
[Summary]


- Under China’s Outline of the National Intellectual Property Strategy, which was enacted in 2008, domestic patent applications increased from 194,579 in 2008 to around 928,000 in 2014, while international patent applications submitted through the Patent Cooperation Treaty (PCT) climbed to 21,605 from 5,855. However, the economic presence of intellectual property-intensive industries in China is said to be lower than that of Europe and the United States. In addition, a number of other problems are indicated, including the facts that: whilst China’s patent business is booming in terms of the number of applications, the quality of patents remains poor; the protection of intellectual property rights remains inadequate; and the administrative enforcement of measures to prevent intellectual property rights infringements remains weak. China has positioned intellectual property rights as a “strategic resource” that is essential to strengthening the competitiveness of Chinese companies, and the Action Plan has been mapped out with a view to accomplishing this end.

- The Action Plan sets forth four “major actions” for achieving several numerical targets for 2020 (see paragraph 1 overleaf) as per below.

  (1) Promoting the creation and utilization of intellectual property as a means of supporting the transformation and upgrading of the nation’s industrial structure (by promoting the development of intellectual property-intensive industries, and contributing to the development of modern agriculture and services by promoting the creation and utilization of intellectual property, etc.);

  (2) Strengthening intellectual property rights protection and establishing a favorable market environment (by increasing transparency on administrative enforcement of the relevant legislation and
strengthening criminal law enforcement and judicial protection of intellectual property rights, etc.);

(3) Strengthening intellectual property rights management and enhancing management efficiency (by enhancing the management of intellectual property rights relating to technical innovation, creating a sound system for reviewing intellectual property rights, establishing a council on intellectual property rights relating to major economic activities, and improving the intellectual property rights management capabilities of enterprises, etc.); and

(4) Expanding international cooperation on intellectual property rights (by enhancing China’s overseas operations relating to intellectual property rights, developing and promoting regulations on intellectual property rights related to trade, and enhancing intellectual property rights-related support to global investment by Chinese companies, etc.)

In addition, the Action Plan defines “information services,” “surveys and statistics,” and “human resources development” as the major infrastructure projects of the national intellectual property strategy, and includes plans for the development of systems to “improve administrative skills,” “tighten supervision and inspection,” “strengthen fiscal support” and “develop relevant laws and regulations” towards the achievement of the targets set in the Action Plan.

[Structure(Outline)]

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1. Guidelines and primary objectives
   Under the guidelines of establishing China as a powerful nation in the area of intellectual property rights, the major targets for 2020 are set as follows: an average of 14 patents held per 10,000 population, 75,000 international patent applications submitted through the Patent Cooperation Treaty (PCT), an average nine-year maintenance period for domestic patents, and RMB 180 billion in annual intellectual property-backed funding.

2. Major actions
   (1) Promoting the creation and utilization of intellectual property as a means of supporting the transformation and upgrading of the nation’s industrial structure: promote the development of intellectual property-intensive industries, and contribute to the development of modern agriculture and services by promoting the creation and utilization of intellectual property, etc.
   (2) Strengthening intellectual property rights protection and establishing a favorable market environment:
increase transparency on administrative enforcement of the relevant legislation, promote the use of legitimate software, and strengthen criminal law enforcement and judicial protection of intellectual property rights, etc.

(3) Strengthening intellectual property rights management and enhancing management efficiency: enhance the management of intellectual property rights relating to technical innovation, create a sound review system, establish a council on intellectual property rights for major economic activities, and improve the intellectual property rights management capabilities of enterprises, etc.

(4) Expanding international cooperation on intellectual property rights: enhance China’s overseas operations relating to intellectual property rights, develop and promote regulations on intellectual property rights related to trade, and enhancing intellectual property rights-related support to global investment by Chinese companies, etc.

3. Major projects

(1) Information services: develop information systems for and promote the disclosure of information on patents, trademarks and copyright, etc.

(2) Surveys and statistics: develop a statistical system for intellectual property-related industries and accelerate the switch to The System of National Accounts 2008 (“2008SNA”) that incorporates intellectual property rights, etc.

(3) Human resources development: provide training for civil servants, business executives and engineers and develop senior professionals, etc.

4. Safeguards

(1) Improve administrative skills: hold joint inter-ministerial meetings, clarify responsibilities, and introduce the Accountability System, etc.

(2) Tighten supervision and inspection: strengthen the assessment, supervision, inspection and guidance on progress towards pursuing the targets set in the national intellectual property strategy, etc.

(3) Strengthen fiscal support: secure funding, give preferential treatment to patent applicants from micro enterprises and small and medium-sized enterprises, etc.

(4) Develop relevant laws and regulations: amend the Patent Law, Copyright Law and other relevant laws and regulations, impose stricter penalties for acts of infringement, etc.

* For a complete version of the Action Plan (in Chinese), please view the following link(accessed on March 16, 2015):
http://www.gov.cn/zhengce/content/2015-01/04/content_9375.htm