

Important Documents

Circular of the State Council on Printing and Issuing the *National Plan for Protection and Application of Intellectual Property Rights During the Period of the Thirteenth Five-year Plan*

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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 *National Plan for Protection and Application of Intellectual Property Rights During the Period of the Thirteenth Five-year Plan* is hereby printed and distributed to you for your earnest implementation.

State Council

December 30, 2016

National Plan for Protection and Application of Intellectual Property Rights During the Period of the Thirteenth Five-year Plan

In order to implement a series of important deployment plans of the Central Committee Communist Party of China (CPC) and the State Council on IP, comprehensively and deeply carry out 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 improve the

level of IP protection and utilization, the Plan is formulated according to Outline of the *Thirteenth Five-Year Plan for National Economic and Social Development of the People's Republic of China*.

I. Background

During the "Twelfth Five-Year Plan" period, all regions and relevant departments deeply implemen-



ted the national IP strategy, promoting the integration of IP into economic and social development, providing a powerful support for innovation-driven development, and further consolidating China's status as a great IP powerhouse. The number of applications of invention patents and trademarks maintained a stable lead in the world. Compared with that in the end of the "Eleventh Five-Year Plan" period, the number of invention patents per ten thousand people was 6.3, increasing by 3 times; the average effective trademarks per ten thousand market entities were 1335, up 34.2%; the patent applications submitted by *Patent Cooperation Treaty* (hereinafter referred to as PCT patent applications) reached 30000, increasing by 2.4 times and ranking among the world's top 3 places; applications of new plant varieties ranked the second in the world; registrations of works and computer software copyrights nationwide grew by 95.9% and 282.5% respectively; registrations of geographical indications, layout designs of integrated circuits, and etc. increased substantially. The IP system was further improved; policies and measures on IP creation, utilization, protection, management, and service became more perfect, and the professional talent team grew continuously. Main market players' comprehensive ability to utilize IP was obviously improved, the level of international cooperation was significantly improved, and a batch of superior enterprises on IP with international competitiveness was formed. Financing amount of IP pledge reached RMB 328.9 billion yuan, registering an average annual growth rate of 38%. 40000 and 147000 patent and trademark licenses were filed, respectively, and the contribution rate of copyright industry to national eco-

nomical growth exceeded 7%. The system for judicial protection of IP was continuously perfected; IP courts had been established successively in Beijing, Shanghai, and Guangzhou; the pilot project of the reform of the "Three-in-One" trial mechanism of civil, criminal, and administrative cases was basically completed; judicial adjudication standards were more detailed and complete; the ability and level of juridical protection were continuously improved. Administrative protection for IP was strengthened constantly. Nationwide, a total of 87000 patent infringement and counterfeit cases, 322000 trademark right, trade secret and other infringement and counterfeit cases such as selling fake and shoddy commodities, and 35000 infringement and piracy cases were investigated and treated. The consciousness of IP in the society was enhanced generally.

Meanwhile, incongruity between quantity and quality of IP rights in China, unbalanced regional development, slack protection, etc. remain outstanding. Core patents, famous brands, and high-quality copyrights are few and their layout is unreasonable. Integration with economic development is not enough, and benefit of transfer and transformation is not high enough, affecting improvement of the enterprise's competitiveness of IP. Infringement occurs easily and frequently. It is difficult to safeguard rights, and problems such as difficult evidence adduction, high costs, low compensation, among others, still exist, affecting creativity and entrepreneurial enthusiasm. Management system and mechanism is not yet perfect enough, and the depth and breadth of international exchange and cooperation need to be further expanded.

The "Thirteenth Five-Year Plan" period is a peri-

od of strategic opportunities when China will develop into an IP powerhouse from a big IP nation. International IP competitions will become more intense. China's economic development will enter the New Normal of speed change, structure optimization, and power conversion. As an important bridge and a link for the transformation of scientific and technological achievements into actual productivity, IP will play a more prominent basic safeguard role in stimulating innovation. All regions and relevant departments shall correctly grasp the new situation and characteristics, deepen the reform in the sector of IP, break through obstacles restricting the development of IP, comprehensively improve the governance ability of IP, promote the breakthrough of IP, and provide powerful support for improving the quality and efficiency of the economy.

II. Guidelines, basic principles and development goals

i. Guidelines

Fully implement the spirits of the 18th National Congress of the CPC and the Third, Fourth, Fifth and Sixth plenary sessions of the 18th CPC Central Committee; take Deng Xiaoping Theory, the important thoughts of "Three Represents," and the Scientific Outlook on Development as guidance; deeply implement a series of important addresses and spirits of General Secretary Xi Jinping; promote the "Five-in-One" general layout closely around the overall planning and harmoniously advance the implementation of the "Four-Pronged Comprehensive Strategy"; firmly set up and implement the concept of innovation-driven, harmonious, green, open and shared development; conscientiously implement the decisions and deployments of the CPC Central Committee and the

State Council; take supply-side structural reform as the main line; deeply implement the national IP strategy; deepen the reform in the IP sector; break through the whole chain of IP creation, utilization, protection, management and service; strictly carry out IP protection; strengthen IP utilization; improve the quality and benefits of IP; enlarge the international influence of IP; accelerate the construction of an IP powerhouse with Chinese characteristics and at the international level, and provide powerful support for realizing the "Two Centenary Goals" and the dream of great rejuvenation of Chinese nation.

ii. Basic principles

Adhere to the leading role of innovation. Promote the theory, system, and cultural innovation in the field of IP; explore new concepts and modes in IP work; strengthen new advantages of the development of IP; protect legal interest of innovators; stimulate the innovation and creation enthusiasm of the whole society; foster new momentum for economic development.

Adhere to IP coordination. Promote the link between IP and policies in terms of industry, science and technology, environmental protection, finance, trading, military-civilian integration, etc. Do a good job of classified guide and regional layout, insist on the combination of overall improvement with key breakthroughs, and promote overall, harmonious and sustainable development of IP.

Adhere to green development. Strengthen the resource layout of IP, optimize legal environment, policy environment, social environment and industrial ecology for IP, promote the green reformation of the traditional manufacturing industry, promote low-carbon and recycling development of the industry, and



drive the saving and effective resource utilization and continuous improvement of ecological environment.

Adhere to openness and sharing. Make overall planning for international and domestic situations, strengthen internal and external linkage, increase effective supplies of public products and public services, intensify interconnection, spread and utilization of basic information of IP, actively participate in global governance of IP, develop the international IP system in the generally beneficial, inclusive, balanced and effective direction, and continuously increase international influence and competitiveness.

iii. Development goals

Till 2020, targets of the IP strategy will be achieved as planned, reform of important fields and key links of IP will achieve decisive results, protection and utilization abilities will be greatly improved, and a batch of powerful provinces and cities will of IP will be built, providing strong safeguard for promoting mass entrepreneurship and innovation and laying a solid foundation for building an IP powerhouse.

—The environment for IP protection will be significantly improved. Legal environment of IP will be significantly optimized, laws and regulations will be further perfected, distribution of rights and interests

will become more reasonable, law enforcement protection system will be sounder, market supervision level will be improved obviously, and social satisfaction degree of the protection situation will be enhanced significantly. Supporting environment of IP will be comprehensively optimized, scale and level of service industry can better meet market demands, and a cultural atmosphere of “respecting knowledge, advocating innovation, faithful and law-abiding” will be formed.

—Benefits of IP utilization will be fully demonstrated. Market value of IP will be significantly improved, its industrialization level will be fully enhanced, and the proportion of IP-intensive industries to Gross Domestic Product (GDP) will be obviously increased and IP-intensive industries will be become the new momentum for economic growth. Trading operation of IP will be become more active, and technology, fund, talent, and other elements of innovation realize rational flow by using IP as a link, obviously increasing social employment; international trading of IP will be become more active, interests of overseas market will be effectively maintained, and an operation mechanism supporting innovative development will be formed.

Key Indicators of the “Thirteenth Five-Year Plan” on IP Protection and Utilization

Indicator	2015	2020	Cumulatively Added Value	Attribute
Invention Patents Per Ten Thousand People (Pieces)	6.3	12	5.7	Anticipatory
PCT Applications (Ten Thousand Pieces)	3	6	3	Anticipatory
Total Applications for New Plant Varieties (Ten Thousand Pieces)	1.7	2.5	0.8	Anticipatory
Registered Works Nationwide (Ten Thousand Pieces)	135	220	85	Anticipatory
Financing Amount of Annual IP Pledge (RMB One Hundred Million)	750	1800	1050	Anticipatory
Registered Computer Software Copyrights (Ten Thousand Pieces)	29	44	15	Anticipatory

Continued

Indicator	2015	2020	Cumulatively Added Value	Attribute
Number of Effective Patents for Invention with Main Business Income Per RMB One Hundred Million of Above-scale Manufacturing Industry (Pieces)	0.56	0.7	0.14	Anticipatory
Amount of Exports of IP Royalty (USD One Hundred Million)	44.4	100	55.6	Anticipatory
Average Annual Increase in the Business Income of IP Service (%)	20	20	—	Anticipatory
Social Satisfaction Degree for IP Protection (Points)	70	80	10	Anticipatory

Note: Amount of exports of IP royalty is aggregate-value of five years.

—Comprehensive ability of IP will be significantly improved. Holding quantity of IP will be further increased, and core patents, famous brands, high-quality copyrights, excellent layout designs of integrated circuits, excellent new varieties of plants and other fine resources will be increased significantly. Administrative ability will be obviously improved, and an IP system and mechanism with clear boundary of powers, reasonable division, consistency between responsibility and authority, efficient operation, and legal guarantee will be basically formed. Professional talent team will have a sufficient quantity, high-quality talents, and a reasonable structure. Construct public service platform system for IP operation and establish a public service platform of IP information with convenience and benefit for people. IP operation, finance and other formats will develop to be more mature. And capitalization, commercialization, and industrialization channels will be smoother and market competitiveness will be significantly improved, so as to form more superior enterprises with internationally influential IP. Ability of handling international affairs will be enhanced continuously and international influence will be further improved.

III. Major tasks

Implement the decisions and deployments of the CPC Central Committee and the State Council, deeply implement IP strategy, deepen the reform of the IP field, perfect the policy system for an IP powerhouse, comprehensively enhance the level of IP protection and utilization, and quicken the construction of an IP powerhouse in all aspects and at all levels.

i. Deepen the reform of the IP field

Actively study and explore the reform of the IP management system and mechanism, and strive to achieve breakthrough achievements in key fields and key links. Support local pilot projects of comprehensive management reform of IP. Establish an innovation-driven evaluation system with IP as an important content, promote IP products to be included into national economic accounting, and include IP indicators into national economic and social development assessment system. Carry forward to streamline administration and institute decentralization as well as simplifying and optimizing IP review and registration process. Liberalize the access to IP service industry, expand the degree of openness of the agent field, and broaden restrictions for shareholders and partners of patent



agencies. Quicken the reform of IP equity allocation, perfect IP ownership system which is conducive to stimulating innovation, and establish IP guiding mechanism for improving innovation efficiency and benefit.

ii. Strictly implement IP protection

Quicken the formulation and revision of IP laws, regulations and judicial interpretation, and establish a work pattern for IP protection that includes judicial adjudication, criminal judicature, administrative law enforcement, express IP protection, conciliation and arbitration, industry self-regulation and social supervision. Give full play to the role of the National Leading Group on the Fight against IPR Infringement and Counterfeiting, and stimulate the enthusiasm of all parties, so as to form a resultant force of work. Put more efforts into damage compensation with guidance of fully achieving market value of IP. Promote good faith construction for litigation and strictly fight against IP infringement according to laws. Strengthen administrative law enforcement, improve the ways of law enforcement, enhance the efficiency of law enforcement, increase the investigation and treatment effort for counterfeiting sources, repeated infringement, malicious infringement and group infringement, and provide innovators with more convenient channels for rights protection. Strengthen trademark and brand protection and enhance public service level for trademarks of consumer goods. Regularly and effectively protect trade secrets. Continuously promote the work of software copyrighting in government agencies and enterprises. Perfect the arbitration and rapid mediation system for IP disputes. Give full play to the self-regulation effect of industrial organizations and guide

enterprises to strengthen their responsibilities as entities. Deepen regional coordination and international cooperation in IP protection.

iii. Promote efficient IP utilization

Highlight the leading role of IP in the aspects of scientific and technological innovation and cultivation of emerging industries, energetically develop IP-intensive industries, perfect the working mechanism for developing the patent navigation industry, and deeply conduct IP appraisal work. Intensify the efforts to transfer and transform IP with high technical contents. Innovate on the IP operation mode and service products. Perfect the IP management system of scientific research and development and management institutions, and explore to establish a mechanism for stationing IP commissioners. Establish and improve IP service standards, and perfect IP service system. Perfect the service mechanism featuring "IP plus finance" and bring pledge financing risk compensation pilots deeper. Promote the registration and protection of industrial cluster brands, and conduct the cultivation and pilot demonstration of industrial clusters, brand bases, geographical indications, and IP service industry clustering regions. Promote military and civilian IP transfer and transformation, and promote the deep development of military and civilian integration.

IV. Key tasks

i. Perfect the IP legal system

1. Quicken the construction of IP laws and regulations. Accelerating the work to formulate and revise such laws and regulations as the Patent Law, the Copyright Law, the Law of the PRC against Unfair Competition and supporting regulations, and the Regulations on the Protection of New Plant Varieties.

Well do legislative works on geographical indications in due time, and perfect the legal systems in fields such as genetic resources, traditional knowledge, folk literature and art, traditional Chinese medicine, news and broadcasting and TV programs. Perfect the service invention system, the legal system governing abuses of IP, and the regulations and policies on IP in the area of national defense.

2. Perfect IP-related legal systems. Study and perfect the protection system on IP, such as, business model and practical works of art. Study the rules on IP protection in new formats and new fields, such as, “Internet +”, e-commerce and big data. Study the protection of news works’ copyrights under the conditions of new media. Study the protection system for substantive derived varieties. Formulate antitrust guidelines on IP abuses. Perfect the legal system for protecting trade secrets, define trade secrets and infringement acts, and explore to establish a protection system before indictment.

Special Column 1 IP laws improvement project

Promote the revision and perfection of laws, regulations, and departmental rules on IP. Cooperate with the Standing Committee of the National People’s Congress to complete the fourth comprehensive revision of the Patent Law. Promote the third revision of the Copyright Law. According to the revision progress of the Patent Law and the Copyright Law, promote the revision of supporting regulations and departmental rules, such as the Rules for the Implementation of the Patent Law, the Guidelines for Patent Examination, and the Regulations for the Implementation of the Copyright Law in a timely way. Complete the revision of the Regulations on

Patent Commissioning and the Regulations on National Defense Patents.

Support legislation researches. Organize researches of the necessity and feasibility of formulating fundamental laws on IP. Research the basic principles, general rules, and important concepts of further defining the IP system in fundamental civil laws. Research and conduct the formulation and revision of the Law of the PRC against Unfair Competition, the Regulations on Customs Protection of IP Rights, the Regulations on the Administration of Acquiring Biogenetic Resources, and laws and regulations related to IP protection in the field of traditional Chinese medicine.

ii. Improve the level of IP protection

1. Give play to the role of judicial protection of IP. Promote the reform of the judicial system in the field of IP, build a fair and efficient judicial protection system of IP, form a comprehensive judgment system of IP featuring resource optimization, scientific operation, efficiency and authority, promote the “Three-in-One” trial system of civil, criminal and administrative cases of IP, strive to provide IP rights holders with all-dimensional, systematic and effective protection, and maintain the stability, guidance quality, finality and authority of judicial protection of IP. Further give play to the functions of judicial review and judicial supervision. Strengthen the “dual-track system” protection of IP, give play to the leading role of judicial protection, and perfect the IP protection mode where administrative law enforcement and judicial protection are complemented and organically linked. Intensify punishments of IP infringement



acts, study and improve the upper limit of legal compensation of IP infringements, implement punitive compensation for malicious infringement acts of gross violations, and let the infringers assume the actual reasonable expenditure. Actively conduct researches on the coordination of civil infringement judicial proceedings and invalid proceedings of IP. Complete the judicial relief work of the IP in a timely and effective way. Support foreign cooperation of judicial protection for IP.

2. Strengthen the criminal protection of IP. Perfect the work pattern of normalized striking and prevention, further optimize the whole-process striking strategy, and punish the infringement and counterfeit crime in the whole chain. Deepen the cooperation among the administrative law enforcement departments, explore the use of professional technologies and means, improve the information application ability and level of data use, and perfect the coordination mechanism with e-commerce enterprises. Strengthen the capacity building of a professional anti-counterfeit team. Deepen the cooperation in international law enforcement, intensify the investigation of criminal cases involving foreign IP, and carry out transnational joint law enforcement centering on key cases.

3. Strengthen the construction of the administrative law enforcement system of IP. Strengthen the construction of the administrative law enforcement ability of IP, unify the law enforcement standards, perfect the law enforcement proceedings, and improve the professionalization, informatization, and standardization level of law enforcement. Perfect the joint law enforcement and trans-regional law enforcement coordination mechanism of IP, actively conduct the special

action of law enforcement, and mainly investigate the trans-regional and large-scale infringement cases which have strong social reflections. Establish and perfect the patent and copyright online law enforcement and case handling system. Perfect the report and complaint mechanism for striking infringed and fake commodities. Innovate on the express IP protection working mechanism. Perfect the administrative law enforcement supervision of IP, and strengthen the performance management of law enforcement and rights protection. Strengthen IP protection at exhibitions. Strengthen strict performance appraisal of IP protection, and constantly conduct the survey of social satisfaction degree of IP protection. Establish a diverse settlement mechanism of IP disputes, and strengthen the construction of IP arbitration institutions and dispute mediation institutions.

4. Intensify IP protection in import and export trade. Implement relevant provisions on IP protection in the Foreign Trade Law, and issue IP protection policies related to import and export trade. Improve the law enforcement system for Customs protection of IP, and strengthen the Customs protection of IP of innovative products in superior fields, new formats and new fields. Perfect the law enforcement proceedings of Customs protection of IP of cargos in the free trade test zones and Customs special supervision zones as well as transit, transshipment and through cargos, and promote trade convenience under the precondition of effective supervision. Stick to special rectification, enrich the law enforcement means, and perfect the operating mechanism; intensify the execution efforts for striking infringement and counterfeit; highlight striking of infringing, counterfeit and illegal activities

of cross-border e-commerce on the Internet. Strengthen domestic and international law enforcement cooperation, and perfect the whole-chain type of management from production sources to the circulation channel and then to the consumption terminal.

5. Strengthen IP protection in traditional advantageous fields. Conduct the investigation of genetic resources, traditional knowledge, folk literature and art and other IP resources. Formulate guidelines for IP of intangible cultural heritage, and strengthen the protection and utilization of outstanding traditional knowledge resources. Perfect the registration mechanism for traditional knowledge and folk literature and art, and encourage investors to allocate social capital for initiating protection and development funds for traditional knowledge and folk literature and art. Study and perfect the protection and utilization system for Chinese genetic resources, and establish information disclosure, prior informed consent and benefit sharing system for biological genetic resources. Explore to establish the comprehensive protection system for IP of traditional Chinese medicine, and establish a traditional medical knowledge protection list. Establish a utilization and protection system for folk literature and art.

6. Strengthen IP protection in new fields and new operating modes. Strengthen IP protection of broadband mobile wireless Internet, cloud computing, Internet of Things, big data, high-performance computing, mobile intelligent terminal, and other fields. Strengthen online monitoring and deepen special actions to fight against Internet infringement and counterfeit. Strengthen the supervision and management of movies and television plays, broadcasting and TV

programs, music, literature, journalism, software, games, etc. of network service providers, actively promote the coordination of network IP protection, combine the law enforcement responsibility of IP and management responsibility of e-commerce enterprises, and establish the information reporting, clue sharing, case study and judgment, and professional training cooperation mechanism.

7. Strengthen IP protection in the field of people's livelihood. Strengthen IP protection in fields such as food, drugs, environment, etc., and perfect the mechanism for fast handling infringement and counterfeit. Establish and perfect the long-term working mechanism of IP protection of innovative drugs, new-type vaccines, advanced medical equipment and other fields. Strengthen the protection of patents in the field of ecological and environmental protection such as pollution abatement and recycle utilization of resources. Conduct special actions of IP protection in rural areas, establish the law enforcement mechanism coordinated by county and township departments and joint supervise and handling system for important cases, and strengthen the construction of administrative law enforcement conditions of IP of rural market. As for specialized markets such as electronic, building materials, auto spare parts, hardware, food, and agricultural materials, intensify strikes against infringed and counterfeit goods and strictly block up channels for the circulation of infringed and counterfeit goods.

Special Column 2 IP protection project
Conduct a series of special actions. Give priority to striking infringement of exclusive right to use registered trademarks, unauthorized use of distinctive



names, package, and decorations of other parties' famous products, fraudulent use of other parties' names or enterprise names, and other counterfeiting and infringement actions. Conduct special actions to strike copyright infringement and piracy in important fields, highlight the investigation of major and important cases, special governance of key fields and network piracy supervision, continue to conduct "Red Shield Net Sword" "Sword Net" and other special actions, and strictly strike network infringement, counterfeiting and other illegal acts. Conduct special actions to strike new varieties of plants rights infringement and production and selling of fake and inferior seeds.

Promote trans-department, interdisciplinary and cross-regional cooperation of law enforcement. Strengthen the work of handover of suspected criminal cases. Conduct joint law enforcement with relevant international organizations and overseas law-enforcing departments. Strengthen the law enforcement and protection of IP of large shopping malls, exhibitions, e-businesses, import and export trade and other fields.

Strengthen the construction of "12330" system for aid for IP protection and report and complaint. Strengthen the construction of "12330" platform and expand channels of aid for IP protection. Improve the service quality of the platform, and dock to industry alliances and associations in depth.

Improve the mechanism for express IP protection. Accelerate the construction of the express IP protection center and improve the work quality and efficiency. Promote the express IP protection to be extended from single industry to multiple industries,

extended from appearance design to utility model patents and patents for invention, and radiated from specified areas to provinces, and establish a batch of express IP protection centers in characteristic industry clusters and key industries.

Promote the construction of the credit system in the field of IP. Promote the publicity of information on cases of infringement disputes, and strictly execute the publicity standards. Include intentional infringement acts into the social credit appraisal system, define the collection rules and ways of use of patent infringement and other credit information, and publicize relevant information to the credit information agency. Actively advance the establishment of the joint credit punishment mechanism in the field of IP.

iii. Improve the quality and benefit of IP

1. Improve patent quality and benefits. Establish a patent application quality supervision mechanism. Deepen the reform in the field of patent agency. Perfect the patent examination quality management mechanism. Optimize the patent review process and manner. Perfect the patent review coordination mechanism. Continue to deepen the international cooperation of patent review business, and expand the international cooperation network of "patent review expressway." Accelerate the construction of world-class patent review institutions. Strengthen the related evaluation between patent activities and economic benefits. Perfect the review and incentive policy of the patent prize, and give play to the benchmarking role of patent prize.

Special Column 3 Patent quality improvement project

Improve the quality of inventions and patent applications. Intensify patent quality evaluation and guidance in the construction of great IP provinces and cities and that of relevant pilot demonstrations of IP. Establish patent application credit archives, and continue to conduct the monitoring and feedback of patent application quality.

Improve the quality of patent examination. Strengthen the construction of the review business guidance system and review quality guarantee system. Perfect the preferential review mechanism of green technology patent applications. Well do the work of resources review-based social service. Build up a normalized mechanism for the revision of patent review guidelines. Improve the review period management so as to meet the creative subjects' diversified demands. Strengthen communications with industry associations, agents, and applicants to form the rapid and efficient external quality feedback mechanism, and enhance the degree of social satisfaction. Strengthen the informatization infrastructure construction that supports patent review.

Improve the quality of patent agency. Deepen the reform of "decentralization, supervision and service" in the field of patent agency, and improve the level of industrial management. Intensify the competitive mechanism and industry self-regulation, and intensify information disclosure to agencies and agents. Build up feedback, evaluation, discussion, and punishment mechanism for the agent quality of patent agencies.

Improve the level of patent utilization and protection. Accelerate the construction of the public service platform system for the operation of IP, provide platform support for patent transfer and transformation, acquisition and trusteeship, transaction flow, pledge financing, patent navigation and etc., and improve the utilization benefits of patent. Formulate and issue relevant policies, create a good environment for patent protection, and promote high quality creation and high value patent implementation.

2. Implement the trademark strategy. Improve the convenience level of trademark registration, optimize the trademark review system, and establish before perfecting a convenient and efficient trademark review and coordination mechanism. Improve the working performance of trademark right protection, and build a market environment for trademark construction featuring fair competition. Innovate on the administrative guidance and service supervision mode of trademarks, improve enterprises' ability to apply the trademark system, and create well-known brands. Establish the trademark value evaluation system through researches, and build up an index system that integrates trademarks with the Gross National Product (GNP), employment scale and other economic indexes. Establish a national information bank of trademarks.

3. Create high-quality copyrights. Completely perfect the copyright social service system, and give play to the role of copyright social service agencies. Promote the construction of the copyright assets management system. Establish the working coordination mechanism of copyright trade bases and trade centers.



Give full play to the demonstration and leading role of national copyright demonstration cities, units, and parks (bases) . Create a batch of intensive and specialized copyright enterprises of scale, and drive the healthy and rapid development of the copyright industry. Encourage the formation of a batch of radio, film and television broadcasting and production operating agencies with high-quality brands, and create boutique TV program copyrights and a copyright industry chain. Encourage the innovation of business model in the field of culture, vigorously develop the copyright agencies and copyright brokerage businesses, and promote the development of the copyright industry and the market.

4. Strengthen the work of IP in geographical indications, new varieties of plants, layout designs of integrated circuits and other fields. Establish a joint identification mechanism of geographical indications, and strengthen the registration and protection of Chinese geographical indications in overseas markets. Promote the establishment of a coordinated management mechanism for new varieties of plants, promote the construction of a new plant varieties testing system, speed up the development of test guide for new varieties of plants, and improve the level of examination and testing. Strengthen the cooperation and innovation of seed enterprises and universities and scientific research institutions, and build a gene mapping database for licensed new varieties of plants to provide technical support for rights protection, forensics and law enforcement. Improve the protection system for layout designs of integrated circuits, optimize the procedures for registration and deregistration of layout designs of integrated circuits, give full play to the role

of the system for layout designs of integrated circuits and promote the upgrading and development of the integrated circuit industry.

iv. Strengthen the construction of strong IP provinces and cities

1. Develop a batch of strong IP provinces and cities. Promote the construction of the leading, supportive, and characteristic type of strong IP provinces, and give play to the exemplary role of strong IP provinces. Deeply conduct pilot demonstration of IP, and build a batch of strong IP cities with reasonable layout and obvious characteristics based on the national IP demonstration cities and national copyright demonstration cities, etc. Further explore the construction of the county's IP working mechanism suitable for national conditions.

2. Promote the regional coordinated development of IP. Promote the pilots of regional layout of IP, form the configuration-oriented directory with IP resources as the core, and promote the allocation of regional IP resources and policy optimization and adjustment. Support western China to improve the environment for innovation, accelerate the development of IP, and improve the level of IP creation and utilization of enterprises and institutions. Formulate and implement the IP policies to support the revitalization of old industrial bases such as northeastern China, and promote the transformation and upgrading of traditional manufacturing industries in northeastern China and other old industrial bases. Enhance the level of IP in characteristic and advantageous industries in the central region. Support eastern China in IP utilization to actively explore and take the lead in the development, and develop several growth poles that could drive co-

ordinated regional development of IP. Promote integrated protection, coordinated application, and service sharing of IP in Beijing, Tianjin and Hebei, and promote the free and reasonable circulation of elements of innovation. Promote IP construction in the Yangtze River Economic Belt, and guide the industries to optimize the layout and divide responsibilities for collaboration.

3. Do a good job in poverty alleviation in the IP field. Strengthen IP protection and utilization in traditional knowledge, genetic resources, folk literature and art, traditional Chinese medicine and other fields in the remote areas. Make use of IP talent advantages, technical advantages and information advantages to further develop geographical indication products, strengthen the protection of new varieties of plants, guide the registration of trademarks of geographical indications, and popularize and apply patented technologies involving agriculture. Conduct the work to enrich people with IP, promote projects of enriching the farmers with trademarks, give full play to the effects of agricultural product trademarks and geographical indications in agricultural industrialization, and develop a batch of high-quality projects of poverty alleviation with IP. Support the old revolutionary base areas, ethnic minority areas, border areas and poor areas to strengthen the construction of IP institutions, and increase the number and level of IP protection.

v. Accelerate the construction of strong IP enterprises

1. Enhance the comprehensive IP capabilities of enterprises. Implement national standards for IP management of enterprises, and strengthen the whole-

process IP management in production, operation, and technological innovation. Perfect the IP certification system, and explore the establishment of an international mutual recognition mechanism for IP management system certification results. Promote coordinated IP utilization, encourage large enterprises to conduct IP appraisal work, and conduct IP assessment, acquisition, operation, risk early warning, and response in the cooperation in key fields. Effectively enhance enterprises' IP awareness, and support enterprises to increase input in IP and improve competitiveness.

2. Develop superior enterprises of IP. Introduce guidelines for the construction of superior enterprises of IP, promote the establishment of enterprises' IP service mechanism, and guide excellent services to help enterprises form a competitive advantage of IP. Introduce the guidance documents for the development of IP demonstration enterprises to enhance the strategic management ability, market competitiveness, and industry influence of IP of enterprises.

3. Perfect the support system for strong enterprises of IP. Perfect the management systems for finance, evaluation, etc. of IP assets and relevant accounting standards, and guide enterprises to issue IP operating reports. Enhance enterprises' management capacity in IP assets, and promote enterprises' management of IP assets in mergers and acquisitions, equity incentives, foreign investments and other activities. Strengthen the cooperation among governments, enterprises and the society, and guide enterprises to conduct various forms of capitalization operation of IP.

**Special Column 4 Project of strong IP enterprises**

Implement enterprises' IP management standards. Establish policy guidance, consulting services and third-party certification system. Develop a professional talent team for enterprises in IP management.

Formulate the scheme for the construction of strong enterprises with IP. Establish a classified guidance policy system, shape demonstrative enterprise models, and cultivate a batch of leading enterprises with international competitive advantage in IP. Implement the projects of strategic promotion of IP in SMEs, strengthen IP protection and support, and build a service support system to support the innovative development of SMEs.

Encourage internationalized development of enterprises. Guide enterprises to conduct the layout of overseas IP. Give play to the role of IP alliance, and encourage enterprises to convert patents into international standards. Promote the internationalization of IP management system standards and certification.

vi. Promote the upgrading and development of industries

1. Promote the development of patent navigation industry. Further implement the pilot projects of patent navigation, guide industrial development and innovations, conduct the global strategic layout of the IP of industries, and boost the improvement in quality, efficiency, and upgrading of industry. Facing strategic emerging industries, implement a batch of industrial planning and enterprise operation patent navigation projects in the fields of new materials, biological medicine, Internet of Things, new energy,

high-end equipment manufacturing, etc. Promote the establishment of a work mechanism for the development of the patent navigation industry in the key areas such as comprehensive innovation reform pilot areas, free trade experimental zones, Sino-foreign cooperative industrial parks, and demonstration parks of IP pilots.

2. Perfect the "Made in China" IP layout. Focus on the key fields of "Made in China 2025" and key links of the "Internet +" action, and form a batch of crucial, core and general technology IP rights. Implement the promotion projects of collaborative IP utilization in the manufacturing industry, support collaborative innovation and joint research and development of backbone enterprises, colleges and universities and research institutes in the implementation of major projects such as the construction of manufacturing innovation centers, form a group of industrialization-oriented patent portfolios, and strengthen the transformation and utilization of innovative achievements.

3. Promote the development of IP-intensive industries. Formulate the directory and development plans of IP-intensive industries, and issue reports on the development trends of IP-intensive industries. Use equity investment funds and other market-oriented approaches to guide the investment of social capital in IP-intensive industries. Strengthen the support of government procurement for IP-intensive products. Encourage qualified regions to develop IP-intensive industries cluster areas to build a coordinated development pattern of industries with complementary advantages. Build a group of IP-intensive industries with high growth and high yield to promote the improvement in quality, efficiency, and upgrading of industries.

4. Support the development of industrial IP alli-

ances. Encourage the formation of industrial IP alliances, conduct record management and services for the alliances, create a management library for key industry alliances, and provide appraisal, monitoring and classified guidance for the development statuses of the alliances. Support the establishment of IP service alliances. In case of a social organization, perform registration procedures according to the law. Support the alliances to build and operate the industry patent pools, promote the formation of the standard-necessary patents, and establish an IP infringement monitoring and risk response mechanism for key industries. Encourage social capital to set up a special fund for IP industrialization, give full play to the role of IP operation fund of key industries, improve the operational level and international competitiveness of industrial IP, and protect the safety of industrial technology.

5. Deepen the IP appraisal work. Implement IP appraisal projects, and study and formulate relevant policies. Focus on the national major industrial plans, major government investment projects, etc. to conduct IP appraisal, and actively explore IP appraisal pilots for major science and technology and economic activities. Establish an IP target evaluation system for national science and technology plans (special projects, funds, etc.). Strengthen the construction of professional institutions and talent training for IP appraisal, actively promote the application of the appraisal results, and establish the mechanism for issuing appraisal reports for key fields. Promote the formulation of relevant standards of appraisal service. Encourage and support the joint appraisal work by the industrial backbone enterprises and professional institutions in key fields, improve innovation efficiency, and prevent IP risks.

Special Column 5 IP appraisal project

Promote the work of IP appraisal in key fields. Strengthen the communication and cooperation between competent IP authorities and competent industry authorities, focus on major national special projects of science and technology as well as strategic emerging industries, deeply conduct IP appraisal work for key and core technologies in fields such as high-end general chips, high-end CNC machine tools, integrated circuit equipment, broadband mobile communications, oil and gas fields, nuclear power plants, water pollution governance, new varieties of genetically-modified organisms, new medicine creation, prevention and treatment of infectious diseases, and provide or issue appraisal reports in a timely manner.

Enhance the ability of IP appraisal. Formulate and issue guidebooks for the appraisal of major economic activities and practical guidelines for classified appraisals, regulate the scope and procedures of appraisal. Implement plans to enhance the ability of appraisal, support the development of appraisal tools, and train a batch of appraisal talents.

Cultivate the service strength of IP appraisal. Develop demonstration institutions of IP appraisal service, and strengthen the balance of service supply and demand. Promote the construction of industry organizations of appraisal services, support the development of appraisal service standards, and encourage the alliance to implement industry self-regulation. Strengthen international exchanges between appraisal service agencies, and expand the service space.



6. Promote the transfer and transformation of military and civilian IP. Strengthen the protection of national defense IP, and perfect the ownership and profit distribution mechanism of national defense IP. Formulate the guiding opinions to promote two-way transformation of civil and military IP. Liberalize the national defense IP agency service industry, and establish and perfect a corresponding access and exit mechanism. Promote the construction of a national defense IP information platform, build information resources of national defense IP based on classification, and gradually open the retrieval to the public. Create a policy environment for IP in the national defense science and technology industry conducive to military and civilian collaborative innovation and two-way transformation. Build and perfect the platform for IP in the national defense science and technology industry, complete the construction of the patent information platform, and form a more perfect basic database of national defense science and technology industry patents.

vii. Promote IP opening and cooperation

1. Strengthen international exchanges and cooperation in IP. Further strengthen the planning and coordination of foreign-related IP affairs. Strengthen multilateral and bilateral international negotiations on IP in connection with economy and commerce, bilateral IP cooperation and consultation mechanism, and coordination of domestic positions, etc. Actively participate in the formulation of international rules on IP, speed up the revisions to treaty on the protection of broadcasting organizations, promote the implementation of *Declaration on TRIPS Agreement and Public Health* and the effect of *Beijing Treaty on Audiovisual*

Performances, and make relevant good preparations for China to approve *Marrakech Treaty*. Strengthen the exchange and cooperation with the World Intellectual Property Organization (WIPO), the World Trade Organization (WTO) and the relevant international organizations. Broaden the channels of IP public diplomacy. Continue to consolidate and develop bilateral and multilateral cooperative relationships of IP, and strengthen the exchange and cooperation with the countries along the “Belt and Road” and BRICS countries. Strengthen the reserves and deployment of talented Chinese people engaged in IP affairs to international organizations and diplomatic institutions in major countries and regions.

2. Actively support innovative enterprises to “go global”. Improve the overseas IP protection assistance system for enterprises. Encourage social capital to set up overseas IP protection assistance service funds for Chinese enterprises. Formulate and implement policies to deal with major overseas disputes over IP. Perfect the overseas IP information service platform, and issue information such as IP system environment of relevant countries and regions. Support enterprises to carry out a wide range of cross-border IP trades, and promote independent IP services and products to “go global”. Continue to conduct overseas IP protection and practical trainings for dispute resolution for export-oriented enterprises.

Special Column 6 Overseas IP protection project
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Develop risk early warning mechanism. Promote enterprises to conduct IP risk assessment during activities such as talent introduction, international exhibitions, import and export of products and technologies and enterprise mergers

and acquisitions, and improve enterprises' ability to deal with IP disputes. Strengthen the tracking and research of IP cases, and issue risk warnings in a timely manner.

Establish an overseas IP protection assistance mechanism. Strengthen the construction of an information platform for overseas IP protection of China. Issue the directory of overseas IP service agencies and experts as well as the case database. Establish a long-term efficient mechanism for rapid IP protection of overseas exhibition, organize a center for rapid IP protection at overseas exhibitions, and establish a linkage working mechanism that associates rapid IP protection with conventional IP protection assistance of overseas exhibitions.

V. Major special projects

i. Strengthen the construction of the operating system of IP trade

1. Perfect the public service platform for IP operation. Give play to the leading role of central financial funds, build a public service platform for national IP operation, conduct copyright trading relying on the trading sites of intangible assets such as cultural property and intellectual property, and cautiously set up copyright trading platforms. Introduce relevant industry management rules, and strengthen the business guidance and industry management of the operation of IP trades. Promote an IP pledge registration platform with a uniform base on the basis of the Internet and the public service platform for IP operation.

2. Innovate on financial services of IP. Expand the content and working scope of IP pledge financing pilots, perfect risk management and compensation mechanism, and encourage social capital to initiate

the establishment of risk compensation funds for small and micro enterprises. Explore the development of IP securitization and trust business, support IP investment in terms of shares, conduct the Internet IP financial services under the premise of compliance with the law, strengthen patent value analysis and application effect evaluation, and speed up the standardized construction of patent value analyses. Strengthen dynamic management of IP pledge.

3. Strengthen the coordinated IP utilization. Deepen the pilot project for the coordinated utilization of patents towards industrial associations, colleges and universities and scientific research institutions, and establish a mechanism for coordinated utilization of patents for order-type invention and delivery-type innovation. Cultivate a number of specialized IP operating agencies with distinct characteristics, obvious advantages, and international influence. Strengthen the role of industry associations in the joint creation, collaborative utilization, joint protection, joint management, etc. of IP. Encourage colleges and universities and scientific research institutions to strengthen the responsibility for IP application and operation and make greater efforts on IP conversion. Guide the colleges and universities, institutes and enterprises to jointly build a patent technology industrialization base.

Special Column 7 IP investment and financing service project

Build a national public service system for IP operation. Promote the electronic transactions of the whole process of IP trades and actively conduct management of IP operation project. Accelerate the development of national patent operation pilot enterprises,



and accelerate the construction of military and civilian IP integration pilot in Xi'an, IP finance pilot in Zhuhai and IP operation centers in other regions such as northern China and southern China.

Deepen IP investment and financing work. Optimize the pledge financing service mechanism, and encourage the qualified regions to develop an IP insurance, reward and compensation mechanism. Study and promote overseas infringement responsibility insurance work on IP. Thoroughly carry out pilot programs for establishing compensation funds for IP pledge financing risks and IP operation funds for key industries. Explore the IP securitization, perfect the IP credit guarantee mechanism, and promote the development of new models such as investment and loan linkage, investment and insurance linkage, and investment and bond linkage. Innovate on IP investment and financing products. Guide venture capital funds and equity investment funds to strengthen investment in the IP field at the comprehensive innovation and reform pilot areas.

Innovate on the operation mode of management. Support the exploration of crowd sourcing mode of IP creation and operation, encourage financial institutions to conduct innovation on financial products and services under the premises of controllable risks and commercial sustainability and based on the new model features such as public innovation, crowd sourcing and public support, actively develop IP pledge financing, and promote the integrated development of "Internet + " IP.

ii. Strengthen the construction of the IP public service system

1. Improve the public service capacity of IP. Establish before perfecting an IP public service network, and increase the supply of public service products like IP information. Promote the interconnection between basic IP information and other information concerning economy, law, science and technology, and industrial operation, etc. Take actions to improve the industrial IP service ability and innovate on the service modes for medium-sized, small, and micro enterprises and start-ups. Develop new models such as "Internet + " IP service, and develop large-scale, specialized, market-oriented international IP service brand agencies.

2. Build the public service platform for IP information. Provide free or low-cost sharing of basic information resources such as patents, trademarks, copyrights, layout designs of integrated circuits, new varieties of plants, geographical indications, and IP litigations. Use cloud computing, big data, mobile Internet, and other technologies to realize IP information statistics, integration and push service on the platform.

Special Column 8 Construction project of public service platform for IP information

Build a public service network. Formulate and issue the directory and guidelines of public services matters of IP. Increase the IP information service websites, and strengthen the IP information service capacity building of public libraries, university libraries, science and technology information service agencies and industrial organizations, etc.

Create the industry service platform. Create a number of public service platforms of IP information with reasonable layout, open cooperation and market-based operation relying on professional institutions, and provide IP services at the central cities, free trade test zones, national independent innovation demonstration zones, state-level hi-tech zones, state-level economic and technological development zones, etc. Set up IP services workstations in innovation and entrepreneurship platforms such as Maker Space.

Integrate services and data resources. Integrate IP information resources, innovative resources and service resources, promote the collaboration between entity services and network services, and promote collaborative innovation from research and development creativity, IP rights enforcement, circulation to industrialization. Construct the open platform of basic data resources of patent, and expand popularization and application of patent data freely or at a low cost. Establish disclosure windows of IP information formed by financial aid projects and of the listed companies.

3. Construct the agglomeration areas of IP service industry. Construct a group of agglomeration areas of national IP services industry in free-trade pilot areas, national independent innovation demonstration zones, state-level hi-tech zones, Sino-foreign cooperation industrial parks, and state-level economic and technological development zones. Encourage IP service institutions to settle in the innovation and entrepreneurial resources-intensive areas, provide market-oriented and specialized services to meet the diverse

demands of innovative entrepreneurs. Strengthen classified guidance for different regions, guide the rational flow of IP service resources, deeply dock with regional industry and promote the quality, efficiency and upgrade in economy.

4. Strengthen the supervision of the IP service industry. Perfect the statistical system of IP service industry, and establish the directory of service institutions. Establish standardized technology organizations of IP services, promote to improve the construction of the service standards system, and conduct standardized pilot demonstration. Perfect the patent agency management system and strengthen the regulation during and after the process. Improve the management of IP integrity information, credit evaluation, dishonesty punishment and other management systems, and timely disclose relevant practicing information. Study on the establishment of a national industry organization of IP services. Where conditions are qualified, explore the implementation of the pilots of “One industry multi-associations” organized by the IP service industry association.

iii. Strengthen the construction of the IP talents development system

1. Strengthen the training of IP talents. Strengthen the construction of IP-related disciplines, support the establishment of IP majors in subjects such as management and economics in colleges and universities, and support the establishment of IP major in science and engineering colleges and universities. Strengthen the academic education and non-academic continuing education of IP and strengthen the degree education of IP major. Construct diversified organization models of IP education and training integrating



government departments, colleges and universities and the society, support cooperation between industry organizations and professional institutions, and increase the training efforts for practical talents. Strengthen the construction of training bases of the national IP and perfect infrastructure such as teachers, teaching materials, and remote systems. Intensify the training strength of IP for leading cadres, entrepreneurs and all kinds of innovative talents. Encourage international academic exchanges of IP in colleges and universities and research institutes, and encourage IP talents in China to obtain relevant overseas qualification certificates. Promote the inclusion of IP courses into training and elective teaching contents of all levels of Party schools and administrative schools.

Optimize the growth system of IP talents. Strengthen the construction of high-level IP talents, and increase efforts for the training of talents in IP management, operation, and patent information analysis. Plan and coordinate the training, practice, and use of IP talents, and strengthen the training and introduction of leading IP talents and international professionals. Construct a multi-level and high-level intellectual property rights think-tank system. Explore the establishment of a patent commissioner system of industry associations and enterprises and institutions. Select a batch of IP entrepreneurship mentors and strengthen guidance of innovation and entrepreneurship.

3. Establish a talent discovery and evaluation mechanism. Establish IP identification mechanism in the introduction of talent and use IP information to find talents. Perfect the evaluation system of IP occupational level and formulate the competency and quality standards of IP professionals. Encourage cross-

border exchanges and orderly flow of IP services talents and innovative talents and prevent the legal risks of talent flow. Establish IP protection assistance mechanism of innovative talents.

iv. Strengthen the construction of IP culture

1. Strengthen IP publicity and popularity. Improve the IP news release system and expand the channels of information issuance. Organize major publicity activities such as the national IP publicity week, China patent week, green bookmarks, and China international trademark brand festival. Enrich the forms of IP publicity and popularity and give play to new media's role of dissemination. Support the creation of excellent works, introduce influential films and television works themed with IP, and promote positive energy of IP.

2. Implement IP education promotion plans. Encourage cultural and theoretical research of IP, strengthen universal education, and introduce outstanding research results and popular books. Comprehensively include IP contents into the national popularized legal education and the efforts for improving the whole people's scientific literacy.

Special Column 9 Cultural construction project of IP rights
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<p>Beef up IP popularization. Promote the popularization of IP-related laws and regulation and cases via new media. Talk well about China's IP stories, introduce influential IP-themed books, films, and television works, and report typical characters and cases.</p>
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<p>Strengthen universal education. Conduct the pilot demonstration work of IP education in primary</p>
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and secondary schools in China, and establish several demonstration schools for IP publicity and education. Guide all kinds of schools to combine IP cultural construction with the ideological and moral construction of students, the construction of campus culture, and the thematic education activities and enhance students' IP awareness and innovation.

Flourish cultural and theoretical studies. Encourage and support the educational circles and academic circles to widely participate in the research of IP theoretical system, support the creation of popular books of IP with both social and economic benefits, enhance the pertinence and effectiveness of IP culture transmission, support and promote the construction of IP culture with Chinese characteristics.

VI. Implementation guarantee

i. Strengthen organization and coordination

All regions and relevant departments should attach great importance to strengthening organization and leadership, clarifying division of responsibilities, combining with the reality to implement the task proposed in the plan in a detailed way, formulating specialized plans, annual plans and supporting policies, and promoting the effective implementation of plans. Strengthen planning and coordination, give full play to the role of system of the inter-ministerial joint conference on the implementation of national IP strategy of the State Council, and accomplish the organization and implementation work as planned. The National Leading Group on the Fight against IPR Infringement and Counterfeiting should effectively strengthen uni-

fied organization and leadership of the fight against IPR infringement and counterfeiting. Relevant departments shall perform their duties according to the law, conscientiously implement the requirements of this plan, closely collaborate, and form the joint forces for the implementation of the plan.

ii. Strengthen financial guarantee

Strengthen mutual coordination between the financial budget and the implementation of the plan, all levels of finance should provide reasonable guarantee for the implementation of the plan in accordance with the current funding channels, encourage the investment of social capital into the plans of IP and promote IP development. Coordinate IP-related public resources of departments at all levels, highlight the focus of input, optimize the expenditure structure, and effectively protect the implementation of the key tasks and major projects.

iii. Strengthen examination and evaluation

All regions and relevant departments shall strengthen the dynamic monitoring and evaluation of the implementation of this plan. The office of the inter-ministerial joint conference of the implementation of national IP strategy of the State Council shall, in conjunction with relevant departments and in accordance with the deployment and requirements of the plan, establish an evaluation mechanism for the implementation of the plan, organize and conduct supervision, inspection and performance evaluation work on the implementation of the tasks, and timely report important cases to the State Council.