

**Circular of the General Affairs Office of the SIPO
Concerning the Issuing of *Administrative Measures on
Identification of Orderly IP Protected Markets***

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

In order to thoroughly implement the spirit of *Several Opinions of the State Council on Accelerating the Building of an Intellectual Property Power in the New Situation*, strengthen IP protection and management in large professional markets, concretely identify a batch of markets where the awareness of IP protection is strong, rules and regulations are complete and management is standard, and encourage them to continue doing a good job in this aspect and play a leading and demonstrative role in IP protection in the local circulation field, the *Administrative Measures on Identification of Orderly IP Protected Markets* is hereby printed and issued to you with approval of the SIPO for your conscientious implementation.

A circular is hereby made.

State Intellectual Property Office

April 7, 2016

Administrative Measures on Identification of Orderly IP Protected Markets

Chapter 1 General Principles

Article 1 These Measures are formulated in order to thoroughly implement the national IP strategy, strive to build an IP powerhouse, strengthen IP protection and management in large professional markets,

promote the work in orderly IP protected markets, and regulate the identification management procedures.

Article 2 The identification of orderly IP protected markets shall be carried out following the prin-



principle of “voluntary application, selective recommendation, comprehensive identification, dynamic management.”

Chapter 2 Identification Conditions and Procedures

Article 3 Application qualification

i. Markets that participate in the work of fostering IP protection standardization (subject to the list of markets determined by the State Intellectual Property Office SIPO).

ii. Markets that have participated in the pilot work of enhancing IP protection capability that is launched by the SIPO (subject to the list of markets determined by the SIPO).

iii. The aforementioned markets shall also have participated in the survey of satisfaction with standardized IP protection in markets that is launched by a third party commissioned by the SIPO.

Article 4 The SIPO launches the identification work once a year, and examines and identifies the markets that are recommended by the intellectual property offices of all provinces (autonomous regions, municipalities) by combining comprehensive written examination with random field inspections to determine the list of orderly IP protected markets.

Article 5 Time to participate in the survey of satisfaction with standardized IP protection in the markets

i. For the markets mentioned in paragraph one of Article 3, the SIPO holds a survey of satisfaction with standardized IP protection in the markets.

ii. For the markets mentioned in paragraph two of Article 3, the intellectual property offices of provinces (autonomous regions, municipalities) summa-

rize, each year, the markets which have the intention to participate in the survey satisfaction with standardized IP protection in the markets of the year, and report them to the Protection and Coordination Department of the SIPO before the end of February of the year.

Article 6 The intellectual property offices of provinces (autonomous regions, municipalities) shall, within two months before the expiration of the fostering period of the markets mentioned in paragraph one of Article 3 and after the fostering of pilots of the markets mentioned in paragraph two of Article 3, organize the markets to fill out the *Application Form for Identification of Orderly IP Protected Markets*, and organize preliminary selection.

Article 7 The intellectual property offices of provinces (autonomous regions, municipalities) hold a preliminary selection of the markets mentioned in Article 3 in accordance with the *Standards for Identification of Orderly IP Protected Markets*, and the preliminary selection shall combine written and field examinations.

Article 8 The intellectual property offices of provinces (autonomous regions, municipalities) draft a preliminary evaluation report on the markets that are examined to be qualified, fill out the *Recommendation Form of Identification of Orderly IP Protected Markets*, selectively recommend their respective markets to the SIPO, and submit the preliminary report and relevant materials to the Protection and Coordination Department of the SIPO.

Article 9 Evaluation and identification standards

i. The SIPO organizes experts to examine the

markets that are recommended by the intellectual property offices of provinces (autonomous regions, municipalities) in accordance with the *Standards for Identification of Orderly IP Protected Markets*, and gets evaluation scores 1.

ii. The SIPO entrusts an investigation company to carry out the survey of satisfaction with the work of standardized IP protection in relevant markets, and gets evaluation scores 2 according to the survey results.

iii. Total evaluation scores = Evaluation scores 1 \times 80% + Evaluation scores 2 \times 20% .

iv. Those with total evaluation scores above 80 are qualified.

Article 10 Markets that are evaluated to be qualified will be made public to the society by the SIPO for two weeks. If not objected after public review, the markets will be granted the title of “Orderly IP Protected Market” by the SIPO.

Article 11 The validity term of the title of “Orderly IP Protected Market” shall be three years from the day when the title is granted by the SIPO. The intellectual property offices of provinces (autonomous regions, municipalities) shall organize the identified markets to apply to the SIPO for renewal of the title 60 days before the expiration of the validity term. The renewal examination procedure is the same as the above identification procedure in principle.

Article 12 Markets with evaluation scores below 60 are not allowed to apply for identification within two years. Markets with evaluation scores between 60 (including 60) and 80 (excluding 80) may apply for the title the following year after making rectifications. Markets whose evaluation scores do not reach

80 for two consecutive years shall participate in re-cultivation before applying for identification once again.

Chapter 3 Organization, Implementation, and Management

Article 13 The SIPO shall be responsible for the macro management and guidance of the fostering and identification of orderly IP protected markets. The intellectual property offices of provinces (autonomous regions, municipalities) shall take the lead in the recommendation, cultivation, daily management, supervision, specific guidance, identification, and preliminary evaluation of the markets locally fostered.

Article 14 The intellectual property offices of provinces (autonomous regions, municipalities) shall clarify the departments and offices responsible for market management, designate specific persons in charge, strengthen the supervision, management and guidance of locally fostered markets, and hold examinations of relevant markets each year. The intellectual property offices of relevant prefecture-level cities shall cooperate with the intellectual property offices of provinces (autonomous regions, municipalities) in relevant management work.

Article 15 Any market having any of the following circumstances in the process of review and identification will be disqualified for the selection of orderly IP protected markets:

i. Affecting the fairness of the identification results with unjust means, or practicing fraud in the application materials.

ii. Having conducts of purposeful infringement like group infringement and severe infringement which disturb the market order, causing baneful influences.



iii. Having other circumstances that are against laws and regulations.

Article 16 When having any of the following circumstances, a market which has already had the title of “Orderly IP Protected Market” will be ordered by the intellectual property office of the province (autonomous region, municipality) to rectify within a set time limit, and be reported to the SIPO for record-keeping:

i. Failing to launch IP protection-related management work continuously.

ii. Failing to take effective measures against disputes over IP infringement in a timely way, which causes negative influences.

iii. Having behaviors of purposeful infringement like group infringement and repeated infringement which disturb the market order, causing baneful influences.

iv. Having other circumstances that are against IP protection-related laws and regulations.

Article 17 In case a market which is ordered to rectify within a set time limit fails to complete the rectification or its rectification does not meet the requirement, its title of “Orderly IP Protected Market” shall be revoked after reexamination by the intellectual

property office of the province (autonomous region, municipality) and with approval of the SIPO, and an announcement will be made on it.

Article 18 Markets that are granted the title of “Orderly IP Protected Market” may place corresponding signs in the markets, or promote or make public the title through mass media like advertisements, TV, broadcasting, newspapers, and the Internet.

Article 19 The SIPO may organize propaganda of the markets that are granted the title of “Orderly IP Protected Market”. The intellectual property offices of provinces (autonomous regions, municipalities) may organize propaganda of their local markets that are granted the title of “Orderly IP Protected Market”.

Chapter 4 Supplementary Provisions

Article 20 The Protection and Coordination Department of the SIPO shall reserve the right to interpret these Measures.

Article 21 These Measures shall come into effect as of the date of issue.

Appendix: *Standard for Identification of Orderly IP Protected Markets* (Omitted)