



State Intellectual Property Office
of the People's Republic of China

Infrastructure for IP Exploitation In China

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Chinese IP Legislation

- The IP law legislation of China can be divided into the following three levels in accordance with their legal effects:
 - **Laws;**
 - **Administrative Regulations;**
 - **Department Rules.**



Chinese IP Legislation

- **Legislation History of Patent Law**
 - Adopted on March 12, 1984, came into force on April 1st, 1985.
 - Firstly amended on September 4, 1992, the first amendment entered into force on Jan 1st, 1993.
 - Secondly amended on August 25, 2000, the second amendment entered into force on July 1st, 2001.
 - Thirdly amendment on December 27, 2008, the third amendment entered into force on October 1st, 2009.



Chinese IP Legislation

- **Legislation History of Trademark Law**
 - Adopted on August 23, 1982, came into force on March 1st, 1983.
 - Firstly amended on February 22, 1993, the first amendment came into force on July 1st, 1993.
 - Secondly amended on October 27, 2001, the second amendment came into force on December 1st, 2001.



Chinese IP Legislation

- **Legislation History of Copyright Law**
 - Adopted on September 7th, 1990, came into force on June 1st, 1991.
 - Amended on October 27, 2001, the amendment entered into force on the same day.
 - Secondly amended on February 26, 2009, the second amendment came into force on April 1st, 2009.



Main IPR Regulations

Regulations on the Protection of Computer Software

Regulations on the Protection of Layout Designs of Integrated Circuits

Regulations on the Collective Management of Copyright

Regulations on the Management of Audio-Video Products

Regulations on the Protection of Intellectual Property Rights By the Customs

Regulations on the Protection of Special Signs

Regulations on the Protection of Olympic Logos

Regulations on the Protection of New Varieties of Plants



Main tasks of IP system

- **China has established relatively sound legal system concerning IP.**
- **The capacity of utilizing IP of enterprises remain to be improved.**



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Main tasks of IP system

➤ ***Outline of the China's Intellectual Property Strategy***

to promote the capacity in creation, utilization, protection and administration of intellectual property.



Main tasks of IP system

➤ *The main measures suggested in the Strategy:*

To guide more innovative elements towards enterprises, support the commercialization of innovations made by high education institutions and research institutes to enterprises, stimulate the application and industrialization of IP in enterprises, and shorten the time for applying it in industrial production. We need to launch various kinds of pilot or demonstration projects for IP, and to improve the overall capacity to utilize IP and due with competition in IP.



Measures undertaken for IP exploitation

- **In the third revision of Chinese Patent Law, rules concerning exploitation of co-owned patent right was introduced:**
 - When there is agreement between co-owners: follow their agreement
 - When there is no agreement:
 - Acts may be done by each co-owner: independently exploit the patent or,
grant non-exclusive license, and shall distribute licensing royalty among others;
 - Acts needs consensus by all co-owners: any other exploitation such as to assign or withdraw or abandon the patent application or patent right.



Measures undertaken for IP exploitation

- SIPO has initiated a series of measures to facilitate the exploitation of IP, including:
 - China's Patent Industrialization Project
 - 13 State Patent Commercialization Pilot Bases have been established by 2009
 - IP Pilot Parks and IP Demonstration Park
 - 35 Parks have been established by 2009
 - IP Pilot Companies and Organizations
 - About 1,000 IPR enterprises have been established by 2009



Measures undertaken for IP exploitation

- SIPO has initiated a series of measures to facilitate the exploitation of IP, including:
 - China's Patent Technology Exhibiting and Trade Center
 - 42 Centers have been established by 2009
 - China's Patent Exhibits
 - Promotion of IPR Pledge



IP Publicity

- **Promote the fostering of an IP culture:**
 - SIPO official portal (daily hits 10 million)
 - China Intellectual Property News
 - Wealth of Knowledge(TV program)
 - China Inventions and Patents Magazine
 - From “the World IP Day” to “IP Week”
 - Open Day of SIPO
 - Media Joint Action action—“Protecting IP, we are in action ”
 - CCTV Innovation Gala
 - Chinese Patent Information Dissemination Platform



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Thank you!

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