

## **Circular of the SIPO Concerning the Revision and Issuing of *Administrative Measures on National IP Pilot and Model Parks***

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

To further strengthen categorized management of national IP pilot and model parks, push forward the standardization and system building of IP pilot and model parks, the SIPO has revised the former *Management Measures for the Identification of National IP Pilot and Model Parks* into the present *Administrative Measures on National IP Pilot and Model Parks*, which is hereby printed and distributed to you for your conscientious implementation.

A circular is hereby made.

State Intellectual Property Office

June 17, 2016

### **Administrative Measures on National IP Pilot and Model Parks**

#### **Chapter 1 General Principles**

**Article 1** These Measures are formulated in order to regulate the management of national IP pilot and model parks, lead and drive the work of IP in the parks, vigorously cultivate IP-intensive industries, and support the innovation-driven development of the parks.

**Article 2** The State Intellectual Property Office (SIPO) mainly launches the IP pilot and demonstra-

tion work in provincial parks of various types and above and at two levels, namely pilot level and demonstration level, and entitles them “National IP Pilot Park” or “National IP Model Park”.

**Article 3** The principle of “voluntary application, selective recommendation, comprehensive identification, dynamic management” shall be followed in the management of national IP pilot and model parks.

**Article 4** National IP pilot and model parks are



categorized into technical development type, trade cooperation type, and innovative design type.

Technical development parks mainly include economic and technological development zones and hi-tech industrial development zones; trade cooperation parks mainly include comprehensive bonded zones and economic cooperation zones; innovative design parks mainly include industrial design parks and innovative industrial parks.

**Article 5** The national IP pilot and model parks explore type-specific models of IP-supported park development.

Technical development parks mainly explore effective models of IP supporting the development of hi-tech industries, and integrate the IP work into the conversion of scientific and technological achievements, cooperation of production, education and studies, construction of industrial alliances, and construct core competitiveness of industries with IP.

Trade cooperation parks mainly explore effective models of IP supporting international trade cooperation, integrate the IP work into foreign trade, Customs supervision and economic cooperation, and create new advantages of open economy with IP.

Creative design parks mainly explore effective models of IP supporting industrial design and the development of creative industries, integrate the IP work into industrial design, creative services and brand construction, and lead new development of creative design with IP.

**Article 6** The application and construction entities of national IP pilot and model parks are the park management committees (hereinafter collectively referred to as “park management entities”).

Where the park management committee is an organ designated by the people's government at the county or below level, the application and construction entity shall be the country (district, city) people's government where the park is located.

Where a park applies corporatization operation, the company operating and managing the park shall join hands with the local people's government above the county level to be the application and construction entity.

**Article 7** The SIPO is responsible for the appraisal and examination, macro management and guidance of national IP pilot and model parks; the intellectual property offices of provinces, autonomous regions and municipalities (hereinafter referred to as “provincial intellectual property offices”) are responsible for the application and recommendation, daily management and business guidance of national IP pilot and model parks in their respective localities.

## **Chapter 2 Evaluation of National IP Pilot Parks**

**Article 8** Application qualifications for national IP pilot parks:

i. Having a good environment. The park management entities set great store by IP work, have good IP promotion policies and certain advantages in IP talents and resources, and have introduced IP policy documents.

ii. Having a solid foundation. The number of patents owned per ten thousand people in the park is no lower than twice of the national average over the same period; in case the province where the park is located has launched the work of provincial IP pilot parks, the candidate park has passed the examination and acceptance of provincial IP pilot park as qualified.

iii. Meeting the requirements. The park management entities have an IP management department, which are equipped with full-time staff, and whose annual special funds for IP accounts for no less than 0.02% of the parks' general budget.

**Article 9** National IP pilot parks application procedures include:

i. Plan drafting. Any park meeting the application conditions shall, under the guidance of the municipal (prefecture, league) IP department, draft a national IP pilot park work plan before submitting it to the provincial intellectual property offices.

ii. Deliberation on the plan. The provincial intellectual property offices shall organize deliberation on the pilot work plan, give deliberation opinions, and guide the park to revise and perfect the pilot work plan.

iii. Application submission. The park management entity officially submits the application to the provincial intellectual property offices, submits the pilot work plan and relevant certifying materials on the conditions stated in Article 8 here, and the provincial IP office shall select the best before recommending the best to the SIPO in writing.

**Article 10** The pilot work plan shall clarify the types of parks according to the categorization in Article 4 here; and shall refer to Article 13 here and take into consideration the development foundation and industrial characteristics, highlight work priorities and pilot features, reasonably determine the pilot work targets, and combine quantitative and qualitative analyses.

**Article 11** The SIPO accepts the applications for pilot parks in the first half of each year, carries

out centralized evaluation in July, determines the list of pilot parks, and replies to the pilot work plans before granting the titles to the qualified parks.

**Article 12** Within three months from getting reply to their pilot work plans, the park management entities shall officially print and distribute work plans for national IP pilot parks, and submit relevant documents to the provincial intellectual property offices and the SIPO for record-keeping.

### Chapter 3 Management of National IP Pilot Parks

**Article 13** Main tasks of national IP pilot parks include:

i. Fundamental work. National IP pilot parks should optimize the IP policy system, strengthen the IP quality and efficiency orientation; guide standardization of IP management in enterprises and foster enterprises with IP advantage; vigorously cultivate IP talents, and build an IP service system where public services and market-oriented services are mutually complemented and promoted; hold IP promotion and trainings, and create an IP culture atmosphere.

ii. Featured work. Technical development parks mainly promote the conversion and transformation of patented technology, encourage IP innovation and start-ups; build a mechanism for coordinated utilization of patents that features the cooperation of production, education and researches, and positively foster high-value patents.

Trade cooperation parks mainly strengthen IP risk pre-warning in foreign trade and overseas exhibitions, build a mechanism for diversified IP dispute resolution, intensify efforts of international cooperation in IP, and create a good environment that pro-



tects IP.

Creative design parks mainly enhance industrial design competitiveness with design patents, and strengthen integrated protection and portfolio operation of IP of creative and design achievements.

**Article 14** The work cycle of national IP pilot parks is three years, and starts from the day when the letter of approval is issued.

**Article 15** The pilot parks shall submit their annual work summaries, work plans of the year and relevant statistics to the SIPO through the provincial intellectual property offices at the end of March each year.

Should a pilot park fail to report the above materials within the set time limit without any good reason, it shall be deemed as withdrawing from the pilot parks, the pilot work will terminate automatically, and its title of “National IP Pilot Park” will be revoked.

**Article 16** During the pilot period, the provincial intellectual property offices shall supervise and examine the pilot parks and ensure effective implementation of their pilot work plans; make the pilot parks the platforms for advancing relevant special tasks, and give key policy support and business guidance to them.

The SIPO gives support to the construction of pilot parks in light of its annual work priorities; appraises the work performance of the pilot parks on the basis of information statistics; prioritizes supports to enterprises of pilot parks to participate in the selection of state-level IP advantageous and demonstration enterprises and national patent operation pilot enterprises; supports appropriate pilot parks to launch IP pledge fi-

nancing and patent insurance pilots; tilts more to IP talent trainings in pilot parks to involve relevant personnel in pilot parks into relevant dedicated plans for talent training.

Major IP-related issues in pilot parks shall be reported to the SIPO through provincial intellectual property offices in a timely way.

**Article 17** Upon expiration of the pilot period, the SIPO conducts appraisal and acceptance of the pilot parks according to the pilot work plans and the *Performance Appraisal Indicators of National IP Pilot and Model Parks* (refer to the appendix).

**Article 18** When having any of the following circumstances, a national IP pilot park will fail the national IP pilot park appraisal acceptance, and its title of “National IP Pilot Park” will be revoked:

- i. Performing badly in completing the planned work targets and tasks.
- ii. Failing to launch the annual work deployed by the SIPO as required twice or more during the demonstration period.
- iii. Getting less than 70 scores according to the *Performance Appraisal Indicators of National IP Pilot and Model Parks*.

**Article 19** Pilot parks passing the appraisal acceptance may apply for model parks within two years, and manage model parks by referring to pilot parks. Where a pilot park does not apply for “Model Park”, or fails in the application for two or more years, the pilot park is not allowed to continue using the title of “National IP Pilot Park” .

Pilot parks which do not pass the appraisal acceptance may launch the pilot work of a new cycle, and develop a new pilot work plan within six months

after the appraisal acceptance and, after the pilot work plan is examined and approved by the provincial intellectual property offices, submit the pilot work plan to the SIPO for record-keeping, and keep the title of “National IP Pilot Park” .

#### **Chapter 4 Evaluation of National IP Model Parks**

**Article 20** Application conditions for national IP model parks include:

i. Passing the appraisal acceptance of pilot parks, and submitting an application within two years from the appraisal acceptance.

ii. Meeting necessary conditions. Having four or more full-time IP staff and the dedicated funds for IP in the previous year accounting for over 0.05% of the parks’ general budget in the previous year.

iii. Having a good construction environment. The park management entities set great store by IP work, involve the IP work into the parks’ annual performance appraisal indicators, and have a complete policy system and a highly efficient management mechanism.

**Article 21** National IP model parks application procedures include:

i. Notice issuance. The SIPO issues a model parks application notice in the second half of every year in principle, and makes arrangements on the application and identification work.

ii. Application submission. The provincial intellectual property offices accept applications for model parks within the areas under their jurisdiction. Park management entities meeting the application conditions submit an application to the provincial intellectual property office along with a self-evaluation form of *Performance Appraisal Indicators of National IP Pilot and Model Parks*, and relevant certifying materials.

iii. Recommendation of the best. The provincial intellectual property offices examine the application qualifications of the parks, and examine their application materials before selecting and recommend the best of them to the SIPO, along with a letter of recommendation in writing.

**Article 22** The SIPO appraises the candidate parks through comparison and in a centralized way, determines the name list of model parks, and issues a notice to them and grants them the title.

**Article 23** National IP model parks shall within six months from getting the approval draft, print and distribute a three-year work plan for national IP model parks before submitting it to the provincial intellectual property offices and the SIPO for record-keeping.

#### **Chapter 5 Management of National IP Model Parks**

**Article 24** Main tasks of national IP model parks include:

i. Consolidating all achievements obtained during the pilot period.

ii. Seeking development by focusing on advantageous industries, launching industrial patent navigation, perfecting the IP service chain, and constructing an IP operation system.

iii. Deepening the reform in the IP field, supporting the development of social organizations in the IP field, and guiding the construction of IP alliances.

iv. Intensifying IP protection, and exploring the establishment of a mechanism for integration IP management or law enforcement.

**Article 25** The work cycle of national IP model parks is three years, and starts from the day when the letter of approval is issued.



**Article 26** The model parks shall submit their annual work summaries, work plans of the year and relevant statistics to the SIPO through the provincial intellectual property offices at the end of March each year.

If a model park fails to report the above materials within the set time limit without any good reason, it shall be deemed as withdrawing from the model parks, the pilot work will terminate automatically, and its title of “National IP Model Park” will be revoked.

**Article 27** The SIPO together with the provincial intellectual property offices provide follow-up guidance for model parks to ensure smooth implementation of the work planning. Both should intensify supports to model parks on the basis of preferential policies for pilot parks, establish an expert guidance mechanism for patent navigation programs in model parks, prioritize supports to industrial planning-type and enterprise operation-type patent navigation programs in model parks, give key supports to the construction of IP alliances in model parks, and push forward prior trial of major national and provincial IP-related reforms and programs in the model parks.

Major IP-related issues in pilot parks shall be reported to the SIPO through provincial intellectual property offices in a timely way.

**Article 28** Upon expiration of the demonstration period, with applications of the model parks, the SIPO reexamines the model parks according to its work planning and the *Performance Appraisal Indicators of National IP Pilot and Model parks*.

Within three months from the expiration of the demonstration period, if a model park does not submit any application for reexamination, it shall be

deemed as waiving the reexamination and the demonstration work will terminate automatically, and its title of “National IP Model Park” will be revoked.

**Article 29** When having any of the following circumstances, a national IP model park will fail the reexamination:

i. Performing badly in completing the planned work targets and tasks.

ii. Failing to launch the annual work according to the deployment of the SIPO as required twice or more during the demonstration period.

iii. Getting less than 80 scores according to the *Performance Appraisal Indicators of National IP Pilot and Model Parks*.

**Article 30** Model parks passing the reexamination will retain the title of “National IP Model Park”, develop a new three-year work plan for the model parks, and continue to launch the construction work of model parks.

Model parks failing to pass reexamination will be given one year for rectification. In case a model park remains unqualified after the rectification, its title of “National IP Model Park” will be revoked.

## Chapter 6 Supplementary Provisions

**Article 31** When having any of the following circumstances, a park will be deprived of the title of pilot (model) park and the pilot (demonstration) work will terminate:

i. Affecting the evaluation, appraisal and acceptance or reexamination of pilot and model parks with improper means.

ii. Practicing fraud with the materials submitted, submitting data that are inconsistent with the reality.

iii. Failing to take timely and effective measures

to stop major group, repetitive and malicious IP infringement events which cause baneful influences nationwide.

**Article 32** In case the pilot (demonstration) work of a park terminates, or the park fails to pass examination, acceptance, or reexamination, the park is not allowed to continue using the title of “Pilot or Model Park” in either internal or external propaganda.

Parks where the pilot (demonstration) work is terminated are not allowed to apply for pilot parks again within two years.

**Article 33** The SIPO establishes a system for releasing the list of pilot and model parks to update and make public the registered and withdrawn parks in a timely way.

Should an unqualified park use the title of pilot (model) park in external propaganda, which then

causes baneful consequences, the SIPO has the right to investigate relevant units and individuals of their legal liabilities in accordance with the law.

**Article 34** These Measures shall be interpreted by the Patent Management Department of the SIPO. The provincial intellectual property offices may revise relevant management measures on local IP pilot and model parks in accordance with these Measures.

**Article 35** These Measures shall come into force since the day when they are issued. In case of any inconsistency between these Measures and relevant documents issued prior to the implementation of these Measures, these Measures shall prevail.

*Appendix: Performance Appraisal Indicators of National IP Pilot and Model Parks (Omitted)*