



## **Circular of the SIPO Concerning the Distribution of *Several Opinions on Strict Patent Protection***

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The intellectual property offices of provinces, autonomous regions, municipalities directly under the Central Government, and Xinjiang Production and Construction Corps; departments of the SIPO, departments of Patent Office of the SIPO, all units, and social groups directly under the SIPO:

In order to thoroughly implement the decisions and deployments of the CPC Central Committee and the State Council on strict IP protection, and carefully carry out the *Opinions of the Central Committee of the CPC and the State Council on Improving the System for Protection of Property Rights and Protecting Property Rights by Law* (ZH. F. [2016] No. 28), carefully perform government responsibility for supervising patent protection, effectively intensify the combat against patent infringement and counterfeiting, strengthen the coordination of patent right granting, confirmation and safeguarding, protect patent right in a comprehensive and strict way, and vigorously push forward the construction of a IP Powerhouse, the SIPO has developed *Several Opinions on Strict Patent Protection*, and now prints and issues them to you for your careful and thorough implementation.

A circular is hereby made.

State Intellectual Property Office

November 29, 2016

### **Several Opinions on Strict Patent Protection**

In order to thoroughly implement the decisions and arrangements of the CPC Central Committee and the State Council on strict IP protection, carefully implement the *Opinions of the Central Committee of the CPC and the State Council on Improving the System for Protection of Property Rights and Protecting Property*

*Rights by Law* (ZH. F. [2016] No. 28), and advance the IP Powerhouse construction, the following opinions on strict patent protection are hereby given:

#### **I. General requirements**

##### **i. Guiding ideology**

To realize strict patent protection, it is a must to

comprehensively implement the principles of the 18th National Congress of the CPC and those of the third through sixth plenary sessions of the 18th CPC Central Committee, thoroughly implement the spirit of General Secretary Xi Jinping's important addresses, focus on the overall plan for balanced economic, political, cultural, social, and ecological progress and on the coordinated advancement of the Four-Pronged Comprehensive Strategy, solidly set up the innovative, coordinated, green, open and sharing development concept, be pioneering and enterprising, be bold to innovate, highlight Chinese characteristics, speed up the construction of a policy system and a work mechanism for strictly protecting patent right, comprehensively promote the efficiency and level of patent protection, strictly crack down upon infringement and counterfeiting acts, meet the demands of the vast innovative entities, market entities and consumers, create a good environment for innovative development, and effectively protect the fundamental interests of the mass.

## **ii. Basic principles**

Adhering to serving the general situation. To realize strict patent protection, it is a must to focus on perfecting institution and the innovative mechanism, and helping deepen the reform; focus on regulating competition and strengthening supervision, and advancing the rule of law; and focus on carrying forward honesty and stimulating innovation to promote economic development.

Strengthening coordinated promotion. To realize strict patent protection, it is a must to construct a protection mechanism where patent right confirmation and granting, administrative law enforcement, judi-

cial judgment, right safeguarding assistance, social credibility, mediation and arbitration promote one another mutually; further give play to the advantages of administrative protection, accelerate the perfection of the protection model where administration and judicature complement each other and get linked organically; perfect the mechanism of overall planning and coordination to form a grand protection situation featuring coordination, smoothness and high efficiency.

Paying attention to highlighting priorities. To realize strict patent protection, it is a must to effectively strengthen the work of patent protection in key links and fields, innovate on the law enforcement supervision mechanism, intensify the punishment against infringement and counterfeiting acts; build a system for fast track on coordinated IP protection, strengthen the coordination of patent right granting, confirmation and safeguarding, improve the quality and efficiency of each and every link of patent protection; advance patent protection in new business formats and new fields like the Internet, e-commerce and big data, and intensify patent protection in fields concerning people's livelihood like food and drug, environment protection and safe production.

## **iii. Work goals**

Till 2020, the system of policies and regulations on strict patent protection and corresponding work system and mechanism are basically complete, the intensification, efficiency and level of patent law enforcement and case handling are promoted comprehensively, the patent protection coordination mechanism is operated effectively, the interaction mechanism of patent right granting, confirmation and safeguarding operates well, the rapid coordination protection



mechanism is comprehensively deepened; and there is benign interaction between patent protection, level of invention and patent quality. The patent infringement and counterfeiting acts are effectively curbed; illegal criminals are harshly cracked down upon; patentees' legal rights and interests are effectively protected; the confidence in and satisfaction with patent protection of the patentees and the social public are improved significantly, and their ability to protect their patent right is significantly improved; the atmosphere that respects creation and worships innovation becomes more tense; and the situation of strict patent protection is basically formed.

## **II. Fully fulfilling governmental supervision responsibility, and intensifying the efforts to crack down upon patent infringement and counterfeiting**

### **iv. Comprehensively strengthening patent law enforcement and supervision**

Actively fulfilling the in-process and after-process supervision responsibility in the field of patent protection. Building ways of supervision that adapt to new technical developments and modes of production and trade, perfecting the policy system for in-process and after-process supervision in the field of patent protection, accelerating the establishment of sound rules for patent law enforcement supervision, coordinating industrial supervision and social supervision, integrating online and offline supervision, taking into consideration priority and general supervision, promoting supervision efficiency, and effectively performing governmental supervision responsibility.

Innovating on the ways of patent law enforcement and supervision. Comprehensively utilizing the net-

work and spot checking to, through big data analysis, accurately discover patent infringement and counterfeiting clues, scientifically judge the incidence of patent infringement and counterfeiting acts in different places and their demands for law enforcement and rights safeguarding, and provide a convincing reference for reasonably allocating law enforcement and supervision resources and determining the intensity of law enforcement and case handling. For the enterprises and commodities with high risks in patent infringement and counterfeiting, intensifying the supervision and control of patent infringement and counterfeiting risks, and deepening information investigation, strengthening risk study and judgment and taking measures to supervise and control the risks of patent infringement and counterfeiting in a timely way. Selecting relevant fields to make breakthroughs first, and accelerating the promotion of the patent administrative law enforcement supervision mechanism.

Deepening online patent law enforcement and supervision mechanism. Strengthening the supervision of online trading platforms, raising specific requirements on patent safeguarding and protection in operators' network access examination, daily operation and other links, and guiding the online trading platforms to establish an internal complaint and handling mechanism against infringement and counterfeiting acts. Intensifying cooperation with online trading platforms, strengthening pre-warning supervision and risk avoidance of infringement and counterfeiting acts, and discovering and mastering clues of patent infringement and counterfeiting acts in a timely way. Deepening the coordinated dispatch system for patent law enforcement in the field of e-commerce, and enhancing the

efficiency of online case handling and the level of coordination in online cases that are transferred offline. Actively launching offline investigation and quickly handling online clues of patent infringement and counterfeiting acts in accordance with the law. Conducting strict supervision of patent law enforcement in cross-border e-commerce, and promoting the combination of domestic and cross-border supervision.

**v. Vigorously rectifying infringement and counterfeiting acts**

Intensifying special rectification campaigns. Strengthening the uniform dispatch of special rectification campaigns, intensifying the resultant force of special rectification campaigns, pushing forward the intensification of law enforcement and case handling, enhancing the effect of the combat against infringement and counterfeiting acts, preventing and combating the phenomenon of “bad money drives out good” in the innovation field, and boosting innovators and patentees’ confidence. Strengthening the application of technical means, and expanding the types and ways of special campaigns. Resolutely cracking down upon infringement and counterfeiting acts in fields such as food and drug, environment protection and safe production to effectively protect the immediate interests of the people.

Expanding the combat coverage in accordance with the law. Actively combating acts that create convenient conditions for infringement and counterfeiting acts according to laws and regulations. Improving the efficiency of the combat against infringement acts, and ordering immediate termination of infringement in cases where infringement is identified and the same patent right is infringed upon once again, in accord-

ance with the law and as soon as possible. For behavior that use or sell infringing or counterfeiting products, digging the production origins in accordance with the law, and effectively and strictly cracking down upon them.

**vi. Effectively improving the efficiency of law enforcement and case handling**

Simplifying the formalities and ways of case acceptance, service, and handling. Simplifying the formalities for accepting cases of disputes over patent infringement, and advancing the registration system of cases of disputes over patent infringement. Building ways of online announcement of the service of case information to facilitate the service of case information. Trying to implement a written hearing mechanism of cases of infringement disputes, and conducting written hearing and making decisions after the parties concerned make statements and cross-examination for cases of industrial design and utility model infringement in which applicants have submitted patent right evaluation reports when accepted. Trying to make decisions on the spot after oral hearing ends for cases which are well prepared before the court and have complete evidence. For cases of counterfeit patents with sufficient evidence, trying to make decisions to stop the counterfeit behavior on the spot. Promoting format decisions in industrial design patent cases.

Building a classified guidance mechanism for case handling. Cases that cross provinces and have national influences may be submitted to the SIPO for instruction or supervision; and cross-prefecture cases may be submitted to the intellectual property offices of the provinces (autonomous regions, municipalities) for instruction and supervision. Pushing forward the



investigation and punishment against counterfeit patents, investigation and handling of patent disputes by eligible county-level intellectual property offices by ways of commission of the higher level organs or authorization by local laws and regulations. The intellectual property offices of the provinces (autonomous regions, municipalities) may organize backbone law enforcement and case handling personnel to handle major and difficult cases in their administrative regions in a centralized and rapid way. The specific issues on the application of rules that are encountered by municipal and county intellectual property offices in law enforcement and case handling shall be answered by the intellectual property offices of the provinces (autonomous regions, municipalities) in principle in a timely way. In case of difficult opinions on the reply, relevant parties may request the SIPO for a reply.

**vii. Effectively advancing the investigation and evidence collection work**

Making full use of the means of investigation and evidence collection. Where the patentees do have difficulty in adducing evidence, investigation and evidence collection means like registration storage, evidence collection by sampling shall be utilized fully and reasonably to appropriately mitigate the patentees' burden of proof; after a case of dispute over patent infringement is accepted, direct service is suggested, and investigation and evidence collection shall be conducted at service. The investigated individuals and enterprises that refuse to cooperate in investigation and evidence collection shall be included into the discredit list of the credit system according to relevant provisions. The right to take measures such as seizure, detainment, sealing, suspension that is

legally granted to local intellectual property offices shall be fully exercised. Explorations shall be made to keep case evidence and relevant certifying materials through notarization.

**viii. Effectively improving the level of infringement identification**

Effectively improving the level of patent infringement identification. Establishing a sound infringement identification consultation mechanism, advancing the construction of patent infringement identification consultation centers and expert libraries, giving full play to the role of professionals, and effectively launching the work of consultation of infringement identification in difficult cases. Intensifying the identification of patent infringement and the promotion and implementation of relevant evidence rules, and enhancing the standardization and coordination of infringement identification. Intensifying patent protection of original inventions that are highly innovative and have big investment in R&D. Strictly executing the principle of full coverage of identification of invention and utility model patent infringement, actively applying the identification principle of infringement under doctrine of equivalents, and reasonably applying appropriate modern technologies and the existing design demurrer principle.

**ix. Comprehensively strengthening the building of law enforcement capability**

Advancing the overall promotion of law enforcement capability in the whole system. Comprehensively strengthening the patent law enforcement and supervision, and effectively promoting the level of law enforcement and supervision. Innovating on the ways of law enforcement and training, and building a mode of

online trainings and seminars. Deepening the training contents, and adjusting before perfecting the training programs and training textbook system of patent law enforcement personnel. Launching patent infringement identification trainings in different professional and technical fields, and accelerating the cultivation of law enforcement professionals who are proficient in cases of specific fields. Strictly implementing the system for law enforcement personnel working with certificates and the law enforcement personnel qualification management system, and holding annual inspections of patent administrative law enforcement certificates in an orderly way. Strengthening the cultivation and use of backbone law enforcement and case handling personnel, and selecting backbone law enforcement and case handling personnel to participate in law enforcement supervision and inspection, policy studies and analyses of difficult cross-regional cases in the whole system. Supporting backbone law enforcement personnel who have been engaged in the law enforcement work for at least five years to participate in high-level legal seminars of different types.

**x. Effectively intensifying law enforcement coordination and dispatch**

Deepening the dispatch mechanism for patent law enforcement and coordination. Actively launching cross-regional dispatch of law enforcement cases and case handlers, and ensuring smooth cross-regional channels for assisting investigation, service, and execution. Deepening the “Belt and Road”, coordinated development of Beijing–Tianjin–Hebei and joint patent law enforcement and coordinated law enforcement in areas such as the Yangtze River Economic Belt.

Building a mechanism for reporting and making

public announcement of clues on violations against the patent law. Gathering, announcing and issuing clues on violations against the patent law in different places through the information-based law enforcement system, making the channels for changing information on cross-regional cases smooth, and coordinating the investigation and handling of major cases. The intellectual property offices of the provinces (autonomous regions, municipalities) gather the clues of patent cases in the provinces, forwarding in a timely way and online the information on cases of counterfeit patents that are investigated by relevant prefecture and municipal intellectual property offices to other prefecture and municipal intellectual property offices under their jurisdiction so as to facilitate timely access to case clues, and provide reliable information for uniform organization, investigation and handling.

**xi. Establishing a case quality guarantee system**

Accelerating the establishment of a quality guarantee system of law enforcement cases. Building a whole-process dynamic monitoring mechanism of case acceptance, case handling, and case conclusion, strengthening the quality reward and punishment mechanism of law enforcement and case handling. Accelerating the establishment of a system of guiding cases. According to the examination and appraisal measures of patent administrative law enforcement archives, examining and appraising and releasing examination and appraisal reports on the quality of law enforcement cases, and giving play to the demonstrative role of typical cases in improving the quality of case handling. Strictly carrying out regulations on the management of archives to ensure complete basic elements and a regulate format of patent law enforcement



archives; establishing a complete law enforcement e-library and accelerating the information-based construction of law enforcement archives. Establishing a return visit system of patent law enforcement cases, organizing return visits to infringement and counterfeiting cases that have been concluded in recent years and tracing the effect of case handling. Handling important cases openly, exploring public handling of patent cases through the Internet, and holding oral trials of typical patent infringement cases.

**xii. Intensifying performance assessment and the accountability system**

Building a routine law enforcement accountability system. Strictly determining the law enforcement responsibilities of patent law enforcement personnel at different posts, intensifying law enforcement supervision, perfecting the administrative law enforcement supervision network, resolutely eliminating intervention in law enforcement and case handling activities, preventing local protectionism, and being alert of interest-driven law enforcement. Strengthening standardized and systematic construction of administrative accountability system, and actively preventing and redressing nonfeasance and misfeasance. Carefully implementing the accountability system for construction of the Party conduct and of an honest and clean government, and insisting on correcting mistakes and investigating responsibilities whenever discovered. Deepening the law enforcement supervision and patrolling mechanism. The SIPO inspects, guides, and examines the law enforcement work of the intellectual property offices of the provinces (autonomous regions, municipalities) and municipal intellectual property offices that undertake special law enforcement tasks on

a regular basis. The intellectual property offices of the provinces (autonomous regions, municipalities) carry out overall supervision and inspection of the law enforcement work in different places under their jurisdiction. Intensifying the case handling supervision mechanism, improving the efficiency of case handling supervision, and resolutely investigating acts of improper procrastination and buckpassing and wrangling. Ensuring comprehensive implementation of the law enforcement accountability system and the mistake correction accountability system through inspection and supervision.

Establishing a random inspection and information disclosure/openness system. Implementing the work mechanism of “random inspections and prompt release of results”, and determining the ratio of random inspections in law enforcement examinations as prescribed. Developing a list of random inspection matters, publishing publicizing the use of electronic means, leaving signs of random inspections in the whole process, and realizing traceable signs, acts and responsibilities.

Intensifying the law enforcement assessment mechanism. Perfecting the indicators system for law enforcement and safeguarding assessment, determining reasonable scores of case handling efforts, level, and efficiency to guide different places to effectively strengthen law enforcement and case handling. Strengthening law enforcement performance management, intensifying the support to local intellectual property offices for case handling according to the reality of law enforcement and case handling and performance assessment, and strengthening the incentive of law enforcement and case handling personnel.

### **III. Strengthening the coordination in right granting, confirmation and safeguarding, and improving the efficiency and quality of patent protection**

#### **xiii. Speeding up the establishment of system for fast track on coordinated IP protection**

Accelerating the building of a system for fast track on coordinated IP protection. Giving full play to the role of IP protection centers, opening up fast tracks on coordinated IP protection throughout the whole-chain rapid protection channels from right granting to right confirmation and safeguarding, expanding the scope of the coverage of rapid fast track on IPR granting, confirmation and safeguarding, and advancing the extension of fast track on IP protection from a single professional field to multiple fields. Making breakthroughs first in technical fields with a high demand for rapid right safeguarding, and utilizing the priority examination mechanism for patent applications to accelerate the expansion of patents to be put under rapid protection from industrial design patents to utility model patents and invention patents and from examination and patent right granting to invalidation. Actively connecting large-scale e-commerce platforms, and strengthening fast track on online right safeguarding in industry clusters. Expanding the scope of work, and building an evaluation and reporting mechanism for utility model patents and industrial design patents.

#### **xiv. Promoting co-sharing of information on patent right granting, confirmation and safeguarding**

Building a shared mechanism of patent examination information and patent law enforcement and case

handling information. Giving full play to the referential role of law enforcement and case handling information in patent examination management and patent quality promotion. Providing the patent examination and reexamination departments with information of patentees that have a high success rate of right safeguarding and stable patents on a regular basis, and making such information part of the most important referential information in rapid patent right examination and confirmation. Providing information on patent granting and confirmation for patent administrative law enforcement and case handling entities at proper times to improve the efficiency of infringement identification. Involving patentees that are found to have high credit standing in the process of patent granting and confirmation in the credit incentive list and patent applicants that are found to lack credit in the credit punishment list.

Strengthening information exchange about patent granting, confirmation and safeguarding. Advancing the implementation of uniform patent marks in patent application, examination and granting, publication and announcement, registration and recordation, product indication, law enforcement and case handling, realizing electronic management of patent signs, and constructing technical conditions for benign interaction between patent law enforcement and patent examination. Building a regular exchange and thematic exchange mechanism of information on patent granting, confirmation and safeguarding, and cooperating to promote the quality and efficiency of patent granting and patent law enforcement.

#### **xv. Establishing a patent granting, confirmation and safeguarding linkage mechanism**

Establishing a patent granting, confirmation and





safeguarding linkage mechanism. Establishing a mechanism where patent examiners participate in the handling of patent infringement cases as technical experts. Strengthening professional communication among patent examiners, reviewers and law enforcement personnel, and improving coordination in the identification of legal and technical issues that are commonly seen in right granting, confirmation and safeguarding. Establishing a linkage mechanism for patent right confirmation and patent infringement case handling to speed up the handling of patent invalidation in infringement cases and shorten the time for handling infringement cases.

Establishing a rapid linkage and response mechanism. Establishing a rapid linkage and response mechanism from invalidation to administrative mediation in light of industrial development demand and social response and targeting relevant patent law enforcement cases, organizing law enforcement and patent examination professionals to rapidly analyze and judge right stability, infringement identification and case handling, and effectively improve the quality and efficiency of case handling.

Effectively giving play to the role of service agencies in the patent granting, confirmation and safeguarding linkage mechanism. Establishing a mechanism for feeding back information on patent infringement case medication, patent agency service, and legal services, providing timely feedback on the quality problems of patent application files that are discovered in the process of law enforcement and case handling. Listening to the opinions of relevant service agencies in the process of law enforcement and case handling. Promoting the service quality of patent intermediaries, and advancing the improvement of pa-

tent granting, confirmation and safeguarding by improving the quality of patent service.

#### **IV. Advancing organic linkage of administrative and judiciary and further intensifying inter-departmental cooperation in law enforcement**

##### **xvi. Pushing forward mutual complementarity of administrative law enforcement and civil protection**

Displaying the advantage of administrative law enforcement in rapid mediation of disputes and timely termination of infringement, giving full play to the important role of civil protection in patent infringement compensation and remedies, and better realizing integration and complementariness of administrative law enforcement and civil protection.

Advancing the work of connecting lawsuits with mediation, and judicial confirmation. Supporting pre-lawsuit and in-lawsuit mediation of patent disputes, promoting the parties concerned to reconcile or reach mediation agreements, and guiding the parties concerned to apply for judicial confirmation in accordance with the law. Actively launching the work of applying for mandatory execution, and advancing mandatory execution of administrative decision to “order the suspension of infringing acts”.

##### **xvii. Promoting organic linkage of administrative law enforcement and criminal law enforcement**

Strengthening organic linkage of administrative law enforcement and criminal law enforcement, doing a good job in transferring cases when investigating and punishing patent offenses. Strictly prohibiting the replacement of penalties with fines.

Deepening the mechanism for cooperating with the public security organ. Pushing forward the setting

of public security liaison rooms in local intellectual property offices to advance cooperation in investigation and evidence collection, and coordinate the transfer of suspected cases of crimes. Jointly circulating and praising advanced collectives and individuals in IP law enforcement.

Advancing the construction of the linkage mechanism of administrative law enforcement and criminal law enforcement. Actively utilizing the administrative law enforcement and criminal law enforcement information co-sharing platforms to help realize online transfer and supervision of suspected cases of crimes of counterfeiting patents, and perfecting the cooperation mechanism for circulation of clues, evidence transfer and case investigation assistance.

Carefully cooperating in inspection and supervision. Actively cooperating with the procuratorial organ in supervising the transfer of suspected cases of crimes of counterfeiting patents by the administrative law enforcement organ. Carefully cooperating in the supervision of trial and execution of civil and administrative cases involving patent infringement. Correcting the acts of administrative organs exercising their duties illegally or inactively, which are discovered by the procuratorial organ in performing its duties, in a timely way and in accordance with the law.

#### **xviii. Intensifying the response to administrative lawsuits of patents**

Setting greater store by the work to respond to administrative lawsuits. The persons in charge of local intellectual property offices shall listen to the reporting of cases involving administrative lawsuits, and examining the defense legal instruments. For major difficult cases or cases that may involve administrative lawsuits, well analyzing, studying, and judging the le-

gal risks. Carrying out the system where the persons in charge appear before the court to respond to lawsuits, and gradually improving the percentage of cases where the persons in charge appear before the court to respond to lawsuits.

Intensifying the study and discussion of typical cases of patent administrative lawsuits. Strengthening the analysis, study, and judgment of patent administrative lawsuits, giving full play to the role of legal consultants in administrative lawsuits, and continuously promoting the consciousness of administration by law.

#### **xix. Actively pushing forward cooperation among different departments in IP law enforcement**

Actively pushing forward cooperation among different departments in law enforcement and case handling. Giving full play to the role of the interdepartmental IP coordination mechanism at all levels, and actively advancing IP law enforcement coordination. Propelling the formation of a resultant force for interdepartmental protection in new technological fields. Intensifying the cooperation in patent protection of breeding methods of new varieties of plants. Perfecting patent protection coordination in importation and exportation, cooperating to build an identification mechanism for patent infringement in importation and exportation, collaboratively pushing forward and strengthening the protection of patent rights in border areas, and driving the governance of patent infringement acts at production origins and in sales. Establishing a sound system for patent protection cooperation at exhibitions, building a mechanism for reporting exhibits with patent signs for recordation, and establishing IP reporting, complaint and right safeguarding assistance work stations at major exhibitions. Working to expand the scope of interde-



partmental cooperation in law enforcement. Strengthening cooperation with relevant departments, giving full play to the role of IP protection in promoting and guaranteeing rapid development of high and new technologies, healthy development of people's livelihood-related industries, and integrated development of national defense construction and economic construction, speeding up the establishment of relevant mechanism for information communication, risk study and judgment, and cooperation in case handling to more intimately combine patent protection with major concerns of the people, and further enhancing coordination in the combat against various types of infringement and counterfeiting acts.

#### **V. Strengthening the building of the rights safeguarding assistance platforms, expanding the channels for public service of patent protection**

##### **xx. Deepening the rights safeguarding assistance, reporting and complaint mechanism**

Making the channels of IP reporting and complaint smooth. Strengthening the construction of platforms for reporting and complaints online and through communication terminals, perfecting the working procedures, regulating reporting and complaint acceptance, response, transfer, feedback and follow-ups, and building a reporting and complaint rapid response mechanism. Strictly implementing the reporting and complaint work accountability system to ensure complete implementation of reporting and complaint. Building a sound incentive system of IP reporting and complaint to encourage IPR owners and all social circles to report and complain about IP infringement and counterfeit acts.

Strengthening the public service function of right

safeguarding assistance centers. Expanding the service channels of right safeguarding assistance centers to make them important platforms for the people and IPR owners to seek support, supervise the work and make suggestions. Advancing the intensification of supports to the construction of right safeguarding assistance conditions. Promoting the quality of right safeguarding service and, by developing highly targeted right safeguarding plans, helping the right owners to protect their rights at low costs, shorten the right safeguarding cycle, and improve the right safeguarding effect.

##### **xxi. Strengthening IP safeguarding assistance service for innovative entities and start-ups**

Building an IP safeguarding assistance service mechanism for innovation and start-up. Expanding the width and depth of IP safeguarding assistance service for innovative talents and start-up runners, providing professional services of IP application, utilization and safeguarding for innovative talents and start-up runners by perfecting the network, thematic guidance, information monitoring, infringement identification and rapid safeguarding, fueling the strive to "encourage people to start their own businesses and to make innovations", promoting the introduction and development of talented people. Establishing green channels for providing IP safeguarding assistance for innovative talents and start-up runners, and rapidly accepting and resolving the IP safeguarding problems reflected by innovative talents and start-up runners.

Constructing a service network of IP safeguarding for innovation and start-ups. Setting up IP safeguarding assistance stations in areas where innovative talents and start-up runners cluster to realize point-to-point service from the stations to innovative talents and

start-up runners. Launching thematic promotion facing innovative talents and start-up runners, improving the IP safeguarding consciousness of innovative talents and start-up runners, and guiding innovative talents to get timely safeguarding assistance service through platform 12330. Deepening the matching of IP safeguarding centers with activities of innovative talents and start-ups, developing special IP safeguarding assistance plans to provide special IP safeguarding assistance service.

**xxii. Expanding the scope of the safeguarding assistance service**

Deepening the IP safeguarding assistance service mechanism in major activities. Developing IP safeguarding assistance work plans for the Winter Olympics, Garden Expos and other events with greater influences, clarifying work responsibilities, strengthening risk assessment, facilitating reporting and complaint, maintaining a good order in the events, and ensuring smooth launching of the events.

Expanding channels for patent right safeguarding and investigation. Giving play to the role of the right safeguarding assistance centers in launching social surveys of patent protection, extensively listening to the opinions and suggestions of patentees, innovation entities and legal service agencies and other walks of life, carrying out in-depth investigation and comprehensive study and judgment of the occurrence, right safeguarding demand and law enforcement effect of infringement and counterfeiting acts in different places, and providing feedback to the SIPO so as to make the evaluation of law enforcement and right safeguarding by local IP departments fairer and more objective.

Guiding enterprises to safeguard their rights in a

timely way. The right safeguarding assistance centers shall lead industrial associations and industrial IP leagues to provide a list of patented products with a high degree of innovation and great market responses; organize IP protection volunteers to discover clues of infringement and counterfeiting by focusing on the lists of patented products and through online retrieval and secrete market visits; and guide enterprises to safeguard their rights in a timely way. Perfecting the right safeguarding mechanism at overseas exhibitions. Taking large-scale overseas exhibitions as breakthroughs to advance IP safeguarding abroad. Establishing a linkage mechanism of rapid IP safeguarding at overseas exhibitions and domestic IP safeguarding assistance, giving play to the supportive role of the existing safeguarding assistance system in right safeguarding abroad. Selecting well-known overseas exhibitions which greatly influence the development of key industries in China and are patent-intensive to launch on-the-spot right safeguarding services.

**VI. Guiding social forces to participate in governance, jointly building a patent protection social governance mechanism**

**xxiii. Strengthening information disclosure and the construction of a social credit system**

Intensifying case information disclosure. Strengthening the work to disclose administrative punishment information of cases of counterfeit patents and handling decisions on patent infringement information for public review, expanding the scope and contents of information disclosure, strictly carrying out the public review standards. Intensifying exposure of patent offenses to effectively deter infringement and counterfeiting acts.



Perfecting the discredit punishment mechanism. Involving the information on relevant patent irregularities into the credit records of enterprises and individuals, clarifying the rules for collecting relevant credit information, actively pushing forward effective use of credit information. Making full use of the uniform social credit code database, effectively utilizing the national uniform platform for sharing and exchanging credit information, strengthening online disclosure and co-sharing of patent irregularities and discredit acts. Accelerating the building of a joint punishment mechanism in the patent field, making full use of relevant supervision and punishment means, intensifying strict limitation and joint punishment against enterprises or individuals with relatively more bad credit records, and advancing the intensification of punishment means targeting infringement and counterfeiting.

#### **xxiv. Completing diversified dispute resolution mechanism and social supervision mechanism**

Completing the diversified dispute resolution mechanism. Completing the IP mediation and arbitration rules, mobilizing social organizations and agencies of different types, giving play to the role of social mediation and arbitration and other alternative dispute resolution mechanism. Continuously doing the work of social satisfaction survey of IP protection. Intensifying social supervision of IP protection by patentees, professionals and the social public, extensively mobilizing social forces to participate in IP protection, exploring the building of an IP protection supervision mechanism, and improving the IP protection consciousness and social participation of the social public.

Guiding the building of industrial self-discipline mechanism for patent right safeguarding. Effectively

displaying the role of industrial associations, guiding industrial associations to provide good patent safeguarding service for their members, and giving play to the role of industrial associations in building a social governance mechanism of patent protection. Guiding the service agencies to provide all-round and high-quality safeguarding service.

#### **xxv. Giving full play to the role of patent protection priority contact mechanism**

Deepening the patent protection priority contact mechanism. Giving play to the professional advantages of patent protection priority contact units in infringement identification consultation, and investigation of infringement and counterfeiting acts. Further involving research institutes, institutions of higher education, service agencies, areas clustered by innovative talents, industrial parks into the priority contact mechanism; encouraging enterprises to join the patent protection priority contact mechanism and, under the premise of openness and voluntariness, guiding innovative enterprises to join the patent protection priority contact mechanism, listening to enterprises' appeals, opening up channels for patent protection by enterprises. Enhancing the initiative of market entities and innovation entities to participate in social governance of patent protection, and improving targeted in-process and after-process supervision of patent protection by law enforcement entities.

#### **VII. Actively creating a good international environment, deepening international cooperation in the field of law enforcement protection**

#### **xxvi. Actively expanding law enforcement communication and cooperation**

Actively expanding multilateral and bilateral IP

law enforcement communication and cooperation. Advancing the law enforcement information exchanges, personnel communication and law enforcement cooperation of the IP agencies in neighboring countries, major trade partners, BRICS and nations along the “Belt and Road”, intensifying cooperation in the cultivation of law enforcement talents, actively advancing cooperation in the supervision of law enforcement, intensifying the efforts of mutual reference and support, and cooperating to resolve issues of major concerns of each and every party. On the basis of conforming to the international rules and domestic laws, providing the same convenience for domestic and foreign enterprises in IP confirmation and safeguarding, attracting as many advanced foreign technologies as possible to transfer to China.

**xxvii. Effectively utilizing the dispute resolution mechanism**

Initiatively utilizing multilateral and bilateral IP dispute resolution mechanisms. Actively dealing with the IP disputes initiated by foreign parties, and protecting the legal rights and interests of the Chinese side in accordance with rules. When necessary, supporting the initiation of IP dispute resolution mechanism in multilateral trade mechanism, and actively protecting China’s rights and interests according to international rules. Guiding and supporting Chinese IP right owners to protect their legal rights and interests abroad.

**xxviii. Advancing the perfection of international rules on law enforcement protection**

Advancing the perfection of international rules on IP law enforcement protection. Actively participating in the IP law enforcement exchange activities held by

international organizations, pushing forward and strengthening the cooperation of international organizations in promoting their law enforcement capabilities, supporting professional international organizations to display their roles in settling IP disputes, strengthening the initiative and direction of participating in adjusting international rules on IP law enforcement protection, and proposing measures and suggestions in a timely way.

**VIII. Strengthening guarantees**

**xxix. Intensifying institutional guarantee**

Collaboratively strengthening institutional construction of strict patent protection. Actively cooperating with the legislation department to push forward the development and revision of relevant laws and regulations, revising and perfecting department rules and regulations in a timely way, encouraging areas where conditions are ripe to develop and revise local rules and regulations or government rules and systems in a timely way, and to actively explore the establishment of a legal system on strict patent protection. By advancing and perfecting systems, intensifying compensation for patent infringement and damages, regulating necessary means of administrative investigation and evidence collection against infringement acts that deliberately disturb the market order, clarifying the effectiveness of administrative mediation agreements to provide a necessary legal basis for people’s governments at all levels to perform their duty of patent protection supervision, advancing reasonable decision of administrative and judicial responsibilities to provide a sufficient legal guarantee for forming a resultant force for strict protection of patent right. Accelerating the studies and development of rules on IP protection in



such fields as the Internet, e-commerce and big data.

### **xxx. Strengthening team building**

Comprehensively strengthening the construction of patent law enforcement strength. Intensifying the construction of patent administrative law enforcement teams at all levels, ensuring basic stability of the law enforcement teams, and advancing the professional and specialized patent law enforcement teams in accordance with the law. Making full use of resources of professional talents in and outside the system, establishing a sound law enforcement guidance and consultation mechanism, and building a library of law enforcement consultation experts.

### **xxxi. Improving the guarantee of conditions**

Improving the informatization level of law enforcement. Giving full play to the important role of information technologies like big data, cloud computing and the Internet of Things in discovering, preventing and combating infringement and counterfeiting acts, and constructing an all-round information-based network of law enforcement and right safeguarding.

Strengthening the construction of law enforcement conditions. Actively advancing the abidance by laws and regulations, increasing investment in law enforcement, providing necessary law enforcement equipment, guaranteeing the basic demand for combating infringement and counterfeiting, and ensuring effective performance of duties. Local intellectual property offices shall strengthen the construction of standardized patent law enforcement and case handling, ensuring basic conditions like oral hearing rooms, and actively equipping the law enforcement personnel with portable patent legal status consultation equipment and audiovisual recording instruments at the law en-

forcement scenes. Law enforcement personnel shall be strict with their dress during law enforcement, and enhance the standardization, seriousness, and authoritativeness of law enforcement and case handling.

### **xxxii. Creating an environment of public opinions**

Innovating on the ways of creating public opinions. Extensively publicizing different ways of IPR safeguarding in regions and units with centralized innovation resources, and guiding different parties to select proper ways of dispute settlement. Issuing the latest study results of IP protection theories, and struggling for support of patent law enforcement and supervision from different parties. Innovating on the ways and methods of foreign publicity, actively promoting foreign publicity in multiple languages, and intensifying overseas publicity. Making full use of the ways of new media to promote the effect created by public opinions through government websites and the 12330 report and complaint platform.

Deepening the reporting of actual cases. Strengthening the reporting of successful cases of right safeguarding, exposing typical cases of IP infringement and counterfeiting, launching the selection of typical cases of administrative law enforcement in the national IP system, reporting the experience and deeds of advanced collectives and individuals in law enforcement and right safeguarding, and further enhancing the confidence of innovators, right owners and social public in the patent system. Creating an atmosphere of public opinions on strict patent protection.

### **xxxiii. Clarifying work paths**

Promoting overall launch of work. Local intellectual property offices and the departments and units of

the SIPO shall, according to the requirements here and their work responsibilities, detail measures, take constructive actions, and strive to launch various tasks to make achievements at work as soon as possible.

Encouraging pre-trial and pre-implementation. Guiding eligible places and units with a necessary foundation to select an aspect of strict patent protection, display their advantages, and make breakthroughs first.

Strengthening support and guidance. Taking integrated measures to intensify the support of places and units with prominent performance in strict patent protection, publicizing their experience nationwide in a timely way, scientifically leading the work of strict patent protection deeper, and accelerating the process of forming a strict patent protection situation nationwide.