

# 中国知识产权保护 与营商环境新进展报告

Report on the Latest Development of IPR  
Protection and Business Environment in China

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全国打击侵犯知识产权和制售假冒伪劣商品工作  
领导小组办公室

Office of the National Leading Group  
on Fight against IPR Infringement and Counterfeiting

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## 前 言

2020年是极不平凡之年。面对新冠肺炎疫情突如其来、世界经济深度衰退等严重冲击，中国统筹推进疫情防控和经济社会发展，扶贫攻坚战取得全面胜利，决胜全面建成小康社会取得决定性成就，改革开放和社会主义现代化建设实现新的重大进展，知识产权保护和营商环境优化迈出坚实步伐。

2020年是创新发展之年。习近平总书记在中央政治局第二十五次集体学习时就保护知识产权、打击侵权假冒发表重要讲话，强调创新是引领发展的第一动力，保护知识产权就是保护创新。各地区各部门加大工作力度，对中外企业依法平等保护，知识产权创造、运用、保护、管理、服务水平不断提升，市场化、法治化、国际化营商环境进一步优化，创新引领下的中国正在从知识产权引进大国向创造大国转变。世界知识产权组织发布《2020年全球创新指数》显示，中国排名第14位，是唯一进入全球创新指数前30名的中等收入经济体。

2020年是共克时艰之年。中国积极参与全球治理，持续强化国际合作，与世界各国携手前行，谱写了保护知识产权、优化营商环境、构建人类命运共同体的时代篇章。世界银行发布《中国优化营商环境的成功经验——改革驱动力与未来改革机遇》专题报告指出，近年来中国优化营商环境的改革举措，为全球其他经济体提供了借鉴，有力推动全球营商环境水平整体提升。

## 一、应对国内外新挑战

2020年，新冠肺炎疫情全球肆虐，保护主义、单边主义上升，世界经济低迷，国际贸易和投资大幅萎缩，世界正经历百年未有之大变局。中国政府大力推进高质量发展，持续做好“六稳”工作、全面落实“六保”任务，着力构建以国内大循环为主体、国内国际双循环相互促进的新发展格局，全社会尊重知识氛围更加浓厚，优化营商环境举措更加有力。

### （一）国际新挑战

**经济发展遭遇重大冲击。**国际环境日趋复杂，国际力量对比深刻调整，不稳定性不确定性更加突出，世界进入动荡变革期，经济全球化遭遇逆流，世界政治经济格局发生变化。新冠肺炎疫情给全球跨境投资带来巨大冲击，联合国贸发组织发布《全球投资趋势监测》报告显示，2020年全球外国直接投资（FDI）急剧下挫，从2019年1.5万亿美元下降到8590亿美元。

**科技创新面临巨大阻力。**创新格局加速变化，少数国家实行知识封锁，制造甚至扩大科技鸿沟。在世界经济进入新旧动能转换期的背景下，知识、技术、人才等创新要素流动壁垒不同程度存在，创新引领经济持续发展的潜力未能有效发挥，利益固化的藩篱尚需进一步打破。

**知识产权需求持续释放。**世界知识产权组织发布《2020 世界知识产权指标》显示，2019 年全球有效专利约 1500 万件，增长 7%；约 1150 万件商标申请，涵盖 1520 万个类别，同比增长 5.9%，连续 10 年实现增长；约 5820 万件有效商标注册，比 2018 年增长 15.2%；工业品外观设计申请量 136.09 万件，同比增长 1.3%；植物新品种权申请量 2.14 万件，同比增长 7.8%，全球知识产权需求呈持续上升趋势。

## （二）国内新挑战

**数字经济发展带来新变化。**社会信息化进程加速，数字经济活力激发，新业态新模式逆势蓬勃发展，线上购物、教育、娱乐、办公、医疗等需求激增，在为打造经济新增长点注入新动能的同时，也对知识产权线上线下一体化保护带来新挑战。

**科技创新驱动提出新要求。**截至 2020 年年底，中国内地每万人口发明专利拥有量达到 15.8 件，超额完成“十三五”国家知识产权保护和运用规划预期目标。2020 年，中国发明专利授权 53 万件，受理 PCT 国际专利申请 7.2 万件，其中国内申请人提交 6.7 万件；实用新型专利授权 237.7 万件；外观设计专利授权 73.2 万件。商标注册 576.1 万件；著作权登记 503.9 万件，同比增长 20.37%。受理植物新品种权申请 8960 件，同比增加 30%，其中农业植物新品种权年度授权 2549 件，总授权量突破 1.65 万件。受理地理标志产品保护申请 10 个，批准保护地理标志产品 6 个，核准使用地理标志专用标志企业 1052 家，登记公布地理标志农产品 490 个，地理标志

作为集体商标、证明商标注册 765 件。集成电路布图设计登记申请 14375 件，同比增长 72.8%。自主创新不断发展，知识产权工作面临从追求数量向提高质量加速转变的新挑战。

**市场主体增加形成新考验。**市场主体数量稳步增长，全年新设市场主体 2502.1 万户，同比增长 5.2%。新设外资企业 5 万家，中国成为全球最大外资流入国。中国利用外资稳中有增，是全球极少数吸收外资保持增长的主要经济体之一。市场主体数量日益庞大、活力迅速激发，对进一步优化营商环境提出新要求，给监管执法与行业管理部门带来新挑战。



## 二、加强知识产权保护

2020年，中国知识产权保护围绕统筹协调、法治保障、行政执法、司法保护、社会共治、宣介传播等方面扎实推进，保护体系更加完善，保护成效更加突出。

### （一）推进统筹协调

**组织落实更加有力。**党中央、国务院先后作出一系列决策部署，中办国办印发《2020—2021年贯彻落实〈关于强化知识产权保护的意见〉推进计划》，明确两年内知识产权保护重点任务。全国打击侵权假冒工作领导小组召开电视电话会议，印发年度工作要点，各地区各部门强化落实，有效形成横向协作、纵向联动工作格局。对31个省（区、市）和新疆生产建设兵团开展打击侵权假冒年度绩效考核，有效推动属地责任落实。

**部门合作更加密切。**相关部门建立健全合作机制，组织开展联合执法，提升工作整体合力。国家版权局、国管局等13部门完善软件正版化工作机制，国资委等推动建立央企知识产权工作体系，财政部积极做好打击侵权假冒工作经费保障和相关政策支持。14部门联合开展“网剑”专项行动，检查网站（网店）437.64万个次，删除违法商品信息23.39万条，责令整改网站2.31万个次，提请关闭网站2774次，查处违法案件1.99万件。8部门联合开展打击



整治非法制售口罩等防护产品专项行动，查获问题口罩 1.19 亿只。4 部门联合挂牌督办 49 起重大侵权盗版案件。中央政法委持续将打击侵权假冒违法犯罪纳入平安建设（综治工作）绩效考核，成为发挥协调作用的“功能键”、推进工作的“指挥棒”和检验成效的“水准仪”。

### 专栏一：北京市李某等销售假冒“3M”口罩案

2020 年 1 月 24 日，北京市市场监管部门根据消费者举报，对某连锁药房进行突击检查，共查获假冒“3M”口罩 24301 只。因涉嫌犯罪，市场监管部门将案件移送公安机关。经调查，嫌疑人李某作为该连锁药房经营者，先后购入 50 多万只假冒口罩，并通过其零售网络分销，销售收入 400 余万元。另外 2 名嫌疑人李某章、罗某协助李某采购，收取返利 60 余万元。2020 年 6 月，北京市朝阳区人民法院以销售伪劣产品罪对被告人李某等作出一审判决，判处李某有期徒刑十五年，罚金 400 万元；判处李某章有期徒刑十年，罚金 300 万元；判处罗某有期徒刑九年，罚金 250 万元。

**区域协同更加高效。**上海、江苏、浙江、安徽签署《长三角区域人民法院和知识产权局关于推进长三角一体化科技创新知识产权保护备忘录》《长三角地区市场监管网络案件联动执法合作协议》，推进跨省（市）知识产权司法与行政一体化保护、重大案件协同查处。珠三角、长三角、京津冀等区域海关密切执法协作，南京、郑州、合肥、南昌等海关对邮递渠道侵权货物漂移开展联合执法，广东推进粤港澳大湾区知识产权跨境保护合作，成效积极显著。

## （二）夯实法治保障

**法律法规制度更加健全。**全国人大审议通过《民法典》和《刑法》《专利法》《著作权法》修正案，《外商投资法》《优化营商环境条例》等法律法规正式实施。修订《行政执法机关移送涉嫌犯罪案件的规定》，对知识产权领域涉嫌犯罪案件移送作出特别规定。最高人民法院、最高人民检察院联合发布《关于办理侵犯知识产权刑事案件具体应用法律若干问题的解释（三）》，公安部、最高人民检察院联合印发《关于修改侵犯商业秘密刑事案件立案追诉标准的决定》。《关于加强侵权假冒商品销毁工作的意见》《关于进一步做好著作权行政执法证据审查和认定工作的通知》《商标侵权判断标准》《专利纠纷行政调解办案指南》《查处假冒专利行为和办理专利标识标注不规范案件指南》《专利行政保护复议与应诉指引》《关于深化知识产权领域“放管服”改革营造良好营商环境的实施意见》等规范性文件和《电子商务平台知识产权保护管理》国家标准发布，加大保护权利人力度，加大惩治违法犯罪行为的力度。

**侵权假冒处罚更加严厉。**《刑法》修正案（十一）对侵犯知识产权犯罪等罪名进行修订，完善罪状表述，调整入罪门槛，提高刑罚配置。新修订的《专利法》着力解决专利维权举证难、成本高、赔偿低等问题，新修订的《著作权法》进一步扩大保护范围，确立惩罚性赔偿制度，大幅提高侵权法定赔偿额上限。至此，商标、专利、著作权三大领域均通过立法确立了惩罚性赔偿制度，大幅提高了赔偿标准。

**普法宣传教育更加深化。**各地区各部门积极开展普法活动，宣传《商标法》《专利法》《著作权法》及《民法典》《外商投资法》等涉知识产权保护相关法律，组织知识产权相关法律进社区、进学校、进企业普法宣传，提升社会知法、守法、护法意识。

### （三）强化行政执法

**聚焦互联网领域。**国家版权局、国家互联网信息办公室、工业和信息化部、公安部联合开展“剑网2020”专项行动，重点打击视听作品、电商平台、社交平台、在线教育等领域侵权盗版行为，删除侵权盗版链接323.94万条，关闭侵权盗版网站（APP）2884个，查办网络侵权盗版案件724件。文化和旅游部部署各地区对网络表

#### 专栏二：江苏省马某予等盗录传播院线电影案

2019年2月，根据公安部、国家版权局、国家电影局部署，江苏省扬州市公安局会同版权部门摧毁一个盗录传播院线电影犯罪团伙。经查，马某予等二人盗录传播电影413部，违法所得分别为404.4万余元、55.6万元；文某盗录传播电影124部，违法所得103.5万余元；鲁某销售盗版电影违法所得536万余元。2020年9月，扬州市中级人民法院以侵犯著作权罪判处马某予有期徒刑六年，并处罚金550万元；判处马某松有期徒刑四年，并处罚金60万元；判处文某有期徒刑四年，并处罚金120万元；判处鲁某有期徒刑五年，并处罚金550万元；追缴违法所得。仪征市人民法院以侵犯著作权罪对该案24名下线及代理作出判决。

演经营单位开展专项执法检查，查办案件 69 件；对互联网文化经营单位开展排查，清理下架违规歌曲 940 首。市场监管总局开展知识产权执法“铁拳”行动，共查处商标侵权、假冒专利案件 3.92 万件；开展重点领域反不正当竞争执法行动，加大对仿冒混淆、侵犯商业秘密等不正当竞争行为监管执法力度。广电总局积极推进人工智能、区块链等新技术在广播电视和网络视听版权保护领域应用。

**聚焦农村和城乡结合部。**农业农村部组织开展农资打假“春雷”行动，严厉打击农资领域侵权假冒违法行为；组织春季、秋季农作物种子市场检查，查处一批种子侵权案件；开展农作物制种基

### 专栏三：吉林省李某等销售伪劣种子案

2017 年，吉林省李某将自己购进的商品花生米假冒“四粒红”花生种子对外出售，其中销售给项某约 22 万斤，销售给李某文（另案处理）和徐某、张某、孙某等人（均已另案判刑）共约 11.92 万斤。项某明知从李某处所购“种子”无正规标识，且缺乏纯度、净度、水分、发芽率等重要指标，仍冒充“山东种子”或“通榆四粒红”，一部分转售给徐某、另一部分由杨某、郑某、周某、张某等人（均另案判刑）帮助销售给农民，李某文将所购假种子转售给付某（另案处理）。项某、付某、徐某、张某、孙某等人将该假种子销售给黑龙江省、吉林省 322 户农户，销售金额共计约 238 万元，种植面积共计约 1450 公顷，造成经济损失共计约 1448 万元。经审理，一、二审法院以销售伪劣种子罪分别判处被告人李某有期徒刑十五年，并处罚金 120 万元；判处被告人项某有期徒刑十年，并处罚金 80 万元。



地检查，严查制种环节侵权行为。国家林草局依法打击未经品种权人许可生产销售林业授权品种的繁殖材料、假冒林业授权品种行为。6部门联合开展农村假冒伪劣食品专项执法行动，助力脱贫攻坚和乡村振兴。

**聚焦寄递及进出口环节。**国家邮政局督促寄递企业落实邮件快件实名收寄、收寄验视和过机安检三项制度，会同国家发展改革委等部门联合出台《关于促进粤港澳大湾区邮政业发展的实施意见》，推动大湾区内地9市开展打击侵权假冒专项工作。海关总署部署开展知识产权保护“龙腾”行动、寄递渠道知识产权保护“蓝网”行动、出口转运货物知识产权保护“净网”行动等，全国海关累计查扣进出口侵权嫌疑货物6.19万批次，同比增长20.11%，查处侵权嫌疑货物5618.2万件，同比增长20.07%；全年核准知识产权海关保护

#### 专栏四：青岛海关查获侵犯“Champion”商标权套头衫案

2020年4月，青岛海关依托“单兵系统”和“商标识别”APP对福建某科技有限公司申报进口的套头衫进行商标信息审核，发现该批货物使用的“Champion”标识存在侵权嫌疑。后经权利人确认，该票套头衫系“保税区一日游”侵权货物，共计9118件，货值31.91万元。因该案涉案金额较大，涉嫌犯罪，青岛海关将案件线索通报公安机关，提请提前介入，并配合及时固定证据、移送案件。公安机关据此一举破获包括该科技有限公司在内的特大销售假冒注册商标货物系列案件，捣毁售假窝点5个，实现了“打团伙、端窝点”，抓获犯罪嫌疑人20余人，查获包括“Champion”在内的假冒国际知名品牌服饰30余万件，涉案金额近人民币2亿元。

备案 15163 件，同比增长 15.9%，保护了 45 个国家和地区的近千家知识产权权利人合法权益。

**聚焦重点民生领域。**最高人民检察院、国家药监局等联合开展落实食品药品安全“四个最严”要求专项行动，市场监管部门查办涉食品安全违法案件 28.48 万件，罚没款 27.25 亿元，药品监管部门查办药品、化妆品和医疗器械领域违法案件 10.77 万件，罚没款 18.40 亿元。国家卫生健康委全面实施消毒产品随机监督抽查工作，共抽查消毒产品生产企业 1771 家，查处案件 51 件。税务总局加强医药行业税收专项整治，生态环境部配合相关单位督促推进侵权假冒商品无害化处理，防止在销毁过程中二次污染和再次流入市场。

#### 专栏五：河北省某公司销售假冒一次性使用医用口罩案

针对有群众在微博上反映购买的“飘安”牌一次性使用医用口罩为假冒产品的情况，2020 年 2 月 3 日，河北省唐山市市场监管局对唐山市某公司进行突击检查，发现该公司 2017 年 3 月 13 日至 2020 年 1 月 31 日从自称河南飘安集团有限公司业务员张某手中购入“飘安”牌一次性使用医用口罩 753 万个，货值金额 56 万元。唐山市市场监管局依法将案件移送唐山市公安机关处理。

### （四）加强司法保护

**打击犯罪更加有力。**公安部组织开展“昆仑 2020”专项行动，将打击侵犯知识产权犯罪作为重要内容，全国公安机关共侦破侵犯知识产权和制售伪劣商品犯罪案件 2.1 万余起，抓获犯罪嫌疑人 3.2

万余名，涉案总价值 180 余亿元；挂牌督办 168 起重特大案件，强化调度督导，确保一查到底。出台《依法打击食药环和知识产权领域犯罪保障疫情防控期间复工复产十项措施》，建立涉企案件快速侦办机制，开展涉企积案清理，进一步改进和规范执法办案行为，依法保障企业正常生产经营秩序。持续加大对利用互联网制假售假犯罪活动打击力度，集中破获一批利用“直播带货”“网上店铺”等渠道制售假冒伪劣商品刑事案件。

#### 专栏六：上海市廖某等直播带货销售假冒奢侈品案

2020 年 6 月，上海市公安局虹口分局收到辖区某服装企业提供的线索，某网红主播在电商平台直播间内销售假冒该企业品牌的服饰。虹口分局经过两个多月的缜密侦查，成功侦破上海首例利用网红主播直播带货形式销售假冒注册商标商品案，在浙江多地抓获售假犯罪团伙 5 个，查处窝点 8 处，当场缴获假冒奢侈品牌箱包、服饰等商品 3000 余件，抓获正在直播带货的廖某等犯罪嫌疑人 50 余名，其中 41 人已被依法批准逮捕。据调查，廖某作为“头部主播”，积聚了百万粉丝，每场直播平均观看人数在 20 万人以上，场均销售额突破百万元。

**审判质效更加显著。**最高人民法院发布《关于全面加强知识产权司法保护的意見》《关于依法加大知识产权侵权行为惩治力度的意見》《关于知识产权民事诉讼证据的若干规定》等系列司法解释和指导性文件，进一步强化知识产权民事司法保护，持续加大刑事制裁力度，有效履行行政行为司法审查和监督职能，进一步强化裁判标准统一，遏制侵权假冒、盗版抄袭、恶意抢注、傍名牌等侵



害知识产权行为。制定服务海南自由贸易港建设意见，设立海南自由贸易港知识产权法院。全国法院共审结一审各类知识产权案件46.6万件，同比上升11.7%。进一步方便当事人举证、缩短诉讼周期、降低维权成本、提高赔偿数额，知识产权案件判赔金额同比增长79.3%。

### 专栏七：上海市李某等制售盗版乐高玩具案

2018年10月，上海市公安机关网络巡查发现有网店销售大量涉嫌侵权盗版玩具。经查，2015年以来，李某等人未经乐高公司许可，设立玩具生产厂，复制乐高公司创作的47个系列663款拼装积木玩具，冠以“乐拼”品牌通过线上、线下等方式销售，涉案金额3.3亿元。经鉴定，乐拼玩具、图册与乐高公司的玩具、图册基本相同，构成复制关系。2020年9月，上海市第三中级人民法院以侵犯著作权罪判处李某有期徒刑六年，并处罚金9000万元；其余8名被告人分别被判处有期徒刑三年至四年六个月不等，并处相应罚金。2020年12月，上海市高级人民法院驳回李某等人的上诉，维持原判。

**检察监督更趋完善。**最高人民检察院组建知识产权检察办公室，整合刑事、民事、行政检察职能，以专业办案团队强化知识产权综合司法保护，在天津、海南、重庆等9省（市）开展试点。针对知识产权刑事案件中权利人难以依法及时维权问题，全面推行侵犯知识产权刑事案件权利人诉讼权利义务告知制度。探索建立食品安全领域民事公益诉讼惩罚性赔偿制度，对食品违法行为实施最严厉处罚。全国检察机关共批准逮捕侵犯知识产权犯罪3930件7174人，提起公诉5848件12152人。

### 专栏八：重庆市赖某等假冒注册商标案

2020年4月，重庆市璧山区人民检察院以涉嫌假冒注册商标罪对赖某等5名被告人提起公诉，并提起刑事附带民事公益诉讼。经查实，2018年下半年，被告人赖某等5人在未经盐业公司许可和授权情况下，共谋使用散装加碘食盐假冒盐业公司“晶心”牌低钠盐销售获利，其生产销售的假冒“晶心”牌低钠盐氯化钾、氯化钠经检验为不合格产品。赖某等人同时构成生产、销售伪劣商品罪和假冒注册商标罪。检察机关提起刑事附带民事公益诉讼，要求被告人召回已销售的假冒“晶心”牌低钠盐，同时提出惩罚性赔偿金共计8万余元。被告人赖某等人犯假冒注册商标罪分别被法院判处有期徒刑三至四年不等，并处罚金共计50万元。

## （五）构建共治格局

**深化行业自律。**工业和信息化部指导电信和互联网行业133家企业签署网络数据安全自律公约。中央网信办等部门召开规范线上经济秩序行政指导会，指导互联网平台企业坚持依法合规经营，不断强化自我约束和自我管理，共同促进线上经济健康规范发展。农业农村部指导中国种子协会开展种子企业信用评价，强化种子行业自治自律。

**优化维权服务。**海关总署指导杭州、南宁等海关与跨境电商平台探索搭建知识产权保护合作工作站，建立信息通报机制。国家知识产权局指导设立首批10家国家海外知识产权纠纷应对指导中心地方分中心，截至2020年年底国家海外知识产权纠纷应对指导中心及

地方分中心共办理各类指导和咨询案件近 300 件。中国贸促会组织召开外商投资企业知识产权行政保护需求调研会，中国外商投资企业协会优质品牌保护委员会组织召开专题座谈会，研究外商投资企业知识产权行政保护问题，向相关政府部门提出建设性意见建议。

**强化纠纷调解。**国家知识产权局与最高人民法院建立知识产权纠纷在线诉调对接机制，推动第一批 167 家知识产权纠纷调解组织、1094 名调解员入驻人民法院调解平台。司法部指导设立 500 余个知识产权纠纷调解组织，全年调解知识产权纠纷 2.4 万件。北京市成立知识产权纠纷人民调解工作室，司法、知识产权、法院等部门联动，发挥人民调解在知识产权全链条保护中的作用。

## （六）加大宣介传播

**聚焦重点宣传。**相关部门先后发布《2019 年中国知识产权保护状况》《2019 年中国网络版权保护年度报告》《中国法院知识产权司法保护状况（2019）》《2019 年检察机关加强知识产权司法保护工作情况报告》《2019 年中国海关知识产权保护状况》《2019 中国林业和草原知识产权年度报告》等系列报告，系统介绍中国知识产权发展与保护状况。发布中国法院 10 大知识产权案件和 50 件典型案例、检察机关保护知识产权 18 件典型案例、打击侵权盗版 10 大案件、农业植物新品种保护 10 大典型案例、中国海关知识产权保护典型案例、专利商标行政保护 10 大典型案例和首批知识产权行政执法指导案例等，发挥示范引导作用。多部门联合举办以“知识产权与健康中国”为主题的全国知识产权宣传周活动，召开一系列新

闻发布会，围绕保护知识产权重点工作开展宣传。

**推进国际传播。**依托世界知识产权组织、世界贸易组织等国际组织和国际会议，讲好知识产权保护“中国故事”、传递优化营商环境“中国声音”。领导小组办公室发布《中国知识产权保护与营商环境新进展报告（2019）》（中英文双语），在国务院新闻办公室召开发布会予以解读。制作《中国政府在行动（2020）》中英文双语宣传片，在打击侵权假冒国际合作论坛等重大活动对外播放，全面介绍中国政府打击侵权假冒工作成效。

**提升宣传质效。**注重发挥传统媒体和新兴媒体作用，运用微博、微信、客户端、政务抖音等，全面打造融媒体宣传矩阵。围绕“3·15”国际消费者权益日、“4·26”世界知识产权日、“5·10”中国品牌日，以及春节、国庆节、中秋节等重要时点，采取专题研讨、在线访谈、新闻发布等方式加强宣传。国家版权局举办中国网络版权保护与发展大会，评选中国版权金奖，举办全国大学生版权征文活动。全国打击侵权假冒工作领导小组办公室运行维护中国打击侵权假冒工作网，及时发布工作信息。

### 三、促进营商环境优化

2020年，中国持续推进简政放权，大力推动公平竞争政策实施，积极维护市场秩序，全面改善营商环境，进一步激发了市场主体活力，助推实现经济正增长。

#### （一）投资贸易更加便利

**发挥贸易平台作用。**2020年9月，中国国际服务贸易交易会全球服务贸易峰会举办，来自148个国家和地区的1.8万家企业和机构、10万人注册参展参会。11月，第三届中国国际进口博览会举办，累计意向成交726.2亿美元，同比增长2.1%。

**完善外商投资服务。**国务院办公厅发布《关于进一步做好稳外贸稳外资工作的意见》，部署稳住外贸主体，稳住产业链供应链。2020年8月，商务部出台《外商投资企业投诉工作办法》，进一步健全外商投资投诉工作机制。12月，国家发展改革委、商务部发布《外商投资安全审查办法》《鼓励外商投资产业目录（2020年版）》，总条目1235条，与2019年版相比增加127条、修改88条，进一步扩大了鼓励外商投资范围。联合国贸发组织《全球投资趋势监测》报告显示，2020年全球FDI同比下降42%，但中国FDI逆势增长4%，达1630亿美元，居全球首位。

**提高商事活动效率。**海关总署大力优化口岸营商环境，促进



跨境贸易便利化，推进国际贸易“单一窗口”建设，推动精简进出口环节监管证件3个，2020年12月全国进口、出口整体通关时间分别压缩至34.91小时、1.78小时，进出口环节合规成本进一步降低。全国海关知识产权案件办理实现全程无纸化，流程可追溯。税务总局开展纳税便利化改革，企业纳税基本实现“网上办、掌上办”。动产和权利担保制度取得重大突破，中国人民银行圆满完成在北京、上海、重庆、广州等地开展的动产担保统一登记试点工作，国务院决定自2021年起依托人民银行动产融资统一登记公示系统在全国范围内实施动产和权利担保统一登记。

## （二）简政放权更加充分

**市场准入进一步放宽。**2020年6月，中共中央、国务院发布《海南自由贸易港建设总体方案》，大幅放宽海南自由贸易港市场准入。国家发展改革委、商务部发布《外商投资准入特别管理措施（负面清单）（2020年版）》和《自由贸易试验区外商投资准入特别管理措施（负面清单）（2020年版）》，进一步提高服务业、制造业、农业开放水平。其中，全国负面清单由40条减至33条，自贸试验区负面清单由37条减至30条。12月，国家发展改革委、商务部发布《海南自由贸易港外商投资准入特别管理措施（负面清单）（2020年版）》。

**企业准入进一步便利。**国务院办公厅发布《关于深化商事制度改革进一步为企业松绑减负激发企业活力的通知》，一系列商事改革深入实施，涉企生产经营审批条件不断简化。市场监管总局全

面实现企业开办全程网办目标，企业平均开办时间压缩至4个工作日内。在18个自贸试验区开展“证照分离”改革事项全覆盖试点，推动“照后减证”和简化审批，着力解决办证难、办证多问题。

**产品准入进一步便捷。**农业农村部将“新农药登记试验审查”和“七类肥料登记”项目许可改为备案。市场监管总局下放建筑用钢筋、水泥、广播电视传输设备、人民币鉴别仪、预应力混凝土铁路桥简支梁等5类产品生产许可证审批权限，由省级市场监管部门实施审批；推进检验检测机构资质认定改革，压缩强制性认证目录。国家药监局完善药械附条件上市和绿色通道制度，提高新药审批效率。

### （三）执法司法更加有效

**创新管理方式。**国务院办公厅发布《关于全面推行证明事项和涉企经营许可事项告知承诺制的指导意见》。16个部门研究制定《市场监管领域部门联合抽查事项清单（第一版）》，涵盖35个抽查领域、74个抽查事项。

**实施信用监管。**国务院办公厅发布《关于进一步完善失信约束制度构建诚信建设长效机制的指导意见》，进一步明确信用信息范围，依法依规实施失信惩戒，完善失信主体信用修复机制，提高社会信用体系建设法治化、规范化水平。国家发展改革委建立全国信用信息共享平台，形成跨地区、跨部门、跨领域的信用信息共享交换“总枢纽”，为开展知识产权领域信用监管提供数据支撑。市场监管总局建成运行国家企业信用信息公示系统，依法公示各类市场主体营业执照、“多证合一”、抽查检查结果、企业年报、行政许



可、行政处罚、列入经营异常名录和列入严重违法失信企业名单（黑名单）等项信息。

**严格竞争执法。**市场监管总局发布《关于加强反不正当竞争法 营造公平竞争环境的通知》，依法对互联网平台涉嫌垄断行为立案调查，严厉查处原料药垄断、虚假交易等一批重大典型案件，严厉查处平台企业未依法申报集中和不正当价格行为案件。办结垄断案件 108 件、不正当竞争案件 7371 件、经营者集中审查案件 473 件，查处价格违法案件 2 万件。全面落实公平竞争审查制度，组织对 2019 年前出台的政策措施进行全面清理，共清理各类政策措施文件 107 万件，废止修订近 6000 件。

**加强产权保护。**最高人民法院加强产权司法保护，依法纠正涉产权刑事冤错案件 34 件 56 人，坚决防止把经济纠纷认定为刑事犯罪。加强知识产权案件审判工作，强化对各类市场主体的依法平等保护，坚决惩治侵犯知识产权行为，鼓励竞争、制止垄断，促进完善公平开放透明的市场规则。加大对核心技术、重点领域、新兴产业知识产权司法保护力度，促进提升自主创新能力，为创新驱动发展战略保驾护航。国家知识产权局坚决打击非正常专利申请和商标恶意注册行为，2020 年依法驳回 1.67 万件恶意商标注册申请，筛查出 14.5 万件不以保护创新为目的的非正常专利申请，快速驳回“火神山”等涉疫商标 379 件。

#### （四）政务服务更加全面

**帮扶措施有效推行。**国务院办公厅发布《关于进一步精简审

批优化服务精准稳妥推进企业复工复产的通知》，规范审批事项和行为，提供便利服务，精准稳妥推进企业复工复产；发布《关于进一步优化营商环境更好服务市场主体的实施意见》，破解企业生产经营中的堵点痛点。中国人民银行等指导金融机构加大知识产权质押融资力度，创新知识产权相关金融产品。市场监管部门推出帮扶政策 700 多项，发布健康码国家标准，加强防疫物资国内外标准比对，精简出口转内销产品强制性认证程序，为企业检定校准计量器具 1854 万台件，检测防疫物资 35 万批次。国家知识产权试点示范城市数量达到 200 个，培育国家知识产权优势示范企业 5729 家。国家版权局授予全国版权示范城市数量达到 12 个，培育全国版权示范单位 194 家，全国版权示范区（基地）52 家。在深圳前海、上海浦东设立国家版权创新发展基地，完善全国版权展会授权交易体系，推动版权产业高质量发展。

**审查效率持续提升。**推进知识产权审查提质增效，发明专利和商标注册平均审查周期分别压缩至 20 个月和 4 个月，高价值专利审查周期压缩至 14 个月，植物新品种申请受理与初步审查的办理时限合并压缩至 4 个月以内。建立商标审查绿色通道和专利依申请延迟审查制度，完善专利优先审查、快速审查机制，快速授权防疫相关商标 343 件，对涉及防疫的 1861 件专利申请，依请求予以优先审查。进一步提高专利商标注册申请电子化水平，截至 2020 年年底，专利、商标电子申请率分别达到 98.8% 和 98.0%。推进专利商标业务受理“一窗通办”，27 个省（区、市）实现专利商标窗口整合。更大范围开展知识产权巡回审理、远程审理，截至 2020 年年底已建

成专利远程审理庭 20 个，商标评审案件首次启动线上审理。

**智慧服务扎实推进。**国务院办公厅发布《关于加快推进政务服务“跨省通办”的指导意见》。探索在有条件的公证机构增设知识产权服务部门，推进“互联网+公证”。实施“电子营业执照+电子印章”同步发放应用，推动营业执照电子签名功能和“电子营业执照+电子证照信息”应用，不断拓宽电子营业执照应用场景。

**减税降费力度加大。**中国人民银行向农村商业银行等 10 类农村、民营和小微金融机构免收企业信用报告和个人信用报告查询服务费，累计减免征信报告查询费用近 9.5 亿元，其中小微企业受益占比近 60%，涉及 270 多万家小微企业。海关执行减税、自贸协定关税减让及进口税收优惠等政策减（退）税 2687.7 亿元。市场监管总局组织开展涉企收费专项治理，加大对涉企违规收费行为查处力度，退还企业 52 亿元。

## 四、深化国际交流合作

中国注重与各国和国际组织强化知识产权保护合作，在市场化、法治化原则基础上进行技术交流，深化多双边联合执法，不断提升打击侵权假冒全球治理水平。

### （一）加强多边双边交流

商务部与欧盟、俄罗斯召开知识产权工作组会议，协调各知识产权部门完成中欧 IPKey6 个合作项目，积极参与金砖知识产权工作机制和亚太经合组织知识产权专家工作组会议。国家版权局与世界知识产权组织联合举办版权产业国际风险防控培训班，与英国知识产权局、英国驻华大使馆合作举办双边政府间会谈。农业农村部、国家林草局等共同主办中欧植物新品种权实施与维权国际研讨会，会同国家知识产权局启动国际植物新品种保护联盟（UPOV）引入中文作为 UPOV 工作语言，推动植物新品种保护国际合作向纵深发展；继续落实《中欧植物新品种保护合作协议》年度活动，举办品种权实施与维权研讨会等 3 个线上国际活动。全国打击侵权假冒工作领导小组办公室、市场监管总局、世界知识产权组织共同主办第三届打击侵权假冒国际合作论坛。国家知识产权局不断加强与各国知识产权部门和相关国际组织合作，与世界知识产权组织续签“一带一路”知识产权合作政府间协议，与上海市人民政府、世界知识产权

组织联合主办第 17 届上海知识产权国际论坛，主办中美欧日韩知识产权五局局长视频会议，参与第十二次金砖国家知识产权局局长会议等高级别多双边国际视频会议 40 余次。最高人民法院参与《世界知识产权组织全球专利案件管理司法指南》编写工作，推荐法官当选世界知识产权组织法官顾问委员会新一届委员。

## （二）联合打击跨境犯罪

公安部参与国际刑警组织打击食品犯罪“奥普森”行动、打击互联网制售假药犯罪“盘古”行动、打击互联网知识产权犯罪“网鹰”行动等国际联合执法行动，围绕查处跨国境重点案件，在线索核查、证据交换、司法协助等方面形成合力。海关总署参加世界海关组织打击非法、假冒和不符合标准药品和医疗物资进出口国际联合执法“阻止”行动，打击侵权防疫物资跨境流通。

### 专栏九：中阿警方联合破获特大跨国侵犯知识产权犯罪案

2019 年 7 月，中国、阿联酋警方合作，对中东人 Khalil 和 Mansour 控制的位于迪拜和中国广州的贸易公司、仓库、工厂进行同步收网，一举破获特大跨国销售侵权假冒商品案。在中国境内抓获犯罪嫌疑人 37 名，查扣侵权假冒商品 7000 余件。在阿联酋打掉售假窝点 10 处，抓获犯罪嫌疑人 20 名，查扣侵权假冒商品 2.1 万件。两国查获商品总货值人民币 18 亿元。2020 年，上海市第三中级人民法院、上海市徐汇区人民法院和迪拜法院先后对中外 20 多名被告人作出有罪判决。

### （三）参与国际规则制订

《视听表演北京条约》正式生效，是新中国成立以来第一个在中国缔结、以中国城市命名的国际知识产权条约。签署《中欧地理标志协定》，成为中国对外商签的第一个全面的、高水平的地理标志双边协定，对加强中欧经贸关系具有里程碑意义。中国与东盟十国及日、韩、澳、新（西兰）共同签署《区域全面经济伙伴关系协定》，把知识产权作为重要章节。完成与13个国家的AEO（经认证的经营者）互认磋商、签署工作，互认国家（地区）数量继续保持世界第一。推进加入《工业品外观设计国际注册海牙协定》的准备工作。



## 结束语

2021年是“十四五”规划开局之年，是中国现代化建设进程中具有特殊重要性的一年。中国将立足新发展阶段，坚持新发展理念，构建新发展格局，以推动高质量发展为主题，以深化供给侧结构性改革为主线，以改革创新为根本动力，以满足人民日益增长的美好生活需要为根本目的，开启全面建设社会主义现代化国家新征程。

创新是引领发展的第一动力，保护知识产权就是保护创新。站在新的历史起点，中国将坚定不移扩大改革开放，坚定不移加强自主创新，坚定不移保护知识产权。中国愿同各国一道，加强协作、密切配合，同舟共济、互利共赢，共同开创知识产权保护新局面，共同开启营商环境优化新征程。



## Preface

Despite COVID-19 outbreaks and deep recession of the world economy in the extraordinary year of 2020, China promoted economic and social development while keeping the COVID-19 pandemic under control, secured comprehensive victory in poverty eradication, achieved decisive success in building a well-off society in an all-round way, made new and major progress in reform and opening up and socialist modernization, and took solid steps to protect intellectual property rights (IPR) and optimize the business environment.

The year 2020 witnessed China's efforts in innovation and development. General Secretary Xi Jinping delivered an important speech on protecting IPR and combating infringement and counterfeiting during the 25th collective study session of the Political Bureau of the Central Committee of the Communist Party of China (CPC), emphasizing that innovation is the first driving force for development, and protecting IPR means protecting innovation. Different regions and departments across the country have stepped up their efforts to protect Chinese and foreign companies equally in accordance with the law, continuously improved the creation, use, protection, management, and service levels of IPR, created a more market-oriented, law-based and international business environment. Innovation-driven China is shifting its focus from importing IPR to fostering IPR. According to the World Intellectual Property Organization's *Global Innovation Index 2020*, China ranked 14th and was the only middle-income economy among the top 30 of the Global Innovation Index.

The international community united in overcoming difficulties in 2020. China

actively participated in global governance, continued to strengthen international cooperation, and worked together with countries around the world to chart a new course in terms of IPR protection, optimizing the business environment, and building a community with a shared future for mankind. The World Bank issued a special report entitled *China's Doing Business Success: Drivers of Reform and Opportunities for the Future*. It pointed out that in recent years, China's reforms and measures in optimizing the business environment have provided a reference for other economies around the world and strongly promoted the improvement of the global business environment.

## I. Responding to new international and domestic challenges

In 2020, the whole world underwent major changes unseen in a century, including raging COVID-19 pandemic, rising protectionism and unilateralism, sluggish world economy, and dramatically shrinking international trade and investment. However, the Chinese government vigorously promoted high-quality development, stepped up efforts to ensure stability on six fronts and maintained security in six areas, and strived to build a new development pattern where the domestic cycle is the main body and the domestic and international dual cycles promote each other. Knowledge has been valued more by Chinese society and more effective measures were taken to optimize the business environment.

### i. New international challenges

**Economic development was battered.** The international environment was increasingly complex, the balance of international forces was deeply adjusted, instability and uncertainty became more prominent. The world has entered a period of turbulent changes, economic globalization has hindered, and the world's political and economic structure has changed. The COVID-19 pandemic has exerted a huge impact on global cross-border investment. The United Nations Conference on Trade and Development's (UNCTAD) *Global Investment Trends Monitor* report shows that global foreign direct investment (FDI) has plummeted from USD 1.5 trillion in 2019 to USD 859 billion in 2020.

**Technological innovation was impeded.** The pattern of innovation was changing at an accelerated pace, as a few countries enforced knowledge

blockades, creating or even widening the scientific and technological gap. In the context of the world economy entering a period of transition from old to new growth drivers, barriers to the flow of innovative elements such as knowledge, technology, and talents existed to varying degrees. The potential of innovation to lead sustainable economic development has not yet been effectively released, and efforts are still required to break through the blockades of vested interests.

**The demand for IPR continued to be released.** According to the World Intellectual Property Indicators 2020 released by the World Intellectual Property Organization (WIPO), there were approximately 15 million valid patents worldwide in 2019, an increase of 7%; about 11.5 million trademark applications in 15.2 million categories, up 5.9% year on year, achieving growth for 10 consecutive years; approximately 58.2 million valid trademark registrations, an increase of 15.2% over 2018; 1.3609 million industrial design applications, up 1.3% year on year; and 21,400 applications for new plant varieties, up 7.8% year on year. The global demand for IPR showed an upward trend.

## **ii. New domestic challenges**

**The development of the digital economy brought new changes.** Social informatization was accelerated, the digital economy was vitalized, new business forms and new models developed against the trend, and demands for online shopping, education, entertainment, office, and medical services surged. These changes both injected new momentum into creating new economic growth points and brought new challenges to the integrated online and offline IPR protection.

**Scientific and technological innovation drive put forward new requirements.** As of the end of 2020, the number of invention patents per 10,000 population in China's mainland has reached 15.8, exceeding the target set in the *National Plan for IPR Protection and Application for the 13th Five-*

*Year Plan Period.* In 2020, China granted 530,000 invention patents; accepted 72,000 PCT international patent applications, of which 67,000 were submitted by domestic applicants; granted 2.377 million utility model patents and 732,000 design patents; had 5.761 million registered trademarks, and 5.039 million copyright registrations, up 20.37% year on year; and accepted 8960 applications for new plant variety rights, up 30% year on year, of which 2,549 applications for new agricultural plant variety rights were approved in the year, making the accumulated number of approved applications exceed 16,500. In addition, China accepted 10 applications for the protection of geographical indication (GI) products, of which 6 was approved; approved of 1,052 companies using special GI logos; registered and published 490 GI agricultural products; registered 765 geographical indications as collective trademarks and certification trademarks; and had 14,375 applications for registration of integrated circuit layout designs, up 72.8% year on year. During the ongoing process of independent innovation, China's efforts in IPR were faced with new challenges of accelerating the shift from the pursuit of quantity to the improvement of quality.

**The increase of market entities posed a new test.** The number of market entities increased steadily, with 25.021 million new market entities establishing throughout the year, up 5.2% year on year. With 50,000 newly established foreign-funded enterprises, China has become the world's largest foreign capital inflow country. China's utilization of foreign investment has increased steadily, and it is one of the few major economies in the world that has maintained growth in attracting foreign investment. The growing number of market entities bursting with vitality has put forward new requirements for China to further optimize its business environment, and brought new challenges to regulation, enforcement, and administration authorities.



## **II. Strengthening the protection of intellectual property rights (IPR)**

In 2020, solid progress has been made in China's IPR protection by focusing on overall coordination, legal guarantee, administrative law enforcement, judicial protection, social co-governance, and publicity and dissemination. The protection system has been improved with a stronger protective effect.

### **i. Overall planning and coordination propelled**

**More effective organization and implementation were achieved.** The CPC Central Committee and the State Council have made a series of decisions and arrangements. The General Office of the CPC Central Committee and the General Office of the State Council of the People's Republic of China issued the *Promotion Plan for Implementing the Opinions on Strengthening Intellectual Property Protection from 2020 to 2021*, specifying the key tasks of IPR protection within two years. The National Leading Group on Fight against IPR Infringement and Counterfeiting held a video and telephone conference, printed and distributed the main points of the annual work. With the effective implementations of various regions and departments, a horizontally and vertically linked and collaborated work pattern has taken shape. Annual performance assessment has been conducted on combating infringement and counterfeiting in 31 provinces (autonomous regions, municipalities) and Xinjiang Production and Construction Corps to urge all localities to ensure implementation.

**Closer departmental cooperation was forged.** Relevant departments

have established and improved cooperation mechanisms, organized and carried out joint law enforcement, and improved the overall work efficiency. Thirteen departments, including the National Copyright Administration (NCAC) and the National Government Offices Administration, have made efforts to optimize the software legalization work mechanism. The State-owned Assets Supervision and Administration Commission of the State Council and other departments have promoted the establishment of an IPR work system of central state-owned enterprises. The Ministry of Finance has provided funds and relevant policy support for combating infringement and counterfeiting. Fourteen departments jointly carried out a special Internet market supervision work, or the so-called “Internet Sword” campaign, inspected 4,376,400 websites (online stores), deleted 233,900 pieces of illegal product information, ordered 23,100 websites to be rectified, requested the closure of websites for 2774 times, and investigated and dealt with 19,900 illegal cases. Eight departments jointly launched a special campaign to crack down on the illegal manufacture and sale of masks and other protective products, and 119 million problematic masks were seized. Four departments jointly supervised to deal with 49 major infringement and piracy cases. The Commission for Political and Legal Affairs of CCCPC has continuously incorporated the fight against IPR infringement and counterfeiting crimes into the performance assessment of Peace Construction (Comprehensive Management), which has become a “function key” to play a coordinating role, a “baton” to promote the work and a “level” to assess the performance.

**Column 1 Case of the sales of counterfeit “3M” masks  
by Li and others in Beijing**

On January 24, 2020, the Beijing Municipal Market Supervision Bureau conducted a surprise inspection on a chain pharmacy after receiving consumer reports and seized a total of 24,301 counterfeit “3M” masks. Due to suspected crime, the market supervision department forwarded the case to public security organ. An investigation revealed that the suspect Li, as the operator of the chain pharmacy, had purchased more than 500,000 counterfeit masks and distributed them through the retail network, obtaining a sales income of more than 4 million yuan. The other two suspects, Li X zhang and Luo, assisted Li in purchase and got more than 600,000 yuan in rebates. In June 2020, the People’s Court of Chaoyang District of Beijing issued a first-instance verdict on the crime of selling counterfeit and shoddy products to the defendants, and sentenced Li to 15 years imprisonment and a fine of 4 million yuan; Li X zhang was sentenced to 10 years imprisonment and a fine of 3 million yuan; Luo was sentenced to nine years imprisonment and a fine of 2.5 million yuan.

**More efficient regional coordination was realized.** Shanghai, Jiangsu, Zhejiang, and Anhui signed the *Memorandum of People’s Courts and the Intellectual Property Office of the Yangtze River Delta Region on Promoting the Protection of Intellectual Property Rights in the Integration of Science and Technology Innovation in the Yangtze River Delta Region and the Cooperation Agreement on Joint Law Enforcement of Market Supervision Network Cases in the Yangtze River Delta Region* to promote integrated judicial and administrative protection of inter-provincial (municipalities) IPR, and coordinated investigation

and handling of major cases. Customs in the Pearl River Delta, Yangtze River Delta, Beijing-Tianjin-Hebei and other regions closely coordinated in law enforcement. Customs in Nanjing, Zhengzhou, Hefei, Nanchang and other regions carried out joint law enforcement on the Transporting fake goods through postal channels. Guangdong has promoted cooperation in the cross-border IPR protection in the Guangdong-Hong Kong-Macao Greater Bay Area and achieved positive results.

## **ii. Legal guarantee consolidated**

**The system of laws and regulations became more complete.** The National People's Congress deliberated on and approved amendments to the *Civil Code*, the *Criminal Law*, the *Patent Law*, and the *Copyright Law*. The *Foreign Investment Law*, the *Regulations on Optimizing the Business Environment*, and other laws and regulations were formally implemented. The *Regulations on the Transfer of Suspected Criminal Cases by Administrative Law Enforcement Organs* was amended to make special provisions for the transfer of suspected criminal cases in the IPR field. The Supreme People's Court and the Supreme People's Procuratorate jointly issued the *Interpretation on Several Issues Concerning the Specific Application of Laws in Handling Criminal Cases of Infringement of Intellectual Property Rights (III)*, and the Ministry of Public Security and the Supreme People's Procuratorate jointly issued the *Decision on Revising the Prosecution Standards for Criminal Cases of Commercial Secret Infringements*. Besides, the *Opinions on Strengthening the Destruction of Infringing and Counterfeit Goods*, the *Notice on Further Strengthening the Work Relating to Evidence Examination and Determination in Copyright Administrative Law Enforcement*, the *Standards for Trademark Infringement*, the *Guidelines for the Administrative Mediation of Patent Disputes*, the

*Guidelines for Investigating Patent Counterfeiting and Handling Irregular Patent Marking Cases*, the *Guidelines for Administrative Reconsideration and Response to Patent Enforcement*, the *Implementation Opinions on Deepening the Reform of Administrative Procedures, Delegation of Powers, Combination of Decentralization and Appropriate Control and Optimization of Services in Intellectual Property Rights and Creating a Good Business Environment* and other normative documents and national standard the *Intellectual Property Protection Management of E-commerce Platform* were released, to step up the effort in protecting right holders and punishing infringement and crimes.

**More severe penalties were given for infringement and counterfeiting behavior.** The *Criminal Law Amendment (XI)* revised the crimes of IPR infringement, further defined the counts, adjusted the threshold of conviction, and increased the methods of penalties. The newly revised *Patent Law* focuses on solving the problems of high-level difficulty and cost on the burden of proof, and low compensation. The newly revised *Copyright Law* has further expanded the scope of protection, established a punitive compensation system, and substantially increased the upper limit of legal compensation for infringement. As of now, punitive compensation systems have been put in place in three major areas of trademarks, patents, and copyrights through legislation, which has greatly improved the compensation standards.

**In-depth efforts were made in law popularization and education.** All regions and departments have actively carried out law popularization activities, publicized the *Trademark Law*, the *Patent Law*, the *Copyright Law* and related IPR provisions in the *Civil Code*, the *Foreign Investment Law* and other relevant laws, and organized activities to publicize IPR in communities, schools and companies to raise the awareness of the public in knowing, abiding and protecting the law.

### **iii. Administrative law enforcement strengthened**

**The Internet field was focused on.** NCAC, Cyberspace Administration of China, the Ministry of Industry and Information Technology, and the Ministry of Public Security jointly launched the “Jianwang 2020” special campaign, focusing on combating infringement and piracy in audiovisual works, e-commerce platforms, social platforms, online education and other fields, and deleting 3,239,400 links of infringement and piracy, closing 2,884 websites (APP) of infringement and piracy, and investigating 724 online infringement and piracy cases. The Ministry of Culture and Tourism ordered and arranged various regions to carry out special law enforcement inspections on network performance business units, and investigated 69 cases; conducted investigations on Internet cultural business units and removed 940 illegal songs from the Internet. The state Administration for Market Regulation carried out the “Iron Fist” campaign of intellectual property law enforcement, and investigated and handled 39,200 trademark infringements and patent counterfeiting cases; launched anti-unfair competition law enforcement actions in key areas, and stepped up supervision and law enforcement to crack down on unfair competition such as counterfeiting and infringement upon trade secrets. National Radio and Television Administration has promoted the application of new technologies such as artificial intelligence and blockchain in the field of radio, television and online audiovisual copyright protection.



**Column 2 The case of bootleg recording and disseminating theatrical films by Ma X yu and others in Jiangsu Province**

In February 2019, according to the arrangement of the Ministry of Public Security, NCAC and the National Film Administration, the Public Security Bureau of Yangzhou City, Jiangsu Province, together with the copyright department, cracked a criminal gang of bootleg recording and disseminating theatrical movies. The investigation revealed that Ma X yu and another person bootleg recorded and disseminated 413 movies, obtaining illegal gains of more than RMB 4.044 million and 556,000 respectively; Wen bootleg recorded and disseminated 124 movies, obtaining illegal gains of more than RMB 1.035 million yuan; Lu obtained more than RMB 5.36 million of illegal gains by selling bootleg recorded movies. In September 2020, the Yangzhou Intermediate People’s Court sentenced Ma to six years imprisonment and fined RMB 5.5 million for copyright infringement; Ma X song was sentenced to four years imprisonment and a fine of RMB 600,000; and Wen was sentenced to four years imprisonment and a fine of RMB 1.2 million; Lu was sentenced to five years imprisonment and a fine of 5.5 million yuan. They were pressed to pay the illegal income. The Yizheng City People’s Court made a verdict on the crime of copyright infringement on the 24 offenders and their agents.

**Emphasis was put on the rural and urban-rural fringe areas.** The Ministry of Agriculture and Rural Affairs organized the “Spring Thunder” campaign to crack down on agricultural material counterfeiting, and severely cracked down on infringement and illegal acts in the field of agricultural materials; organized market inspections on the spring and autumn crop seed,

investigated and dealt with a batch of seed infringement cases; carried out inspections on crop seed production bases and strictly investigated infringements in seed production. National Forestry and Grassland Administration has cracked down on the production or sale of propagating materials and counterfeit forestry authorized varieties without the permission of the variety owner in accordance

**Column 3 Case of selling fake and inferior seeds by Li and others  
in Jilin Province**

In 2017, Li from Jilin Province sold the peanuts he bought as “red skin peanut inshell” peanut seeds, of which about 110,000 kg was sold to Xiang, and about 60,000 kg was sold to Li X wen (handled in another case), Xu, Zhang, Sun and others (all have been sentenced in another case). Knowing that the “seeds” purchased from Li was not formally labelled and lacked important indicators such as purity, clarity, moisture, and germination rate, Xiang still resold them to Xu as “Shandong Seeds” or “Tongyu red skin peanut inshell”, and part of the inferior seeds were sold to farmers by Yang, Zheng, Zhou, Zhang and others (all sentenced in other cases), and Li X wen resold the purchased fake seeds to Fu (sentenced in another case). Xiang, Fu, Xu, Zhang, Sun and others sold the fake seeds to 322 farmers in Heilongjiang and Jilin provinces, with the sales amount totaling about RMB 2.38 million. The total planting area was about 1,450 hectares, causing a total economic loss of about RMB 14.48 million. After judgement, the first and second instance courts sentenced the defendant Li to 15 years imprisonment and a fine of RMB 1.2 million for the crime of selling fake and inferior seeds; the defendant Xiang was sentenced to 10 years imprisonment and a fine of RMB 800,000.

with the law. Six departments jointly carried out special enforcement campaigns on counterfeit and shoddy food in rural areas to help poverty alleviation and drive rural vitalization.

**Key efforts were in delivery and import and export links.** The State Post Bureau of the People’s Republic of China has urged logistics companies to implement the three systems of receipt and delivery of express mail on a real-name basis, inspection of receipt and delivery, and security inspection with machine. The National Development and Reform Commission and other departments jointly issued the *Implementation Opinions on Promoting the Development of the Post Industry in the Guangdong-Hong Kong-Macao Greater Bay Area* to promote 9 cities in the Greater Bay Area in the special work on cracking down on infringement and counterfeiting. The General Administration of Customs deployed the campaign for IPR protection named “Longteng”, the campaign for the IPR protection in shipping and delivery channels named “Blue Net”, and the campaign for the IPR protection for export transshipment goods named “Clean Net”. Customs nationwide seized 61,900 shipments of import and export goods suspected of infringement, a year-on-year increase of 20.11%; investigated and dealt with 5,6182,000 pieces of goods suspected of infringement, a year-on-year increase of 20.07%; 15,163 pieces of IPR customs protection records were approved throughout the year, a year-on-year increase of 15.9%, and the legitimate interests of nearly 1,000 IPR holders in 45 countries and regions were protected.

**Column 4 Qingdao Customs cracked the case of a pullover brand infringing upon the trademark right of “Champion”**

In April 2020, Qingdao Customs relied on the “Single Soldier Wireless Trunked System” and “Trademark Recognition” APP to review the trademark information of the pullover declared to be imported by a technology company in Fujian Province, and found that the “Champion” logo used in this batch of goods was suspected of infringement. As confirmed by the right holder later, the batch of pullovers was infringing goods of the “One-day Tour in the Bonded Zone”, with a total of 9,118 pieces and a value of RMB 319,100. Due to the huge amount involved and suspicion of a crime, Qingdao Customs notified the public security department of the clues of the case, suggested for early intervention, and cooperated with timely collection of evidence and transfer of the case. On this basis, the public security department cracked a series of extremely large cases concerning selling counterfeit registered trademark goods (the technology company included), smashed up 5 hideouts for counterfeit sales, achieving “cracked down on gangs and smashed up hideouts”, arresting more than 20 criminal suspects, and hunting down and seizing more than 300,000 pieces of counterfeit internationally renowned brand clothing including “Champion”, with the amount involved totaling nearly RMB 200 million.

**Key efforts were also made in key livelihood areas.** The Supreme People’s Procuratorate and the National Medical Products Administration jointly launched special campaigns to implement the “four strictest standards” requirements. The market supervision department investigated and handled 284,800 food safety violations, with the amount of penalty and confiscation totaling RMB 2.725

billion. The medical products supervision department investigated and handled 107,700 illegal cases in the medical products, cosmetics and medical equipment fields, with the amount of penalty and confiscation totaling RMB 1.84 billion. The National Health Commission conducted random supervision and spot checks on disinfection products across the country. A total of 1,771 disinfection product manufacturers were spot-checked, and 51 cases were investigated and dealt with. The State Administration of Taxation has strengthened the special rectification of tax collection in the pharmaceutical industry, and the Ministry of Ecology and Environment has coordinated with relevant units to supervise and promote the harmless treatment of infringing and counterfeit goods to prevent secondary pollution and re-entry into the market during the destruction process.

**Column 5 Case of a company in Hebei Province selling counterfeit disposable medical masks**

In response to the reporting on Weibo that the “Piao’an” brand disposable medical masks were counterfeit products, on February 3, 2020, the Market Supervision Bureau of Tangshan City, Hebei Province conducted a surprise inspection on a company in Tangshan City and found that the company purchased 7.53 million pieces of “Piao’an” brand disposable medical masks from March 13, 2017 to January 31, 2020, from Zhang, a salesperson of Henan Piao’an Group Co., Ltd., with a value of RMB 560,000. The Market Supervision Bureau of Tangshan transferred the case to the Public Security Bureau of Tangshan for treatment in accordance with the law.

#### **iv. Judicial protection strengthened**

**More powerful measures were taken to fight crimes.** The Ministry of Public Security organized the “Kunlun 2020” special campaign, taking combating IPR infringement crimes as an essential work. Public security organs across the country cracked more than 21,000 criminal cases of IPR infringement and the production and sale of counterfeit goods, arrested more than 32,000

<b>Column 6 The case of Liao and others selling counterfeit luxury goods through live streaming in Shanghai Municipality</b>
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<p>In June 2020, the Hongkou Branch of the Shanghai Municipal Public Security Bureau received a clue from a clothing company in its jurisdiction that an Internet celebrity live streamer had sold counterfeit clothing of the company’s brand through live streaming on the e-commerce platform. After more than two months of investigation, the Hongkou Branch successfully cracked the first case of selling counterfeit products bearing registered trademark by Internet celebrity live streamer through live streaming in Shanghai. It arrested 5 criminal gangs selling counterfeit goods in many places in Zhejiang, investigated and dealt with 8 hideouts, and seized more than 3,000 counterfeit luxury brand luggage, clothing and other commodities on the spot, and captured more than 50 criminal suspects including Liao who were selling the goods through livestreaming. 41 of them have been approved for arrest in accordance with the law. Upon investigations, Liao, as the “top streamer”, had more than one million of fans. The average number of viewers per live streaming was more than 200,000, and the average sales per time exceeded RMB one million.</p>
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suspects, with the value involved totaling more than RMB 18 billion; took responsibility to supervise and handle 168 major cases, and guidance and supervision were strengthened to ensure the thorough investigation of the cases. The *Ten Measures to Crack Down on Food, Medicine and Environment-related and Intellectual Property Crimes to Ensure Resumption of Work and Production During the Period of Epidemic Prevention and Control* was promulgated, a rapid investigation and handling mechanism for enterprise-related cases was established, the backlog of enterprise-related cases was cleared, in a bid to further improve and standardize law enforcement and case handling, and ensure the normal production and operation order of enterprises in accordance with the law. Continued efforts have been made to crack down on criminal activities of making and selling counterfeit products on the Internet, and a number of criminal cases concerning making and selling counterfeit and shoddy products through channels such as “live streaming” and “online shops” have been investigated and solved.

**Better quality and effectiveness were achieved in the trials.** The Supreme People’s Court issued a series of judicial interpretations and guidance documents such as the *Opinions on Comprehensively Strengthening the Judicial Protection of Intellectual Property*, the *Opinions on Legally Imposing Heavier Punishments for Infringements of Intellectual Property Rights*, and the *Several Provisions of the Supreme People's Court on Evidence in Civil Procedures Involving Intellectual Property Rights*, which further enhances the civil judicial protection of IPR, increases criminal sanctions, effectively plays the role of judicial review and supervision in administrative behaviors, further strengthens the unification of judgment standards, and curbs IPR infringement and counterfeiting, piracy and plagiarism, malicious trademark squatting, and free-riding violations of IPR. The opinions to serve the construction of the Hainan Free Trade Port were

formulated, and the Hainan Free Trade Port Intellectual Property Court was established. Courts across the country concluded 466,000 first-instance IPR cases, a year-on-year increase of 11.7%. Efforts have been made to further facilitate the parties to produce evidence, shorten the litigation period, reduce the cost of rights protection, and increase the amount of compensation. The amount of compensation awarded in IPR cases increased by 79.3% year-on-year.

**Column 7 The case of Li and others producing and selling pirated  
Lego toys in Shanghai Municipality**

In October 2018, the Shanghai Public Security Bureau found during online inspection that there were online stores selling a large number of toys suspected of IPR infringement and piracy. Upon investigations, since 2015, Li and others have set up a toy production factory without the permission of Lego Company, copying 47 series of 663 assembled building block toys created by Lego Company, and branding it as “Lepin” for sales through online and offline channels, with the amount involved totaling RMB 330 million. Upon identification, Lepin toys and atlases are basically the same as Lego’s toys and atlases, which constituted copycats. In September 2020, Shanghai No. 3 Intermediate People’s Court sentenced Li to six years imprisonment for copyright infringement with a fine of RMB 90 million; the other eight defendants were sentenced to imprisonment ranging from three years to four years and six months, and were fined accordingly. In December 2020, the Shanghai High People’s Court rejected the appeal of Li and others and upheld the original ruling.

**Procuratorial supervision has improved.** The Supreme People’s Procuratorate established an Intellectual Property Prosecution Office to

integrate criminal, civil, and administrative procuratorial functions, strengthen comprehensive judicial protection of IPR with professional case handling teams, and launch pilot projects in 9 provinces (municipalities) including Tianjin, Hainan, and Chongqing. To address the problem that it is difficult for right holders to safeguard their rights in a timely manner in IPR criminal cases, the notification system has been fully implemented to notify the right holders of

**Column 8 The case of Lai counterfeiting registered trademarks in Chongqing Municipality**

In April 2020, the People’s Procuratorate of Bishan District, Chongqing Municipality filed a public prosecution against Lai and other four defendants on suspicion of counterfeiting registered trademarks, and filed a criminal incidental civil public interest lawsuit. It was verified that in the second half of 2018, the defendant Lai and other four defendants conspired to use bulk iodized edible salt to counterfeit the salt company’s “Jingxin” low-sodium salt for profit without the permission and authorization of the salt company. Upon inspection, the counterfeit “Jingxin” low-sodium potassium chloride and sodium chloride produced and sold are unqualified products. The counts committed by Lai and others include producing and selling counterfeit goods and counterfeiting registered trademarks. The procuratorial authority filed a criminal incidental civil public interest lawsuit, requesting the defendants to recall the counterfeit “Jingxin” low-sodium salt that had been sold, and requested punitive damages totaling over RMB 80,000. The defendant Lai and others were sentenced to imprisonment ranging from three to four years for the crime of counterfeiting registered trademarks and were fined a total of RMB 500,000.

procedural rights and obligations in criminal cases of IPR infringement. Efforts have been made to explore the establishment of a punitive compensation system for civil public interest litigation in the field of food safety, and impose the most severe penalties on violations in the food field. Procuratorates across the country approved the arrest of 7,174 persons committing IPR infringements involving 3,930 cases, and prosecuted 12,152 persons involving 5,848 cases.

#### **v. A pattern of joint governance built**

**The industry self-discipline was pushed ahead.** The Ministry of Industry and Information Technology guided 133 companies in the telecommunications and Internet industries to sign a self-discipline convention on Internet data security. The Office of the Central Cyberspace Affairs Commission and other departments convened an administrative guidance meeting on regulating online economic order to guide Internet platform companies to operate in compliance with laws and regulations, continuously strengthen self-discipline and self-management, and jointly create a healthy and standardized online economic development. The Ministry of Agriculture and Rural Affairs guided the China National Seed Association to carry out credit evaluation of seed enterprises and strengthen self-discipline in the seed industry.

**The services for rights protection were upgraded.** The General Administration of Customs has guided Hangzhou, Nanning and other customs and cross-border e-commerce platforms to explore the establishment of IPR protection cooperation workstations and an information notification mechanism. The China National Intellectual Property Administration (CNIPA) guided the establishment of the first 10 local sub-centers of the National Overseas IPR Dispute Response and Guidance Center. By the end of 2020, the National Overseas Intellectual Property Dispute Response and Guidance Center and the

local sub-centers have handled nearly 300 cases of various types of guidance and consultation. The China Council for the Promotion of International Trade organized a market survey on the IPR administrative protection needs of foreign-invested enterprises, and the Quality Brand Protection Committee of China Association of Enterprises with Foreign Investment organized a special symposium to study the IPR administrative protection of foreign-invested enterprises, and put forward constructive opinions and suggestions to relevant government departments.

**Dispute mediation and settlement were strengthened.** CNIPA and the Supreme People's Court established an online dispute mediation mechanism for IPR disputes, and impelled the first batch of 167 IPR dispute mediation organizations and 1,094 mediators to settle on the mediation platform of the people's court. The Ministry of Justice guided the establishment of more than 500 IPR dispute mediation organizations, and mediated 24,000 IPR disputes throughout the year. Beijing has established a people's mediation workshop for IPR disputes, and the judicial organs, IPR administrations, courts and other departments cooperated to give full play to the role of people's mediation in each link of IPR protection.

## **vi. Publicity and dissemination increased**

**The focus was put on key areas of publicity.** Relevant departments have successively issued the *China's Intellectual Property Protection in 2019*, *Annual Report on China Online Copyright Protection in 2019*, *Intellectual Property Protection by Chinese Court in 2019*, *Work Report on the Procuratorate Strengthening Intellectual Property Judicial Protection in 2019*, *Intellectual Property Protection Status in China's Customs in 2019*, and *Annual Report on China Forestry and Grassland Intellectual Property in 2019*, providing

a systematic introduction to IPR development and protection in China. 10 major IPR cases and 50 typical cases of Chinese courts, 18 typical cases of IPR protection by procuratorial organs, 10 major cases of combating IPR infringement and piracy, 10 typical cases of protection of new varieties of agricultural plants, typical cases of Customs IPR protection, 10 typical cases of administrative protection of patents and trademarks and the first batch of guiding cases for IPR administrative enforcement, etc. have been released for demonstration and guidance. Multiple departments jointly organized the National Intellectual Property Publicity Week themed on “Intellectual Property and Healthy China”, and held a series of press conferences to promote the key work of IPR protection.

**International communication was promoted.** Relying on international organizations, including WIPO, WTO and international conferences, the “Chinese story” of IPR protection was told and the “Chinese voice” of optimizing the business environment was conveyed. The Office of the National Leading Group on Fight against IPR Infringement and Counterfeiting released the *Report on the Latest Development of IPR Protection and Business Environment in China (2019)* (in both Chinese and English), for which the State Council Information Office held a press conference for interpretation. The bilingual (Chinese and English) promotional video *The Chinese Government in Action (2020)* was produced and broadcast to the public at major events such as the Forum on International Cooperation in Fighting Against IPR Infringement and Counterfeiting, to comprehensively introduce the effectiveness of the Chinese government’s efforts in fighting against IPR infringement and counterfeiting.

**The quality and effectiveness of publicity improved.** The role of traditional media and new media, including Weibo, WeChat, app, Tiktok, was leveraged to comprehensively build a converged media propaganda matrix. Centering on



“15 March” International Consumer Rights Day, “26 April” World Intellectual Property Day, “10 May” Chinese Brand Day, as well as the Spring Festival, National Day, Mid-Autumn Festival and other important occasions, publicity by means of special seminars, online interviews, press releases, and other methods were enhanced. NCAC organized the National Conference on Protection and Development of Copyright in Digital Environment, selected the China Copyright Gold Award, and organized a national college student copyright essay event. The Office of the National Leading Group on Fight against IPR Infringement and Counterfeiting has been running and maintaining China’s Website for the Campaign against IPR Infringement and Counterfeits and releasing work information in a timely manner.

### **III. Promoting the optimization of the business environment**

In 2020, China continued to promote streamlined administration and decentralization, vigorously promoted the implementation of fair competition policies, actively maintained market order, and comprehensively improved the business environment, which further vitalized market entities and contributed to positive economic growth.

#### **i. Investment and trade become more convenient**

**Giving full play to the role of trading platforms.** In September 2020, the Global Trade in Services Summit of the China International Fair for Trade in Services was held. 18,000 companies and institutions and 100,000 people from 148 countries and regions registered to participate in the summit and relevant exhibitions. In November, the 3rd China International Import Expo was held, with a total of USD 72.62 billion in intentional transactions, up 2.1% year on year.

**Improving foreign investment services.** The General Office of the State Council issued the *Opinions on Further Stabilizing Foreign Trade and Foreign Investment* to stabilize foreign trade entities and the supply chain of the industry chain. In August 2020, the Ministry of Commerce issued the *Measures for Complaints from Foreign-invested Enterprises* to further improve the foreign investment complaint mechanism. In December, the National Development and Reform Commission and the Ministry of Commerce issued the *Measures for the Security Review of Foreign Investment and the Catalogue of Industries*

for *Encouraging Foreign Investment (Edition 2020)*, which has a total of 1,235 entries. Compared with the 2019 edition, the 2020 Catalogue has 127 new entries and revised 88 entries, and further expanded the scope of encouraging foreign investment industries. The UNCTAD *Global Investment Trends Monitor* report showed that while global FDI fell by 42% year-on-year in 2020, China's FDI grew against the trend by 4% to USD 163 billion, ranking first in the world.

**Improving the efficiency of commercial activities.** The General Administration of Customs has vigorously optimized the business environment at ports, further facilitated cross-border trade, advanced the construction of a “single window” for international trade, and promoted the streamlining of 3 regulatory documents for import and export. In December 2020, the overall customs clearance time for imports and exports across the country was reduced to 34.91 hours and 1.78 hours respectively, and the cost of compliance in the import and export process was further reduced. The handling of national customs IPR cases became paperless and traceable. The State Administration of Taxation has carried out tax facilitation reforms, and handled corporate tax payment online. Significant breakthroughs were made in the movable property and rights guarantee system. The People's Bank of China successfully completed the pilot work for the unified registration of movable property guarantees in Beijing, Shanghai, Chongqing, Guangzhou and other places. The State Council decided to implement the unified registration of movable properties and rights guarantees nationwide based on the unified registration and announcement system of the People's Bank of China for movable property financing from 2021.

## **ii. Further streamlining administration and delegating powers**

**Market access was further eased.** In June 2020, the Central Committee of the Communist Party of China and the State Council issued the *Overall Plan*

*for the Construction of Hainan Free Trade Port*, which greatly eased the market access in Hainan Free Trade Port. The National Development and Reform Commission and the Ministry of Commerce issued the *Special Administrative Measures (Negative List) for the Access of Foreign Investment (Edition 2020)* and the *Special Administrative Measures (Negative List) for the Access of Foreign Investment in Pilot Free Trade Zones (Edition 2020)* to further improve the level of openness in sectors of services, manufacturing, and agriculture. The former Measures had 33 entries down from 44 entries in the 2019 edition, while the latter Measures had 30 entries down from 37 in the 2019 edition. In December, the National Development and Reform Commission and the Ministry of Commerce issued the *Special Administrative Measures (Negative List) for the Access of Foreign Investment in Hainan Free Trade Port (Edition 2020)*.

**Market access for enterprises was further eased.** The General Office of the State Council issued the *Notice on Deepening the Reform of Business System to Further Alleviate the Burden on Enterprises to Stimulate the Vitality of Enterprises*. A series of business reforms were implemented in depth, and the examination and approval for production and operation of enterprises were continuously simplified. The State Administration for Market Regulation achieved the goal of handling business operations entirely online, and reduced the average processing time to less than 4 working days. China launched full coverage pilot programs of the reform of “Separating Operating Permits from Business License” in 18 Pilot Free Trade Zones across the country, promoted “Operating Permits Reduction after Getting Business Licenses”, and simplified examination and approval to address the problems of complicated procedures and multiple licenses.

**Market access for products was further relaxed.** The Ministry of Agriculture and Rural Affairs changed the project permits of the “New Pesticide

Registration Test Review” and “Seven Types of Fertilizer Registration” to recordation. The State Administration for Market Regulation delegated the approval authority for production licenses of five types of products, including steel bars for construction, cement, radio and television transmission equipment, RMB discriminators, and prestressed concrete railway bridge simple beams, to provincial market regulation authorities; promoted the reform of the qualification accreditation of inspection and testing institutions; and simplified the compulsory certification catalog. The State Food and Drug Administration improved the conditional approval and green channel system of medical devices to improve the efficiency of new drug approval.

### **iii. Law enforcement and justice become more effective**

**Innovating management methods.** The General Office of the State Council issued the *Guiding Opinions on the Full Implementation of the Notification and Commitment System for Certification and Enterprise Business Licensing*. Sixteen departments researched and formulated the *List of Items for Joint Spot Checks by Market Regulation Departments (First Edition)*, covering 74 items in 35 fields.

**Implementing credit supervision.** The General Office of the State Council issued the *Guiding Opinions on Further Improving the System for Deterring Bad-faith Acts and Building a Long-term Mechanism for Promoting Good Faith* to further clarify the scope of credit information, punish dishonest behaviors in accordance with laws and regulations, improve the credit restoration mechanism for untrustworthy entities, and improve the legalization and standardization of the construction of the social credit system. The National Development and Reform Commission established a national credit information sharing platform to form a “general hub” of cross-regional, cross-departmental, and cross-field credit information sharing and exchange to provide data support for the development

of credit supervision in the IPR field. The State Administration for Market Regulation established and operated a national enterprise credit information publicity system to publicize information on market entities' business licenses, "multi-certificate integration", spot-check and inspection results, enterprises' annual reports, administrative licenses, administrative penalty, list of irregular operations and the list (blacklist) of seriously illegal and bad-faith enterprises.

**Enhancing competition law enforcement.** The State Administration for Market Regulation issued the *Notice on Strengthening Anti-Unfair Competition Law Enforcement and Creating a Fair Competition Environment*, filed investigations into suspected monopolistic activities on Internet platforms in accordance with the law, severely investigated and dealt with a number of major typical cases such as the monopoly of APIs and false transactions, and severely punished platform companies that failed to declare concentration according to law and engaged in unfair pricing. China completed 108 monopoly cases, 7,371 unfair competition cases, and 473 cases of centralized review of business operators, and investigated and dealt with 20,000 cases of price violations. China fully implemented the fair competition review system, comprehensively reviewed 1.07 million policies and measures introduced before 2019, abolished and revised nearly 6,000 policies and measures.

**Strengthening the protection of property rights.** The Supreme People's Court strengthened judicial protection of property rights, corrected 34 criminal cases involving property rights and 56 persons in accordance with the law, and resolutely prevented the identification of economic disputes as criminal crimes. Efforts were made to strengthen the trial of IPR cases, enhance the legal and equal protection of various market entities, punish IPR infringements, encourage competition, stop monopoly, and promote the improvement of fair, open and transparent market rules. In addition, China intensified judicial protection of



IPR in core technologies, key areas, and emerging industries, improved its capability of independent innovation, and paved the way for innovation-driven development strategies. CNIPA resolutely cracked down on irregular patent applications and malicious trademark registrations. In 2020, 16,700 applications for malicious trademark registration were rejected in accordance with the law, 145,000 irregular patent applications not for the purpose of protecting innovation were screened out, 379 COVID-19-related trademarks including “Huoshenshan” were rejected.

#### **iv. Government services are more comprehensive**

**The supporting measures were effectively implemented.** The General Office of the State Council issued the *Notice on Further Streamlining Approval and Optimizing Services to Steadily Promote the Resumption of Work and Production of Enterprises*, to regulate approval items and behaviors, provide convenient services, and steadily promote the resumption of work and production in a targeted manner; issued the *Implementation Opinions on Further Optimizing Business Environment for Market Entities*, to address difficult issues in the production and operation of enterprises. The People’s Bank of China and other guidance financial institutions increased their IPR pledge financing and innovated IPR-related financial products. Market regulators introduced more than 700 support policies, issued national standards for health codes, carefully compared domestic and foreign standards for anti-pandemic materials, streamlined compulsory certification procedures for export-to-domestic products, checked and calibrated 18.54 million measuring instruments for enterprises, and tested 350,000 batches of anti-pandemic materials. China had 200 national IPR pilot demonstration cities, 5,729 national IPR leading and demonstration enterprises, 12 national copyright demonstration cities recognized by NCAC, 194

national copyright demonstration units, and 52 national copyright demonstration zones (bases). China set up national copyright innovation and development bases in Qianhai, Shenzhen and Pudong, Shanghai, improved the authorization and transaction system of national copyright exhibitions, and promoted the high-quality development of the copyright industry.

**The examination efficiency continued to improve.** China further improved the quality and efficiency of IPR examination and reduced the average examination period for invention patents and trademark registrations to 20 months and 4 months, respectively, the examination period for high-value patents to 14 months, and the processing time for the acceptance and preliminary examination of new plant variety applications to less than 4 months. China established a fast-track channel for trademark examination and a system of delayed patent examination based on application, improved patent priority examination and rapid examination mechanisms, quickly authorized 343 anti-pandemic-related trademarks, and granted priority examination on request for 1,861 patent applications related to anti-pandemic work. China further improved the electronic level of applications for patent and trademark registration. By the end of 2020, the electronic application rates for patents and trademarks have registered 98.8% and 98.0%, respectively. China promoted “One Window for All Services” for handling patent and trademark applications, and merged patent and trademark service windows together in 27 provinces (autonomous regions and municipalities). China carried out circuit trials and remote trials over IPR cases on a larger scale, established 20 courts for remote trials over IPR cases by the end of 2020, and started the very first online trial over trademark review and adjudication case.

**The smart services advanced steadily.** The General Office of the State Council issued the *Guiding Opinions on Accelerating the Progress of Cross-*

*provincial Government Affairs Services*. China made efforts to explore the establishment of IPR departments in qualified notary institutions, and promote “Internet + Notarization”. China started the simultaneous issuance and application of “electronic business license + electronic seal”, promoted the electronic signature function of business license and the application of “electronic business license + electronic certificate information”, and continuously expanded the application scenarios of electronic business license.

**Taxes and fees were reduced significantly.** The People’s Bank of China exempted 10 types of rural, private, and small and micro financial institutions, including rural commercial banks, from corporate credit report and personal credit report inquiry service fees, and has reduced and exempted credit report inquiry fees of nearly RMB 950 million. The beneficiaries included 2.7 million small and micro enterprises, accounting for nearly 60% of the total. The customs introduced tax reductions, free trade agreement tariff reductions and import tax preferences and other policies to reduce (rebate) taxes by RMB 268.77 billion. The State Administration for Market Regulation organized work on the management of enterprise-related fees, severely punished those who illegally charged enterprise-related fees, and returned RMB 5.2 billion to relevant enterprises.

## **IV. Deepening international exchanges and cooperation**

China attaches great importance to strengthening cooperation in IPR protection with other countries and international organizations, conducting technical exchanges and communication based on the principles of marketization and rule of law, deepening multilateral and bilateral joint law enforcement, and continuously improving the level of global governance in combating infringement and counterfeiting.

### **i. Multilateral and bilateral exchanges strengthened**

The Ministry of Commerce and the European Union and Russia held IP Working Group meetings to coordinate various IP departments to complete 6 IP Key China cooperation projects, and actively participated in the BRICS IPR Working Mechanism and APEC IPR Experts' Group meetings. NCAC jointly organized an international training course with WIPO on the prevention and control of risks in the copyright industry, and jointly held bilateral intergovernmental talks with the UK Intellectual Property Office and the British Embassy in China. The Ministry of Agriculture and Rural Affairs, the National Forestry and Grassland Administration, etc. co-hosted the China-EU International Symposium on the Implementation and Protection of New Plant Variety Rights, and together with CNIPA included Chinese as a working language of the International Union for the Protection of New Varieties of Plants (UPOV) to further deepen international cooperation on the protection of new plant varieties. In addition, efforts were made to carry out the annual activities

of the *China-EU Plant Variety Protection Cooperation Agreement*, and hold three online international events such as variety rights implementation and protection seminars. The Office of the National Leading Group on Fight against IPR Infringement and Counterfeiting, the State Administration for Market Regulation, and WIPO jointly hosted the 3rd International Cooperation Forum on Fighting against IPR Infringement and Counterfeiting. CNIPA continued to strengthen cooperation with IPR authorities of various countries and relevant international organizations; renewed the “Belt and Road” intergovernmental agreement on IPR cooperation with WIPO; co-hosted the 17th Shanghai International Intellectual Property Forum with the Shanghai Municipal People’s Government and WIPO; hosted video conferences for heads of the 5 IPR Offices of China, the United States, Europe, Japan and South Korea; and participated in more than 40 high-level multilateral and bilateral video conferences such as the 12th Meeting of the BRICS Heads of IPR Offices. The Supreme People’s Court took part in the preparation of the WIPO Judicial Guide for Global Patent Case Management and recommended judges to be elected as the new members of the WIPO Advisory Board on Judges.

## **ii. Jointly cracking down on cross-border crimes**

The Ministry of Public Security participated in the International Criminal Police Organization’s operation “Opson” against food crimes, operation “Pangea” against Internet crimes of manufacturing and selling counterfeit drugs, and operation “Cyber Eagle” against Internet intellectual property crimes. They worked together in the aspects of the investigation and handling of key cross-border cases, online clue verification, evidence exchange, judicial assistance, etc. The General Administration of Customs participated in the World Customs Organization’s international joint law enforcement “prevention” action against

the import and export of illegal, counterfeit and substandard drugs and medical materials, and cracked down on the cross-border flow of infringing anti-pandemic materials.

**Column 9 The police of China and the United Arab Emirates jointly crack a large transnational criminal case of IPR infringement**

In July 2019, the police of China and the United Arab Emirates cooperated to crack down on the trading companies, warehouses and factories owned by Khalil and Mansour from the Middle East in Dubai and Guangzhou, China, and detected a case of transnational sales of infringing and counterfeit goods involving a huge amount. In China, 37 suspects were arrested and more than 7,000 counterfeit goods were seized. In the United Arab Emirates, 10 shops selling counterfeits were smashed out, 20 suspects were arrested and 21,000 items of counterfeit goods were seized. The total value of goods seized in the two countries amounts to 1.8 billion yuan. In 2020, Shanghai No. 3 Intermediate People's Court, the People's Court of Xuhui District of Shanghai Municipality and the court of Dubai sentenced more than 20 Chinese and foreign defendants successively.

### **iii. Participating in the formulation of international rules**

The *Beijing Treaty on Audiovisual Performances* officially came into effect. It was the first international IPR treaty named after a Chinese city to be concluded in China since the founding of the People's Republic of China. The signing of the *China-EU Agreement on Geographical Indications* was the first comprehensive and high-level bilateral agreement on geographical indications



signed by China with a foreign partner, which was a milestone in strengthening China-EU economic and trade relations. China and the ten ASEAN countries, as well as Japan, South Korea, Australia, and New Zealand signed the *Regional Comprehensive Economic Partnership Agreement*, with a dedicated IPR chapter. China completed the negotiation and signing of mutual recognition of AEO (certified operators) with 13 countries, and had the largest number of mutually recognized countries (regions) in the world. China advanced preparations for joining the *Hague Agreement Concerning the International Registration of Industrial Designs*.

## **Concluding remarks**

2021 is the first year of the “14th Five-Year Plan” and a year of special importance in the process of China’s modernization. Based on the new development stage, China will adhere to the new development concept, build a new development pattern, take the promotion of high-quality development as the theme, focus on deepening the supply-side structural reform, and take reform and innovation as the fundamental driving force to satisfy the people’s ever-increasing demand for a better life, and to start a new journey of building a modernized socialist country in an all-round way.

Innovation is the first driving force for development, and protecting intellectual property rights is protecting innovation. Standing at a new historical starting point, China will unswervingly expand reform and opening up, unswervingly strengthen independent innovation, and unswervingly protect intellectual property rights. China is willing to work with all other countries to strengthen collaboration and cooperation, overcome difficulties, pursue mutual benefits and win-win results, chart a new course in IPR protection, and start a new journey of optimizing the business environment.