



**Circular of the General Office of the State Council on
Printing and Issuing the *Overall Pilot Reform
Program for Comprehensive Management of
Intellectual Property Rights***

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The people's governments of provinces, autonomous regions and municipalities, the ministries and commissions, and institutions directly under the State Council:

The *Overall Pilot Reform Program for Comprehensive Management of Intellectual Property Rights* has been approved by the State Council, and is hereby printed and issued to you for your conscientious implementation.

General Office of the State Council

December 30, 2016

**Overall Pilot Reform Program for Comprehensive Management of
Intellectual Property Rights**

To advance the reform of comprehensive management of intellectual property rights (IPRs) is crucial to deepening the reform in the IPR field and breaking through the bottleneck hindering IPR-supported innovation, and is of great significance to effectively resolve the prominent problems that local IPR management system and mechanism are imperfect, IPR protection is not strict enough, IPR service ability is weak, and there is no powerful support for the inno-

vation-driven development strategy. To give full play to the pioneering and demonstrative role of appropriate places in the reform of comprehensive management of IPRs, this plan is formulated in accordance with the *Several Opinions of the State Council on Accelerating the Building of an Intellectual Property Power in the New Situation* (G. F. [2015] No. 71) and the *Work Priorities of Central Leading Group for Deepening Overall Reform in 2016*.

I. General Requirements

i. Guiding ideology

Comprehensively implementing the guidelines of the 18th National Congress of the CPC and those of the third through sixth plenary sessions of the 18th CPC Central Committee, thoroughly putting into practice the principles of General Secretary Xi Jinping's major addresses, focusing on the overall plan for balanced economic, political, cultural, social, and ecological progress and on the coordinated advancement of the Four-Pronged Comprehensive Strategy, solidly setting up and thoroughly implementing the concept of innovative, coordinated, green, open and shared development, deepening the reform in the IPR field according to the decisions and deployment made by the CPC Central Committee and the State Council, strictly protecting IPRs in accordance with the law, getting through the whole chain of IPR creation, application, protection, management and service, building an IPR public service system that is more convenient and beneficial for the people, exploring an IPR operation mechanism for innovative development, effectively displaying the basic role of the IPR system in encouraging innovations, ensuring and encouraging the public to start businesses and make innovations, and help improve the quality and benefits of economic development and industrial restructuring and upgrading.

ii. Basic principles

—Being problem-oriented: gathering resources and strength to tackle difficult problems that restrain IPR-supported innovations, implementing comprehensive management of IPRs in light of local conditions, carrying out strict IPR protection, and impro-

ving the level of IPR management.

—Focusing closely on development: focusing closely on major demands of economic transformation and development, promoting development by reform, giving full play to the leading role of IPRs like patents, trademarks and copyrights, effectively exerting the role of self-owned-brand consumption in driving economic growth, encouraging innovations and start-ups, and advancing supply-demand restructuring and upgrading.

—Taking the overall plans and all factors into consideration: making overall plans for the reform deployment of the CPC Central Committee and local reform demands, launching reform pilots of comprehensive management of IPRs in appropriate places, summarizing and abstracting experience in a timely way to form reproducible experience and implement such reproducible experience at the right time.

—Making innovations boldly: paying attention to combining top-level designs with grassroots explorations, breaking through the ideological restraint that hinders IPR development, respecting the original spirit of the grassroots, stimulating the innovation vitality of the whole society, and allowing reform explorations and experiments of multiple types and models.

iii. Pilot layout and period

According to the overall national deployment of innovation-driven development strategy and strategic layouts of development of key areas and in light of local IPR development levels and the demand of innovation-driven development on the reform of comprehensive management of IPRs, selecting a number of places with more innovation achievements, faster economic transformation, a significant leading role of



IPRs and a significantly upgraded supply–demand structure as reform pilots of comprehensive management of IPRs. Places for reform pilots shall meet the following conditions: (1) economic development enters a window period of innovation–driven transformation, innovative resources and activities are highly clustered, and the numbers of IPRs including patents, trademarks and copyrights rank among the top of China; (2) having or being involved in national independent innovation demonstration areas under overall national planning, national pilot zones for overall reform and major areas in national strategic planning, or places with IP courts; (3) following an IPR strategy which significantly pushes forward local economic development, and spearheads the IPR management mechanism and market supervision mechanism reforms, having great strength in IPR administrative enforcement and high efficiency in IPR administrative enforcement. Specific places for launching reform pilots will be studied and finally determined by the SIPO together with the State Administration for Industry & Commerce and the State Administration of Press, Publication, Radio, Film and Television (National Copyright Administration) as soon as possible. The pilot period shall be one year.

iv. Work goals

By deepening the reform of comprehensive management of IPRs in pilot places, advancing the formation of an IPR mechanism that features clear division of power, reasonable division of work, consistent rights and duties, high operational efficiency, and legal guarantee. By further streamlining administration and delegating power to the lower levels, combining power delegation to lower levels with administration,

optimizing service reform, realizing smoother IPR administration, further perfecting the law enforcement protection system, and significantly enhancing the level of IPR market supervision and public services, vigorously promoting mass entrepreneurship and innovations, and speeding up the construction of an IP powerhouse to provide strong support for comprehensively building a moderately prosperous society.

II. Major Tasks

i. Build a highly–efficient system for comprehensive management of IPRs

Encouraging the exploration of reforms of different types and models. Scientifically dividing the policy guidance, public service and market supervision functions of the IPR department, exploring an effective and feasible IPR management system. Following the requirement to advance comprehensive law enforcement, reducing hierarchical levels, improve efficiency, and effectively avoid multi–level duplicate law enforcement. Following the requirement to implement strict IPR protection, integrate and optimize law enforcement resources in combination with the reform of a comprehensive law enforcement system, making overall planning for comprehensive IPR–related administrative enforcement, and avoiding repeated copyright law enforcement. Strengthening the building of mechanisms such as IPR work leadership and coordination mechanism, trademark strategy implementation mechanism, copyright software mechanism, etc., and doing a good job in IPR judicial connection, especially the connection of IP courts.

ii. Build an IPR public service system that is convenient and beneficial for the people

Sticking to the principle of fully fulfilling legal

responsibilities but being inactive if it is without legal authorization, vigorously implementing the IPR power list, responsibility list, and negative list, and carrying out dynamic management. Intensifying the efforts to simplify administration and delegate powers to the lower levels in the IPR field, strengthening administration in accordance with the law, sticking to combining power delegation with administration, and reasonably reducing the matters that need examination, approval, and management. Relaxing the access conditions for patent agencies, strengthening in-process supervision and post-supervision of IPR service agencies, and improving the practicing information disclosure system. Integrating the IPR public service resources, optimizing the IPR public service supply, and realizing convenient, intensive, and highly-efficient IPR information services. Strengthening overall planning and industrial management, and perfecting the IPR trading market. Intensifying IPR safeguarding and aid services, improving the IPR safeguarding and aid mechanism, and building an IPR safeguarding and aid network featuring a complete set of systems and high efficiency.

iii. Enhance the ability to make comprehensive use of IPRs to promote innovation-driven development

Exploring an IPR operating mechanism that supports innovation-driven development, and building an IPR service system that promotes market entities' innovative development. Establishing a sound IPR appraisal and patent navigation mechanism, improving the IPR risk pre-warning system, and raising the level of decision-making on innovative development in the region. Making overall planning for and imple-

menting promotional policies on IPR-intensive industries, fostering IPR-intensive industries to be new economic growth points. Guiding market entities to make full use of the strategy of combining patents, trademarks and copyrights, and protecting products, technologies, industrial designs and other IPRs in an omni-bearing and three-dimensional way. Leading market entities to comprehensively operate IPRs, promoting military and civilian integration in the IPR field, speeding up effective use of expired patents in the pharmaceutical field, among other fields, enhancing the value of IPRs, and accelerating IPR transformation and utilization.

III. Organization and Implementation

i. Strengthen organization and leadership

The SIPO needs to take the lead in strengthening the guidance of the reform pilots of comprehensive management of IPRs together with the State Administration for Industry & Commerce, the State Administration of Press, Publication, Radio, Film and Television (National Copyright Administration), and make overall planning for and coordinate major policy issues in the work of reform pilots. Pilot areas need to build a coordinated promotion mechanism in the charge of main government leaders, include the pilot reform of comprehensive IPR management into reform priorities, draft specific implementation plans for reform pilots in light of local conditions, and actively push forward and implement the task of reform pilots. Specific implementation plans of the pilot areas shall be printed and issued for implementation within two months after the pilot areas are determined.

ii. Intensify policy guarantee

Regarding the tasks and requirements of reform



pilots, relevant departments need to actively study and formulate policies and measures to support the reform pilots. Local governments in the pilot areas should follow the requirements on the reform tasks to study and develop supportive policies and measures, and do a good job in linking up and coordinating relevant departments, so as to create a synergetic effect in the work.

iii. Do well in evaluation and promotion

The SIPO shall do a good job in supervision, examination, appraisal, and evaluation in order to advance the reform in the pilot areas together with the State Administration for Industry & Commerce, and State Administration of Press, Publication, Radio, Film and Television (National Copyright Administration). According to the evaluation results of the reform pilots, suggestions should be proposed in a time-

ly manner to publicize reform measures that have substantial effects and successful experience, and such measures should be reported to the State Council for approval before being promoted to a wider area.

Relevant departments and areas shall follow the principles of this plan, unite their thoughts, closely cooperate with one another, strengthen the sense of general situation and that of responsibility, be bold enough to innovate, take the initiative to reforms, act actively, well implement the plan, and ensure substantial effect of the work of reform pilots; summarize and promote the progress and achievements of reform pilots in a timely way, strengthen exchanges in pilot areas, intensify the guidance of public opinions, and create a good social environment for the reform of comprehensive management of IPRs.