



**Circular of the SIPO Concerning the Issuing of
*Implementation Plan on Pursuing the Outline of
Construction of Government under the
Rule of Law (2015–2020)***

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

The *Implementation Plan on Pursuing the Outline of Construction of Government under the Rule of Law (2015–2020)* is formulated in accordance with the requirement of *Circular of the CPC Central Committee and the State Council Concerning the Issuing of Implementation Plan on Pursuing the Outline of Construction of Government under the Rule of Law (2015–2020)*, and in light of the IP work reality. It is hereby printed and issued to you for your conscientious implementation in accordance with your realities.

A circular is hereby made.

State Intellectual Property Office

September 13, 2016

**Implementation Plan on Pursuing the Outline of Construction of
Government under the Rule of Law (2015–2020)**

In order to realize the goal of building a law-based government that has been determined at the 18th National Congress of the CPC, comprehensively implement the decisions and arrangements of the Party

Central Committee and the State Council on accelerating the construction of a law-based government, and ensure smooth realization of the goal of constructing an IP powerhouse, this Plan is formulated in accordance

with *Outline of Construction of Government under the Rule of Law (2015–2020)* and in light with the IP work reality.

I. Guiding ideology

Holding high the great banner of socialism with Chinese characteristics, comprehensively implementing the guidelines of the 18th National Congress of the CPC and those of the third through fifth plenary sessions of the 18th CPC Central Committee, taking Marxism–Leninism, Mao Zedong Thought, Deng Xiaoping Theory and the important thought of “Three Represents” and the scientific outlook on development as the guidance, thoroughly putting into practice the principles from General Secretary Xi Jinping’s major addresses, sticking to the Four–Pronged Comprehensive Strategy, focusing on the general goal to build a socialist legal system with Chinese characteristics and build a socialist nation ruled by law to implement the national IP strategy under the guidance of the innovative, coordinated, green, open and sharing development concept, speeding up the IP powerhouse construction, and advancing law–based administration in the IP system, accelerating the legal construction of the IP section, fostering and practicing the socialist core values, carrying forward the socialist rule of law, and pushing forward the modernization of the IP governing system and governance capability to lay a more solid foundation for realizing the “Two Centenary Goals” and the Chinese dream of great rejuvenation of the Chinese nation.

II. Overall goal

The requirement, in the construction of a law–based government, on an IP system that features scientific functions, statutory powers and responsibili-

ties, strict law enforcement, openness and fairness, honesty and high efficiency, and law–abiding integrity is basically met till 2020 with unremitting efforts.

III. Major tasks and measures

i. Comprehensively fulfilling the IP management function in accordance with the law

Goal: The reform in the IP field is deepened, the IP management system is improved, an IP management system and mechanism featuring clear–cut powers and authorities, reasonable division of work, consistent powers and responsibilities, highly–efficient operation and legal guarantee is basically formed, and modernization of the IP governance system and capability is basically realized, as well as department functions like macro–management, market supervision and public services are comprehensively performed.

Measures:

1. Strengthening macro management

Deepening the implementation of the national IP strategy, organizing the formulation of supporting policies to accelerate the IP powerhouse construction, increasing safeguards of the rule of law; intensifying the organization and implementation of the national IP strategy; advancing the work according to the division of tasks and implementation plan for accelerating the IP powerhouse construction, and strengthening supervision and examination of the implementation of strategic tasks; taking the lead in developing and implementing the *National Plan for Protection and Application of Intellectual Property Rights During the Period of the Thirteenth Five–year plan*, a key special national planning, and developing the annual *National Plan for the Promotion of the Patent Undertaking Develop-*



ment Strategy, and advance priority tasks.

2. Deepening the reform of the IP administrative examination and approval system

Well implementing and linking the administrative approval matters already canceled or delegated; exploring cataloguing and coding management of the remaining administrative approval matters, launching parallel handling, handling in limited time, regulate handling, transparent handling and online handling in an all-round manner to improve administrative efficiency and stimulate social vitality; developing department power list, responsibility list and negative list according to central uniform arrangements, and publicizing them as prescribed; and carrying out dynamic management of the lists.

3. Strengthening market supervision

Focusing on building a good market order to perfect the patent law enforcement supervision system, innovate on the ways of supervision, intensify law enforcement supervision and build a patent administrative law enforcement information system; utilizing information means like Big Data and Cloud Computing to improve the accuracy of the cracks down upon infringement and counterfeits, increase the informatization level of law enforcement supervision, and advance the implementation of the working mechanism of "random inspections and prompt release of results"; reforming the supervision system of the patent agency industry, and strengthening in-process and after-process supervision; perfecting the IP system credit information catalogue, building a uniform credit information platform of the IP system, and strengthening the interconnectivity with the national credit information co-sharing platform.

4. Innovating on social governance in the IP field

Implementing the industrial association disconnection reform according to central arrangements, deepening the socialized and market-oriented reform of industrial associations, innovating on the industrial association management system and operational mechanism to stimulate their inner vitality and development momentum; exploring to launch pilots of "multiple associations in one industry" in IP service industry, supporting eligible areas to establish local IP service industrial associations; increasing the service level of patent agency industry, strengthening industrial self-discipline, intensifying professional ethics and good practices, and guiding orderly competition in the industry.

5. Optimizing IP public services

Focusing on promoting the healthy development of the IP undertaking, speeding up the establishment of a patent information public service system that covers administrative regions at all levels; perfecting the patent data service system, expanding the scope of basic patent data that are provided for the social public free of charge; expanding IP information service branches, supporting the libraries and scientific and technological intelligence system of institutions of higher education to strengthen the building of IP information serviceability; revising before publishing National Patent Information Public Service Guidelines; studying before releasing overseas IP environment reports, drafting before publishing overseas IP environment overviews, providing retrieval and downloading services free of charge in special columns of the portal websites of the intellectual property offices; perfecting the information publicity and release platform, optimizing the contents and forms of IP lectures for public

welfare; promoting and perfecting the work of government procurement of service programs, and strengthening demand management and implementation organization of service programs of government procurement.

ii. Perfecting the IP legal system

Goal: The quality of legislation in the IP field is improved, and an institutional system for law-based administration that features a complete system, scientific norms, and effective operation is constructed to make all systems more mature and structured.

Measures:

6. Perfecting the IP legislation institution and mechanism

Strictly implementing the provisions of the legislation law, insisting on promoting legislation, revision, annulment and interpretation simultaneously, perfecting the procedures for drafting laws and administration laws and regulations and for developing rules and regulations, completing the mechanism for project approval, drafting, argumentation, coordination and deliberation of the formulation and revision of rules and regulations, advancing the refinement of IP legislation, making legislation more timely, systematic, targeted and effective, strengthening surveys and deliberation, fully listening to the opinions of different parties, sticking to legislation with an open mind, holding post-legislation evaluation of department rules and regulations, making government legislation more scientific, strengthening the interpretation of IP rules and regulations, and following the principle of horizontal communication and vertical coordination to further perfect the local patent legislation guidance coordination mechanism.

7. Intensifying legislation in key IP fields

Focusing on the core IP work to further advance the legislation process in key IP fields, actively coop-

erate with the legislative departments to push forward patent law revision and the work of developing and revising relevant administrative laws and regulations, revise before perfecting department rules and regulations in a timely way, promote IP creation and utilization, and apply strict IP protection; insisting on advancing the reform in the IP field under the rule of law and perfecting the rule of law in the reform; realizing the unification and linkage of legislation and reform decision-making to ensure legal references for major reforms and active adaptation of legislation to the demands of reform and economic and social development; ascending the relatively mature reform experience and effective reform measures in IP practices to rules and regulations or laws and legal provisions in a timely way.

8. Improving the degree of public participation in IP legislation

Exploring to entrust a third party with drafting laws, regulations and rules, expanding the ways and methods of orderly participation in legislation by all walks of life, absorbing innovative entities, experts and scholars and social organizations to participate in the work of legislation drafting or give their consultation opinions; extensively soliciting opinions in multiple ways like interviewing, holding seminars or conducting questionnaire surveys; perfecting the system of soliciting opinions from the delegates to National People's Congress when drafting laws, regulations and rules, combining the replies to NPC delegates' suggestions, Chinese People's Political Consultative Conference (CPPCC) proposals with legislation; extensively and openly soliciting opinions on drafts of laws, regulations and rules from the society through the Internet, newspapers, letters and opinion solicitation conferences (unless otherwise they need to be kept



confidential in accordance with the law); strengthening the communication with social public, completing the feedback mechanism for the adoption of public opinions, doing a good interpretation job, and extensively condensing social consensus.

9. Strengthening the management of normative documents

Perfecting the procedures for developing normative documents, carrying out systems such as legitimacy censorship, collective discussion and decision-making, clarifying the procedures for the drafting, legitimacy censorship, approval, release, interpretation, recordation and disposal of normative documents, implementing a system of uniform registration, coding and printing and issuance of normative documents, and establishing a perfect recordation database of normative documents.

10. Establishing a long-term mechanism for the disposal of rules and regulations and normative documents

Disposing of relevant rules and regulations and normative documents in a timely way; completing the revision of relevant normative documents on the basis of disposing of existing rules and regulations and normative documents in a centralized way; perfecting the long-term mechanism for disposing of normative documents, and implementing dynamic and information-based management of rules and regulations and normative documents before releasing the results to the society in a timely way.

iii. Making administrative decisions more scientific and more democratic in accordance with the law

Goal: The IP administrative decision-making process features a scientific system, proper procedures, open process and clear responsibilities; the

legal decision-making procedures are strictly implemented; the decision-making quality is significantly improved; the decision-making efficiency is effectively guaranteed, and illegal decision-making, improper decision-making and prolonged decision-making are significantly reduced and corrected in a timely way; and the credibility and executive force of administrative decision-making are improved significantly.

Measures:

11. Perfecting the decision-making mechanism in accordance with the law

Efforts must be made to improve the procedural system for major IP decision-making, further clarify the decision-making entities, scope of matters and specific procedures, and strictly follow the procedural requirements of public participation, expert deliberation, risk evaluation, legitimacy censorship, and collective discussion.

12. Enhancing the real effect of public participation

Extensively soliciting opinions on major administrative decision-making matters that concern the general situation of economic and social development and involve immediate interests of the people, fully communicating with the stakeholders, and paying attention to listening to the opinions of NPC delegates, CPPCC members, mass organizations, grassroots organizations and social organizations; increasing public participation in platform construction; disclosing information on and explaining decision-making matters of great concern through government websites and other first-class domain name websites, government bulletins, WeChat public accounts, China Intellectual Property News and other public platforms and mainstream media, online media, and providing timely information on the acceptance of feedback opinions

and the reasons.

13. Improving the quality of expert deliberation and risk evaluation

Perfecting the IP expert and talent libraries, completing the IP experts liaison mechanism and the national IP experts consultation committee; exploring the establishment of multi-level, diversified IP think-tanks with Chinese characteristics, and perfecting the mechanism for expert deliberation and risk evaluation of major IP policies and projects.

14. Perfecting the legal consultants and government lawyers system

On the basis of the existing pilot plan on government lawyers, completing the legal consultants and government lawyers system, developing specific measures for implementing the legal consultants system and the government lawyers system; perfecting the team of legal consultants where personnel from legal affairs institutions are the mainstay and experts and lawyers participate; giving full play to the active role of legal consultants and government lawyers in law-based administration; and providing a necessary guarantee for legal consultants and government lawyers to launch work.

15. Strengthening legitimacy censorship

Establishing a legitimacy censorship mechanism for major IP decisions, and the legal affairs departments shall be responsible for legitimacy censorship of relevant decisions; where the legitimacy of a decision is not censored or the decision does not pass the legitimacy censorship, it must not be submitted to discussion. In the work of legitimacy censorship, the active role of legal consultants in making major administrative decisions and advancing law-based administra-

tion needs to be ensured.

16. Sticking to making decisions through group discussions

Major administrative decisions shall be made after discussion of the department leaderships at conferences, and the primary persons in charge shall make the decisions on the basis of group discussion. Where the decisions to be made by the primary persons in charge are inconsistent with the opinions of the majority of conference attendees, they shall explain why such decisions are made at the conferences. Group discussions and decisions need to be recorded truthfully and kept completely in the archives.

17. Strictly investigating the decision-making accountability

Taking measures to track the implementation and the implementation effect of decisions, making evaluation after major administrative decisions are made according to actual needs; exploring to establish lifelong accountability system and responsibility investigation system for major decisions, and investigating the Party discipline and political discipline and legal responsibilities of relevant persons in charge in accordance with the law if they make major decision-making errors or shall have made decisions in a timely way in accordance with the law, but prolong the process and cause major loses or baneful influences.

iv. Insisting on strict, regulated, standard, just and civilized law enforcement

Goals: A sound IP administrative law enforcement system featuring unity of rights and duties, authoritativeness and high efficiency is established; patent laws, regulations and rules are strictly implemented; illegal patent acts are investigated and punished



in a timely way; the legal rights and interests of patent right owners and social public are effectively and concretely protected; the order of market competition is effectively maintained; administrative offenses or improper acts are reduced significantly; and social satisfaction with patent administrative law enforcement is improved significantly.

Measures:

18. Reforming the patent administrative law enforcement system

Actively advancing the pilot reform program for comprehensive management of IP rights; deepening the coordination and dispatching mechanism of regional patent administrative law enforcement, and reasonably allocating the law enforcement strength; strengthening law enforcement coordination with the administration for industry and commerce and the copyright administration, deepening the mechanism for collaboration and cooperation between the IP departments and the public security organ to form a resultant force for law enforcement and improve the combating efficiency; intensifying law enforcement, strengthening law enforcement and rights safeguarding in fields of emerging business formats like the Internet and fields of people's livelihood like medicine and food, and improving the work efficiency and level of law enforcement and rights safeguarding.

19. Perfecting the patent administrative law enforcement procedures

Further pushing forward the standardization construction of patent administrative law enforcement, developing uniform regulations on patent administrative law enforcement and case handling, perfecting measures for patent administrative law enforcement,

prioritizing the regulation of administrative penalties and administrative handling and other law enforcement behavior; further carrying out systems for administrative law enforcement investigation and evidence collection, notification, and income confiscation and management, and clarifying the applicable conditions for decision-making through hearings or collective discussions.

20. Innovating on the ways of patent administrative law enforcement

Implementing in depth the public review system of administrative law enforcement, disclosing information on administrative law enforcement cases; intensifying administrative law enforcement informatization construction and information sharing, perfecting the reporting and complaint platform for IP rights safeguarding assistance, advancing the integration of the reporting and complaint system, the online case handling system, the case reporting and submission system and the credit information system, constructing an all-round information-based network for law enforcement and rights protection; intensifying the application of science and technology and equipment, and improving the convenience and accuracy of on-site case handling.

21. Comprehensively implementing the patent administrative law accountability system

Work should be done to establish a sound patent administrative law enforcement accountability system, clarify the law enforcement powers and duties of different posts and job responsibilities; perfect the administrative law enforcement supervision network, make full use of the public welfare hotline and the online reporting and complaint platform for rights safe-

guarding assistance, and deepen the reporting and complaint and information notification system.

22. Perfecting the patent administrative law enforcement personnel management system

Launching the work of verifying patent law enforcement certificates in the IP system, issuing patent administrative law enforcement certificates and patent administrative law enforcement signs to new law enforcement personnel, fully implementing the system of administrative law enforcement personnel working with a certificate and qualification management; those failing to pass the law enforcement qualification examination are not allowed to engage in law enforcement activities.

23. Strengthening the guarantee for administrative law enforcement

Detailing the measurement references, providing corresponding support for local intellectual property offices in patent law enforcement and case handling; promoting local IP offices with the law enforcement authority to improve the conditions for law enforcement and case handling, set special places for handling and settling patent disputes, and provide the law enforcement personnel with basic equipment for case handling.

v. Strengthening the restriction and supervision of administrative powers

Goals: A scientific and effective restraining and supervision system for administrative power operation is basically formed; the system for punishing, rectifying, and preventing corruption is further completed; the supervision of all aspects forms a resultant force; illegal administrative acts are corrected in a timely way; and the persons liable for illegal administration

are strictly investigated.

Measures:

24. Completing the restraining and supervision system for the operation of administrative powers

Implementing the provisions on managing powers, work and staff with systems, insisting on mutual coordination and restraining of the decision-making, execution and supervision powers, perfecting the supervision system, ensuring the exercise of powers within the statutory limit of power and according to legal procedures, and insisting on scientific, democratic and law-abiding decision-making; effectively implementing the requirements of making public the operational procedures of administrative powers, punishing and preventing corruption, preventing and controlling honest government risks, and preventing interest conflicts; carrying out the provisions on establishing civil servants' credibility files, strengthening civil servants' credibility management, and giving play to the demonstrative role of credibility construction.

25. Consciously accepting inner-Party supervision, NPC supervision, democratic supervision and judicial supervision

The Party organizations of the intellectual property offices shall effectively perform their responsibilities as main entities in the construction of the Party conduct and of honest and clean administration, and the secretaries of the Party organizations shall be the primary persons in charge and responsible for the construction of the Party conduct and of honest and clean administration in the intellectual property offices; the grassroots Party organizations shall effectively perform their responsibilities as main entities of the construc-



tion of the Party conduct and of honest and clean administration. The construction of the Party conduct and of honest and clean administration and the anti-corruption work shall be involved into the annual work priorities of Party building. The implementation of the accountability system for the construction of the Party conduct and of honest and clean administration shall be regularly supervised and examined to discover and rectify problems in a timely way. NPC suggestions and CPPCC proposals shall be well handled. The system of appearing in court to respond to lawsuits in accordance with the law shall be completed, the procedures for handling matters relating to the response to lawsuits shall be perfected, the management and analysis of failed cases shall be strengthened, and judgments that are made by the court and have already become effective shall be respected and executed.

26. Strengthening administrative supervision and auditing supervision

Strengthening internal power restriction, regulating the procedures for power operation, focusing on advancing the supervision and management of key departments in charge of fiscal capital allocation and use, government procurement, infrastructure construction and crucial posts, and realizing whole-process standardized control; effectively performing the supervision responsibility, ensuring the implementation of tasks of the construction of clean and honest administration; perfecting the auditing system, revising internal auditing provisions, perfecting an auditing management system that is conducive to independent exercise of the auditing supervision right in accordance with the law, further carrying out relevant auditing systems, and implementing full coverage of

auditing of public funds, state-owned assets and leading cadres' performance of their economic responsibilities.

27. Perfecting the social supervision and public opinion supervision mechanism

Completing the illegal administrative behavior complaint, reporting and registration system; keeping such channels as the reporting boxes, hotlines, and online reporting smooth; perfecting the news propaganda-related system; and completing the mechanism for monitoring, collecting, studying, judging and disposing of online public opinions.

28. Advancing the publicity of government affairs

Constantly perfecting the construction of the online platform for disclosing government affairs, establishing before competing relevant systems and mechanisms, rationalizing the links of channels for disclosing government affairs, and intensifying the effort to disclose government affairs; promoting information disclosure in key fields, strengthening the work of initiative openness in an all-round manner, intensifying the management and service of disclosing government affairs upon application, strengthening policy interpretation and news release, responding to social concerns in a timely way; perfecting the news spokesperson and emergency information release systems, and well guiding public opinions on hotspots and sensitive issues.

29. Perfecting the mistake correction and accountability system

Advancing the construction of regulated and institutional accountability, developing specific implementation measures, further clarifying the accountability scope and procedures, and intensifying the ac-

countability work; carefully carrying out the accountability system for the construction of the Party conduct and of honest and clean administration, insisting on correcting every mistake and investigating all responsibilities whenever discovered; the main persons in charge and the members of the leadership shall take the lead in the work and in administration and control, constantly enhance the sense of responsibility for rectifying the problems of “formalism, bureaucracy, hedonism and extravagance”, resolutely rectify the behavior of mediocre and lazy administration and of neglecting administrative duties, and insist on combating “formalism, bureaucracy, hedonism and extravagance” .

vi. Effectively resolving IP disputes in accordance with the law

Goals: The rights and interests of IP right holders and the social public are effectively safeguarded, and a diversified IP conflicts and disputes resolution mechanism featuring fairness, efficiency, convenience and low costs is basically formed, and the role of the IP department in preventing and resolving administrative and civil disputes is given full play to.

Measures:

30. Competing the mechanism for resolving IP disputes in accordance with the law

Deepening the rights safeguarding assistance, reporting and complaint mechanism, expanding the channels of social supervision, and resolving IP disputes in accordance with the law; accelerating the setting of rapid IP protection centers in areas where national key industries cluster, pushing forward orderly construction of such centers; initiating the Seventh

Five-year Plan on the publicity and education of IP laws and orders nationwide, intensifying the work of legal knowledge publicity, improving the social public’s IP protection awareness and capability, and guiding and supporting the right owners and the social public to express their pursuits and protect their rights and interests in accordance with the law.

31. Intensifying administrative reconsideration

Perfecting department rules and regulations on administrative reconsideration, completing the mechanism for hearing administrative reconsideration cases, intensifying trials through open hearings, correcting illegal or improper administrative behaviors; improving the quality of administrative reconsideration and patent reconsideration case handling; making administrative reconsideration more professional, transparent and credible; strengthening the guarantee of work conditions for administrative reconsideration, intensifying the capability building and trainings of reconsideration and review personnel, and perfecting the job requirements and exchange mechanism of reconsideration and review personnel.

32. Perfecting the administrative mediation, administrative adjudication and arbitration system

Completing the patent disputes administrative mediation system, perfecting the mediation mechanism, and regulating the mediation procedures; implementing in depth the project for promoting the law enforcement capability, handling patent infringement disputes in accordance with the law; studying and exploring the feasibility, plans and ways of arbitration of IP disputes, launching early-stage pilots, and combining the work of arbitration with that of media-



tion.

33. Intensifying the work of people's mediation

Launching the pilot work of dispute mediation, accelerating the cultivation of IP disputes settlement agencies with regional or industrial influences, fostering a team of professional mediators with professional backgrounds and practical experience; giving play to the important role of people's mediation in resolving IP disputes, intensifying promotion, and forming a long-term mechanism for dispute settlement that features participation of all parties, coordination and linkage, and rules to abide by.

34. Reforming and completing the letters and visits system

Regulating the work procedures of letters and visits, maintaining the order of the work of letters and visits, development specific norms; optimizing the ways of letters and visits, perfecting the online letters and visits acceptance system, building "Head's Mailbox" and an "Online Letters and Visits" registration system; strictly implementing the separation of appeals and visits, promoting the handling of letters, visits and complaints in a classified way through legal means, and leading the mass to resolve conflicts and disputes within the framework of the rule of law.

vii. Enhancing the legal thinking and ability of administration in accordance with the law of the staff in the IP system

Goal: Staff in the IP system, especially the leading cadres, set up a firm basic concept of rule of law that the Constitution and laws are the supreme, people are equal in front of the law, powers are determined by law, and powers are exercised by law; strictly abide by the basic requirements on law-based

administration such as law-abiding administration, reasonable administration, proper procedure, high efficiency and convenience, honesty and integrity, and unity of power and responsibilities; are models of respecting, studying, abiding by and using laws; and their legal thinking and capability of law-based administration are significantly enhanced, and they advance the IP work in an all-round manner along the legal orbit.

Measures:

35. Establishing the orientation of highlighting legal deposits and the ability to rule by law

According to the central uniform arrangements, perfecting the cadres election, cultivation and exchange system, making the concept of the rule of law and legal deposits important standards to assess cadres' morals and talents, and the abidance by the law and work by law important contents to observe cadres, using cadres who strictly follow Party disciplines and abide by the national law, giving priority to promoting and using cadres who have good legal deposits and are highly capable of working by law when conditions are the same; criticizing and educating cadres who prefer privileges and have a weak concept of the rule of law, urging them to making rectifications; where the problem is serious or a cadre is against the law or discipline, the cadre concerned shall be seriously punished in accordance with the law and disciplines.

36. Strengthening the education and training of laws and orders

Intensifying the education and training of laws and orders in staff in the IP system, especially the leading cadres, making the education of laws and or-

ders an important content of trainings on leading cadres' ability building; strengthening the training of relevant legal knowledge; holding at least two thematic lectures on laws and orders each year; encouraging on-the-job studies for law programs and diplomas, perfecting legal knowledge training courses in orientation training, on-the-job trainings and middle- and high-end talent trainings; giving full play to the role of Party schools as the main battlefield of educating and training cadres, highlighting the education of the socialist legal system with Chinese characteristics and that of inner-Party rules and regulations and systems cored with the Party Constitution, focusing on improving Party cadres' legal thinking and ability to work by law, strengthening the orientation training of patent administrative law enforcement, deepening trainings for improving professionalism, and steadily enhancing the ability of rule by law and case handling.

37. Perfecting the examination and testing system of the government ability by laws and orders

Strengthening the legal knowledge examination and test of law-based administration of leading cadres before they take their posts, making the examination and test results an important reference for leading cadres to take office; perfecting the civil servants' enrollment, examination and test work, paying attention to observing the candidates' legal deposits during enrollment; and implementing provision on the examination of civil servants' law-based administration in their promotion.

38. Paying attention to enhancing legal thinking and law-based administration through legal practices

Focusing on the demands for developing the IP course and constructing a law-based government to

strengthen the exchanges of cadres; expanding the channels of cadres taking temporary posts, intensifying two-way work of taking temporary posts in local governments and courts and like units, intensifying the work of patent examiners taking temporary posts in legal affairs institutions, further increasing cadres' legal deposits, and improving cadres' ability of administration by law; organizing the work of patent examiners taking an oath before they carry out patent examination independently, enhancing patent examiners' sense of law; perfecting the guiding mechanism for issues concerning the application of law to patent administrative law enforcement, building a system of instructive cases of administrative law enforcement, promoting the interpretation of law with cases; the staff in the IP system shall consciously utilize the legal thinking and legal ways to deepen reforms, advance development, resolve conflicts and maintain stability.

IV. Organization guarantee and implementation mechanism

39. Strengthening Party leadership over the construction of a law-based government

Insisting that the Party shall take control of the general situation and coordinate all parties, giving full play to the core leading role of Party organizations as the core of leadership, and thoroughly implementing Party leadership in the whole process and all aspects of the construction of a law-based government; determining and deploying work priorities of the construction of a law-based government each year, strengthening the building of legal affairs institutions, constantly improving the ideological and political deposits and professional proficiency of relevant staff; intensifying the cultivation and use of legal affairs ca-



dres, valuing the cultivation and promotion of legal affairs cadres with a high political caliber, good legal deposits and great work ability; perfecting the work mechanism for the publicity and education of laws and orders, completing the legal liaisons system, realizing cross-department overall planning and coordination, advancing innovations in the work of publicity and education of laws and orders; making use of the existing work mechanism to effectively strengthen organization coordination of the construction of a law-based government, studying and deliberating in depth major problems in the construction of a law-based government, and collaboratively advancing the construction of a law-based government.

40. Implementing the responsibilities of the primary person in charge

Establishing an organization leadership system where the primary person in charge takes the lead and all departments make division of work before implementing the work. The primary person in charge of each department is its first person responsible for the construction of a law-based government; building an annual reporting system of the construction of a law-based government to form annual reports on the construction of a law-based government, releasing such reports through newspapers and government websites.

41. Intensifying assessment and evaluation, supervision and examination

The actual effect of the construction of a law-

based government should be an important content of assessing leading cadres' work performance, and should be incorporated into their annual performance assessment. The grassroots Party organizations shall educate and lead their Party members who are cadres to respect, study, abide by, and use the law. Measures should be taken to strengthen the supervision and inspection of the construction of a law-based government and law-based administration, discover and rectify problems in a timely way, and regulate administrative activities to improve administrative efficiency.

42. Strengthening theoretical studies, typical demonstration and propaganda guidance

Actively organizing and initiating basic studies on an IP legal system with Chinese characteristics, and starting with the national conditions of China to settle real problems; intensifying the publicity of IP laws and orders, and joining hands with relevant departments to hold the event of national IP awareness week each year; effectively utilizing various propaganda resources, fully mobilizing the initiative of localities; vigorously launching the propaganda work of advancing law-based administration and construction of a law-based government by giving play to the advantages of traditional media and making use of the characteristics of emerging media; striving to construct a grand IP propaganda pattern, and creating a good atmosphere for accelerating the IP powerhouse construction.