

China's Action Plan on IPR Protection 2007



Intellectual Property Protection in China



National Working Group for IPR Protection

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A Brief Note on China's Action Plan on IPR Protection 2007

To give a comprehensive, systematic and substantive outline of China's measures for IPR protection in 2007, to effectively dictate nationwide IPR protection efforts and to follow guidelines of the National Working Group for IPR Protection, member agencies of the Working Group Office are pleased to present this Action Plan on IPR Protection for 2007, which details 276 measures in 10 areas.

In line with the 2007 Action Plan, relevant authorities will draft, formulate and revise 14 laws, regulations, rules and administrative measures on trademark, copyright, patent and customs protection as well as 7 judicial interpretations and guidelines. On the enforcement side, 14 dedicated campaigns including Fight Piracy Every Day, crackdown on pirated textbooks and teaching supplements and Operation Blue-sky, coupled with 11 standing enforcement programs will be carried out. With regard to trials, 8 measures will be in place to keep self-innovation and IPR inventiveness alive. With regard to institutional building, 8 areas of efforts involving 46 measures will follow to establish a highly potent enforcement coordination mechanism and to improve and standardize the functions of the IPR Service Centers. 74 publicity measures in 8 forms such as large promotion events, media programming and press conferences will continue. 36 training measures in the forms of reading materials, training courses and workshops will target party and government leaderships, grass-roots enforcement agents, corporate and non-corporate organizations, lawmakers as well as university, middle and primary school students. In international exchange and partnership programs, 26 measures such as dialogues, study visits, exchanges and training cooperation will be implemented to further engage China in international activities of trademark, copyright and patent protection. To advance IPR protection at the business level, 9 measures such as building a business priority watch-directory in the public security system and formulating Opinions on Strengthening IPR Protection in Large State-owned Enterprises will be introduced. In addition, 8 measures will be at the service of right-holders, including a regular meeting mechanism to consult and coordinate with foreign-invested enterprises, and a hotline and online platform for overseas IPR disputes. Last but certainly not the least, 23 thematic studies on IPR protection will be organized.

I. Legislation

(I) To revise laws and regulations on trademark protection and unfair competition

1. To accelerate the process of revising the Trademark Law and to finalize the draft amendment.
2. To continue making improvements on the Law against Unfair Competition.
3. To speed up revision to the Provisions for Identification and Protection of Well-Known Trademarks.

(II) To draft, formulate and revise laws, regulations and rules regarding copyright protection

1. To engage in research and formulation of the Regulations on Copyright Protection for Folk Literature and Artistic Works in order to strengthen the protection of folklore and literature, a traditionally strong area of China.
2. To promulgate the Measures on Copyright Contract Registration Documentation to facilitate the implementation of copyright laws and regulations.
3. To promulgate the Measures on Remuneration for Statutory Licensing of Textbooks by taking into consideration China's reality.
4. To revise and promulgate the Measures on Voluntary Registration of Works in order to lower the protection costs for right-holders and to secure copyright transactions.
5. To ensure successful research on the second amendment to the Copyright Law in response to new situations and challenges facing copyright protection.
6. To speed up the formulation of the Measures on Remuneration by Radio and Television Stations for Broadcasting Statutory Licensed Phonograms in accordance with the Copyright Law.

(III) To draft, formulate and revise laws, regulations and rules regarding patent protection

1. To study on the improvement of the Patent Law.
2. To accelerate the revision of the Regulations on Patent Agency to standardize patent agency services.
3. To formulate the Measures on Cross-Region Enforcement in Patent Cases.

(IV) To draft, formulate and revise laws, regulations and rules concerning IPR protection in foreign trade and through customs

1. To formulate the Measures of IPR Protection in Foreign Trade.
2. To improve the Implementing Rules of the Regulations on Customs IPR Protection.

(V) To study and formulate IPR judicial interpretations and regulatory documents

1. Based on experience in IPR criminal trials since 2004 and in line with the reality of criminal IPR protection and features of IPR crimes, to accelerate study and further improve the Judicial Interpretation on Issues Concerning Application of Law in Dealing with Criminal IPR Cases issued by the Supreme People's Court (SPC) and the Supreme People's Procuratorate (SPP).
2. To formulate and issue the Interpretation of the SPC on Issues Concerning Application of Law in Dealing with Civil Cases of Unfair Competition.
3. To formulate and issue the Provisions on Application of Law in Dealing with Right Disputes over New Varieties of Plants.
4. To continue the study on formulating judicial interpretations on judicial determination of well-known trademarks, conflict of right between store names and trademarks, and MTV copyright.

5. To advance the study on the determination of patent violation, and to formulate judicial interpretation on determination standards in due course, depending on the status of revision to the Patent Law and with a view to addressing outstanding issues on law application in trial practice.
6. To further study the scope, standards, procedures and ruling approaches for judicial review of administrative IPR cases and to promulgate judicial interpretation when conditions become ripe.
7. To formulate the Opinions of the SPC on Strengthening the Role of IPR Trials in Providing Judicial Assurances for Building an Innovative Country.

II. Enforcement

(I) Dedicated Campaigns

1. To launch a Fight Piracy Every Day campaign to come down harshly on infringement and piracy activities and to enhance the profile of the Chinese government in IPR protection.
2. To carry out dedicated campaigns across China, focusing on textbook and teaching supplements piracy, and to severely penalize schools purchasing and using pirated textbooks and supplement materials.
3. To concentrate on cyber infringement and piracy for effective protection of the rights and interests of Chinese and non-Chinese right-holders.
4. To continue Special Operation Blue Sky at trade shows.
5. To launch nationwide crackdown on pirated compressed DVDs and to intensify rectification of the audiovisual products market.
6. To organize raids against street vendors and booths selling audiovisual products and against unlicensed operations.
7. To carry out campaigns to better protect the Olympic logos.
8. To continue special investigations and enforcement actions against major cases of unfair competition and to severely penalize copycats of the product names, packaging, designs or business logos of well-known brands.
9. To organize special campaigns to protect the proprietary trademarks of farming tools and materials, trademarks and geographical indications of agricultural products to effectively protect the rights and interests of legitimate producers and operators.
10. To target special enforcement checks on teas, fruit products, wines and subsidiary foodstuff to protect their geographical indications.
11. To maintain the accomplishments of the special online regulation campaign and to continue special actions against cyber piracy and infringement.
12. To consolidate the regulatory progress on computer software preloading and to continue special actions against unauthorized computer software preloading.
13. To organize intensive enforcement activities around March 15 and April 26.
14. To combat dupery under the disguise of patent awards or similar events.

(II) Day-to-day Enforcement

1. To jointly supervise and urge investigation into a number of principal and large IPR cases.
2. To timely issue arrest orders and to prosecute IPR offenders.
3. To continue implementing the Measures on IPR Protection at Exhibitions and Fairs and to monitor the implementation more closely.
4. To penalize smugglers of electronic gaming products.
5. To continue enforcement in high-incidence areas and sectors, mainly including customs ports in Guangdong, Zhejiang, Shanghai and Fujian and in postal and express delivery service.
6. To severely penalize offenders using proprietary trademarks of farming tools and materials; to intensify protection on the trademarks and GIs of agricultural products, especially in relation to well-known trademarks; to give priority to farmers' trademark claims and trademark protection for farming products (especially farming materials like pesticides and seeds) and special-purpose goods frequently used by

farmers, to protect farmers' rights and interests

7. To strengthen supervision over wholesale and retail commodity markets which are under the close scrutiny of the Chinese and non-Chinese public; to regulate the operations of the market owners and tenants; to stem the distribution channels for trademark-infringing commodities.

8. To intensify day-to-day regulation on trademarks focused on trademark printing and producing, OEM and commodity markets; to regulate the use of trademarks and to build on the long-standing mechanism of containing trademark violations from the very source.

9. To step up efforts in the recognition and protection of well-known trademarks and to rigorously combat violations of proprietary well-known trademarks; to effectively protect trademark-related rights and interests of trademark-owners.

10. To aggressively investigate and penalize offenses including Internet-based unfair competition and IPR violation.

11. By working from big and critical cases, to investigate and severely penalize the production and printing of forged labels and packages, faking and unauthorized use of other companies' name and address designations, especially of well-known domestic and foreign brands, faking and unauthorized use of other companies' quality marks, and standard-incompatible markings; to improve oversight and sample checks on geographical indications of goods, to enhance day-to-day enforcement and examination against counterfeit GI-protected goods and IPR infringement via OEM.

III. Trials

(I) To bring judicial IPR protection into full play and to keep indigenous innovation and IPR creativity alive

1. To impose harsh penalties on IPR offenders in accordance with the law, and bring criminal and judicial IPR protection into full play; to harness criminalization tools to achieve better punitive and deterrent effects; to direct case hearing in an attentive and timely manner; to prevent and effectively contain IPR offenses.

2. To lawfully process civil IPR cases. To strictly maintain orderly market competition; to reasonably and appropriately protect products of innovation; to equally protect the legitimate rights and interests of Chinese and non-Chinese stakeholders; to foster the healthy development of emerging industries; to fully mobilize the leading role of civil trial in protecting IPR and stimulating indigenous innovation.

3. To supervise and support enforcement activities of administrative agencies. To ensure the judicial review function of administrative trial against administrative IPR enforcement; to support administrative agencies to penalize offenders, thus protecting the legitimate rights and interests of IPR-holders, safeguarding IPR administrative order and promoting administrative IPR protection.

4. To strengthen trial supervision in relation to law application. To focus on cases which are tried against different standards by different courts, which are exemplary in terms of universal law application, and which involve common standards for judicial review of affirmed patents and trademarks; to strengthen coordination among associated cases and to build a case guidance system.

5. To strengthen the supervision and guidance on people's courts at various levels in IPR criminal trials; to continue to work closely with relevant departments, to strengthen monitoring of major IPR criminal cases and to ensure lawful punishments.

(II) To remain in close collaboration with relevant departments and take a hard-line stance on combating IPR crimes

1. Courts, public security agencies, procuratorates and other administrative enforcement agencies will continue to work in close coordination and communication with one another while fulfilling their own duties, and will try criminal IPR cases in time to achieve satisfactory trial results.

2. Given the nature that civil and criminal IPR cases are easily mixed up, to continue making a clear distinction between conviction and acquittal, and between different charges in case trial.

3. To report crime leads or suspected criminal offences uncovered during civil and administrative case handling to public security organs for further investigation and actions.

IV. Institution Building

(I) To strengthen macro management over IPR

1. To study and facilitate the formulation of the National IPR Strategy Program.
2. To study and facilitate the formulation of the 11th Five-Year Development Plan for China's IPR Undertakings.

(II) To establish a highly potent enforcement coordination mechanism

1. To perfect the multi-department joint enforcement mechanism and establish working mechanisms for cross-region case transfer, information sharing and supporting investigation.
2. To improve and broaden the functions of such working platforms as information service, oversight on case handling, data and statistics, status evaluation and monitoring and early warning so as to organically inter-connect enforcement coordination and administrative enforcement agencies with public security units and judicial departments.
3. To continue to supervise and urge the implementation of the Opinions on the Timely Transfer of Suspected Criminal Cases in Administrative Enforcement.
4. To continue to intensify coordinated enforcement according to the requirement of Provisional Regulations on Intensifying Coordination and Collaboration in the Crackdown on Criminal Infringement upon Exclusive Right of Trademarks.
5. To continue to intensify coordinated enforcement according to the requirement of Provisional Regulations on Intensifying IPR-related Enforcement Collaboration.
6. To continue to intensify coordinated enforcement according to the requirement of Provisional Regulations on Intensifying Coordination and Collaboration in the Crackdown on Criminal Infringement upon Copyright.
7. To establish an inter-ministry consortium meeting mechanism led by the National Copyright Administration for the promotion of use of legitimate software.
8. To get an MOU on Strategic Cooperation signed by the General Administration of Press and Publication of China and Trademark and Patent Office of the US.

(III) To perfect and standardize the service functions of IPR Service Centers

1. All localities should formulate implementing rules according to the Opinion on Establishing the Working Mechanism of IPR Service Centers (Document 2006 No. 42 of Office of the Rectification and Standardization of Market Order), establish a highly effective coordination mechanism of IPR enforcement and gradually build an IPR protecting system jointly contributed by administrative protection, judicial protection, safeguarding of IP holders' right, self-discipline of industries, services of intermediary institutions and social supervision.
2. To further perfect the building of IPR Service Centers with an extended coverage of key cities and regions and expanded service functions, improve the supervisory system and ensure the standardized operation of IPR Service Centers.
3. To promulgate Regulations on Effective IPR Protection during Fairs and Exhibitions by IPR Service Centers.
4. To promulgate Opinion on IPR Service Centers Serving the IPR Protection of Development Zones, High-tech Zones and Service Outsourcing Base Cities.

5. To organize the signing of Cooperation MOU by 50 IPR Service Centers and 54 State-level Development Zones during the Central China Expo, Fair on Cooperation, Investment and Trade between the East and the West and China International Fair of Investment and Trade.
6. To guide and organize IPR Service Centers to strengthen learning of laws, regulations and basic knowledge, compile and issue to various localities IPR Q&A.

(IV) To perfect the enforcement supervision mechanism

1. Procuratorates at various levels should play their role of legal supervision, seriously examine the duplicate of Decision of Administrative Penalty copied and submitted by the administrative enforcement units. In the case where suspected crimes can be determined which should be transferred for criminal liabilities but not transferred, a written opinion of transfer should be issued to administrative enforcement units, with the implementation of such transfer supervised and urged. An opinion of correction should be issued when a case that should be filled has not.
2. Prosecuting agencies at various levels should continue to seriously investigate and penalize the discipline-violating offences and crimes of people working with the state functionaries behind those IP crimes, thus resolutely removing the "protective umbrella" of those crimes.
3. Efforts should be focused on working out resolutions for the specific problems arising in connecting administrative enforcement with criminal prosecution. Earnest studies should be carried out to resolve such problems as the criteria and evidence requirement for the transfer of suspected IP infringing criminal cases, thus advancing the work on administrative-judicial connection into greater depth.
4. Studies should be intensified over the introduction of standards and a long-term effective mechanism to the relevant work on administrative-judicial connection, with a complete legislative proposal tabled when necessary.
5. All regions should be mobilized to fully exploit hi-tech means and approaches to set up an information-sharing mechanism.
6. To continue to earnestly implement such systems as joint meetings, information notification and consultation of individual cases.
7. To rigorously follow through an accountability system for administrative enforcement, changing the entities assuming responsibility from the original authorities in charge to the enforcement entities. To clearly define the enforcement entities for different types of offenses, thus giving more prominence to the direct responsibilities borne by the enforcement entities.

(V) To explore and improve the working mechanism of judicial IPR Protection

1. To continue to step up the placement of IPR tribunals in courts at various levels and optimizing the allocation of human resources, thus reinforcing the strengths in the hearing of IP cases and beefing up judicial protection of IPR.
2. To press ahead in working out a right-definition and dispute-settlement mechanism for such industrial properties as patents and trademarks.
3. To properly adjust the level criteria of court jurisdiction over civil cases by extending as much as possible the scope of cases of preliminary hearing accepted by the Intermediate People's Courts, gradually barring the Higher People's Courts from hearing cases of preliminary hearing the proceedings and nature of which do not carry universal legal applicability.
4. To explore the trial adoption of investigation orders. For evidences that are kept by relevant state authorities and are off limits to the parties concerned, and other evidences that the parties concerned are

not able to collect on their own due to external reasons, they can be accessed for investigation and collection by the court-authorized lawyers representing the parties concerned.

5. To explore the mechanism of guarantee for discontinuance of proceedings and of interests agreement by the parties concerned. In the case where the stability of the rights and interests is hard to determine, proceedings may not be discontinued if the right-holders are willing to provide effective guarantees, or, decisions on whether or not to discontinue the proceedings will depend on the situation of the agreement on calculating methods for the entitled interests or incurred losses on the part of the parties concerned.

(VI) To improve the management system for IP professionals

1. To formulate through studies the strategic objectives and implementing plans in advancing the contingent building of high-caliber IP lawyers.
2. To improve the management system that fully taps into the roles and contributions of IP lawyers.

(VII) To set up a comprehensive platform of early warning, right-assurance and regulation

1. To set up an IP early warning mechanism for the information industry.
2. To work on the establishment of an overseas right-assurance mechanism for the IP of enterprises.
3. To set up a system of "blacklisted" infringing enterprises at conventions and exhibitions, formulating corresponding measures of penalty.
4. To work on a "blacklist" of enterprises, customs brokers and individuals exporting infringing goods. To conduct more checks on the goods declared by blacklisted enterprises and individuals within a certain time span.
5. To organize efforts to develop an "enforcement system of customs IPR protection" for better information-sharing by customs authorities across the country on IPR cases, helping them make targeted and timely adjustments to the key areas of enforcement.
6. To set up a regulatory platform for digital copyright, giving full play to the positive role of science and technology in administrative copyright enforcement and further improving the regulatory framework.
7. To improve and fully leverage upon the China patent technology information release platform.
8. To launch a systemic project of national cultural market regulation; to prepare for the establishment of an IPR office network for the cultural market; to explore the possibility of a reward fund for culture-market infringement reporting.

(VIII) Others

1. To prepare for the creation of the Eagle-Eye Taskforce for combating internet-based IPR infringing crimes, with such main responsibilities as prevention, investigation and control of internet-based IPR crimes.
2. To promote the incorporation of IPR evaluation into the uniform registration and management system of judicial evaluation, thus gradually legalizing and standardizing the work on IPR verification.
3. To further improve regulation of the audio-visual markets and set up a regulatory system of long-term effectiveness. Great attention should be devoted to the regulation of law-abiding shops marketing audio-visual products, accompanied by regular checks and rigorous prosecution and penalty for illicit business activities.
4. To set up and launch the "reward fund for reporting and penalizing infringement and piracy", encouraging and rewarding the people reporting, investigating and prosecuting infringement and piracy cases.

5. To organize dedicated supervisions and inspections of printing and copy-making enterprises, investigating and penalizing according to law relevant infringing cases and crimes in the area of printing and copy-making.
6. To set up a patent information platform of relevant medicines and step up efforts in building an information network for medicine registration.
7. To vigorously follow through an accountability system of enforcement coordination.
8. To carry out review and evaluation of patent enforcement.
9. To strengthen documentation and publication of the relevant information on IP enforcement.

V. Publicity

(I) Positioning

1. To reinforce education among the public, improving society-wide awareness on the respect for and protection of IPR.
2. To report timely the typical cases wherein the relevant authorities have strengthened enforcement efforts and adopted measures to combat piracy and infringement, thus educating the public and deterring the criminals.
3. To step up publicity and orientation of positive cases, shedding light on a number of leading individuals and enterprises in IPR protection.
4. To strengthen online publicity and education, and organize publicity activities of IPR protection over the Internet.
5. To increase publicity efforts to the outside world, taking the initiative in shaping international media attitude.

(II) Large-scale Publicity Events

1. Hosting the opening-up ceremony of the publicity week as of April 20, 2007.
2. To organize a "volunteer program of IPR protection".
3. To carry out large-scale and concentrated destruction of infringing and pirated publications across the country in April, destroying such illegal publications as optical disks, electronic publications, software, books, newspapers and other paper-borne publications.
4. In coordination with the "IPR publicity week" in 2007, to instruct various regions and authorities to carry out an intensive series of IP publicity and education initiatives through such programs as workshops on IPR-related legislations.
5. To strengthen law-related publicity and education of IPR, rolling out programs of law penetration into government authorities, rural area, communities, schools and enterprises.
6. To organize on-site information services for law-related publicity programs of IPR.
7. To continue the nomination and voting for annual major inventions in the information industry in an effort to promoting independent innovation and enhance the innovation and IPR protection awareness of the businesses.
8. To organize the 9th National Legal Publicity Campaign in the Audiovisual Products Market featuring "Protecting IPR and Combating Infringement and Piracy".
9. To organize activities to destroy illegal audiovisual products.
10. To organize a series of publicity campaign featuring "Anti-Counterfeiting and Anti-Piracy".
11. To organize a road show on the theme of "Copyright Protection for Economic Development" in early April 2007.
12. To organize an education campaign on copyright protection, calling university students to say no to piracy.
13. To launch a themed publicity campaign, entitled "Enjoy the Music, Respect Artistic Creation".
14. To organize an online publicity campaign by producing a cartoon series to promote IPR awareness, entitled "A Networked World and A Copyright-Friendly China".
15. To organize an "IPR Protection Day Gala" on April 26.
16. To organize a campaign to collect a suite of songs on the theme of IPR protection.

17. To organize a public visiting day with the purpose of letting more people better understand IPR.

(III) Greater Enforcement Transparency

1. To comprehensively implement the system to open IPR trials to the public, to continue online disclosure of court verdicts for criminal IPR cases, and to enhance the capacity and profile of the China Website on Court Verdicts and Trial Information.
2. To select some influential cases for public hearing and invite delegates of the People's Congress, members of the CPPCC, representatives of industry associations, relevant departments, foreign governments and resident agencies of international organizations, as well as experts and scholars, to attend these hearings in order to increase the transparency and creditworthiness of the court trials.
3. To release the important information and typical cases relating to IPR trials at appropriate times, which will become a supplement to the press release system of people's court and, provided that normal proceedings in the court and the rights of the parties concerned are not compromised, offer the greatest convenience possible to the media in a bid to maximize the role of the press release system in the judicial protection of IPR.
4. To publish on a regular basis typical cases and verdict information, among others, on public journals as such People's Judicature, China Trials, Law Application, intensify the reporting and publicity on cases of public attention and the achievements of the work, and strive to publish such information to the outside world in the English language if conditions permit.
5. To disclose on a timely basis the progress of IPR protection efforts and typical cases on the procuratorial front through Procuratorial Daily, the Justice Website, and other forms of media.
6. To promote the software legalization efforts of the enterprises, with the gradual release of legal software information by the National Copyright Administration of China and the Ministry of Information Industry on their respective websites.

(IV) Media Programming

1. One feature with the Dialogue program on CCTV.
2. A 12312 Brand Camp with Lucky 52.
3. Special programming on the theme of stronger trademark protection.
4. TV series featuring IPR protection.
5. Special promotion videos on GI-protected products and the system for GI protection.
6. A press conference on GI products.
7. A series of public service advertisements on IPR protection.
8. To try to create a group of influential TV programs on IPR-related subjects.
9. A series of promotion videos on typical IPR cases.

(V) Press Conferences

1. A press conference on "IPR Week 2007" in early April 2007.
2. To organize press conferences, forums and co-organize IPR Week 2007 events based on results of Mountain Eagle II special campaign in order to continue publicity efforts and to highlight the advantages of publicity work, including information disclosure, education, warning and emotional appeal.
3. To organize a press conference on the trend of patent application in the information industry and organize information tracking and release events on industry-related patent applications and technological developments according to the reality of the information industry.

4. To organize a press conference to brief the public on the information relating to trademark protection by the State Administration of Industry and Commerce.
5. To organize a press conference featuring "Fight Online Infringement and Piracy, Use Legalized Software" to release information on major cases.
6. To organize a press conference on "China's Status of IPR Protection in 2006"

(VI) Forums and Exchange Activities

1. To organize a China IPR Protection High-level Forum, 2007.
2. To organize a forum on the judicial protection of IPR.
3. To organize a forum on the criminal protection of IPR and release information on the major cases in the special campaign Mountain Eagle II in 2006.
4. To organize a Summit Forum on IPR Protection in the Information Industry to improve the IPR management awareness and capability of businesses.
5. To organize seminars on IPR property to promote the exchange of ideas and cooperation between Chinese and foreign participants.
6. To organize a forum on IPR in the pharmaceutical industry.
7. To co-organize a forum with China Daily featuring the theme of increasing core competitiveness on the basis of intellectual property rights.
8. To organize a forum on global IPR protection and innovation.

(VII) Publications

1. To compile A Complete Guide to Defending IPR by Chinese Enterprises Overseas.
2. To enhance the professional guidance over IPR law enforcement personnel and compile a book on IPR knowledge for the law enforcement personnel.
3. To forcefully launch IPR legal publicity activities and compile a book on IPR Knowledge for the citizens, which will be distributed among the grass-root units.
4. To publish books and publicity brochures on the strengthening of trademark protection.
5. To produce publicity programs, books and posters on China's IPR protection culture.
6. To produce a compilation of typical patent cases.
7. To organize innovation contests for the youth and publish readings for the young people.
8. To ensure the good quality of China Intellectual Property News.

(VIII) Disclosure of Typical Cases

1. To publicize the top 10 cases in the 2006 anti-piracy Sunshine Campaign organized by the cultural authorities.
2. To publicize the top 10 customs-related IPR protection cases in 2006.
3. To compile and publicize typical domestic and foreign-related trademark infringement cases on a regular basis.
4. To compile and publicize typical suspected criminal cases transferred to judicial departments.
5. To publicize typical cases of IPR protection concerning quality inspection, supervision and quarantine.

(IX) Others

1. To organize the selection of 2006 Top 10 IPR Protection Events in China.
2. To organize an IPR Protection Essay Contest.

3. To launch an online survey on IPR protection and to solicit opinions from the general public.
4. To hold a Quiz Contest among staff of IPR Reporting and Complaining Service Centers.
5. To select materials to produce animated cartoons and to strengthen education.
6. To cite Excellent Court IPR Ruling Documents in the 2nd national contest of this kind.
7. To strengthen overseas IPR publicity efforts, disseminate the achievements and progress scored in China's IPR protection, correctly guide the shaping of overseas opinions and build a positive image of China in IPR protection.
8. To continue to educate through websites, and to enrich the contents of the website of China Trademark.
9. To organize on-line interviews on IPR protection by quality inspection, supervision and quarantine authorities.
10. To publish a special edition on IPR protection in China and launch a quiz contest on proprietary innovation and IPR.

VI. Training and Education

(I) To formulate training plans and compile teaching materials

1. To organize the compiling of teaching materials for IPR training.
2. To revise the professional training programs for IPR ruling at a proper timing, and strengthen the training on basics of civil and commercial law, professional ruling skills and basic scientific and technological knowledge.
3. To compile the loose-leaf Handbook on Identifying Infringing Goods, which could be updated frequently, and to distribute the handbooks to customs checkpoints.
4. To formulate, print and distribute the Guidelines on National IPR Education and Training.

(II) IPR training for leading officials

1. To hold a "Training Program on IPR Criminal Protection" for law enforcement and judicial officials at the Director-General level.
2. To implement the China-Germany IPR Administrative Enforcement Training Program and organize three training sessions.
3. To include special seminars on copyright protection into training programs for relevant leading officials.
4. To hold a Training Program on IPR Strategy for leaders at the municipal level.

(III) IPR training for grass-root judicial and law enforcement personnel

1. To give full play to the role of the National Judges College as a major channel for intensive training at a regular basis, and try to extend to every IPR judge one training opportunity at the National Judges College every two years.
2. To organize two training sessions on the comprehension and application of new judicial interpretation at training institutions including the National Judges College.
3. To jointly hold a training program with China Intellectual Property Training Center on ruling of IPR cases for grass-root courts.
4. To focus on strengthening training of IPR judges based in the western regions. The Supreme People's Court will grant preferential policies to courts located in the western regions in terms of case study, dedicated training and subject research.
5. To increase contents on IPR in this year's training program for prosecutors, and organize them to participate in the training activities held by the National IPR Protection Working Group Office.
6. To continue the training and education of public security officers on IPR enforcement through various forms including professional training and long-distance teaching on an organized and targeted basis.
7. To hold training classes on protecting copyright and fighting against infringement and piracy.
8. To organize IPR enforcement training classes for law enforcement staff at the director-general level and law enforcement police, strengthen the sense of responsibility of law enforcement team and solve the theoretical and practical problems encountered by the public security authorities in combating IPR violations.
9. To hold 3 or 4 training sessions for grass-root administrative enforcement team in the cultural sector based in different locations, and discuss the practice and experience in fighting against pirated audio-video products and illegal network-based culture-related business operation.
10. To hold a national working conference on network culture, reinforce the management of network

culture market and strengthen the education and training of law enforcement personnel.

11. To continue to strengthen training of customs enforcement teams at different ports, in particular, to improve the competence of customs inspectors on the ground identifying infringing products. While ensuring the training of coastal ports, training of inland ports should be improved.
12. To strengthen practical guidance for provincial Administrations for Industry and Commerce, and organize national or regional training sessions for grass-root trademark enforcement personnel.
13. To hold one or two training sessions to disseminate the knowledge on international trademark registration.
14. To organize targeted training focused on the registration and protection of agriculture trademarks and geographical indications.
15. To hold a training class on international trademark registration for agriculture exporters, and steer and promote agriculture exporters to pay attention to international trademark registration.
16. To hold a training class on the protection of Olympic logos.
17. To conduct training on IPR protection competence for frontline enforcement team responsible for inspection and quarantine.
18. To organize training courses for copyright administrative and enforcement teams at the municipal level, and to strengthen training of new and grass-root personnel responsible for copyright administration.
19. To organize a senior IPR workshop.
20. To continue to hold the national training class for patent administrative enforcement teams.

(IV) IPR-Related Training for Businesses and Public Institutions

1. To open training classes on law for companies' management people in cooperation with relevant authorities in a bid to enhance IPR protection training on laws and regulations in companies.
2. To launch one to three training sessions on IPR management and practice for IT companies and institutions.
3. To provide trainings on protecting IPR abroad for trading companies, economic and commercial sections of Chinese embassies and local economic and trade authorities.
4. To hold training courses on copyright specially for the staff of companies, institutions and copyright and related right holders' organizations.
5. To organize IPR seminars for business leaders and IPR administrators.

(V) Basics Education

1. To provide trainings for IPR-specialized lawyers in a bid to intensify education of high quality human resources on IPR legal services.
2. To step up cultivation of IPR specialists attending on-the-job master programs in law and expand the scale of such cultivation.
3. To popularize education of IPR-related knowledge amongst university, middle school and primary school students.

VII. International Exchange and Cooperation

(I) On IPR Judicial Protection

1. To cooperate with the EU WTO Program Office in hosting trainings or seminars of two sessions on trade secrets and judicial determination of well-known trademarks.
2. To actively organize and engage in overseas inspections, exchanges and training programs on IPR judicial protection so as to reinforce communication and cooperation with international IPR organizations and relevant countries.
3. To discuss with the US on setting up an IPR Criminal Enforcement Working Group under the JLG framework where related work can be launched jointly including study on criminal law, training and exchanges as well as administrative enforcement.
4. To continue to engage in cooperation and communication with public security enforcement bodies of various nations.
5. To organize delegation of public security sector for enforcement training to Germany where training and inspection programs will be carried out.

(II) On Commerce and Customs

1. To keep on promoting China-US IPR dialogue.
2. To keep on promoting China-EU IPR dialogue and the implementation of China-EU IPR Cooperation Program (Phase II).
3. To move forward IPR-related communication and cooperation with relevant countries.
4. To further deepen international enforcement cooperation by customs.

(III) On Copyright

1. To hold joint conferences under the China-US collaboration mechanism on protecting copyrights of motion pictures on a regular basis where experiences of the mechanism can be summarized, exchanges and understanding between China and US can be reinforced and continued discussions about effective models of international cooperation on improving IPR protection conducted.
2. To send delegations to visit relevant countries and regions, study and collect information about IPR protection in the areas of e-games, animations and other games and draw upon their good experiences.
3. To jointly host the Asia-Pacific Seminar on Performers' Copyright and Related Rights with WIPO.
4. To jointly host the International Copyright Forum 2007 with WIPO.
5. To deliver good cooperation projects on copyright protection between China and foreign countries including the US, the EU, Australia, Japan and South Korea.
6. To send people to the US Copyright Office for middle and long term working exchanges.

(IV) On Trademark

1. To intensify communication and cooperation with trademark registration authorities of the US, Japan and the EU and hold high-level talks.
2. To organize the International Geographical Indications Seminar in collaboration with WIPO.
3. To cooperate with the US in hosting the Sino-US Seminar on Hot Issues in Trademark Registration and Application.
4. To sign the Work Plan of Sino-US Trademark Strategy and the China-Italy Trademark Action Plan

2007 in a bid to reinforce bilateral cooperation with the two countries in the field of trademark.

5. To intensify liaison with foreign trademark registration authorities and step up efforts in protecting Chinese trademarks abroad.

6. To select and send staff on trademark examination and administration to study abroad.

(V) On Patent

1. To organize high-level meetings with the IPR bodies of the US, Japan, the EU and international organizations.

2. To cooperate with the IPR bodies of the US, Japan, the EU and international institutions in organizing expert visits as well as sending people to attend trainings and seminars for better communication between professionals.

3. To send people to study at law schools in foreign universities in a bid to improve education for China's IPR personnel.

4. To co-sponsor seminars or training programs on IPR with international institutions such as WIPO and IPR authorities of some countries so as to enhance mutual understanding and increase the application, protection and management level of both the government and businesses on IPR.

5. To hold communication meetings for foreign embassies, representative offices, foreign-invested companies and chambers of commerce in China.

VIII. Advancing IPR Protection in Businesses

1. To develop a contact list of key companies for the public security authorities so as to lock well-known Chinese companies and key foreign companies in the IPR enforcement mechanism, providing enforcement guarantee for companies to protect IPR.
2. To sharpen the awareness of IPR protection amongst processing trade companies and enhance overseas IPR protection by companies.
3. To hold IPR work meetings for large SOEs at right timings where IPR work in large SOEs will be defined with the target of boosting indigenous innovation in large SOEs and the focus of enhancing IPR management and protection.
4. To organize reviews on relevant information about the implementation of IPR strategies by large SOEs and study on the formulation of Opinions on Enhancing IPR Work in Large SOEs.
5. To combine self-training with collective training, so as to strengthen IPR training within the companies; to carry out international IPR exchange activities; to guide businesses to raise IPR awareness and strengthen capacity-building.
6. To promote IPR operational skills within the companies and enhance the companies' capabilities of creating, applying, managing, and protecting IPR, so as to use various IPR strategies and skills flexibly and ward off IPR law-related risks.
7. To survey on Chinese companies' trademark registration and protection in foreign countries and foster more advantaged companies with independent trademarks and relatively strong international competitiveness.
8. To promote companies' IPR protection through carrying out the law enforcement campaign of cracking down on the counterfeits and protecting the brand names.
9. To put into place The Implementation Scheme of Promoting Companies' Use of Copyrighted Software, thus promoting the companies' adoption of legalized software.

IX. Services to Right-holders

1. To hold meetings with foreign-invested enterprises (FIEs) regularly for exchanges and coordinating mechanisms, and to solicit right holders' opinions and suggestions, address important issues proposed by the right holders.
2. To promote and guide the lawyers to expand IPR legal services and provide legal services in creating, using, managing and protecting IPR.
3. To establish hotlines and web-based service platforms for companies to protect their overseas IPR.
4. To improve trademark review system, thus enhancing work quality and efficiency and to focus on addressing issues that damage the trademark interests of the parties concerned such as prolonged trademark registration period, hostile application, hostile objection, hostile transfer, etc.
5. To work on trademark registration and Phase III of the management automation system so as to prepare for a complete operation of online trademark application and the overall online application.
6. To set up contact points for geographical indications and to carry out in-depth study on the role of protecting geographical indications in increasing the farmers' income and summing up and promoting the experiences in time.
7. To improve the building of collective administrative organizations for copyrights and promote the preparation for setting up collective administrative organizations for copyrights, such as in text, photography and film.
8. To establish and improve National IPR Protection Association and trade associations.

X. Thematic Studies

(I) On IPR Protection and Management System

1. To carry out the social supervision of IPR protection and study on coordination of law enforcement.
2. To carry out the evaluation of IPR protection and study on information early warning system.
3. To study on independent IPR and innovation.
4. To study on the relationship between IPR system and building an innovative country.
5. To study on issues related to creating, managing, protecting and using China's independent IPR at the current stage.
6. To study on the IPR management system and coordination mechanism.
7. To study on the integrated capacities of China's IPR-related work.

(II) On IPR Protection in Import and Export

1. To survey on IPR protection related to import and export.
2. To strengthen the study on the abuse of IPR and IPR in international trade.

(III) On Judicial IPR Protection

1. To strengthen the study on criminal, civil, administrative and judicial protection of IPR, and try to produce theoretical outcomes, thus providing a theoretical basis for revising and improving IPR-related laws.
2. To finish the survey on the evidences to be used in IPR lawsuit cases, and try to translate the survey's outcome into reality.
3. To put the survey on the judicial determination of well-known trademarks as a priority, and further regulate the trial process, make the judicial standards specified and uniform.
4. To strengthen the theoretical study on IPR judicial protection and try to produce theoretical outcomes, thus providing theoretical evidence for revising and improving criminal laws.
5. To sum up, study and make judgment on the overall status quo, features and development trend of China's current IPR infringement crimes, so as to provide theoretical support for the next step of IPR protection.
6. To study on law application in handling tobacco-related crimes.

(IV) On IPR Team-building

To continue the study on IPR legal services and the team-building for IPR lawyers.

(V) On Trademark Protection

1. To fulfill researches on the subjects of "Study on Trademark Strategy" and "Study on Trade Secret-Related Issues" in national IPR strategic researches and translate subject researches to subject implementation.
2. To strengthen investigation and law enforcement on how to crack down upon "fake brand names" and trade secrets infringement.
3. To study on how to protect well-known commodities effectively and on implementing the filing system for well-known commodities' proprietary names, packaging, and decoration.

(VI) On Copyright Protection

1. To carry out the project of "Survey on the Economic Contributions of China's Copyright-Related Industries" with WIPO.
2. To carry out the survey on the administration system for copyright agencies, and to study and draft Administrative Measures for Copyright Agencies.
3. To survey on and demonstrate copyright arbitration mechanism and to explore and promote a copyright arbitration system with Chinese characteristics.

(VII) On Patent Protection

To carry out study on protection of utility models and design patents in China.