapid IPR protection and assistance centers including the “Fast-Track IPR Protection Center of Danyang, Zhenjiang, China (glasses)”; it attempted to build an overseas exhibition IPR rapid protection mechanism by sending staff to the Frankfurt International Automobile and Parts Exhibition; built a national website for the aids, reports and complaints about IPR protection, and opened the “12330” WeChat official account for IPR protection. It also continued to push ahead with the construction of the national IPR credit system, and started the construction of the credit information

platform of the IPR system; improved the IPR protection social evaluation mechanism, and completed the 2016 social satisfaction survey for IPR protection; continued to cultivate model markets for IPR protection and selected the third group of objects, organized relevant reviews and determined the first 30 state-level model markets for IPR protection. In addition, SIPO continued to push ahead with the pilot program on IPR dispute resolution, completed the check and acceptance of the first group of pilot programs, fostered the development of 20 people's mediation organizations for IPR dispute, organized a talent team composed of about 310 full-time and part-time mediators, and successfully resolved more than 250 cases; and implemented profoundly the second and the third groups of pilot programs.

While working towards more convenient registration of trademarks, SAIC issued the *Opinions on Vigorously Promoting the Reform in Facilitating Trademark Registration*, further expanded trademark application channels and entrusted local governments to build 15 trademark application counters; started the operation of the first trademark examination collaboration center outside Beijing (Guangzhou); popularized online application to simplify and optimize procedures and provide high-quality services to applicants; and established 30 local outlets to receive applications for pledged financing on registered trademarks to reduce the financing burdens of enterprises. In the meantime, SAIC signed with the government of Guangdong Province a strategic cooperation framework agreement for building the national trademark and brand innovation and entrepreneurship base in the city of Guangzhou. It issued the *Guiding Opinions on Promoting the Healthy Development of Internet Service Transactions and Standardizing Internet Service Transaction (for Interim)* and the *Opinions on Strengthening the Protection of Consumers' Rights and Interests in the Field of Internet*

so as to step up the protection over registered trademark rights and push ahead with the construction of the credit and self-regulatory system of Internet operators. Finally, SAIC pushed ahead with the regional collaboration for trademark law enforcement in the Beijing-Tianjin-Hebei Region, the Yangtze River Delta Region and the Pan-Pearl-River Delta Region, and proactively promoted the entry of information about trademark registration, trademark infringement and counterfeiting and illegal trademark agency act into the National Enterprise Credit Information Publicity System.

NCAC improved management by issuing the *Notice on Standardizing Registration Certificates for Works*, the *Notice on Strengthening the Administration of Copyrights in Cyber Literature* and the *Notice of the Matters concerning the Operation of Copyright Registry in the First Phase of the National Copyright Regulatory Platform (Stage II)*. It also stepped up the administrative examination, approval and monitoring of copyrights, built and improved the “pre-review and pre-acceptance platform for the administrative examination and approval of press and publication”, and continued to boost the construction of the national copyright regulatory platform; convened or attended important meetings like the copyright collective management organizations’ work meeting, and coordinately solved disputes between copyright collective management organizations and relevant stakeholders.

In collaboration with the National Development and Reform Commission (NDRC), the Ministry of Finance (MOF) and the State Administration of Cultural Heritage (SACH), MOC issued the *Several Opinions on Promoting the Development of Cultural and Creative Products in Cultural and Cultural Relics Units*, listing the first 154 pilot units for the development of cultural and creative products, so as to encourage and guide relevant parties to identify traditional cultural resources and develop cultural and

creative products and IPRs. Besides, the MOC researched and formulated the guiding opinions on strengthening IPR protection, and formed respective working guidelines for libraries, intangible cultural heritage, artistic performance organizations and so on; and incorporated the “IP research in the context of movie industrialization” and the “research on the IP problems of traditional artistic achievements” into the national art science planning program. It researched and formulated guidelines for the development of entrepreneurship and service platform for the development of cultural enterprises, and pushed ahead with the construction of other service platforms such as the IPR protection assistance platform for cultural enterprises; took multiple measures to support the “going overseas” of cultural enterprises, and issued, in conjunction with the Ministry of Commerce and the Publicity Department of the Central Committee of the CPC, the *Action Plan for the Expansion of Overseas Cultural Markets (2016–2020)*, in an effort to support the overseas IPR protection of cultural enterprises.

MOA rationally organized the implementation of its work by formulating the *General Guideline for Identification of Plant Varieties Using DNA Markers*, the *Rules for the Formulation of Testing Guidelines*, the *Technical Standards for the On-site Observation of DUS Tests*, the *Procedures for the Screening of Similar Varieties in Plant Varieties’ Distinctness Tests*, the *Administrative Measures for the Construction of Known Variety Libraries* and the *Quality Control Manual for Field Planting Tests*. Meanwhile, it amended and issued the *Measures for the Administration of Labels and Use Instructions of Crop Seeds* and the *Rules for the Quick Response Coding of Labels of Crop Seeds* in order to improve the management mode, continue to push ahead with the construction of the traceability management system and enhance regulatory efficiency.

The SFA organized the drafting of the *Measures for the Capability Assessment of New Forest Variety Testing Organizations*, formulated the assessment indicator system, finished the detailed working rules for the random inspection of compulsory licensing of new plant varieties, and modified the pattern and content of the series announcements for new plant variety protection. Meanwhile, SFA approved and released the sixth directory on the protection of new varieties of forest plants; preliminarily finished the development and operational testing of the new information management platform for the protection of new varieties of plants; assessed the capability of built-up testing centers and testing stations, and completed the testing of 29 varieties under application; conducted a technical research on the formulation of testing guidelines, started the formulation of 37 testing guidelines, and compiled and published the *Protected New Plant Varieties in Forestry Sector in China 2015*. In addition, The SFA organized experts to study assessment indicators for the protection of new varieties of forest plants.

GAC suspended the collection of registration fees for IP customs protection and thereby, saved approximately RMB 7.10 million for enterprises; unveiled a standard for the administrative penalty concerning IP customs protection, investigated and surveyed the issues in OEM, attempted to create new patterns of IP customs protection and embedded science and technology in IP law enforcement; piloted the patent law enforcement cooperation between Huangdao Customs and Qingdao Municipal Intellectual Property Office, and carried forward the law enforcement cooperation between Hangzhou Customs and Alibaba e-commerce platform; and promoted the regional customs enforcement collaboration mechanism by releasing the *Opinions of Beijing-Tianjin-Hebei Customs on Strengthening the Law Enforcement Collaboration*

for Intellectual Property Protection and convening the regional cooperation conference for the customs of the Pearl River Delta Region and the Yangtze River Delta Region.

MPS issued the *Notice on Solidly Promoting the Crackdown on Infringement and Counterfeiting Crimes in 2016* and the *Measures for the Statistics and Assessment of the Crackdown on Infringement and Counterfeiting Crimes in 2016* so as to make all-round and scientific arrangements for the crackdown and prevention in normal conditions, guide local work accurately and strive to realize normal specific actions and professional normal crackdown. MPS also enhanced the collaboration and cooperation with administrative enforcement departments and supervised the handling of 8 major cases in conjunction with copyright and tobacco administrations successively, of which the “8·06” exceptionally serious infringement against copyright in the Internet environment in Chongqing was of typical and demonstrative significance. In addition, “the linkage between administrative enforcement and criminal justice” was effectively enhanced—nationwide public security organs accepted administratively transferred suspected criminal cases accounting for 17.8% of the total cases they accepted, marking a steady improvement in the efficiency of collaboration between criminal justice and administrative law enforcement. MPS highlighted the principal line of information technology-based construction, proactively built a pattern of data-based actual combats against difficulties, continued to develop the collaborative mechanism with enterprises like Alibaba, organized the development and improvement of the “Taoshuju” software for discriminating, studying and judging infringement and counterfeiting clues and thereby, obtained primary achievements in the Big Data service-supported fight against counterfeiting.

SPC issued the *Opinions of the People’s Supreme Court on Promoting the*

Three-in-One Trial of Civil, Administrative and Criminal Cases Involving Intellectual Property Rights in Courts Nationwide to implement the “Three-in-One” trial in all courts across China. Meanwhile, SPC implemented the integrated construction of the Beijing-Tianjin-Hebei Region, and researched and deployed the centralized jurisdiction of technical cases in Beijing Intellectual Property Court. It also assured stakeholders’ rights to be informed and right of supervision and improved the quality and efficiency of trials by promoting the disclosure of judgment documents proactively, improving the scope and efficiency of disclosure gradually and facilitating the disclosure of judgment procedures and court trials and the online handling of cases.

The SPP pushed ahead with the establishment of a sound working mechanism for the “linkage between administrative enforcement and criminal justice” proactively, and further promoted local governments to strengthen the efficient utilization of the information sharing platform for the “linkage between administrative enforcement and criminal justice”. It also took an active part in the reform of pushing ahead with the “sound administrative and criminal enforcement convergence” and its supervision and assessment, and, in conjunction with the Office of the National Leading Group on Fight Against IPR Infringement and Counterfeiting, released the *Measures for the Management and Use of the Information Sharing System on the Linkage between Administrative Enforcement and Criminal Justice for the Crackdown on Infringement and Counterfeiting*.

V. Publicity

In 2016, while focusing on work priorities, IP-related departments created a

favorable atmosphere for building a powerful nation by IPRs through further innovating publicity modes and means and conducting routine and diversified publicity campaigns and exchanges for IPR protection.

In conjunction with 23 departments including the Publicity Department of the Central Committee of the CPC, SIPO organized the nationwide “4·26 National IPR Publicity Week” event, including more than 70 activity-times by the Organizing Committee, more than 2,000 activity-times by local governments, and hundreds of activity-times by enterprises and public institutions. Approximately 20,000 original news reports related to IPRs were published nationwide. In addition, the first High-level Forum on China IPR Protection was held, on which SIPO Commissioner Shen Changyu stressed in an address that “efforts should be exerted to build a pattern for the mass IPR protection, in particular solve the IPR protection problems in key fields and key links and constantly improve the effect of IPR protection”. Meanwhile, SIPO continued to step up the cooperation with media including people.cn, China Science & Technology Network and *China Daily* to establish special IP columns and publish special issues. In 2016, SIPO held 6 press conferences and 16 special propaganda activities, and its official WeChat account pushed more than 200 times of nearly 1,000 pieces of information, followed by more than 45,000 people.

SAIC released trademark work analysis at regular intervals based on latest trademark data; unveiled the *Annual Development Report on China's Trademark Strategy (2015)*, and appraised, elected and released the “Ten Typical Cases of Trademark Infringement of Industry and Commerce Administrations and Market Regulatory Departments in 2015”; organized the solicitation of articles with award with the theme of “Innovation & Trademark and Brand Strategy”; and published the *GI Special Issue: Geographical*

Indications along the Belt and Road in cooperation with the office of CPPCC *Fortnightly*. In addition, SAIC reported proactively the news of the reform in the facilitation of trademark registration through press release, publication, notification and etc.; and enhanced publicity using periodicals, websites, Weibo, WeChat and other media. In 2016, China Trademark Network registered a visiting volume of 421.2 million person-times.

NCAC organized various key targeted publicity activities, held the National Conference on Copyright Protection in Digital Environment, and released the *2015 Report on China's Copyright Protection in Digital Environment*, "China's Top 10 Cases of Crackdown on Infringement and Counterfeiting in 2015" and "Top 10 Copyright Events of China in 2015"; and issued 20 prizes of the "WIPO-NCAC Copyright Awards" program on the 6th China International Copyright Expo. During the "4·26 National IPR Publicity Week", NCAC organized synchronized destruction of infringing, pirate and illegal publications in 31 provinces, regions and municipalities, destroying 14.18 million such publications. Meanwhile, NCAC publicized copyright protection extensively by performing daily publicity using new media and organizing the compilation of *China Copyright Yearbook 2016, The Special Issue of Copyrighted Software* and public welfare-oriented cartoon posters. In 2016, NCAC held 6 press conferences and forums, released 1,284 pieces of information on its official website, 60 volumes of 103 image-text messages on its official WeChat account and 441 news dispatches and more than 100 million of exhibitions on its news client side "Jinritoutiaohao (Headlines Today)".

MOC continuously enhanced the influence of excellent creative designs through nationwide solicitation and selection. It also organized multiple exhibitions and road

shows to establish marketing and displaying platforms for cultural entrepreneurship and creation talents and continuously enhanced the awareness of IP development protection.

MOA released information about new varieties of agricultural plants of China on the 23rd China Yangling Agricultural Hi-tech Fair, and organized special exhibitions of new varieties of plants; the *Farmer Daily* published multiple news reports on the protection of new varieties of agricultural plants, and the website of the Office for the Protection of New Varieties of Plants, MOA released over 200 pieces of related information. In the meantime, MOA stepped up the publicity of GIs for agricultural products by organizing the “Publicity Week of Bringing Reliable Agricultural Materials to Countryside”; agricultural administrations nationwide dispatched 77,600 person-times of enforcement and technical personnel, distributed 5.56 million pieces of publicity materials and exhibited and sold reliable agricultural materials worth RMB 160 million. Furthermore, MOA demonstrated proactively the achievements of the crackdown on agricultural counterfeiting by producing and playing the series program of “Assuring Spring Plough by Crackdown on Counterfeit Agricultural Materials” jointly with CCTV, assisting the production of the advertising video of the “3·15” Gala and in conjunction with the China National Radio and the Central Agricultural Broadcast and Television School, carrying out the “3·15” Publicity Day for the Crackdown on and Regulation of Counterfeit Agricultural Materials.

SFA launched the National Forestry IPR Publicity Week and set up special publicity websites, in an effort to demonstrate achievements and the latest progress in forestry IPRs. It published such key publicity materials as *2015 Annual Report of Forestry Intellectual Property Rights in China* and *UPOV Information Documents*. SFA also stepped up the publicity of forestry IPR protection in all respects using such media

platforms as *China Green Times*.

GAC created new publicity methods and built a favorable atmosphere by virtue of important time nodes such as the “4·26 National IPR Publicity Week”, the “8·8 Legal Awareness Day” and the “12·4 National Constitution Day”. It also released the *2015 China Customs Protection of Intellectual Property Rights* and the *Typical Cases for China Customs Protection of Intellectual Property Rights in 2015*; built the “Customs & Intellectual Property” hall of China Customs Museum, and China’s Exhibition Center for Customs Protection of Intellectual Property Rights (Qingdao). Customs nationwide performed diversified publicity through online interview, case interpretation, case exposure, WeChat notification and micro films, and important media like *People’s Daily*, *people.cn* and Xinhua Net reported more than 10,000 pieces of news relating to customs protection of IPR.

MPS organized public security organs nationwide to carry out diversified publicity activities during the “3·15 World Consumer Rights Day”, the “4·26 National IPR Publicity Week” and the “5·15 Publicity Day for Prevention of and Crackdown on Economic Crimes”, in an effort to analyze typical cases, interpret common knowledge in law, solicit case clues and strive for an extensive participation of the society. In addition, centralized publicity was carried out focusing on such key cases as the “6·11” exceptionally serious Internet-based patent counterfeiting case, the China-US transnational auto airbag counterfeiting case and the “5·12” action for crackdown on cigarette counterfeiting case.

SPC held press briefings and conferences, and released the *Legal Protection of China’s Court for Intellectual Property Rights (2015)*, *China’s Top 10 IPR Cases and 50 Typical IPR Cases by China Courts (2015)* and *Annual Report of the Supreme People’s*

Court on Intellectual Property Rights Cases (2015); organized the “IP Juridical Protection Visit by Central Media to Zhejiang”; broadcasted lively the trial of the administrative dispute of “Jordan” trademark and other cases attended by the ambassadors of the US, EU, Japan, South Korea and other countries and regions and the delegates of the US Chamber of Commerce, which was watched by more than 1.50 million people cumulatively.

SPP organized and conducted diversified publicity activities across China. It held press conferences, released the *Opinions on Giving Full Play to Procuratorial Functions to Safeguard and Promote Scientific and Technological Innovation*, and gave an introduction to the major measures which procuratorates took to strengthen the judicial protection of IPRs; released *China’s Top 10 Typical Cases of IPR Judicial Protection by Procuratorates in 2015*; and published key points of IPR protection in special columns of *Procuratorate Daily* and the Justice Network.

VI. Education and Training

In 2016, IPR education and training was constantly enhanced, creating a new look in personnel building and effectively supporting the talent demand for building a powerful nation by IPRs.

SIPO researched and formulated *the 13th Five-year Plan of Intellectual Property Right Talent Building* to plan as a whole China’s IPR talent building, focusing on the strategic goals of building a powerful nation by talents and IPRs. It also built the IPR protection think tank system, and organized touring lectures of experts. In the meantime, SIPO stepped up the construction of IPR protection training bases. By the end of 2016,

it had approved the establishment of 24 national IPR protection training bases in 19 provinces (regions and municipalities). SIPO conducted IPR protection education and training jointly with educational departments, co-building or supporting the construction of IP academies in Dalian and Shanghai; continued to operate IP pilot programs of middle and primary schools in cooperation with the Ministry of Education(MOE), with 30 schools in 25 provinces (regions and municipalities) included into the second group of primary and middle pilot schools for IP education. In 2016, China Intellectual Property Training Center conducted 84 face-to-face training programs that covered more than 7,300 person-times; held 29 international training courses and seminars that covered more than 2,000 person-times; and its remote education benefited approximately 770,000 person-times. In 2016, 780,000 person-times received the training in total.

SAIC stepped up the training of trademark law enforcement and regulation by holding an administrative law enforcement training for trademarks across nationwide administrations; held the senior workshop themed “Improving the Utilization of GIs to Support the Green Development of Poverty-stricken Areas”; provided service training and guidance to the trademark application windows established by local governments under entrustment, in an effort to assure the smooth startup and operation; and provided service training and guidance to local service sites for the trademark pledge registration application, in an effort to promote the smooth implementation of trademark pledge registration.

To serve various trainees, popularize typical experience and practice and improve the professional quality of practitioners, NCAC organized 8 training classes on the application of copyrighted software in government organs and enterprises, 4 training

classes for copyright law enforcement and regulatory personnel, 3 media classes copyright-related hot issues, 1 training class for the utilization of the national copyright regulatory platform and 1 foreign relations training class. In 2016, NCAC continuously enhanced the faculty of copyright training by delivering 3,000 person-times training and included 50 excellent talents into the first group of the national copyright law enforcement training faculty resources.

MOC strengthened the training of creative talents by continued support program for cultural creative talents, with over 300 person-times trained in talent bank in 2016. In conjunction with MOE, MOC implemented the 2016 China intangible cultural heritage inheritors' research and training program, holding more than 160 workshops and training programs to help inheritors address issues in IPR protection and utilization. It also held the National Senior Research Class of Original Animated Cartoon, where approximately 200 enterprises received training, for the purpose of promoting the integrated development of animated cartoon and the real economy and improving the awareness of brand development and protection.

MOA held 7 training sessions on the publicity of the *Seed Law* and the improvement of the variety testing capacity for more than 1,300 person-times from over 500 entities; organized 3,300 special training classes for 450,000 person-times nationwide (regions and municipalities); held 3 regular training classes on the protection of new varieties of agricultural plants so as to improve working abilities pertinently. MOA also organized the training session on the existing variety database, UPOV information technology seminar and other international training sessions; held 2 national training sessions for key personnel in the crackdown on counterfeit agricultural materials, covering over 200 key grass-root personnel for agricultural law enforcement. In addition, MOA sent

personnel to participate in the international faculty training for the protection of new varieties of plants at UPOV Headquarters, and organized and took part in the UPOV international training on remote education, office automation and data statistics.

SFA provided training sessions on the protection and management of new varieties of forest plants and the compilation of testing guidelines for new varieties of plants, where domestic and foreign authoritative experts were invited to deliver lectures. These training sessions provided comprehensive information about relevant technology and actual experience for the compilation of international guidelines for the testing of new varieties of plants and were instrumental in improving the capability of protecting and managing new varieties of forest plants.

GAC enhanced the training and improved the capability of law enforcement constantly. Customs departments nationwide organized nearly 100 training targeted at the front-line enforcement officers, covering 2,500 plus person-times; over 40 training for IPR holders and import and export enterprises, covering 600 plus person-times, which improved effectively the awareness and capability of IPR protection; and 5 special training programs of IPR protection for customs of African countries as well as customs of countries participating in “Belt and Road” Initiative, in an effort to enhance the support for IP capacity building.

MPS selected 54 excellent methods of combating counterfeiting from local public security organs and actively promoted basic-level experience; held criminal law enforcement training on IPRs for front-line enforcement police officers, where experts were invited to lecture on the handling of IP counterfeiting cases, the understanding and application of copyright laws and regulations and the practical handling of trademark cases in combination with key cases. Multiple measures were taken jointly to improve

the front-line capability of case investigation and handling and standardization of law enforcement. It also guided local organs to strengthen information research, judgment and warning in combination with the practice of law enforcement and case handling; local public security organs submitted over 150 articles on the research of criminal trend, providing abundant theoretical guidance for the actual crackdown.

SPC compiled and published the *Trial Guide for Intellectual Property Cases by the Supreme People's Court (Edition VIII)* and the *Comments and Notes on Intellectual Property Guiding Cases of China (Edition VII)*, and formed a normalized operational guidance and exchange mechanism with nationwide IP tribunals of courts at all levels in combination with the modes like monthly compilation and release of IP judgment dynamics and operational report.

VII. International Cooperation

In 2016, China strengthened multilateral and bilateral cooperation in the field of IP. Relevant ministries and authorities actively participated in international affairs, continuously enhanced and expanded cooperative channels, and continued to deepen the cooperative relations with such international organizations as WIPO and IP institutions of countries and regions. To sum up, China took a new step forward in international cooperation in the field of IP.

SIPO took the lead in organizing and coordinating relevant departments to participate in the conferences under the framework of WIPO and of such international organizations as UPOV, and organized the Chinese Government Delegation with the Ministry of Foreign Affairs (MFA), SAIC and NCAC to attend the series meetings of

the 56th General Assembly of WIPO. It also held the High-level Conference on Intellectual Property for Countries along the Belt and Road, which approved the *Common Initiatives for Strengthening Cooperation between Countries along the “Belt and Road” in the Field of Intellectual Property*. Meanwhile, SIPO deepened its involvement in the cooperation between IP offices of China, US, EU, Japan and South Korea (IP5) in the field of invention patent, hosted for the first time the annual and working meetings of the ID5 Offices and signed the *IP5 Joint Statement in Tokyo 2016* and the *2016 ID5 Joint Statement*; participated in the 6th and 7th Meetings of the Heads of Intellectual Property Offices of BRICS Countries and the 7th China-ASEAN Heads of Intellectual Property Offices Meeting; and carried out the cooperation among China, Mongolia and Russia and among China, Japan and South Korea. In addition, SIPO was deeply involved in China-US Strategic and Economic Dialogues, China-US Innovation Dialogue, China-US Joint Commission on Commerce and Trade and other inter-governmental dialogue mechanisms between China and US; proactively participated in IP dialogues between China and EU, the negotiation on the policy achievements of China-UK and China-France Economic and Financial Dialogues, the Joint Meeting of China-Italy Government Committee, and China-US, China-EU, China-Switzerland, China-Russia and China-Brazil IP meetings and other mechanism conferences and negotiations; and participated in the negotiations in China-South Korea and China-Georgia free trade agreements as well as negotiations on the Economic and Trade Agreement between China and the Eurasian Economic Union (EAEU). In 2016, SIPO signed 36 multilateral and bilateral IP agreements, meeting minutes, joint declarations, work plans and memoranda of understanding.

SAIC actively participated in the formulation of international trademark rules and 15

international negotiations, including those on the Regional Comprehensive Economic Partnership (RCEP), China-GCC, China-Japan-South Korea and China-Georgia Free Trade Agreements and China-EAEU Economic and Trade Cooperation Agreement. It continued to step up multilateral trademark cooperation, and held in cooperation with WIPO the Commemoration of the 125th Anniversary of the Madrid System; sent personnel to attend the Assemblies of Member States of WIPO, the Committee of Experts of the Nice Union and other international conferences; and served as the Secretariat of the TM5 and successfully hosted TM5 Annual Meeting, Intersessional Meeting and Expert Technical Meeting. Meanwhile, SAIC had good bilateral cooperation with major countries and regions, and held China-US Geographical Indication Protection Seminar together with the US Patent and Trademark Office (USPTO). It also publicized China's achievements in trademark protection and established China's brand image by continuing to strengthen the ties with the trademark organs, embassies in China or IP institutions of such countries as US, EU and South Korea or their organizations.

NCAC promoted the construction and improvement of the international multilateral and bilateral systems of copyright. It participated in the committees and regional meetings of WIPO, and the negotiations of international conventions such as *WIPO Treaty on the Protection of Broadcasting Organizations*; finished the investigation and survey on the establishment of excellent cases of copyright protection and held the exhibition of achievements in protecting the copyright related to Dehua ceramics and the ceremony for the first issue of the English version of the report "*Study on the Impact of Enhanced Copyright Protection on the Porcelain Industry in Dehua, China*" at WIPO Head Office; held the 2016 International Copyright Forum in cooperation with

WIPO, the Roundtable on Copyright Protection for Film and Television Industry in Digital Environment and other important conferences; and promoted the operation of the *Beijing Treaty on Audiovisual Performances*. In addition, NCAC also further stepped up bilateral exchange and cooperation on copyright protection by participating in China-US Strategic and Economic Dialogues, China-US Joint Commission on Commerce and Trade and China-EU, China-Russia and China-Pakistan IP working team dialogues and meetings. It took an active part in China-Australia, China-South Korea, China-Japan-South Korea and Regional Comprehensive Economic Partnership (ASEAN +6), China-Georgia, China-US and China-EU free trade zone negotiations and China-EAEU Economic and Trade Agreement negotiations; and held the 12th China-South Korea Copyright Seminar and China-Japan Intergovernmental Meeting and Seminar on Copyright.

MOA sent personnel to participate in a series of meetings by UPOV; and hosted the 34th Meeting of the UPOV Working Group on Computer and Information Technology. Meanwhile, MOA had discussions with UPOV to promote the international electronic application system for variety rights; participated in the 9th East Asia New Plant Variety Protection Forum, exchanged China's experience in practicing judicial enforcement for new plant variety protection for the first time, and hosted the Seminar on the Protection of Essentially Derived Varieties and the High-level Seminar on Agricultural Intellectual Property Rights. It also participated in IP working meetings of China-EU and China-Japan, and sent personnel to participate in activities for the protection of seed IPRs and the commercialization of research findings in US.

SFA sent personnel to attend UPOV series meetings by the Technical Committee, the Administrative and Legal Committee, the Consultative Committee and the Council;

took part in such activities as China-Japan-South Korea free trade zone negotiations, China-EU IP cooperation and China-South Korea exchange on new plant variety protection, and pushed ahead with the international cooperation on forestry IPR protection; participated in the Convention on Biological Diversity series meetings, reviewed the indicators progress relating to The *Nagoya Protocol*, and assessed and reviewed the *Cartegena Protocol on Biological Safety*; and took an active part in the 9th East Asia New Plant Variety Protection Forum, showcasing China's achievements in new plant variety protection to the international community.

GAC publicized the achievements in the customs protection of IPRs and improved the international influence of China by continuously stepping up the exchange and cooperation with international organizations such as the World Customs Organization (WCO), WIPO and the International Criminal Police Organization (ICPO); further deepened the exchange and cooperation with the customs of countries and regions such as US, EU, Japan, South Korea and Russia to exchange case information and further extend cooperation of law enforcement; cooperated with such regions as Africa, Arab and South America, and proposed cooperative initiatives to emerging trading countries. In 2016, GAC carried out 2 joint enforcement operations with US Customs, where 1,213 batches of infringing commodities were seized, involving 90,000 infringing commodities worth RMB 1.77 million; and carried out an enforcement action targeted at postal and express delivery channels with the Russia Customs, where more than 60 batches infringing commodities were seized, involving over 45,000 commodities.

The MPS took an active part in the multilateral and bilateral IP negotiations and dialogues between China and US, Russia, Japan, EU and etc. It had case cooperation and enforcement exchange with international organizations and institutions such as

ICPO and the European Anti-Fraud Office (OLAF), and the enforcement organs of 24 countries and regions including US, UK, UAE, Malaysia, Taiwan Province of China, HK SAR of China; held the Regional Intellectual Property Crime Conference in Central Asia in conjunction with ICPO, pushing ahead with the enforcement cooperation with countries along the “Belt and Road”. In addition, MPS deepened and innovated criminal enforcement cooperation for IPR protection focusing on key cases and platform such as the China-US Joint Liaison Group on Law Enforcement Cooperation; and cooperated with Cambodian police for the case of the cross-border manufacturing and sale of pesticides with counterfeit registered trademarks by a suspect surnamed as Xia, successfully arresting the prime culprits and destroying their overseas manufacturing site.

SPC sent delegates to participate in the 1st China-US Legal Affairs Dialogue so as to improve China’s international status in the judicial protection of IPRs. It also sent delegates to participate in various IP dialogues and negotiations between China and Switzerland, US, Australia, Russia and EU, and such international conferences as UPOV Seminar and China IPR Protection System Explanation Session.

While stepping up IP criminal enforcement exchange between Chinese and EU procurators, SPP successfully held the seminar on IP criminal enforcement participated by Chinese and EU procurators. It also expanded the exchange and cooperation on trans-national and cross-regional crackdown on IP crimes, and discussed information exchange and cooperative mode in IP protection between China and EU under the framework of the *Action Plan Concerning EU-China Customs Cooperation on IPR (2014-2017)*; participated in China-Russia Roundtable of Procuratorates, discussing cross-regional cooperation on IPR between both countries; and had a meeting with UK copyright enforcement department to discuss collaboration in copyright protection.