

# China's Efforts in IP Delivers after 40 Years' of Reform and Opening Up



## 中国知识产权事业 成就辉煌

During the 40 years' of reform and opening up, China has been striving to inspire innovation from within and building up its IP system. Number of IPRs has been constantly setting record-highs while IPR protection has been constantly strengthened and IPR use has been constantly optimized.

### IP Creation Boosts both in Quality and Quantity

Number of patents has achieved massive development, with patent structure and portfolio continuing to optimize. Since the implementation of China's Patent Law in 1984, China has maintained a rapid growth in patent applications received. In terms of invention patent applications filed, which is the best demonstration of a country's innovative power, China has surpassed Europe, South Korea, Japan and the United States of America in turn, locking the first place for seven consecutive years since 2011. Percentages of invention patent applications filed by and patents granted domestic companies have grown rapidly, making up 63.4% and 63.8% of the totals in their respective category in the first half of 2018. China's own army of prolific patent users such as Huawei and Sinopec are emerging. In 2017, Chinese applicants have filed 48,882 international applications via PCT, ranking No.2 in the world for the first time.

In terms of patent examination, China National Intellectual Property Administration is committed to providing high-quality and efficient examination services to applicants by improving examination capacity and curtailing pendency. The pendency for invention patents is shrunk from 68 months at the end of the Eighth Five-Year Plan to 22 months at the end of 2016, down by 68%; utility model nine (2006) to six months (2016), down 67%; design six (2006) to three

months (2016), down 50%.

China has been becoming a global leader in innovation and brand. After 40 years' of reform and opening up, the number of registered trademark has increased from 27,459 in 1979 to 15,641,649 million in 2017. As of July of 2018, China housed 17,181,5 million valid registered trademarks, one trademark owned by every six market players. There were 755, 8,685 and 30, 562 Madrid international trademark applications from domestic applicants in 1998, 2008 and 2017 respectively after China acceded to the Madrid Agreement for International Registration of Trade Marks on October 4, 1989. Chinese applicants took the third place in number of applications filed in the Madrid Union in 2017.

China received 2,048 international trademark applications for territorial extension in 1990, and this number reached 731,783 in 2017, ranking the first in the world for 13 consecutive years since China became the member of the agreement. This fully demonstrated that China's investment and business environment has been attracting foreign businesses to anchor down here.

In 2001, geographic indication (GI) became protectable under trademark law in China. In 2007 and 2017, 301 and 3,906 GI trademarks were registered respectively.

Protection of GI products delivers. After 20 years' trial-and-error, a national GI product protection system featuring Chinese characters and in line with international practice has come into shape since its debut in 1996. China has signed MoUs with EU, France, Italy, Thailand and Mexico, and collaborated with relevant authorities of the UK, the US, and Japan. In a bid to promote international protection and coordination of GI products, China has joined hands with EU to hold symposiums on protection of EU-China GI products sever-

al times. As of the end of 2017, there were 2,283 national GI products under protection, 2,222 of which were domestic and 61 were foreign. National GI products protection demonstration areas were established in 21 locations. More than 8,000 businesses were certified to use GI products, with a total value of over 1 trillion yuan, benefiting over 10 million people. The protection of GI products has played a vital role in protecting national brands, upholding traditional culture, preserving original quality and promoting targeted poverty alleviation.

### IP Protection Creates Sound Business Environment

During the past 40 years, China has formulated and revised its laws and regulations including trademark law, patent law, copyright law and anti-unfair competition law multiple times. An IP law system, extensive and in line with international rules, has come into shape, providing strong support for beefing up IP protection. In parallel, China continues to improve judicial and administration protection mechanism and step up IP protection by establishing specialized IP courts and tribunals and cracking down upon IP infringement and counterfeiting goods. In 2017, public satisfaction on IP protection was 76.69 points, up 4.31 over last year and up 13 points over 2012. Foreign businesses in China are becoming more and more satisfied with IP protection in China with their satisfaction points higher than the national average in the past three years.

Rapid and coordinated protection and activities in right enforcement have been accelerated. As of now, China has approved 19 IP protection centers, 19 IP rights rapid enforcement centers, 76 IP aid centers, and more than 900 brand centers and work stations to better meet the need of innova-

tors and market players, thus providing IP services for innovation-driven development and creating a sound innovation, investment and business environment.

### IPR Use Supports Innovation-Driven Development

During the 40 years, development of structural reform of allocation of equity, IP commercialization system and IP intensive industries has greatly boosted socio-economic development.

China has facilitated IP financing and pledging. Companies have secured loans of 300 billion yuan by pledging their IPRs from 2008 to 2017. Number of trademarks registered for pledging increased from 749 in 2008 to 7,962 in 2017. Bank loans and guarantees were 59.8 billion yuan in 2008 and 358.3 billion yuan in 2017, which is one of the effective ways to ease the financing difficulty of SMEs and micro business, and facilitate their innovation-driven development via IPRs. (by Li Qian)

### 本报记者 李倩

改革开放40年来,中国坚持走自主创新道路,知识产权事业不断发展壮大,取得了举世瞩目的成就:中国知识产权创造实现量质齐升,知识产权保护力度不断加强,知识产权运用不断强化。

### 创造:量质齐升激励创新

专利数量实现跨越式发展,专利结构不断优化,海外专利布局能力取得长足进步。自1984年专利法实施以来,中国专利申请受理量保持了高速增长。在最能体现创新水平的发明专利的申请量方面,依次实现了对欧、韩、日、美的超越,发明专利申请量从2011年开始,连续7年位居世界第一;中国国内企业发明专利申请和授权量始终保持高速增长,2018年上半年,中国国内企业发明专利申请量和授权量占国内总量的比例分别达到63.4%和63.8%,中国企业自主创新主体地位日渐突出,涌现出了华为、中石化等大批专利大户;2017年,中国申请人提交的PCT国际专利申请达到4.8882万件,世界排名已首次上升至第2位。

此外,在专利审查方面,中国国家知识产权局为申请人提供了优质高效的审查服务,采取多种措施提高审查能力、缩短审查周期。发明专利审查周期从“八五”末的68个月缩短至2016年底的22个月,压减近68%;实用新型和外观设计审查周期分别从2006年的9个月和6个月缩短至2016年底的3个月,压减近67%和50%。

中国正逐渐成为全球创新和品牌方面的引领者。改革开放40年来,中国累计国内商标核准注册量从1979年的2.7459万件增加到2017年的1564.1649万件。截至2018年7月,中国有效注册商标量为1718.15万件,平均每6个市场主体拥有一个有效商标。1989年10月4日,中国正式成为《商标国际注册马德里协定》成员国,中国申请人提交的马德里商标国际注册累计申请量1998年为755件,2008年为8685件,2017年为3.0562万件。2017年中国申请人提交的马德里商标国际注册申请量在马德里联盟中排名第三。

同时,中国在正式成为马德里协定成员国后,开始办理来自马德里协定其他成员国商标所有人在中国的领土延伸申请,1990年马德里商标国际注册领土延伸累计申请量为2048件,2017年达到73.1783万件,连续13年位居世界首位。这充分表明随着中国改革开放力度的不断加大,中国的投资环境和营商环境正吸引越来越多的外商来华投资。

2001年,中国将地理标志纳入商标保护范围。2007年,中国地理标志证明商标注册总数为301件,2017年达到3906件。

地理标志产品保护工作实施效果日益彰显。中国地理标志产品保护工作自1996年启动以来,经过20年的探索与实践,形成了具有中国特色、与国际通行做法接轨的地理标志产品保护制度。先后与欧盟、法国、意大利、泰国、墨西哥签署了地理标志产品保护谅解备忘录,与英国、美国、日本等国政府部门开展地理标志产品保护合作,与欧盟多次召开中欧地理标志产品保护研讨会,推进国际保护协同发展。截至2017年底,共认定国家地理标志保护产品2283个,其中国内2222个,国外61个;建设国家地理标志产品保护示范区21个;核准专用标志使用企业8000余

家,保护产值超过1万亿元,惠及上千万人。国家地理标志产品保护工作在保护民族品牌,传承传统文化,守护原味品质、推进精准扶贫等方面发挥着重要作用。

### 保护:营造良好营商环境

改革开放40年来,中国陆续制定出台并多次修订完善商标法、专利法、著作权法、反不正当竞争法等法律法规,建立起了符合国际通行规则、门类较为齐全的知识产权法律体系,为加强知识产权保护提供了有力的法律保障。同时,不断完善司法和行政保护工作机制,成立专门的知识产权法院和知识产权法庭,开展打击侵权假冒专项行动,加大知识产权保护力度。中国国家知识产权局发布的知识产权保护社会满意度调查结果显示,2017年中国知识产权保护社会满意度为76.69分,较上一年度增长4.31分,较2012年增长13分。在涉外知识产权保护社会满意度调查中,中国知识产权保护满意度越来越高,其满意度近三年均高于全国平均满意度,合资企业权利人2017年满意度更是高居各类权利人之首。

快速协同保护与维权援助工作加快推进。截至目前,中国已批复设立知识产权保护中心19家,知识产权快速维权中心19家,知识产权维权援助中心76家,分中心、工作站等分支机构共900多家,更好地满足了创新主体与市场主体的新需要,为国家创新驱动发展提供了知识产权服务保障,营造了更加良好的创新、投资和营商环境。

### 运用:支持创新驱动发展

改革开放40年来,中国知识产权权益分配机制改革不断深化,知识产权运营体系不断健全,知识产权密集型产业得到培育壮大,有力促进了经济社会发展。

积极推动知识产权质押融资工作。2008年至2017年十年间,中国专利权质押融资金额近3000亿元,商标质权累计登记数量从2008年的749件增加到2017年的7962件,商标质权登记累计担保债权金额2008年为598亿元,2017年达到3583亿元,缓解了一批中小微企业融资难问题,有效支持了中小微企业运用知识产权实现创新驱动发展。

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