An Overview of Intellectual Property Developments in China
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01 Developments of China’s IP System
Development Phases

- **Phase 1 (1980):** Joining WIPO
  - System Establishment

- **Phase 2 (1990):** WTO Entry Adjustment
  - Joining WTO, TRIPS

- **Phase 3 (2000):** Significant Increase in Quantity
  - "the Outline of National IP Strategy" was promulgated

- **Phase 4 (2008):** Cohesion and Coordination

- **Phase 5 (2015):** System Perfection

◇ Joining WIPO in 1980

◇ On January 14th, 1980. The Request Regarding the Establishment of Patent System in China was approved by the State Council.

◇ April 1, 1985, the first day of receiving patent applications in China.
Copyright law was enacted in 1990
Revision of Trademark law, Patent law and copyright law
The regulation of IC Layout design was promulgated.

China joined WTO in 2001
Phase III. Rapid Improvement (2001-2008)

Significant increased numbers in patent, trademark etc.

Year 1991-2012 Total Volume of 3 kinds of Patents Granted
Phase IV. Cohesion and Coordination (2008-2015)

Implementation of IP strategy

Outline of the National Intellectual Property Strategy promulgated by the State Council on June 5, 2008
Phase IV. Cohesion and Coordination (2008-2015)

The State Council Inter-Ministerial Conference for Implementation of the National IP Strategy
Phase V. System Perfection (2015- )

- Build China into an IP power house
- Innovation-Driven Economies
- Quality Improvement
- More Stricter IP Protection
- Promotion of IP Utilisation
02 Administration of IP in China
Framework of the IP Administration

Central-level Administration

- SIPO
  - Patent
  - IC layout designs
  - ..... 
- NCAC
  - Copyright
- SAIC
  - Trademark
- MOA
  - SFA
  - New varieties of plants
- MOC
- GAC
- MOST
  - .....
Framework of the IP Administration

Local-level Administration

- Provincial IP Authorities
- Municipal IP Authorities
- County IP authorities
Framework of the IP Administration

Judicial System

- Supreme Court
- High Court
- Intermediate Court
- Local Court

- Two-Instance System
- Cases with Technical Features
Judicial Protection

Centralized Administration

Common Standardization

IP Courts

Beijing

Shanghai

Guangzhou
Main Characteristics of China’s IP System
## Comply with the international rules

<table>
<thead>
<tr>
<th>Time</th>
<th>List of Accession to major international conventions and treaties</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>Convention Establishing the World Intellectual Property Organization</td>
</tr>
<tr>
<td>1985</td>
<td>Paris Convention for the Protection of Industrial Property</td>
</tr>
<tr>
<td>1994</td>
<td>Patent Cooperation Treaty</td>
</tr>
<tr>
<td>1996</td>
<td>Locarno Agreement Establishing an International Classification for Industrial Designs</td>
</tr>
<tr>
<td>1997</td>
<td>Strasbourg Agreement Concerning the International Patent Classification</td>
</tr>
<tr>
<td>2001</td>
<td>Agreement on Trade-Related Aspects of Intellectual Property Rights</td>
</tr>
<tr>
<td>2007</td>
<td>World Intellectual Property Organization Copyright Treaty</td>
</tr>
<tr>
<td>2007</td>
<td>WIPO Performances and Phonograms Treaty</td>
</tr>
<tr>
<td>2012</td>
<td>Beijing Treaty Audiovisual Performance</td>
</tr>
</tbody>
</table>
Main Characteristics of China’s IP System

Dual-track IPR Protection Mode

Administrative enforcement
- Positive-triggered
- Low-cost
- Fast

Judicial protection
- 3-in-1 Trial
- Joint Mediation

Two Optional Channels
Choose Freely
Cooperation & Coordination
Main Characteristics of China’s IP System

Fast Growth in Quantity

1985-2016 Invention Patent Applications

1.339 million Invention patent application in 2016

>100 million valid invention patent by 2016
## Latest Statistics of Patent filings

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Home</th>
<th>Abroad</th>
<th>PCT</th>
<th>Invention</th>
<th>Utility Model</th>
<th>Design</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>2798500</td>
<td>2639446</td>
<td>159054</td>
<td>30548</td>
<td>1101864</td>
<td>1127577</td>
<td>569059</td>
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<tr>
<td>2016</td>
<td>3464824</td>
<td>3305225</td>
<td>159599</td>
<td>44992</td>
<td>1338503</td>
<td>1475977</td>
<td>650344</td>
</tr>
</tbody>
</table>

**Growth Rate**

- 2015: 23.8%
- 2016: 25.2%
- PCT: 0.3%
- Invention: 47.3%
- Utility Model: 21.5%
- Design: 30.9%

- The number of domestic invention patents exceeded 1 million.
- “Invention patent ownership per 10,000 people” reached to 8.0.
- Invention patent examination period is stable, about 22 months.
Main Characteristics of China’s IP System

1999-2014 Trademark Applications

2016

3.6 million Trademark application
04 A Brief Introduction to SIPO
A Brief Introduction to SIPO

Profile

• 1980: Chinese Patent Office (CPO)

• 1998: the State Intellectual Property Office of the P. R. China (SIPO), which is directly under the State Council
A Brief Introduction to SIPO

Personnel

- 15,000 Staff Members
- 11,000 Examiners
- 80% Master Degree
- 65% Female
- average age of 33
Main Responsibilities of SIPO

**Organization**
- National IPR protection work
- Drafting the five-year-plan of IP development strategy

**Coordination**
- Foreign-related IP affairs, especially WIPO-related affairs

**Administration**
- Standardizing the basic order of patent administration, drawing up related laws and policies
- IP Awareness Promotion
- Training
- Granting Patents
- IC layout design
Organizational Structure and Personnel

SIPO

- Administration Departments
- Examination Sector
- Support and Service
- Patent Office
- Patent Reexamination Board
The Patent Office

- General Affairs Office
- Personnel and Education Dept.
- Patent Examination Administration Dept.
- Preliminary Examination and Flow Management Dept.
- Mechanics Examination Dept.
- Electricity Examination Dept.
- Telecommunication Examination Dept.
- Pharmacy and Biotech Examination Dept.
- Chemistry Examination Dept.
- Optics and Electronics Examination Dept.
- Material Engineering Examination Dept.
- Utility Model Examination Dept.
- Design Examination Dept.
- Patent Documentation Dept.
- Automation Dept.
- Party Committee
- Patent Examination Cooperation (Beijing) Center
- Patent Examination Cooperation (Jiangsu) Center
- Patent Examination Cooperation (Guangdong) Center
- Patent Examination Cooperation (Henan) Center
- Patent Examination Cooperation (Hubei) Center
- Patent Examination Cooperation (Tianjin) Center
- Patent Examination Cooperation (Sichuan) Center
- China Patent Technology Development Corporation
Patent Examination Cooperation Center (PECC)

Beijing (2001, 2724 staff)

Family Day with the theme of “Intellectual Property”

Training for staff of Beijing PECC
2016 China-ASEAN Training Workshop for Patent Examination held in Guangdong PECC
Patent Examination Cooperation Center (PECC)

Jiangsu (2011, 1505 staff)

The 8th Meeting of IP5 Heads of Office held at Jiangsu PECC in 2015
Henan PECC

Report made by Deputy Commissioner He Zhimin regarding IP International Cooperation
Patent Examination Cooperation Center (PECC)

Hubei (2012, 835 staff)

Hubei PECC

Workshop on Patent Examination Efficiency
Patent Examination Cooperation Center (PECC)

Tianjin (2013, 582 staff)

2017 Training Seminar of Patent Examination for BRI Countries

Participation in torch relay of 13th National Sports Games
Patent Examination Cooperation Center (PECC)

Sichuan (2013, 543 staff)
International cooperation

◊ Cooperation with WIPO

Director General Francis Gurry visited SIPO

China Delegation to WIPO General Assembly
International cooperation

◊ IP5

IP5 Heads Meeting
International cooperation

ID5 Meeting held in Beijing in 2016
International cooperation

◊ IP BRICS

9th IP BRICS Meeting in 2017
International cooperation

◇ Cooperation with Countries Along the “Belt and Road”

High-level Conference on Intellectual Property for Countries Along the “BELT AND ROAD” in 2016
International cooperation

◇ China-ASEAN
International cooperation

◊ China, Korea and Japan

Trilateral Meeting among JPO, KIPO and SIPO
International cooperation

◇ China, Mongolia and Russia
Thank You for Your Attention!