

# **China's Action Plan on IPR Protection 2008**

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## **A Brief Note on China's Action Plan on IPR Protection 2008**

Tasked by the National Working Group for IPR Protection, the Working Group office joins the member agencies of the Working Group in presenting this Action Plan on IPR Protection 2008, which deploys 280 detailed measures in 10 areas.

On the legislative side, 24 laws, regulations, rules and administrative measures on trademark, copyright, patent, IPR foreign trade and customs protection will be updated or formulated in addition to the drafting of 5 judicial interpretations. On the enforcement side, 16 dedicated campaigns targeting key linkage points of print and duplication, Internet and publications will be carried out, reinforced by 11 standing crackdown measures to deter and penalize piracy and counterfeiting and Internet-based infringements. With regard to trials, 7 measures will be put in place to address top-agenda issues and further empower judicial protection. With regard to institutional building, 36 measures will follow to advance inter-agency coordination and inter-regional interaction, rationalize mechanisms for IPR infringement alert, right defense and oversight, build on the enforcement supervisory system, pursue a consolidated IPR judicial system and enhance the role and service offerings of the IPR Service Centers. On the publicity front, 62 measures will be taken, ranging from large-scale publicity campaigns, TV programming, press conferences and forums, to create an IPR-friendly social ambience. On training and outreach, 27 measures including educational programming, developing training tutorials, organizing training courses and workshops will target grass-root enforcement agents, corporate and non-corporate organizations, legal professionals as well as middle and primary school students. In terms of international exchange and partnership programs, 27 measures such as study visits, joint training, dialogues and seminars will materialize to further expand existing cooperation. With regard to advancing IPR protection at the business level, 17 measures will be introduced to direct businesses in structuring their IPR regimes and boost their competency for competing on the merit of such regimes. As for services for right-holders, 25 measures will be implemented to perfect the IPR information and service network. Last but certainly not the least, 23 IPR hot topics have been identified

for thematic study in the context of IPR law application, protection and management.

Ministry of Commerce of the P.R.C

National Office of Rectification and Standardization

of Market Economic Order of the P.R.C

State Office of Intellectual Property Protection of the P.R.C

March 18, 2008

## **China's Action Plan on IPR Protection 2008**

### **I. Legislation**

(I) To revise and formulate laws, regulations and rules on trademark protection, unfair competition and geographical indication protection

1. To accelerate the process of revising the Trademark Law.
2. To accelerate the process of revising the Law against Unfair Competition.
3. To revise the Regulations for the Implementation of the Trademark Law to coordinate with the revision of the Trademark Law.
4. To push forward the legislation of Regulations for the Administration of Trademark Agency.
5. To formulate the Measures for the Administration of Trademark Licensing.
6. To revise the Provisions for Identification and Protection of Well-Known Trademarks.
7. To formulate the Regulations on Geographical Indication Protection.
8. To promulgate the Rules for Implementation of Geographical Indication Products, the Provisions for the Administration of Geographical Indication Products' Mark and Label, and the Provisions for the Administration of Foreign Geographical Indication Products Registration.

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

1. To research on the second amendment to the Copyright Law and give suggestions.
2. To complete the formulation of the Measures on Remuneration by Radio and Television Stations for Broadcasting Statutory Licensed Phonograms
3. To complete the formulation of the Regulations on Copyright Protection for Folk Literature and Artistic Works.
4. To formulate the Measures for the Administration of Karaoke Program.
5. To formulate the Measures for the Administration of State-Owned Copyright.
6. To revise the Measures for Works Registration, and formulate the Measures on Copyright Contract Documentation.

7. To revise the Measures for the Implementation of Copyright Administrative Punishments.
8. To formulate the Measures for the Examination, Approval and Supervision of Copyright Collective Management.
9. To accelerate the process of formulating the Measures on Remuneration of Textbook Statutory Licensing.

(III) To revise laws and regulations regarding patent protection

1. To complete the revising of the Patent Law.
2. To revise the Rules for Implementation of the Patent Law.
3. To accelerate the revising of the Regulations on the Protection of Traditional Chinese Medicines.
4. To accelerate the drafting of related measures for administration to coordinate with the implementation of the Measures for the Administration of Drug Registration.

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

1. To study on the formulation of the Measures of IPR Protection Related to Imported and Exported Goods.
2. To study on the formulation of the Measures of IPR Protection Related to Foreign Trade Licensing Contract.
3. To accelerate the revising of the Rules for Implementation of the Regulations on Customs IPR Protection.

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

1. To draft the Judicial Interpretations on Issues Concerning the Application of Law in Dealing with Criminal Cases of Infringing Trade Secret Issued by the Supreme People's Court (SPC)
2. To draft judicial interpretations on determination and protection of well-known trademarks, and improve well-known trademarks judicial determination and documentation system.

3. To launch the drafting of judicial interpretations on the Patent Law to coordinate with the revision of the Patent Law
4. To draft the Judicial Interpretations on Issues in Dealing with Administrative IPR Cases issued by SPC.
5. To study the formulation of the Judicial Interpretations on Issues Concerning the Application of Law in Dealing with Criminal Cases of Infringing Trade Secret.

## II. Enforcement

### (I) Dedicated Campaigns Targeting Outstanding Problems

1. To carry out special campaigns to fight cyber IPR infringement, to investigate and punish cyber infringement and piracy strictly, so as to purge the cyber market.
2. To launch a dedicated campaign targeting the tourist market and focus on investigating and handling the distribution of counterfeit or pirated products in foreign-related hotels.
3. To continue the Fight Piracy Every Day campaign, crack down on illegal CD production line and illegal publication, and further intensify administration over the publication market and the printing companies.
4. To organize guarantee activities for the Olympics, focus on rectifying the audio-visual product market, issue confiscation catalogue to strengthen investigation and punishment over counterfeiting and piracy.
5. To launch rectification activities over audio-visual market, Internet bars, online music and cyber games, organize enforcement cross checks in nation-wide cultural market, supervise over and investigate into major cases in the national cultural market.
6. To carry out the Olympic logo exclusive right protection campaign with focus on key regions, key links, key products and key time periods, so as to create a favorable IPR protection environment for the Olympic Games.
7. To continue the special campaign on well-know trademark counterfeiting, carry out supervision and monitoring over those big, typical and influential cases.
8. To carry out a campaign on Fighting Counterfeiting to Protect Well-Known Brands and Quality Brands, so as to better protect well-known products and well-know enterprises.
9. To launch the campaign of Zero Counterfeiting in Ten Thousand Shops of One Hundred Cities, so as to create a sound environment for famous brands.
10. To carry out monitoring and spot-check of key geographical indication products to crack down on geographical indication counterfeiting.
11. To launch special operations on rectifying printing, copying and transportation links,

and carry out comprehensive checking over book, audio-visual products, computer software products and computers, electronics market, focus on tracking down and investigating into the source of pirated products, dig out the sites of illegal printing and illegal CD production lines, and strictly punish the companies involved in piracy and illegal recording.

12. To launch a special operation on purging the publication market. To coordinate with preparation for and hosting of the Olympics, carry out repeated checks over shops for books, newspapers and magazines, audio-visual products, and computer software, focus on the supervision of urban streets and neighborhoods, places of interests, transportation hubs and restaurants and hotels, strictly forbid any street vendors and peddlers that sell illegal publications or vendors without license.

13. To continue the special campaign on combating illegal pre-installation of computer software to consolidate the existing fruits of computer software pre-installation.

14. To organize a concentrated campaign on fighting piracy during the Olympic Games.

15. To launch Special Operation Thunderstorm on patent protection.

16. To launch Special Operation Sky Net on patent protection.

## (II) Day-to-day Enforcement

1. To strengthen the supervision over the implementation of the Measures on IPR Protection at Exhibitions and Fairs, and establish a system of news release on domestic exhibitions and fairs information IPR protection.

2. To print and distribute a Pamphlet on IPR Protection Supervision that can be updated timely, to provide information support for the Customs supervisors when they are investigating into goods suspected of infringement.

3. To strengthen law enforcement and curb trademark infringement and counterfeiting with focus on food and drug trademark, agriculture-related, foreign-related and well-known trademarks, as well as geographical indications.

4. To follow the principle of "equal focus on fighting and prevention", and quickly distinguish the infringed products during IPR law enforcement.

5. To sort out the relations between copyright administrative law enforcement and cultural law enforcement, bolster up coordination and cooperation with cultural law

enforcement agencies, so as to enhance copyright law enforcement efficiency and quality.

6. To step up investigation and punishment of textbook piracy, strictly penalize the production and sales of pirated textbooks and supplementary textbooks.

7. To boost copyright law enforcement with the developed provinces and major cities as the key regions, and software and internet as the key fields, so as to greatly improve copyright protection environment.

8. To step up supervision over for-profit organizations with software as a fundamental means of production, establish a Blacklisting System, and push forward software legalization in enterprises.

9. To launch enforcement appraisal and evaluation, so as to encourage local authorities to strengthen enforcement.

10. To compile and publish IPR Enforcement Information to exchange enforcement experience and enhance enforcement capacity.

11. To hold an enforcement work meeting of intellectual property offices nationwide to summarize experiences and guide local law enforcement.

### III. Trials

1. To improve people's jury system, select and recommend experts in related fields to be people's jurors targeting the features of IPR cases, and allow the full play of their advantages and special functions in the trials of special cases.
2. To study the new situation and new problems arising from retrial of cases after the new Civil Procedures Law came into effect, focus on studying the unified hearing procedures for retrial cases, so as to resolve the problem of difficulty in appeal.
3. To study the outstanding problems of civil anti-monopoly cases, and issue special notices on fully implementing the Anti-monopoly Law and do a good job in dealing with civil anti-monopoly cases when necessary.
4. To hold a national court seminar on IPR case trial to summarize the whole year's work, address the outstanding problems in practice, analyze the new situation and unify judicatory policies.
5. To hold a special seminar on new situation and new problems arising in copyrights trials, so as to study and unify the standards for law application and study information internet transmission right and related rights protection.
6. To hold a special seminar after the publication of National IPR Strategy if necessary, to discuss new situation, new problems and difficulties in IPR trials.
7. To hold a National Seminar on Law Enforcement Regarding Agricultural Plantation Species Right in cooperation with the Ministry of Agriculture, so as to study and discuss the outstanding problems in plantation new species right administrative law enforcement and judiciary protection.

## IV. Institution Building

(l) to improve inter-department coordination and regional interaction working mechanism

1. To step up the communication and coordination between members of the State Office of Intellectual Property Protection, fully implement such systems as co-chairing meeting, information release and case coordination, so as to address the difficulties and problems during IPR protection.
2. To push forward the establishment of a cross-regional IPR protection mechanism, so as to step up investigation and punishment over cross-regional IPR infringement cases.
3. To establish an IPR criminal protection coordination mechanism to ensure the smooth transfer and disposal of the criminal cases and boost criminal protection.
4. To establish long-term mechanisms for case report of IPR criminal protection, research, training and awarding, so as to integrate enforcement resources, and establish an IPR criminal protection system combining fighting, prevention and control.
5. To continue to intensify coordination between administrative enforcement and criminal prosecution for copyright according to the requirement of Provisional Regulation on Intensifying Coordination and Collaboration in the Crackdown on Criminal Infringement upon Copyright.
6. To improve the inter-ministry consortium meeting mechanism on promoting the use of legitimate software by enterprises, vigorously pushing forward the work on software legitimization.
7. To improve the working mechanism for the transfer of suspected trademark criminal cases.
8. To give play to the role of regional coordinating organizations of trademark administrative enforcement, promoting regional coordination on trademark administrative enforcement.
9. To promote the establishment of a regional coordinating mechanism for patent administrative enforcement.
10. To step up the building of a national system and mechanism for patent

industrialization.

(II) To improve and perfect the mechanism of early warning, right-assurance and supervision

1. To formulate and publicize the Outline on Implementing an IPR Strategy for the Information Industry, perfecting an industry-specific IP early warning mechanism.
2. To build an overseas right-assurance working mechanism for enterprises, set up a mechanism of administration, early warning, emergency response and dispute settlement for trade-related IPR, properly address IPR disputes involving foreign parties, and enhance the capacity of domestic Chinese enterprises to protect their own IP.
3. To work on the formulation of the Guidelines on IPR Protection by Enterprises Participating in Overseas Fairs and Exhibitions, set up a blacklisting system for IPR infringement and an appraisal system for IP creditworthiness of enterprises taking part in such fairs and exhibition, gradually perfecting and standardizing a system steering IPR protection by enterprises participating in overseas fairs and exhibitions.
4. To step up the building of a computerized supervisory platform for online cultural market, develop an online office system of administrative enforcement for the national cultural market, making cultural market oversight more effective and efficient.
5. To establish a mechanism wherein the customs authority provides the enterprises with feedback on enforcement, encourage and urge the enterprises to actively collaborate with the customs authority in its enforcement efforts.
6. To intensify the work on trademark regulation in fairs and exhibitions, exercise long-term supervision over enterprises determined to engage in trademark infringement in fairs and exhibitions.
7. To popularize a "System of Authorized Trademark Operation" in large and medium cities across the country, institutionalize and standardize trademark regulation in commodity wholesale and retail markets of considerable scale.
8. To promote the development of an electronic supervision network for product quality, ensuring rapid identification, disposal, notification and early-warning against counterfeit and shoddy products.
9. To speed up the establishment of an online copyright supervision platform, give full

play to the role of technical measures in copyright protection and crackdown on infringement and piracy, making copyright administrative enforcement more efficient.

10. To give full play to the role of the exposure and complaint hotline "12390" and the Anti-Piracy Report Center of the National Copyright Administration, improve the system of rewarding copyright-related exposures, fully mobilize the initiative on the part of copyright administrative agencies and the social public, set up a quick response mechanism for the handling and disposal of cases exposed or filed through complaints.

(III) To perfect the enforcement supervision mechanism

1. To fully leverage hi-tech means to establish nationwide a mechanism of "online coordination and information sharing" between administrative enforcement and criminal prosecution, playing up its role in IPR protection.

2. To intensify supervision guidance over local prosecuting agencies, promote the timely arrest and prosecution of IPR infringement criminal cases by local prosecuting agencies, severely cracking down on IPR infringing crimes according to law.

3. To guide prosecuting agencies at various levels to fully exercise their function of legal supervision, strengthen supervision over the transfer of suspected criminal cases by administrative enforcement agencies, earnestly rectify and prevent the practices of condoning crimes without prosecution and replacing criminal penalties with administrative punishment in the area of IPR enforcement.

4. To step up study into such issues as standards and evidence in suspected IPR infringing criminal cases, further standardize the coordination between administrative enforcement and criminal prosecution.

(IV) 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, consolidating judicial resources for IPR, giving play to the holistic function of judicial protection in real sense.

2. To proceed from the reality of work and explore exchange possibilities with people working in dedicated IP institutions such as patent review committee.

3. To improve the management system and working mechanism of online disclosure of

IPR court verdicts and trial information by courts throughout the country, set up a system of information contact persons for IPR trials.

4. To launch the relevant studies and research, conduct thorough research to validate the establishment of dedicated IPR criminal case functions within prosecuting agencies.

(V) To enhance the service functions of IPR Service Centers

1. To disseminate the print-outs of the Guiding Opinion on Improving the Functions of IPR Service Centers, strengthen administration, perfect the mechanism, and vigorously extend the functions of IPR Service Centers.

2. To launch the "12312 Voice Calling System", set up a vertically integrated working network.

3. To set up a coordinating mechanism for IPR Service Centers, giving play to the synergistic effectiveness and holistic strength of 50 IPR Service Centers.

4. To continue to extend the network, promote IPR Service Centers to place themselves in State-level Hi-tech Zones, Software Parks, State-level Export Innovation Bases, State-level Automobile, Spare Parts and Components Export Bases and key markets.

5. To promote the establishment of a communication system between the IPR Service Centers and key enterprises, providing targeted services.

6. To continue to promote IPR Service Centers to move into fairs and exhibitions, improve the relevant working mechanism.

7. To implement a system of positioning people with the right professional certificates into working stations of IPR Service Centers in the development zones and service outsourcing demonstrative areas, organize professional enhancement courses for people staffing IPR Service Centers, set up a distance learning system for the staff workers.

8. To revise the Administrative Measures for the Evaluation and Selection of IPR Service Centers, improving the evaluation and appraisal system.

## V. Publicity

### (I) Positioning

1. To timely organize efforts to report on the progress and effectiveness the Chinese government has made in IPR legislation and enforcement, intensify publicity efforts to the outside world, shed light on a number of typical cases of IPR protection.
2. To extensively carry out publicity and education of laws on IPR protection, foster an intensive momentum of respect for IP and protecting IPR throughout the whole society.
3. To step up positive orientation, report timely the new thinking, measures, and results on IPR protection by various regions, agencies and relevant entities, publicize a number of leading individuals and enterprises in IPR protection.
4. To timely report typical cases wherein the relevant authorities have cracked down on IPR infringement, to deter the criminals.
5. To strengthen online publicity, guiding key news website at the central level to carry out online publicity of IPR protection, ensuring information is communicated in a timely and accurate manner.
6. To organize in times appropriate interviews and reports by overseas media and central outward publicity media over important activities and investigations into major cases.
7. In light of the concern by the outside world over IPR protection in China, to orient central outward publicity media to increase the specificity and practical effectiveness of their reports.

### (II) Large-scale Publicity Events

1. To organize the selection and announcement of 2007 Top 10 IPR Protection Events in China.
2. To carry out social publicity campaign series on IPR protection titled "Legitimate Version: China".
3. To incorporate publicity and education of IPR laws into the overall work plan of law-related publicity and education for 2008, stepping up education of the general public

about IP laws and regulations.

4. To organize such activities as distance satellite-enabling lectures on IPR protection, carrying out law-related publicity and education of IPR in a concentrated manner.
5. To organize efforts to disseminate the relevant laws into administrative agencies, rural areas, local communities, schools and enterprises.
6. To organize a Legal Knowledge Quiz Contest over a Hundred Websites.
7. To organize an Online Legal Knowledge Quiz Contest for Teenagers.
8. To continue the nomination and voting for annual major inventions in the information industry in an effort to enhance the innovation and IPR protection awareness of the enterprises.
9. To carry out the 10th Law-related Publicity Program for Audiovisual Markets in China.
10. To carry out the April 26 Universal Destruction of Illegal Audiovisual Products throughout China.
11. To carry out publicity and education on IPR protection at major sites of traveling inspections such as Beijing Capital International Airport.
12. To carry out the Copyright Law series of publicity programs in light of the April 26 World IPR Day.
13. To carry out dissemination, publicity and education of the Law against Unfair Competition.
14. In line with the implementation of the famous brand strategy, to publicize a number of brand-name products and renowned enterprises with independent IP and international reputation.
15. To carry out publicity and dissemination of legal knowledge concerning copyright.
16. To continue to carry out an education campaign on copyright protection, calling university students to say no to piracy, organize an awarding ceremony of Copyright Protection Essay Contest for University Students.
17. To organize the nomination and voting of Outstanding Copyright Works, Individuals and Enterprises.
18. To organize grassroots engagement programs by copyright experts.
19. To organize the nomination and voting of 2008 Leading Entities and Individuals on Copyright Protection in China.

20. To join forces with People Net and Xinhua Net in organizing online interviews and coverage of IPR strategies.
21. To join forces with the National IP Strategy Office, experts and scholars, and the news media to launch a large-scale law-related publicity campaign themed "IPR in China".
22. To organize and carry out a series of large-scale publicity programs such as April 26 SIPO Public Visiting Day.
23. To seize the opportunity of Beijing's host of the Olympic Games and carry out dedicated Olympic-series IPR publicity programs.
24. To organize the Fourth Nomination and Voting of Female Inventors in China.
25. To prepare for major publicity campaigns such as CCTV Innovation Gala and Young Creative.
26. To ensure good publicity to the outside world and showcase the progress and effectiveness China has made in IPR protection through IPR Weekly of China Daily and Bilingual Weekly of China IP News.
27. To carry out the nomination and voting of Top IPR Judges in Courts of China, commending a number of IPR judges with high professional proficiency and ethical conduct.

### (III) Press Conferences

1. To hold a press conference on "IPR Week 2008".
2. To hold a press conference on "China's Status of IPR Protection in 2007".
3. To organize the 10th 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.
4. To organize a press conference on the achievements and typical cases of the special campaign on combating online infringement and piracy in 2007.
5. To organize a press conference on the establishment of the Copyright Collective Management Organization.

### (IV) Forums and Exchange Activities

1. To organize the China IPR Protection High-level Forum 2008.
2. To organize the China IPR Criminal Protection Forum 2008.
3. To co-organize the International Copyright Forum 2008 with the WIPO.
4. To organize the Forum on Pharmaceutical IPR 2008.
5. To organize the China IPR Enforcement Forum 2008.
6. To organize the China-Germany IPR Seminar.
7. To hold the Seminar on Drug Testing Data Protection.
8. To participate in the Mainland-Hong Kong-Macau IPR Seminar.

#### (V) Publications

1. To produce and air the animated cartoon series City of Wisdom to popularize the education on IPR protection.
2. To organize the production of publicity films for the IPR Service Centers, and to solicit songs for the hotline.
3. To work with CCTV in staging parties and interviews themed on IPR protection.
4. To compile the White Paper on China's Customs IPR Protection 2007 in both Chinese and English.
5. To compile both Chinese and English versions of the Journal on IPR Border Enforcement.
6. To publish Essays of Zheng Chengsi on Copyright.
7. To produce and air the TV series Stories of Invention.

#### (VI) Selection and Disclosure of Typical Cases

1. To organize the selection of top 10 IPR infringement criminal cases of 2008.
2. To select the top 10 cases of China's customs IPR protection of 2008.
3. To strengthen publicity on trademark administrative enforcement cases, encourage and urge local AICs to publicize more typical cases concerning trademark administrative enforcement.
4. To publicize a number of typical cases of IPR protection concerning quality inspection, supervision and quarantine.
5. To intensify publicity on major copyright cases.

6. To strengthen the enforcement statistics of IPR authorities and the disclosure of cases.
7. To disclose typical IPR cases to accentuate the IPR Week.
8. To publicize the IPR protection efforts of the procuratorial authorities and disclose typical cases through Procuratorial Daily, [www.jcrb.com](http://www.jcrb.com) and other media agencies.

## VI. Training and Education

(I) To formulate training plans and compile teaching materials

1. To organize and implement the program of building a high-quality team of IPR lawyers.
2. To organize and implement the Project of Hundred, Thousand and Ten Thousand IPR Talents 2007-2010.
3. To formulate and implement the national IPR training program 2008.
4. To organize the compiling of teaching materials for IPR training.
5. To publish the Handbook on Overseas IPR Protection for Chinese Enterprises.

(II) Strengthening training for enforcement and judiciary officials

1. To implement the China-Germany IPR administrative enforcement training program, and organize 3 to 4 training sessions for enforcement and judiciary officials.
2. To cooperate with foreign IPR enforcement bodies in holding training programs for IPR criminal enforcement staff in the public security authorities in order to further improve the capability and level of crackdown on cross-country and cross-border IPR-related crimes.
3. To train and educate grass-root public security officers on IPR enforcement through various forms including professional training and long-distance teaching on an organized and targeted basis.
4. To focus on enforcement skills and modern scientific supervision technologies, and hold training programs for grass-root administrative enforcement staff in the cultural market against the backdrop of new trends, new tasks, emergence of hot and difficult issues in the audio-video, Internet and other cultural markets.
5. To carry out training for frontline enforcement team at the ports, and concretely improve the customs enforcement capabilities.
6. To organize on-site IPR protection practice activities in the customs authorities so as to improve the professional expertise of customs staff.
7. To build an IPR expert system within the customs authorities to strengthen the

professional guidance for the staff.

8. To hold training programs for heads of IPR agencies in charge of copyright in provinces and major cities.

9. To organize the training for copyright enforcement staff at the city and county level.

10. To organize seminars on IPR enforcement.

11. To continue to hold IPR seminars for leaders at the municipal level, training programs for heads of IPR agencies and IPR trainers.

12. To hold professional training programs targeting hot and difficult current issues in IPR ruling, intensify the intelligent support for IPR ruling in courts in the central and western parts of China and at the grass-root level, strengthen the guidance over IPR courts of first-instance, and research on the judicial problems on IPR protection.

13. To conduct focused and targeted supervision, inspection, guidance and training for courts located in the central and western parts of China where IPR cases have serious quality problems and the legal team is relatively weak.

14. To hold training programs for grass-root IPR judges, and organize two sessions of workshops for IPR ruling staff highlighting the promulgation of the new law and the judicial interpretation.

15. To intensify IPR education while training the procuratorate staff in 2008, and organize people to attend training programs.

### (III) IPR-Related Training for Businesses and Public Institutions

1. To conduct training for IPR lawyers and further intensify the cultivation of high-quality IPR legal professionals.

2. To launch 1 to 3 training sessions on IPR management and practice for professionals and legal staff in the information industry authorities.

3. To compile the Laws on IPR Protection at Famous Overseas Exhibitions, and conduct training on foreign-related IPR for foreign trading companies, economic and commercial counselor's offices overseas and local foreign economic and trade departments.

4. To conduct high-level training on IPR for enterprises directly under the central government.

5. To organize the training for copyright managers of publishing agencies.
6. To organize 1 or 2 training sessions on IPR protection and practice for staff from pharmaceutical enterprises and institutions, and for local drug supervision teams.
7. To hold training classes for IPR teachers in the universities across the country, organize seminars on IPR education in middle and primary schools and training sessions for teachers.

## **VII. International Exchange and Cooperation**

### **(I) On copyright**

1. To cooperate with the WIPO to carry out the research on the "economic contribution by copyright-related industries in China".
2. To take an active part in copyright-related consultations and negotiations under the APEC Framework.

### **(II) On Trademark and Geographical Indication**

1. To strengthen trademark-related cooperation and exchange with trademark authorities in the US, Japan and the EU, and implement China-EU IPR Phase II trademark program.
2. To organize meetings between Chinese and Japanese, as well as Chinese and French trademark directors, and intensify trademark-related cooperation with countries and regions with which China has close trade ties.
3. To implement trademark cooperation and communication with surrounding countries including Korea, Mongolia, Vietnam and India.
4. To actively participate into WTO negotiations relating to geographical indication.
5. To hold the China-EU High-Level Forum on Geographical Indication Protection.

### **(III) On Patent**

1. To hold communication meetings for foreign embassies, representative offices, foreign-invested companies and chambers of commerce in China, report the work progress of SIPO, and solicit opinions on its future work.
2. To strengthen IPR communication and cooperation with European countries, exchange visits by experts, attend training sessions and seminars, and promote exchange on IPR.
3. To research on and organize training for IPR inspectors from Asian and African countries.
4. To cooperate with the WIPO and other foreign IPR institutions in holding IPR

seminars or training sessions.

5. To intensify the cooperation with Japan and Korea, attend China-Japan-Korea IPR meetings in Korea and Japan, and organize Chinese-Korean and Chinese-Japanese directors' meetings.

#### (IV) On Commerce and Customs

1. To continue strengthening the dialogue on IPR protection with countries and regions including the US, the EU, Japan, Russia and Switzerland so as to jointly improve the level of IPR protection.

2. To properly handle IPR-related issues in multilateral trade negotiations at the WTO and APEC, actively participate in the formulation and adjustment of international rules, and enhance the ability in handling foreign-related IPR issues.

3. To steadily promote the implementation of China-EU IPR Phase II.

4. To join the formulation of the unified IPR enforcement standard framework of the WCO.

5. To carry out cooperation on IPR customs enforcement among China, Japan and Korea according to the China-Japan-Korea Action Plan of the Customs IPR Working Group.

6. To implement the Memorandum of Understanding between China and the US on Strengthening IPR Border Enforcement Cooperation, and cooperate with the US customs on enforcement.

#### (V) On Judicial Protection

1. To promote the communication and cooperation with relevant US enforcement agencies under the IPR Working Group framework of the JCCT and JLG, and explore the possibility of building a long-term cooperation mechanism.

2. To expand cooperation and exchange with international organizations, foreign enforcement agencies, and carry out criminal enforcement cooperation, trainings and communication.

3. To jointly organize the Seminar on Patents and Commercial Secrets with the EU.

4. To jointly organize the International Seminar on IPR Judicial Protection with the

WIPO and the German Federal Supreme Court.

5. To take an active part in the overseas visits, exchange activities and training programs related to IPR, and intensify cooperation with foreign procuratorate authorities in the enforcement process.

(VI) To organize Field Trips and Training Programs Abroad

1. To organize IPR law enforcement departments for field trips on IPR law enforcement in Germany and Nordic countries.
2. To organize hardcore staff of the IPR protecting system and IPR Services Centers for overseas training programs on IPR protection theories and practices.
3. To organize hardcore staff of enterprises and public institutions related to the information industry for field trips to the US and Europe to learn from overseas legal systems, law enforcement mechanisms and best practices and experience in IPR management and protection.
4. To dispatch personnel abroad for mid and long-term IPR training programs to strengthen our efforts in IPR talent fostering.

## VIII. Plans for Promoting Enterprise IPR Protection

1. To coordinate key foreign trade industries and IPR early warning contact points of enterprises to promote the establishment of an IPR protection in foreign trade consultation system.
2. To actively promote rights protection of audio-video distribution associations and enterprises.
3. To continue to present awards to software model enterprises, give full play to their social role-model function, inspect and award the “first batch of legalization demonstration large enterprises”.
4. To launch comprehensive IPR strategy research, formulation and implementation in central enterprises.
5. To strengthen central enterprises’ building of IPR legal risk prevention mechanism.
6. To guide central enterprises to strengthen IPR legal examination of important links such as restructuring, transformation, establishing joint-venture or cooperative enterprises, and making outbound investment, so as to enhance IPR protection.
7. To study trademark registration and protection of Chinese enterprises abroad, strengthen Chinese enterprises’ trademark protection overseas and promote the enterprises to fully recognize the importance of trademark registration and right protection in implementing the strategy of “going global” and conducting international operation.
8. To hold a trademark forum at West Forum 2008 to promote enterprises in the western region to develop better and become more competitive through capitalizing on trademark.
9. To actively guide and encourage farm produces exporters to establish and protect their trademark exclusive rights in overseas markets.
10. To support the development of leading agriculture-related enterprises and accelerate the cultivation of Chinese world-renowned farm produces trademarks.
11. To encourage enterprises to develop patents and brand products with proprietary IPR, support enterprises to apply for IPR protection for scientific research results, core

technologies and brand products in a timely way and enhance the enterprises' ability and level to master and apply the IPR system.

12. To host BIBF international copyright trade seminar and support copyright trade activities at Beijing International Book Fair and National Book Fair.

13. To award excellent groups and individuals in copyright export to promote in-depth development of copyright trade.

14. To promote the building of copyright protection base and demonstration site, work hard to foster good examples, give full play to the role model function of various copyright protection demonstration enterprises and strengthen the enterprises' awareness of independent innovation and IPR protection.

15. To conduct pilot projects on enterprises' IPR strategy promotion and foster and establish a batch of business role models with proprietary IPR.

16. To organize IPR pilot and demonstration sites among nationwide enterprises and public institutions to conduct IPR management and experience exchange.

17. To implement industrial IPR strategy pilot programs.

## **IX. Plan for Providing Services for the Right Owners**

### **(I) To Improve IPR Services System**

1. To host regular meetings with foreign-invested enterprises as a communication and coordination mechanism to listen to the opinions and suggestions of the right owners and resolve their major problems.
2. To establish long-term working mechanisms to increase the farmers' income through the use of agro-products trademarks and geographical indications to promote the building of a new socialist countryside.
3. To accelerate trademark registration examination on the basis of ensuring quality.
4. To actively promote advanced anti-forgery technologies and provide effective technical means for the enterprises' IPR protection.
5. To set up state-level geographical indications products protection demonstration areas and improve the geographical indications protection system.
6. To continue to organize and host China Patent Week to promote the integration of IPR with social capital.
7. To organize and conduct accreditation for IPR Commercialization Facilitation Centers.
8. To strengthen the building of IPR Protection Aid Centers.
9. To strengthen capacity building of state patent commercialization pilot bases.

### **(II) To Improve IPR Information Services System**

1. To study and open to the public the trademark agents information inquiry system at an appropriate time to enhance the transparency of trademark agents information.
2. To further enhance the services quality of trademark registration halls on the basis of the services quality evaluation system for trademark registration halls.
3. To give better play to the role of China Trademark Website as a window, improve trademark work information publicity system, enrich the content of the website to provide richer, more timely and more comprehensive trademark information.
4. To do a good job in maintaining the trademark automation system and ensure the safe operation of the system to provide reliable technical guarantee for smooth

trademark examination and on-line services of the trademark website.

5. To comprehensively implement the plan for nationwide patent technology display and trade platform, promote the building of a national IPR market as well as the transfer and commercialization of IPR.

6. To organize and launch the building of IPR commercialization facilitation services system.

### (III) To Strengthen Right Owner Guidance

1. To guide and promote the cooperation between public security organs and the business community in law enforcement protection, education and training and information communication to provide law enforcement guarantee for the enterprises' IPR protection.

2. To further guide and encourage the lawyers to explore the field of IPR legal services and do a good job in providing legal services in the various links of IPR innovation, utilization, management and protection.

3. To draft and issue Guiding Opinions on Strengthening IPR Protection of Central Enterprises to enhance guidance for IPR management and protection in enterprises.

4. To summarize and disseminate experience of central enterprises in IPR management and protection in a timely manner.

5. To further strengthen exchanges and cooperation among central enterprises in IPR management and protection.

6. To improve trademark telephone consulting and reply system and compile 100 FAQs on Trademark to provide better trademark consulting services for the public.

7. To continue to increase publicity on trademarks and geographical indications to farmers and agriculture-related enterprises to encourage more farmers and agriculture-related enterprises to register and protect trademarks and geographical indications of agro-products.

8. To help copyright collective management organization improve its building, support its legal activities and safeguard the legitimate rights and interests of copyright owners, users and the public to guarantee the orderly dissemination literary, art and scientific works.

9. To strengthen supervision and guidance for copyright trade associations and intermediaries and help them build and improve relevant working mechanisms.

10. To strengthen the building of enterprises' patent working sites and organize patent specialists to go to enterprises to offer consultation, seminars and services.

## **X. Plan for Special Research**

### **(I) Research on IPR Law Application**

1. To carry out comprehensive and in-depth analysis and research on the theories and problems of China's IPR legislation and law application to promote China's IPR criminal protection.
2. To organize and conduct a special research on trade secret protection and build a legal system for trade secret protection.
3. To conduct research on IPR-related issues within the WTO dispute settlement mechanism.
4. To conduct research on foreign-related IPR law enforcement issues.
5. To actively conduct research on "civil procedure system innovation" in the context of civil procedure law revision.
6. To continue to do a good job in research on "rules of evidence in IPR civil litigation" and establish and improve an evidence system reflecting the characteristics of IPR civil litigation.
7. To complete the research on patent law revision and outlook design protection.
8. To research on the general situation of IPR cases of criminal private prosecution.
9. To strengthen theoretical research on IPR criminal protection, try to come up with a batch of theoretical findings to provide theoretical grounds for the revision and improvement of relevant criminal laws.
10. To research on the consistency between China's criminal law and judicial interpretation and WTO/TRIPS Agreement.

### **(II) Research on IPR Protection and Management System**

1. To conduct research on IPR protection situation in OEM.
2. To conduct research on characteristics, laws and policies of IPR violations on the Internet.
3. To conduct theoretical research on IPR customs protection.
4. To launch a research on the building of a copyright public service system and explore

- the building of a copyright public service system in line with Chinese conditions.
5. To research on, formulate and revise relevant copyright industry policies and development programs.
  6. To strengthen theoretical studies of and policy research on the protection of experiment data protection.
  7. To strengthen analysis of and research on typical pharmaceutical IPR cases and find out relevant laws.
  8. To conduct research on IPR strategy implementation assessment.
  9. To conduct empirical studies and research on the IPR situation in major economic events and scientific and technological plans.
  10. To conduct research on the latest development of IPR-related issues in science and technology policies.
  11. To conduct empirical and policy studies on Chinese overseas patent capacity building in open economies.
  12. To conduct research on issues related to patent compulsory licensing.
  13. To conduct research on patent application, maintenance and conversion.

Source: State Office of Intellectual Property Protection of the P.R.C