

Circular of the SIPO Concerning the Issuing of the *Seventh Five-year Plan on the Publicity and Education of IP Laws and Orders Nationwide (2016–2020)*

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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;

To further promote the publicity and education of IP laws and regulations, this Office has developed the *Seventh Five-year Plan on the Publicity and Education of IP Laws and Orders Nationwide (2016–2020)* following the requirements of *Seventh Five-year Plan of the Publicity Department of the CPC Central Committee and the Ministry of Justice for Nationwide Legal Knowledge Publicity and Education (2016–2020)* that is forwarded by the CPC Central Committee and the State Council, and hereby prints and distributes it to you. Please carefully organize thorough implementation of it in light of your realities.

A circular is herelay made.

State Intellectual Property Office

September 12, 2016

Seventh Five-year Plan on the Publicity and Education of IP Laws and Orders Nationwide (2016–2020)

To continue deepening the publicity and education of IP laws and regulations, improve the legal awareness and the ability of law-based administration of the cadres and staff of the intellectual property of-

fices at all levels, further enhance people's consciousness of IP protection, and provide a legal guarantee for building China into an IP powerhouse, this Plan is formulated in accordance with the require-



ments in the *Implementation Outline for Building a Law-based Government (2015–2020)*, *Resolution of the Standing Committee of the National People's Congress on Carrying out the Seventh Five-year Plan for Legal Knowledge Publicity and Education*, *Seventh Five-year Plan of the Publicity Department of the CPC Central Committee and the Ministry of Justice for Legal Knowledge Publicity and Education in Citizens (2016–2020)* and *Opinions on Perfecting the System for State Functionaries to Study and Use Laws*, and in light of the IP work reality.

I. Guiding ideology, goals, and work principles.

The guiding ideology of the “Seventh Five-year Plan” for the publicity and education of IP laws and orders is: to hold high the great banner of socialism with Chinese characteristics, comprehensively implement the principles of the 18th National Congress of the CPC and those of the third through fifth plenary sessions of the 18th CPC Central Committee, take Marxism–Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thought of “Three Represents” and the scientific outlook on development as the guidance, thoroughly implement the spirit of General Secretary Xi Jinping’s important addresses, stick to the Four-Pronged Strategy, persist in the concept of innovative, coordinated, green, open, and shared development, give full play to the basic role of legal knowledge publicity and education in comprehensive rule of law and the construction of a law-based government, advance the creation of an IP culture, provide an important guarantee for accelerating the construction of a great IP powerhouse, and “encourage people to start their own businesses and to

make innovations” to create a good legal environment of IP for economic and social development during the “Thirteenth Five-year Plan” period.

The goals of the “Seventh Five-year Plan” for the publicity and education of IP laws and orders are: the work mechanism of legal knowledge publicity and education of the intellectual property offices at all levels gets further improved, the legal awareness and ability of law-based administration of all cadres and staff, especially leading cadres and key talents, get significantly improved, the awareness of Party constitution and Party rules is obviously enhanced; the consciousness of the rule of law and the consciousness of IP protection get further enhanced, and a social atmosphere that respects innovation, worships innovation and protects innovation is created.

The work principles of the “Seventh Five-year Plan” for the publicity and education of IP laws and orders are:

—Focusing on the center and serving the general situation. We will launch legal knowledge publicity and education around the central work of IP, create a good legal environment for comprehensively implementing the “Thirteenth Five-year Plan,” and provide a legal guarantee for constructing a great IP powerhouse.

— Adhering to classified guidance, and paying attention to both learning and application. We will provide classified guidance for leading cadres and staff of the intellectual property offices at all levels and for the social public when publicizing the IP laws among them, help the intellectual property offices at all levels to put their work into the orbit of rule of law, improve the level of law-based administration, and en-

courage the whole people to respect, learn, abide by, and apply laws.

—Insisting on innovative ways and paying attention to actual effect. We will constantly summarize our experience in the work of popularizing the IP laws, master rules, pioneer and innovate, and launch legal knowledge publicity and education in ways that are easily assessable and highly acceptable to the leading cadres and staff of the intellectual property offices at all levels and the social public, and make it more targeted and effective, and will work hard against formalism.

II. Main tasks

i. Carefully studying General Secretary Xi Jinping’s important addresses on comprehensive rule of law

Studying and propagating General Secretary Xi Jinping’s important addresses on comprehensive rule of law, increasing the consciousness and firmness of keeping to the path of socialism with Chinese characteristics, enhancing the enthusiasm and activeness of the whole society to strictly implement the rule of law; comprehensively and thoroughly implementing the spirit of General Secretary Xi Jinping’s important addresses in IP legislation, law enforcement and legal knowledge publicity in light of the reality of IP work and the responsibilities undertaken, and giving better play to the role of the rule of law in the construction of a great IP powerhouse.

ii. Studying and propagating the Constitution–cored socialist legal system with Chinese characteristics

Sticking to the priority of learning the Constitution, studying the basic principles set by the Consti-

tion, enhancing the understanding of the Constitution, consciously abiding by the Constitution, ensuring the authoritativeness of the Constitution, and respecting the dignity of the Constitution; carefully studying the socialist legal system with Chinese characteristics, constantly improving legal awareness, reinforcing the consciousness that “government departments must do anything if it is their legal responsibilities, and government departments must not do anything unless it is mandated by the law” and the basic legal concept of “powers set by law, powers exercised by law”, and effectively pushing forward the construction of a law–based government.

iii. Studying and propagating the Party rules

Adapting to the new requirements in the new situation of being strict in Party discipline and governing the Party in accordance with the law and rules, concretely intensifying the propaganda of Party rules. All Party members will study Party law and rules such as *Constitution of the CPC*, *Standards of Honesty and Self-discipline of the CPC*, *Disciplinary Regulations of the CPC* and *Accountability Regulations of the CPC* to be conscious worshippers, model observers and resolute defenders of the Party Constitution, rules and regulations and national laws.

iv. Highlighting the study of laws and regulations closely related to the performance of legal responsibilities

Paying attention to systematic learning of the IP law system, and improving professional competence. We will strengthen the study of other legal knowledge related to the performance of legal responsibilities in a targeted way, especially studying important laws like the legislation law, the civil servants law, the ad-



ministrative punishment law, the administrative licensing law, the administrative reconsideration law and the administrative procedure law, and other laws and regulations in the field of the market economy, effectively improving the level of law-based administration and governance, and strictly performing responsibilities in accordance with the law.

v. Vigorously promoting IP laws and regulations

Vigorously publicizing IP laws and regulations like the patent law and the rules on its implementation, regulations on the protection of the exclusive right of layout-design of integrated circuits, patent agency regulations and departmental rules and regulations, local laws and regulations and government rules and regulations related to IP, and enhancing the understanding of the IP law system in the whole society; distinguishing different objects of legal knowledge publicity, and organizing IP-related legal knowledge publicity and education activities in a targeted way; deepening the knowledge and understanding of the grassroots governments of the basic contents, principles and rules of the IP system; intensifying legal knowledge publicity in innovative entities, holding IP trainings of different types at different levels for enterprises, fostering the consciousness of fair competition, honesty and credibility in enterprises, and enhance enterprises' ability to create, use, protect and manage IP; vigorously disseminating laws and regulations on administrative lawsuits, administrative reconsideration, administrative enforcement and administrative reconciliation, leading enterprises to express their demands, safeguard their rights and resolve disputes in accordance with the law; intensifying the

training in international IP treaties and foreign IP laws and regulations, and providing legal guarantee for enterprises to "go global"; focusing on legal knowledge publicity in IP service agencies, and enhancing the serviceability and sense of responsibility of IP service agencies; and highlighting publicity and education of IP laws and orders in universities, primary and middle schools to consolidate the social foundation for IP development.

vi. Actively advancing and strengthening IP culture building

Giving full play to the incentive role of IP culture, and launching IP cultural activities on important festivals and holidays. We will encourage the creation and publication of IP cultural works, launch influential IP-themed TV and film works, tell IP stories, dig and report IP-related typical cases and figures, spread and carry forward the IP culture to intensify the consciousness of respecting, worshipping and protecting innovation in the vast social public, and form a good atmosphere in the whole society that encourages innovation; make full use of the dissemination platforms of the Internet to push forward the action of "Internet + legal knowledge publicity", and reinforce the effect of legal knowledge publicity via new media.

III. Key objects of legal knowledge publicity and the requirements

i. Intensifying legal knowledge publicity in leading cadres and various types of cadres

Focusing on the "crucial minority". We will make it the key to setting up the consciousness of the rule of law to let leading cadres take the lead in studying laws and observing the law. The intellectual property offices at all levels need to perfect the system

where the leading cadres study and use laws, involve the Constitution and Party rules into the annual study plan of Party organizations at all levels, and hold collective learning of them at least twice every year. The persons in charge of the Party organizations at all levels shall take the lead in giving lectures on legal knowledge publicity and setting examples of learning the law. Cadres of all departments shall participate in thematic seminars and trainings of legal knowledge publicity at least once every year. The law courses in duty assumption trainings and capacity building trainings of department cadres must not be less than 12 credit hours each year. Leading cadres' respect of the law, studies of the law, abidance by the law and use of law shall be made an important content of the examination of the leadership and the leading cadres.

Focusing on legal knowledge publicity among various talents in the IP system. We will arrange different targeted legal trainings of different contents for leading IP talents, high-level IP talents, backbone IP talents and other medium- and high-level talents, and strive to enhance their legal awareness and ability of law-based administration. Local intellectual property offices at all levels need to intensify local legal trainings of various types of IP talents.

ii. Perfecting the system for daily study and use of law by cadres and staff

Focusing on “the nucleus personnel” . We will perfect the system for daily study and use of law by cadres and staff, and push forward normalization of the study and use of law. The intellectual property offices at all levels shall hold legal lectures, forums, and seminars at least twice every year. Each department and unit shall record the study and use of law by

their cadres and staff. Cadres and staff shall include their studies and use of law in the annual personal summaries of civil servants. The intellectual property offices at all levels shall rely on the network or e-version learning and education system, websites on IP legal knowledge publicity and other resources to carefully select courses of law, determine the required and optional contents to study, and combine collective learning with self-study; strengthen the legal trainings of administrative enforcement personnel, optimize the setting of position training courses, increase the percentage of practical courses like law enforcement and case handling, and perfect the textbook system of position training; involve IP legal education into the orientation training of new employees, and employees' promotion trainings; organize and hold IP and administrative law examinations on a regular basis to promote the study and application of law with examinations.

iii. Intensifying IP legal knowledge publicity and propaganda in the adolescents

Focusing on “the future majority” . We will intensify the efforts of IP legal knowledge publicity in university, middle and primary school students; constantly strengthen the building of IP-related disciplines and majors in universities and colleges, and increase the efforts to cultivate IP professional talents; popularize basic knowledge on IP law in middle and primary schools, make full use of the second class and social practice activities to launch IP education in primary and middle schools, actively advance the involvement of IP into the educational system of primary and middle schools, and continue to launch IP education pilot and demonstration work in primary and



middle schools nationwide; and continue to bring the activity of “IP on Campus” deeper, organize IP professionals to hold lectures for public good on campus and disseminate knowledge on IP laws.

IV. Work measures

i. Perfecting the organization mechanism for legal knowledge publicity and education

Efforts should be made to improve the organization mechanism of the SIPO for legal knowledge publicity and education. We will give full play to the role of the Leading Group for Legal knowledge Publicity, perfect the organizational structure of the Legal Knowledge Publicity Office, and increase the number of member units related to the responsibility of legal knowledge publicity. The member units of the Legal Knowledge Publicity Office need to make overall planning and division of work and assume individual responsibility to jointly implement, push forward, and supervise the tasks and measures of this plan. We will establish a sound organization mechanism of local intellectual property offices for legal knowledge publicity and education. Local intellectual property offices at all levels need to pay greater attention to and intensify the efforts of IP legal knowledge publicity. Each provincial IP office shall establish a leading group for the legal knowledge publicity work and a legal knowledge publicity office, and build a provincial IP legal liaison mechanism to concretely implement all tasks and measures herein, and improve the awareness of IP protection of the public in areas under their jurisdiction.

Rationalizing the public service lawyers and legal consultants system, and giving full play to the role of public service lawyers and legal consultants in the legal knowledge publicity work. Public service lawyers

and legal consultants shall participate in trainings of legal knowledge publicity and education, and provide IP law consultation services. The organization mechanism of legal knowledge publicity facing the social public shall be perfected, and the team of legal knowledge publicity volunteers and that of legal knowledge publicity lecturers shall be strengthened.

Improving the legal liaison working mechanism and clarifying work responsibilities, training mechanism and incentives. Legal liaisons shall report dynamics of the legal knowledge publicity work, including legal knowledge publicity activities already launched, advanced experience and problems, to the Legal Knowledge Publicity Office of the SIPO according to the work progress; and participate in IP legal construction, including the formulation and revision of laws and regulations, theme studies and other work on legal knowledge publicity.

ii. Perfecting the legal knowledge publicity accountability system

Work must be done to thoroughly implement the accountability system of “those who are responsible for law enforcement shall be responsible for legal knowledge publicity” and “those who are in charge shall be held responsible”. We will combine legislation, law enforcement, and legal knowledge publicity, expand the width and depth of legal knowledge publicity with legislation and law enforcement, and improve the quality and efficiency of legislation and law enforcement through legal knowledge publicity. We will build a system where patent examiners and patent administrative law enforcers interpret the law with concrete cases, and release typical cases. We will improve the actual effect of legal knowledge pub-

licity by means of circuit review and centralized review. We will increase the openness of information on administrative punishment cases of IP infringement, and intensify open hearing and trial of administrative reconsideration cases as well as open hearing of invalidity cases to promote legal knowledge publicity with openness. We will open legal lecture halls with lectures for public welfare to give timely and authoritative legal interpretation of social hotspots and typical cases. We will intensify legal knowledge publicity in the patent agency industry, and propagate patent agency laws and regulations in the supervision of the patent agency industry, and enhance the serviceability and sense of responsibility of patent agencies. We will provide consultation services through the patent application acceptance hall and local branches to answer the legal questions encountered by innovative entities in a timely way.

Party organizations' responsibility for legal knowledge publicity should be fully performed. The intellectual property offices at all levels shall be strict in Party discipline and govern the Party in accordance with the law and rules, effectively fulfill the responsibility for studying and promoting Party rules, and make Party rules an important content of constructing study-type Party organizations, dig positive typical cases and warning cases in the IP system to educate Party members and leading cadres to observe disciplines, abide by the law, consolidate the bottom line, and create a good atmosphere for thorough implementation of Party rules. We will give full play to the role of Party school trainings in legal knowledge publicity and education, optimize the legal education

curriculum in Party schools, innovate on the teaching methods, enrich the teaching contents, enhance the teaching effect, and promote the concept of the rule of law in leading cadres.

iii. Promoting innovation of the legal knowledge publicity and education work

Work concepts and methods should be upgraded. We will carry out IP-themed activities in government organs, the countryside, communities, schools, enterprises and public institutions, perfect the work standards, and build a long-term mechanism. We will make full use of the activities such as the national IP awareness week, China Patent Week, IP into grassroots units, IP on campus, awards for Chinese outstanding patented invention and industrial design, patent navigation, invention and innovation competitions, and industrial design competitions to launch corresponding legal knowledge publicity and education activities. We will strengthen the coordination of all participating departments in the activities, and make the forms and contents of legal knowledge publicity more diversified and effective. We will do a good job in providing IP consultation and dispute resolution services during major national and regional scientific and technological activities and exhibitions. Local intellectual property offices at all levels shall hold brand activities of legal knowledge publicity and education with local characteristics.

New media should be used to expand the influence of legal knowledge publicity. We will make better use of the official website, the WeChat public accounts of government departments, intellectual property newspapers, and other media under the SIPO in



legal knowledge publicity. The intellectual property offices at all levels shall strengthen the utilization of new media and new technologies in IP legal knowledge publicity, make more extensive use of tools such as WeChat public accounts of government departments, micro blogs and client terminals, enhance the legal knowledge publicity effect through microfilms or cartoons, and make the contents of legal knowledge publicity more original and influential. We will make full use of hotline “12330” to carry out legal knowledge publicity and legal aids, and propagate legal knowledge on IP for public welfare through broadcasting, TV, LED screens in public places, and mobile TV screens in buses. We will intensify foreign propaganda via government websites in English, China Intellectual Property News, China Daily IP Special, etc. as the carriers.

V. Guarantee measures

i. Strengthening organization, leadership, and supervision

The SIPO will make overall planning for the legal knowledge publicity work in the whole system, and provincial intellectual property offices shall strengthen the supervision of legal knowledge publicity work of the intellectual property offices at municipal and country levels. The intellectual property offices at all levels should be fully aware of the importance of the “Seventh Five-year Plan” for IP legal knowledge publicity, and the leadership shall listen to reports on the legal knowledge publicity and education work on a regular basis, study and resolve major problems at work in a timely way, and effectively bring forward the work of publicity and education of IP laws and orders during the “Seventh Five-year Plan” period.

ii. Strengthening personnel and financial guarantee

The team of IP legal knowledge publicity staff shall be consolidated. We will designate special agencies and special personnel to be responsible for the legal knowledge publicity work. The intellectual property offices at all levels shall support the work of public service lawyers, legal consultants, legal liaisons, legal knowledge publicity lecturers, and legal knowledge publicity volunteers; and ensure public service lawyers, legal liaisons and personnel already obtained the legal professional qualification to work temporarily and practice in legal affairs departments, consolidate their legal knowledge foundation and enrich their legal awareness. The intellectual property offices at all levels shall strengthen financial investment in the legal knowledge publicity work, establish a dynamic adjustment mechanism, and ensure smooth legal knowledge publicity work.

iii. Strengthening assessment and examination

Each unit of the SIPO, and the intellectual property offices of provinces shall develop their annual legal knowledge publicity work plans in accordance with this plan, clarify the work measures and time arrangements to be adopted each year, and implement such work measures and time arrangements as planned, make annual summaries in a timely way before submitting them to the Legal Knowledge Publicity Office of the SIPO. Public service lawyers, legal consultants, and legal liaisons shall summarize their legal knowledge publicity work of the year, and their work performance shall be assessed by the Legal Knowledge Publicity Office of the SIPO. The SIPO shall intensify

supervision and examination of the legal knowledge publicity work of all departments and units and intellectual property offices at all levels.

According to the annual performance assessment results, the advanced collectives and individuals in legal knowledge publicity work of the intellectual property offices at all levels during the “Seventh Five-year Plan” period for legal knowledge publicity will be commended. Legal liaisons who have obtained the legal professional qualification will be carefully selected and recommended to serve as public service lawyers and legal consultants. We will carefully summarize and publicize the good experience and practices in the publicity and education of IP laws and orders in different places and departments, give full play to the demonstrative and leading role of advanced examples, and push legal knowledge publicity and education work to a higher level.

VI. Work arrangements

i. Stage of propaganda and initiation (second half of 2016)

The SIPO organizes the development of the “Seventh Five-year Plan” for legal knowledge publicity, prints it, distributes it to the whole system, and submits it to the National Legal Knowledge Publicity Office for record-keeping. Each department and unit

of the SIPO and the provincial intellectual property offices shall well propagate this plan.

ii. Stage of organized implementation (from second half of 2016 to first half of 2020)

Each department and unit of the SIPO, and the provincial intellectual property offices shall, according to the goals, tasks, and requirements set in the plan and in light of their realities, develop their annual work plans highlighting work priorities; carefully organize legal knowledge publicity activities, and make annual summary of the work progress and actual effect. In 2018, the SIPO will hold mid-term assessment of the work prescribed in the “Seventh Five-year Plan”.

iii. Stage of acceptance and summary (second half of 2020)

Each department and unit of the SIPO and the provincial intellectual property offices complete their work summary reports on the “Seventh Five-year Plan” for legal knowledge publicity, and the SIPO will conduct acceptance examination of the “Seventh Five-year Plan” legal knowledge publicity work, and organize the evaluation and commendation of advanced collectives and individuals in the “Seventh Five-year Plan” legal knowledge publicity work.