



中国科学技术大学
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Chinese Intellectual Property Strategy

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The significance of S&T innovation

1

Promote human civilization progress

2

Boost the economic development

3

Bring about a living welfare of the Chinese nation

4



China's Intellectual Property Strategy

- ↳ In order to improve China's capacity to create, utilize, protect and administer intellectual property, making China an innovative country and attaining the goal of building a moderately prosperous society in all respects, the State Council of the People's Republic of China issued the **Outline of the National Intellectual Property Strategy** on June 5, 2008.



“Enhance the intellectual property protection!”



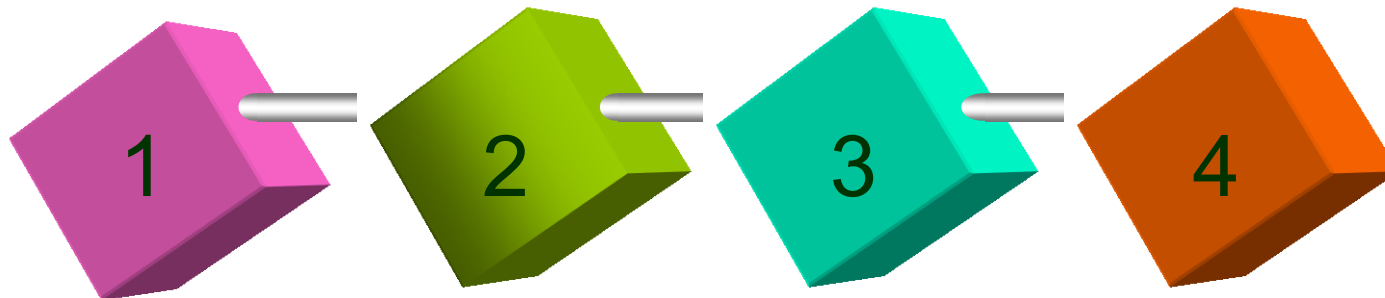


Strategic Goals:

- From 2008-2020, China will become a country with a comparatively high level in terms of the creation, utilization, protection and administration of IPRs. The legal environment for IPRs is much better, market entities are much better at the creation, utilization, protection and administration of IPRs, the public awareness of intellectual property is increased greatly, the quality and quantity of the self-relied intellectual property are able to effectively support the effort to make China an innovative country, the role of the intellectual property system in promoting economic development, the culture prosperity and social progress in China become very apparent.



Five Years' Goal



1
The level of the self-relied intellectual property be higher by a large margin and the quantity will be greater

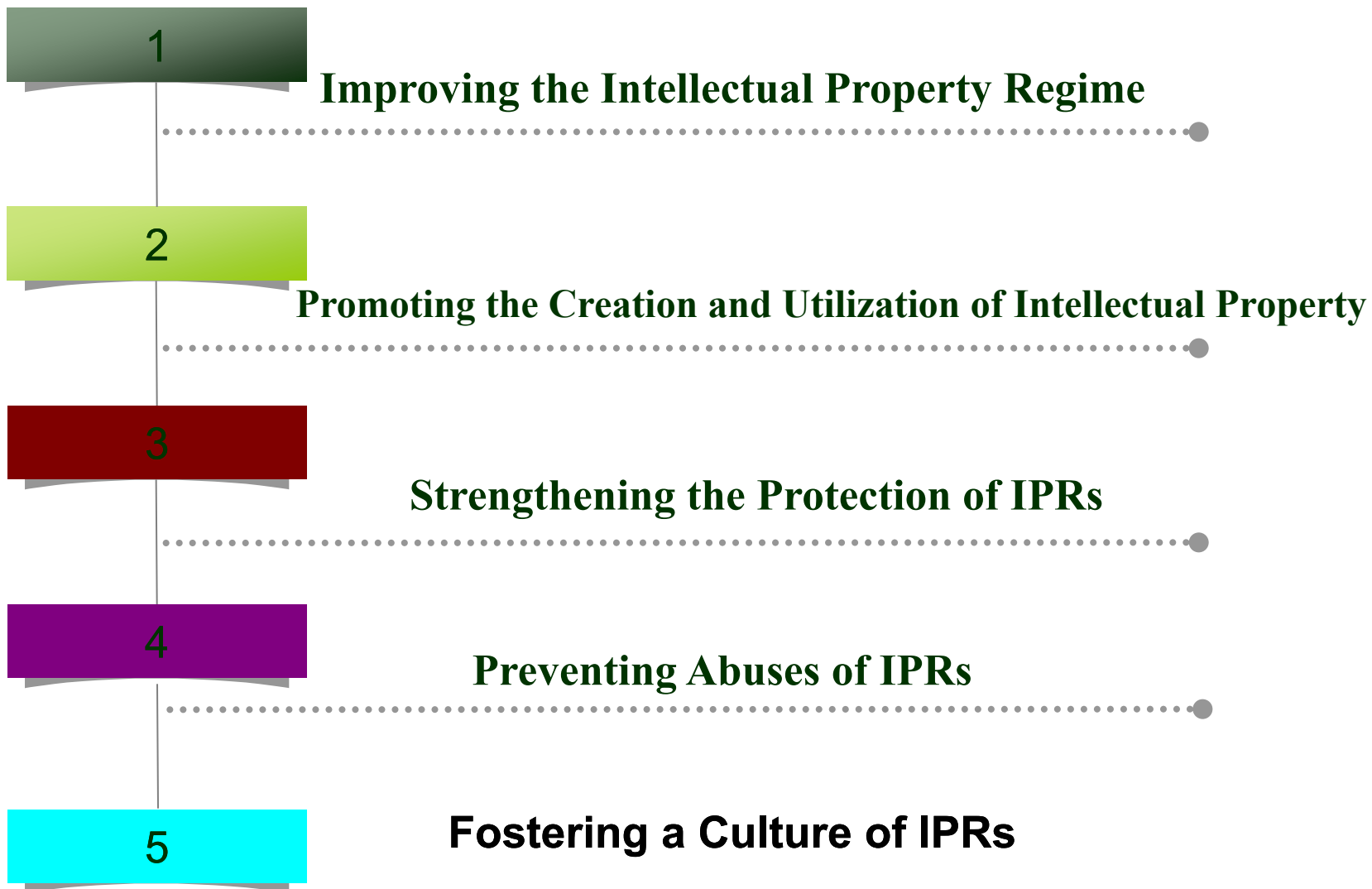
2
The benefits of utilizing IPRs increase significantly and the proportion of products rich in IPRs grow significantly.

3
The protection of IPRs will be significantly improved.

4
The awareness of the IPRs in society will be greatly enhanced and a favorable IP culture be basically formed.



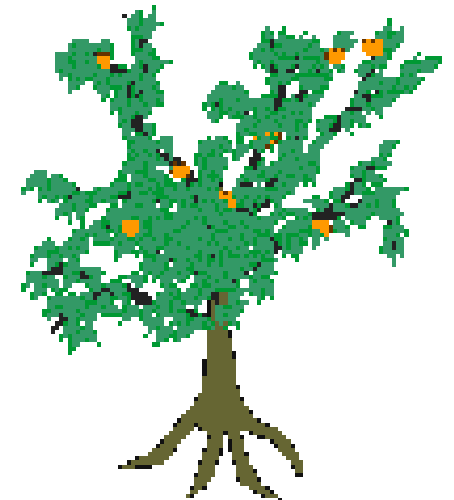
Strategic Focuses:





Specific Task:

- ↖ **1. Patent**
- ↖ **2. Trademark**
- ↖ **3. Copyright**
- ↖ **4. Trade secret**
- ↖ **5. New Varieties of Plants**
- ↖ **6. Intellectual Property in Specific Areas**
- ↖ **7. IPRs Related to National Defense**





Strategic Measures





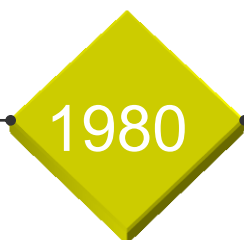
History Of The Development Of IP In China:



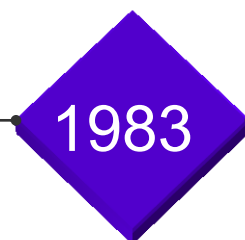
In the late 1978, with the start of the reform and opening up, China began the protection of intellectual property-related works:



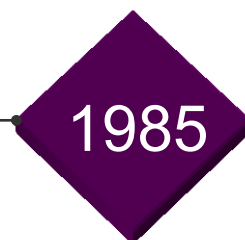
- Established the State Administration for Industry & Commerce of the PRC



- Established the China Patent Bureau
- Became a member of WIPO

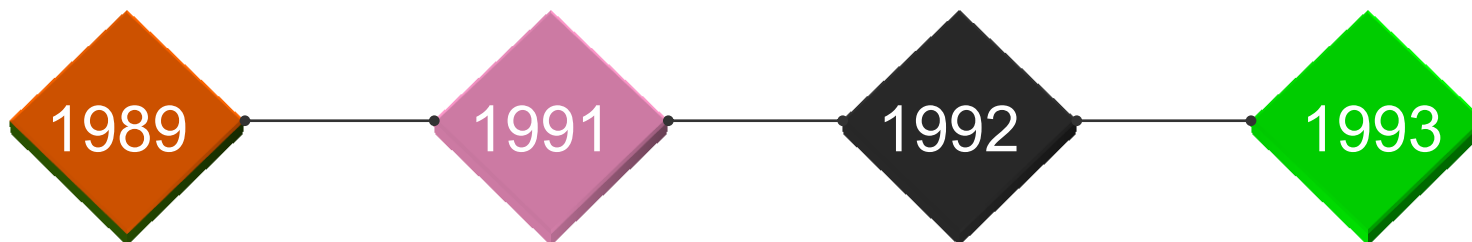


- Trademark Law of the PRC began to implement



- Joined the Paris Convention for the Protection of Industrial Property
- Patent Law of the PRC came into effect
- Established the National Copyright Administration





- Became a member of the Madrid Agreement concerning the international registration of marks

- Copyright Law of the PRC
- Regulation for the implementation of the Copyright Law of the PRC

Were came into effect

- Berne Convention and Universal Copyright Convention came into effect in China

- The National People's Congress Standing Committee adopted the Anti-Unfair Competition Law of the PRC



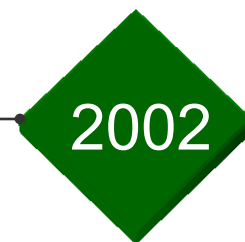
- Regulations on the Administration of Special Signs was Promulgated by the State Council of the PRC



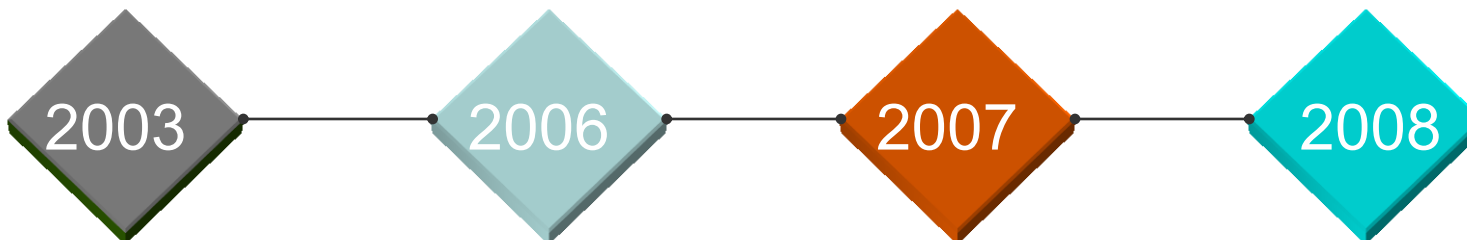
- Regulations of the PRC on the Protection of New Varieties of Plants was Promulgated by the State Council of the PRC



- Regulations for the Protection of Layout-design of Integrated Circuits was Promulgated by the Standing Committee of the State Council



- Olympic Insignia Protection Regulations was Promulgated by the Standing Committee of the State Council



- Regulation of the PRC on Customs Protection of Intellectual Property Rights was promulgated by State Council of the PRC

- Regulations on the Protection of the Right to Network Dissemination Information

- China became the member of the WCT and WPPT

- Outline of the National Intellectual Property Strategy Issued by the State Council of the People's Republic of China



Chinese IP Legal System:

↖ 1.The law of IP

(1) Copyright Law

(2) Trademark Law

(3) Patent Law

(4) Law of Against Unfair Competition

↖ 2.Administrative regulations of IP

(1) Regulations for the Implementation of the Copyright Law of the PRC

(2) Regulations for the Implementation of the Trademark Law of the PRC

A-0-02 标志表现形式

标志特定的表现形式为正稿、单色稿、负稿。负稿为反白效果。除正稿外，其他两种形式在应用时，可根据实际情况选用机构色彩管理系统中规定的专用色彩。



标志正稿



标志单色稿



标志负稿



- (3) Regulations for the Implementation of the Patent Law of the PRC**
- (4) Regulations for the Protection of Computer Software**
- (5) Regulations of the PRC on the Customs Protection of IP right**
- (6) Regulations of the PRC on the Protection of New Varieties of Plants**
- (7) Regulations of the PRC on the Protection of Layout-design of Integrated Circuits ETC.**



↖ **3. Local regulations , Autonomous regulations, Separated regulations of IP**

e.g. Regulation of Shenzhen Special Economic Zone on the Protection of Technical Secrets of Enterprises

↖ **4. Administrative rules of IP**

e.g. Acts of Against Infringement of Trade Secrets by State Administration for Industry & Commerce of the PRC



5. Judicial interpretation of IP

e.g. The Certain Provisions of Applicable Law Issues of Trial Patent Disputes by Supreme People's Court





International Cooperation of Chinese IP

- ✦ **1. ON June 3 .1980, China became the member of Convention Establishing the World Intellectual Property Organization**
- ✦ **2. On March 19 .1985, China became the member of Paris Convention for the Protection Industrial Property**
- ✦ **3. In 1989, China became the member of Treaty on Intellectual Property in Respect of Integrated Circuits**





- ✦ 4. On October 4 .1989, China became the member of Madrid Agreement Concerning the International Registration of Marks
- ✦ 5. On October 5. 1992, China became the member of Berne Convention
- ✦ 6. On October 30.1992, China became the member of Universal Copyright Convention





WANGZHIHE .China

V.S.

OKAI .Germany

Accorded with Madrid
Agreement Concerning
the International
Registration of Marks
& Berne Convention





附表1 2009年PCT申请量前10个国家统计数据 (单位: 件)

排序	国家	申请量	增/降幅	比率
1	美国	45,790	↓ 11.4%	29.4%
2	日本	29,827	↑ 3.6%	19.1%
3	德国	16,736	↓ 11.2%	10.7%
4	韩国	8,066	↑ 2.1%	5.2%
5	中国	7,946	↑ 29.7%	5.1%
6	法国	7,166	↑ 1.3%	4.6%
7	英国	5,320	↓ 3.5%	3.4%
8	荷兰	4,471	↑ 3.0%	2.9%
9	瑞士	3,688	↓ 1.6%	2.4%
10	瑞典	3,667	↓ 11.3%	2.4%





- 10. On July 1. 1995, China became the member of Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure
- 11. On September 19 .1996, China became the member of Locarno Agreement on Establishing an International Classification for Industrial Design

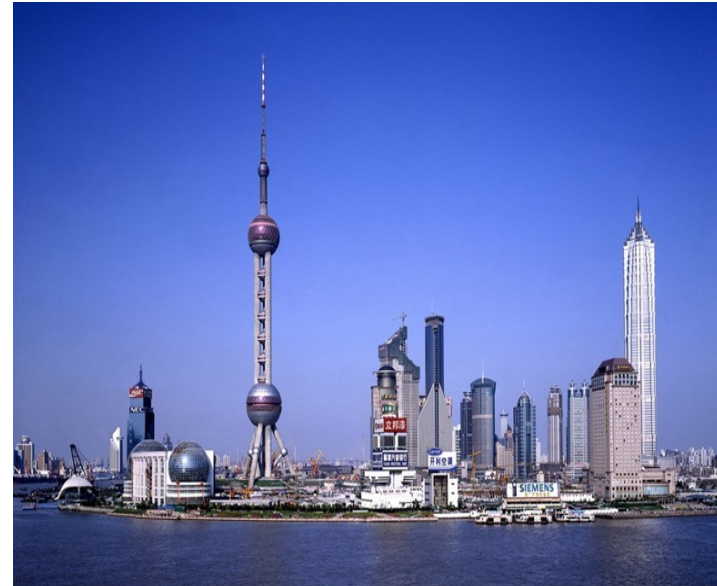




- ↖ **12. On June 19, 1997, China became the member of International Patent Classification Agreement**

- ↖ **13. On April 23, 1999, China became the member of International Convention for the Protection of New Varieties of Plants**

- ↖ **14. On December 11, 2001, China became the member of Agreement on Trade-Related Aspects of Intellectual Property Rights**





This meeting held for China had joined the International Convention for the Protection of New Varieties of Plants for 10 years

Tianlipu , the
Director of State IP
office of the PRC





- ↖ **The Promotion Plan for the Implementation of the National Intellectual Property Strategy in 2011**
- ↖ **In order to fulfill the general requirements of accelerating the transformation of the *economic development mode*, fully implement *the Outline of the National Intellectual Property Strategy*, and promote the intensive and effective implementation of the National IP Strategy in 2011, based on the working guidelines of "Strengthening Foundation, Allocating Tasks, Comprehensive Deployment, and Promotion with Focuses", this plan is formulated.**



↖ Promoting IPR Creation and Utilization

- (1) To promulgate and implement development plans and supporting policies for **emerging industries** of strategic importance, to study and formulate the guidance catalogue for the development of emerging industries of strategic importance and the sector standards for key emerging industries, to initiate, coordinate, organize and implement some major projects of related industries and a group of demonstration projects of industrialization, so as to **encourage** the creation and utilization of intellectual property rights.
- ↖ (2) To continue guiding and supporting the gathering of innovative elements moving towards enterprises, to accelerate the cultivation of large enterprises (groups) with the capabilities of **indigenous innovation, self-owned brands, and international competitiveness**, to support the large and major enterprises to establish internationally advanced research and development centers, and to support and promote the development of small and medium-sized enterprises, in order to strengthen the position of enterprises as the main body of technological innovation.



- ↖ (51) To promote the use of **legal software** in government departments and businesses, to take effective measures to accomplish the inspection and rectifying work on using legal software in central and local government administrations on time in 2011, to cooperate with departments in charge of finance and government-affairs administration in fund guarantee and software assets management, and to construct a long-term working mechanism for using legal software and resisting pirated software. To further promote enterprises to use legal software, to give a full play to the industrial associations' positive role in promoting legal software in businesses, to accelerate the promotion of legal software in foreign-invested or privately owned enterprises, and to complete the pilot work of software assets management in 30 enterprises.

- ↖ (52) To launch the special campaign against **web infringement and piracy** activities, to strengthen the supervision of websites, to enhance the combating of online infringement cases, and to fight against online sales of fake and/or inferior commodities, downloading services for pirated films, TV programs and dramas, and software, private servers or add-on operation for pirated online games, or other crimes of IPR infringement, so as to strengthen the online IPR protection, and to establish a normalized mechanism for copyright administrative protection on the Internet.



(174) To further strengthen the IP work in **key regions and districts. To organize the survey and research of the IP work situation in key regions and districts, to promote the linkage between the IP strategy and regional planning, to release *Opinions on Implementing IP strategy and Promoting and Accelerating the Development of IP work in Western Regions*, and to continue to do a good job on the IP related work in national key regions and districts.**



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