



Circular of the SIPO Concerning the Revision and Distribution of *Administrative Measures on the National IP Pilot and Model Cities*

G. ZH. F. G. Z. [2016] No. 87

The intellectual property offices of provinces, autonomous regions, municipalities directly under the Central Government, and Xinjiang Production and Construction Corps, and intellectual property offices of all national IP model cities:

In order to thoroughly implement the innovation-driven development strategy and IP strategy, conscientiously implement the *Several Opinions of the State Council on Accelerating the Building of an Intellectual Property Power in the New Situation*, promote in a solid manner the IP powerhouse construction, and maximize the important roles of IP in the innovation-driven development and economic quality and efficiency enhancement and upgrading of cities, the SIPO has revised and improved the *Assessment and Administrative Measures on the National IP Pilot and Model Cities (Urban Districts)* (G. ZH. F. G. Z. [2014] No. 34) on the basis of summarizing the work experience from the previous phase. The newly revised *Administrative Measures on the National IP Pilot and Model Cities* is hereby issued to you for your compliance and implementation.

A circular is hereby made.

State Intellectual Property Office

November 18, 2016

Administrative Measures on the National IP Pilot and Model Cities

Chapter I General Provisions

Article 1 These Measures are developed to thoroughly implement the innovation-driven develop-

ment strategy and IP strategy, conscientiously implement *Several Opinions of the State Council on Accelerating the Building of an Intellectual Property Power in*

the New Situation, promote in a solid manner the IP powerhouse construction, maximize the important role of IP in the innovation-driven development and economic quality and efficiency enhancement and upgrading of cities, and further strengthen the assessment and administration of state IP model cities pilot and model cities in accordance with the requirements of the *National Intellectual Property Strategy Outline* for conducting various IP pilot and demonstration work in an in-depth manner.

Article 2 The assessment and administration of the national IP model cities pilot and model cities shall be conducted under the principle of “overall planning for promotion, categorized guidance, selective cultivation and dynamic administration”.

Article 3 The applicants for national IP pilot and model cities are eligible cities under separate state planning, sub-provincial cities, cities at the prefecture level (prefectures or leagues) and districts under the jurisdiction of the municipalities.

Article 4 The titles of the cities that conduct the IP pilot and demonstration work are respectively “national IP pilot city (urban district)” and “national IP model city (urban district)”.

Chapter II Assessment of Pilot Cities

Article 5 Application conditions for pilot cities include:

i. The leaders of the cities attach importance to the IP work, incorporate IP into the agendas, and continuously improve the guarantee for working conditions.

ii. The IP administration ability and level of the cities are at the intermediate level or above in the province (autonomous region and municipality).

iii. The cities have launched patent quality improvement work and achieved remarkable results.

iv. The cities have carried out IP operation, and certain achievements have been made in patent pledge and financing, patent navigation and other aspects.

v. The results of the patent administrative enforcement and right protection performance evaluation in the previous year before the application rank top 50% among the provinces (autonomous regions and municipalities).

Article 6 Application procedures for pilot cities include:

i. Developing preliminary plans. The cities eligible for the application shall, according to the work requirements for pilot cities and in light of the actual circumstances of urban work, determine the featured themes of the pilot work, and develop the (three-year period) work plans for the construction of pilot cities, and report them to the intellectual property offices of provinces (autonomous regions and municipalities) (hereinafter referred to as provincial intellectual property offices) upon approval of governments of the cities in principle.

ii. Investigation and recommendation. The provincial intellectual property offices shall, in accordance with the application conditions for pilot cities and the relevant materials submitted by the application cities, organize personnel to conduct investigation of the application cities, and make selective recommendation to the SIPO in light of the implementation of IP work by such cities. As for the cities to be recommended, the provincial intellectual property offices shall organize experts to deliberate on the featured themes of the pilot cities and work plans for the construction



of pilot cities, and guide the cities to make modification and improvements.

iii. Making applications. The provincial intellectual property offices shall file application of the relevant applications within provinces (autonomous regions, municipalities) in a unified manner. When filing applications, recommendation letters of the provincial intellectual property offices, application letters sent by the people's governments of the application cities to the provincial intellectual property offices, work plans for the construction of pilot cities, tables of the basic status of urban IP work (see Appendix 1), and relevant certification materials on the conditions as mentioned in Article 5 of these Measures shall be submitted.

Article 7 The SIPO shall conduct centralized assessment of the pilot cities once every year in principle to determine the list of pilot cities, and issue notices and grant plates to such cities.

Article 8 Within two months after the approval of pilot cities, the people's governments of such cities shall formally issue the work plans for the construction of pilot cities, establish the leading and coordinating mechanisms for the construction of pilot cities, and submit relevant documents to provincial intellectual property offices for recordation.

Chapter III Administration of Pilot Cities

Article 9 The provincial intellectual property offices shall take charge of the routine administration of pilot cities under the leadership of the SIPO. They shall clarify the departments and offices in charge of the administration of pilot cities, dispatch special persons to strengthen business contacts with the pilot cities, arrange special funds to give supports thereto,

and conduct performance assessment of the pilot cities each year.

Article 10 The people's governments of pilot cities are the parties responsible for the urban pilot work. The people's governments of pilot cities shall incorporate the urban pilot work into their important agendas, and strengthen organization, leadership, system construction, condition guarantee, and system innovation, so as to ensure that the pilot work achieves actual effects.

Article 11 The main tasks of the construction of pilot cities are: improving the administrative system and mechanism for IP, focusing on cultivating the IP competitiveness of enterprises, making more efforts in patent administrative enforcement and right protection and assistance work, strengthening the cultural construction and talent team building for IP, and actively exploring the relevant work in terms of pilot featured themes, among others.

Article 12 The pilot cities shall submit their work summaries of the previous year and current year work plans to the provincial intellectual property offices before January 31 each year. In case of major work arrangements and prominent problems in the pilot city construction process, they shall be reported to the SIPO for instructions through the provincial intellectual property offices.

Article 13 The work period of pilot cities is three years, and it shall start from the day of issuance of the reply notice. Within four months from the date of expiration, the provincial intellectual property offices shall organize assessment and acceptance of pilot cities, and submit relevant materials (mainly including the acceptance situation, the acceptance results

and the city summarizing materials) to the SIPO within two weeks within two weeks after the acceptance ends. The examination, acceptance and evaluation indicator system shall apply the indicator system for the assessment of model cities (see Appendix 2).

Article 14 Cities with examination and acceptance scores below 60 will be deprived of the title of “National Intellectual Property Pilot City”, and is not allowed to apply for the title within two years; cities with examination and acceptance scores between 60 and 70 may apply for entering the next round of pilot work. Cities with assessment and acceptance scores above 70 may apply for entering the demonstration fostering stage.

Article 15 The procedure to enter the demonstration fostering stage is; within six months from the date of expiration of model cities, the people’s governments of the cities print and issue the demonstration fostering work plan under the guidance of the intellectual property offices of provinces. The cycle of the demonstration fostering stage is three years, and shall start since the date of issuance of the demonstration fostering plan. The demonstration fostering work may be held many rounds.

Article 16 The procedure for entering a new round of pilot work is; within six months from the expiration of the pilot cities, the city people’s governments choose featured themes for the pilot cities under the guidance of the provincial intellectual property offices, and develop, print and issue the pilot work plans. The new round of pilot work shall start from the day the pilot work plan is printed and issued. The pilot work may be held many rounds.

Article 17 In case a pilot city fails to complete

the recordation work for entering the demonstration fostering stage or a new round of pilot work within six months from the date of expiration of pilot cities, it shall be deemed as withdrawing from the list of pilot cities, and is not allowed to apply for pilot cities again within three years.

Chapter IV Assessment of IP Model Cities

Article 18 Application conditions for IP model cities include:

i. Having entered the demonstration fostering stage for one year or longer, with significant work performance.

ii. Making the IP work an important content of government work, and involving it in the assessment system of district and county people’s governments.

iii. Ranking among the best of cities of the same category nationwide in terms of city IP management capability, and work guarantee and conditions.

iv. With the evaluation results of IP administrative enforcement and right safeguarding assistance of the year before the application ranking in the top 30% of the pilot cities.

v. Highlighting quality and benefit orientation in city patent financial aid policy, and making significant achievements in promoting patent quality during the pilot and demonstration fostering period.

vi. Launching systematic construction of urban IP operation, and with a patent pledge financing amount among the top 30% of all pilot cities in the year before the application.

vii. Being excellent in performance assessment at least twice in the annual performance assessments of pilot cities and cities at the demonstration fostering stage in the recent three years.



viii. Having no major massive, repeated or malicious IP infringement cases, or abnormal patent applications of big numbers in the recent two years.

ix. Having a monitoring result of objective strength indicators of 60 scores according to the indicator system for the assessment of model cities (see Appendix 2), and the weighted total scores of the indicator system reaching 80 after conversion.

Article 19 Application procedures for model cities include:

i. Application initiation. The SIPO prints and issues a notice inviting applications for model cities each year, and supports relevant provincial intellectual property offices to monitor the objective strength indicators of cities that intend to apply for the title. The provincial intellectual property offices organize and guide relevant cities in the provinces (autonomous regions, municipalities) to apply for the title according to the requirements in the notice.

ii. Evaluation and recommendation. The provincial intellectual property offices evaluate the candidate cities in the provinces (autonomous regions, municipalities) according to the indicator system for the assessment of model cities (see Appendix 2), and order the eligible cities before recommending the best to the SIPO in a uniform way.

iii. Application submission. The provincial intellectual property offices of the provinces shall uniformly submit relevant applications of the provinces (autonomous regions, municipalities). When submitting the applications, submitting the letters of recommendation of the provincial intellectual property offices, the written letters of application submitted to the provincial intellectual property offices by the city people's

governments, the fundamental work status sheet of cities when applying for national IP pilot and model cities (see Appendix 1), and scores assessed by the provincial intellectual property offices according to the indicator system for the assessment of model cities (see Appendix 2), and relevant certifying materials of the conditions stated in Article 18 of these Measures.

Article 20 The SIPO organizes the selection of model cities once every year in principle, determines the list of model cities, prints and issues the list, notifies the cities concerned, and grants the title to the cities concerned.

Article 21 Within four months from the approval of model cities, model cities shall, under the guidance of the SIPO, establish a sound leading and coordination mechanism for the construction of model cities, develop a work plan for the construction of model cities, and request the people's governments of such model cities to print and issue the work plan.

Chapter V Administration of Model Cities

Article 22 The SIPO shall be responsible for the administration of model cities, and the provincial intellectual property offices cooperate in the administration of model cities in the provinces (autonomous regions, municipalities).

Article 23 The SIPO strengthens the management and guidance of model cities, examines the work of model cities each year, monitors the patent strength of model cities, and organizes at least one work conference or work training on model cities. Relevant provincial intellectual property offices shall do a good job in managing the model cities in the provinces (autonomous regions, municipalities), set

supportive funds, and apply preference policies to model cities at work.

Article 24 The people's governments of model cities are the liability subjects of the work of model cities. The people's governments of model cities shall enhance the IP work to the level of city development strategy, integrate it into the general situation of economic and social development, and strengthen strategic planning, capacity building, and policy integration to ensure actual effect of the work of model cities.

Article 25 The main tasks of the construction of model cities are: to develop and implement the city IP strategy, strengthen city IP management and serviceability construction, perfect the city IP policy system, intensify the efforts and depth of implementation of the IP policy and coordination of relevant policies, enhance city IP creativity, improve the economic benefits of IP utilization, promote the effect of IP law enforcement and protection, and raise the development level of the IP service industry.

Article 26 Model cities shall submit their annual work summaries of the previous year and current year work plans to the SIPO before January 31 each year. In case of major work arrangements or prominent problems in the construction process, they shall be reported to the SIPO for instructions through the provincial intellectual property offices.

Article 27 The work period of an IP model city is three years, and shall start from the day of issuance of the reply notice. Within four months from the date of expiration, the people's government of the city shall submit a written application for reexamination through the provincial intellectual property office, and the SIPO shall organize relevant experts to reex-

amine such city. Cities not applying for reexamination will be deemed as withdrawing from the list of model cities and are not allowed to apply for the title within three years.

Article 28 Reexamination of the model cities adopts written examination in principle, and field examination when necessary. Main contents of the reexamination include: i. examining whether the current statuses of relevant cities meet the application conditions for model cities set in Article 18 here; cities that do not meet the application conditions shall be disqualified for applying for model cities. ii. making the annual performance assessment results, the monitoring of patent strength and the completion of the tasks and targets determined in the construction plan of model cities in the construction cycle of model cities the main bases of examination.

Article 29 Cities passing the reexamination will continue keeping the title of national IP model city, develop, print and issue new work plans for the construction of model cities, and launch a new round of construction of model cities. Cities failing to pass the reexamination will be deprived of the title of national IP model city and are not allowed to apply for model cities within two years.

Chapter VI Supplementary Provisions

Article 30 The provincial intellectual property offices shall make the work of pilot and model cities an important grasp to advance local IP work, increase investment, and push forward the work solidly. The SIPO examines the management of pilot and model cities of the provincial intellectual property offices.

Article 31 Where a city affects the acceptance, assessment and reexamination results with improper



means, or practice fraud in the application materials, if the situation is investigated and verified, the city will be disqualified for the application; in case the city has already obtained the title of pilot or model city, its title will be canceled.

Article 32 Having any of the following circumstances, a city will be deprived of the title of national IP pilot city (urban district) or national IP model city (urban district): having massive, repeated and malicious IP infringement cases or a great number of abnormal patent applications, which causes baneful influences nationwide, yet the city falls to take effective measures to curb the situation; having unqualified assessment results of patent administrative enforcement; being the last one of the same category of cities in performance assessment for two consecutive years.

Article 33 These Measures shall be interpreted by the Patent Affairs Administration Department of the SIPO, and shall enter into force since the day they are released. *Assessment and Administrative Measures on the National IP Pilot and Model Cities (Urban Districts)* (G. ZH. F. G. Z. [2014] No. 34) shall be abolished since the day these Measures enter into force. In case of any inconsistency between these Measures and other relevant documents, these Measures shall prevail.

Appendixes: 1. Fundamental Work Status Sheet of Cities when Applying for National IP Pilot and Model Cities (Omitted)

2. Indicator System for the Assessment of Model Cities (Omitted)