China National Intellectual Property Administration
中国国家知识产权局

The Administrative Enforcement For China's Design Patents

中国外观设计专利的行政执法

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中国知识产权行政执法简介

2 Practice of Administrative Enforcement for Design Patents
外观设计专利行政执法实践

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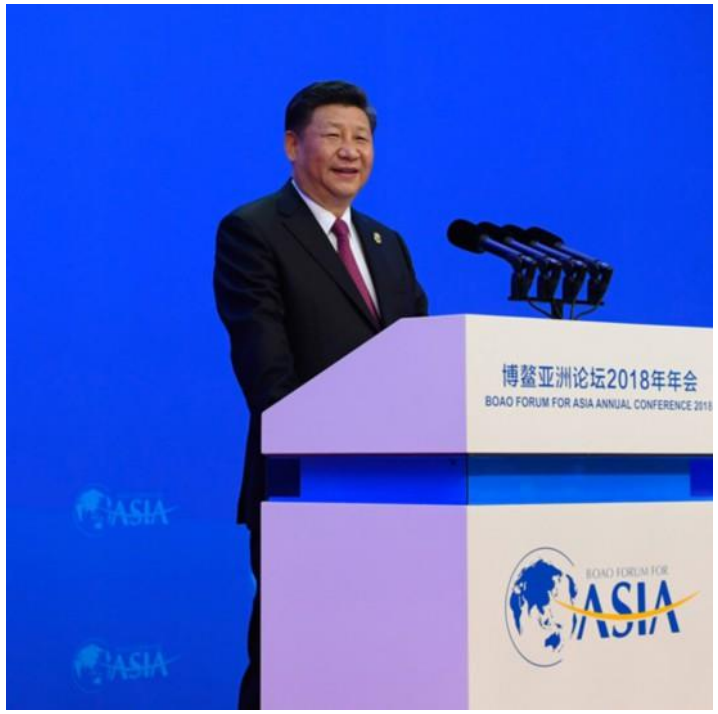
1

Introduction of China’s Administrative Enforcement of IPR.

中国知识产权行政执法简介

Strengthen protection of IPR 加强知识产权保护

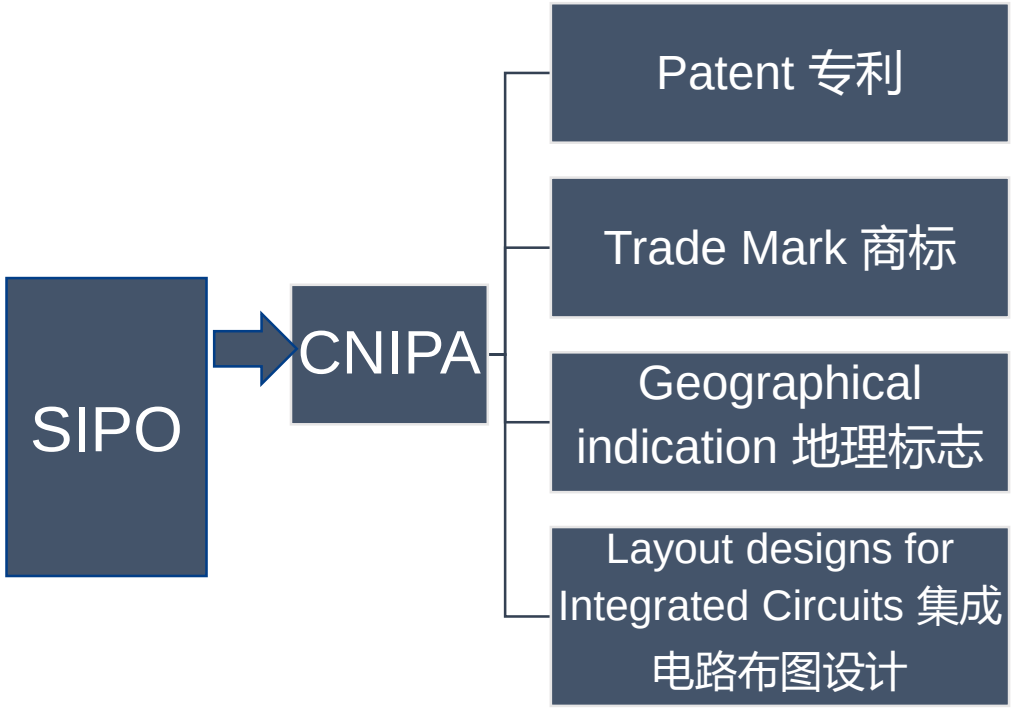


Boao Forum for Asia Annual Conference 2018
博鳌亚洲论坛2018年年会

Major measures to pursue further opening up
进一步加大开放的主要措施

- we will significantly broaden market access.
- 将大幅放宽市场准入
- we will create a more attractive investment environment.
- 创造更有吸引力的投资环境
- we will strengthen protection of intellectual property rights.
- 加强知识产权保护
- we will take the initiative to expand imports.
- 采取措施扩大进口

Strengthen protection of IPR 加强知识产权保护



Departments 部门
General Affairs Office 办公室
Treaty and Law Department 条法司
Strategy and Planning Department 战略规划司
Intellectual Property Protection Department 知识产权保护司
Intellectual Property Utilization Promotion Department 知识产权运用促进司
Public Service Department 公共服务司
International Cooperation Department 国际合作司（港澳台办公室）
Personnel Department 人事司
Party-related Affairs Department 机关党委
Discipline Inspection Department 机关纪委

“Dual track system" of administrative enforcement and judicial protection of IPRs

知识产权行政保护和司法保护“双轨制“

Administrative Enforcement System
行政执法体系

State administrative organs
国家行政机关

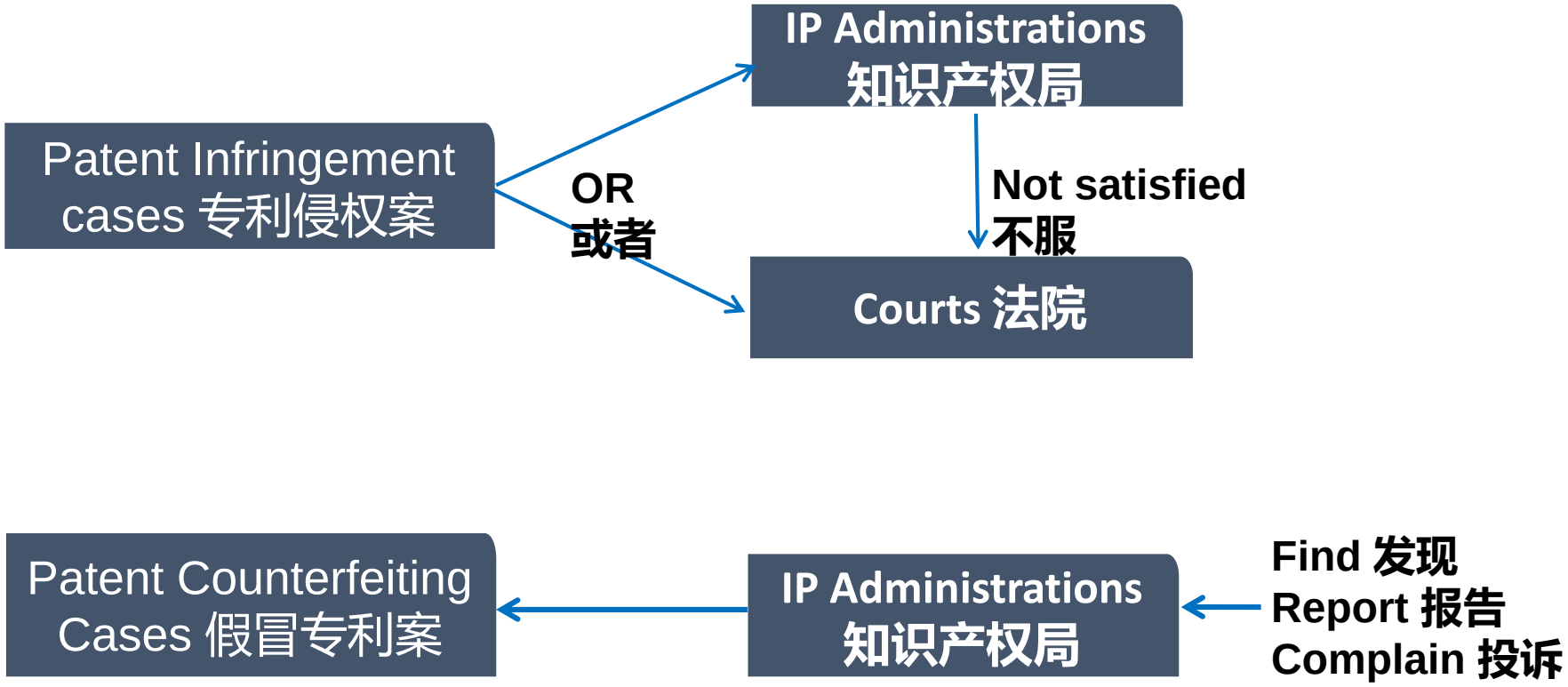
According to the law
依照法律

Administrative powers 行政权力

Legal procedures 法律程序

pre-, in-, and post-protection
事前、事中、事后保护

Administrative enforcement procedures for general patent cases
一般专利案件的行政执法程序



“Dual track system" of administrative enforcement and judicial protection of IPRs

知识产权行政保护和司法保护“双轨制“

US UK… 英美等国

Administrative enforcement agencies

行政执法机关

- Customs 海关
- Police stations, etc 警察局等

China 中国

Administrative enforcement agencies
行政执法机关

- Customs 海关
- Police stations 公安局
- Patent Administrations 专利局
- Trademark Administrations 商标局,
- Copyright Administrations, etc 版权局等

Continuously strengthen the protection of IP administrative enforcement
持续加强知识产权行政执法保护

CNIPA - Patents, Trademarks & Geographical indications
国家知识产权局 - 专利、商标、地理标志

Special actions 专项行动

“Escort” “护航”

“Thunderclap” “霹雳”

“Traceability” “溯源”

“Spring tea” “春茶”

- 2013-2017, Patent & TM:365,000
- 2013-2017年：专利与商标数量：365,000
- 2018, Patent & TM:108,000
- 2018年：专利与商标数量：108,000

The memorandum of cooperation for joint efforts to strengthen punishment for intellectual property infringements

加强知识产权侵权联合惩戒合作的备忘录

- 38 governmental departments 38个政府部门
- 6 types 6种类型
- Multiple restrictions: Receiving government financial support, establishing financial institutions, and receiving customs certifications 多条限制：获得政府财政支持、成立金融机构、获得海关认证

Characteristics of IP administrative enforcement 知识产权行政执法的特点

Administrative Protection
行政保护

- A strong initiative, attack infringement 主动出击、打击侵权
- Low cost 成本低
- Fast and convenient, 3+1 months 快速便捷，3+1月
- Various ways: 方式多样：

✓ Administrative Inspection 行政督察

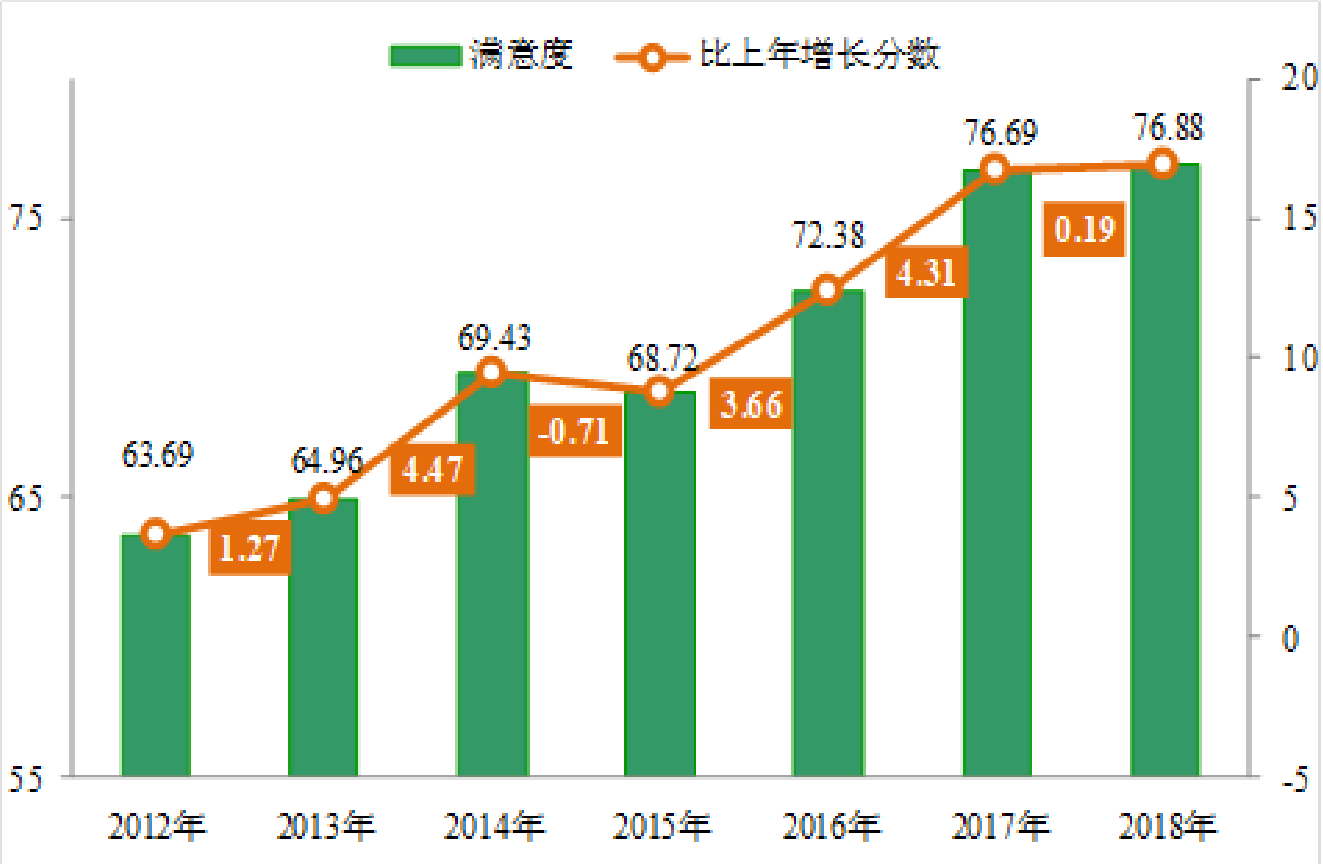
✓ Administrative Compulsory 行政强制

✓ Administrative Punishment 行政处罚

The social satisfaction and business environment continue to be improved
社会满意度和营商环境持续改善

Social satisfaction in IP protection

知识产权保护的社会满意度



The social satisfaction and business environment continue to be improved
社会满意度和营商环境持续改善

China's business environment in the world

中国营商环境全球排名

- 2018, Rank 46
- 2018年：第46名
- 2017, Rank 78
- 2017年：第78名

LEADERS IN INNOVATION

GLOBAL INNOVATION INDEX 2018 ranks the innovation performance of nearly 130 countries. Each country is scored according to 80 indicators.

Global Leaders

1. SWITZERLAND
2. NETHERLANDS
3. SWEDEN
4. UNITED KINGDOM
5. SINGAPORE

RANK	COUNTRY	SCORE
1	US	5.80
2	Germany	4.89
3	UK	4.81
4	Japan	4.48
5	France	4.32
6	Switzerland	4.16
7	Singapore	4.10
8	Canada	4.06
9	Netherlands	3.99
10	Hong Kong	3.97
11	Denmark	3.95
12	Sweden	3.90
13	Finland	3.85
14	UAE	3.81
15	Belgium	3.77
16	Luxembourg	3.72
17	Australia	3.71
18	Israel	3.68
19	South Korea	3.67
20	Iceland	3.66
21	Ireland	3.66
22	Austria	3.64
23	India	3.57
24	Italy	3.48
25	Norway	3.48
26	Malaysia	3.47
27	Spain	3.38
28	New Zealand	3.35
29	China	3.21

2018, Rank 17

2018年：第17名

2007, Rank 29

2007年：第29名

Global Innovation Index 2018 rankings

Country/Economy	Score (0–100)	Rank
Switzerland	68.40	1
Netherlands	63.32	2
Sweden	63.08	3
United Kingdom	60.13	4
Singapore	59.83	5
United States of America	59.81	6
Finland	59.63	7
Denmark	58.39	8
Germany	58.03	9
Ireland	57.19	10
Israel	56.79	11
Korea, Republic of	56.63	12
Japan	54.95	13
Hong Kong (China)	54.62	14
Luxembourg	54.53	15
France	54.36	16
China	53.06	17
Canada	52.98	18
Norway	52.63	19
Australia	51.98	20

2

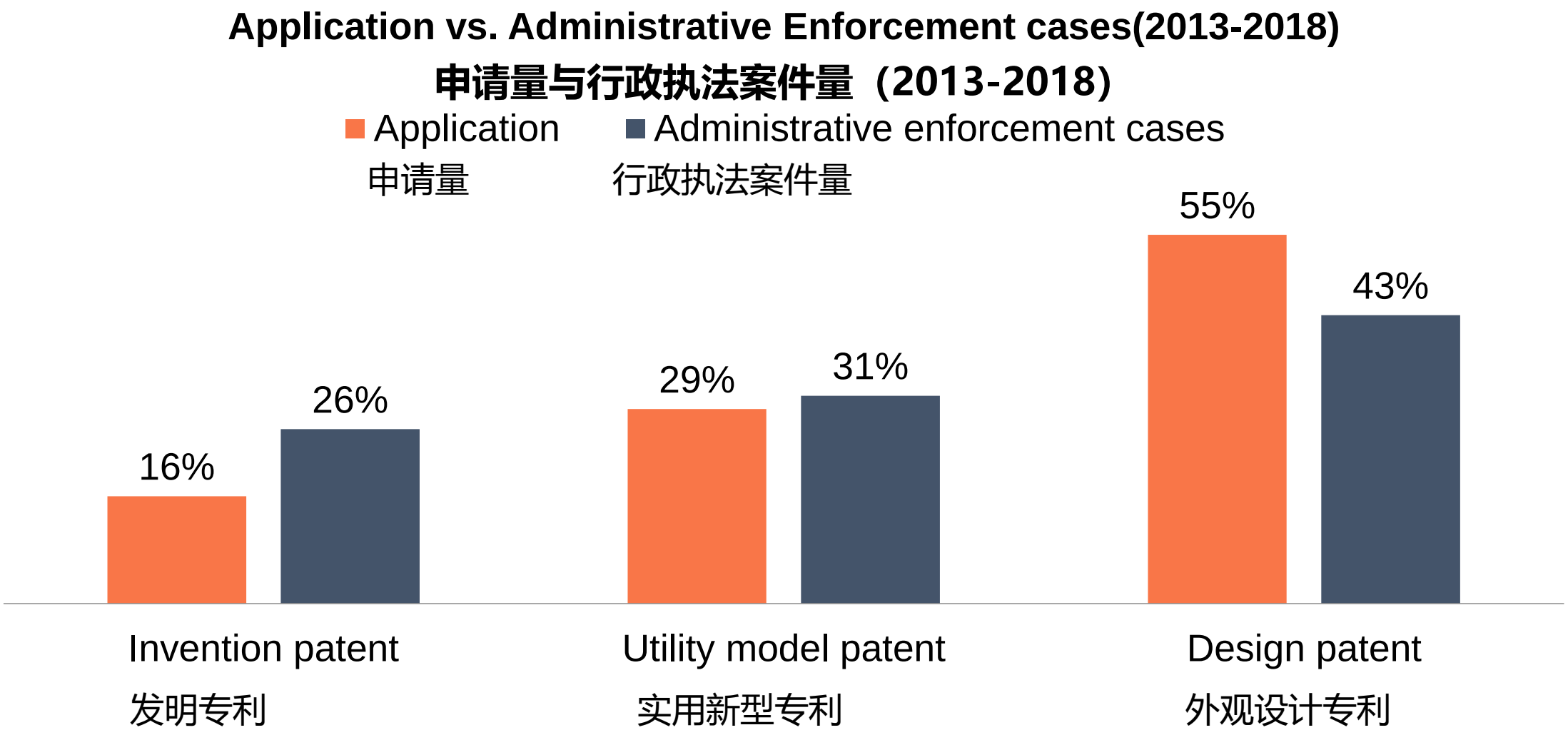
Practice of Administrative Enforcement for Design Patents

外观设计专利行政执法实践

1

In terms of administrative enforcement, the difference between Design Patents, Invention Patents and Utility Model Patents is small.
在行政执法方面，外观设计专利、发明专利和实用新型专利之间的差异很小。

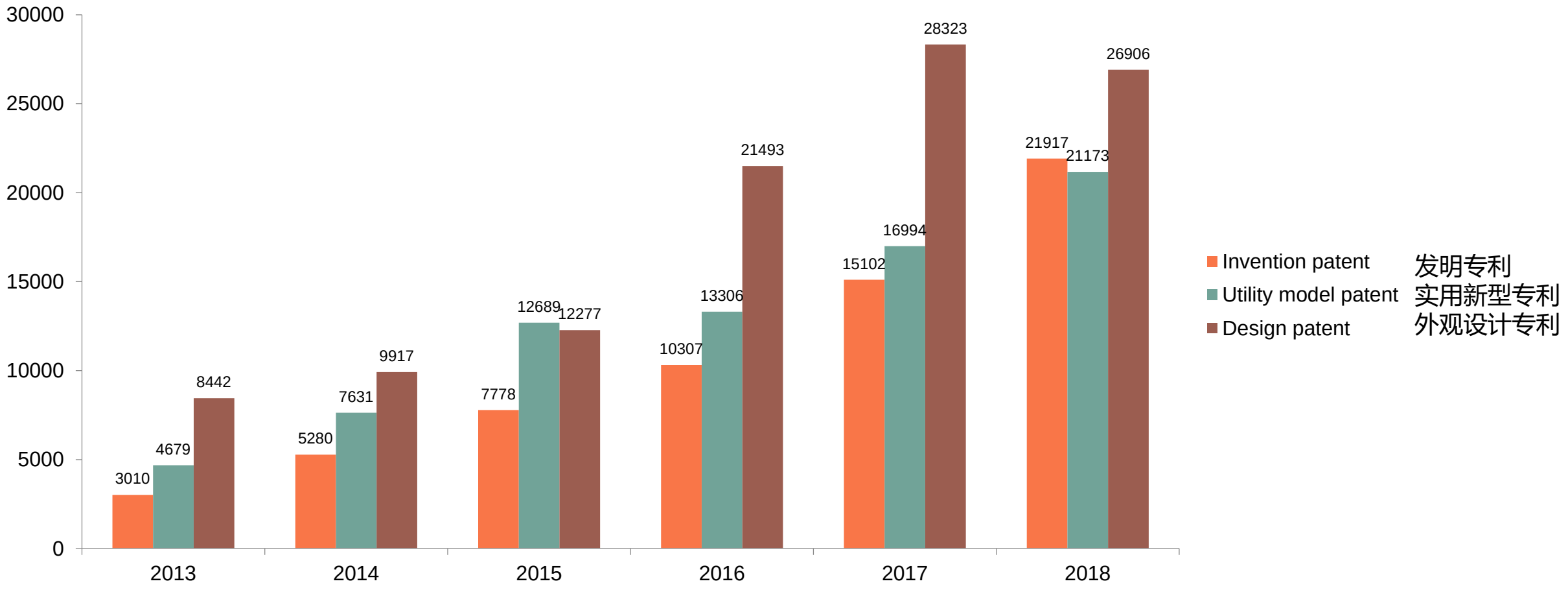
Number of 3 kinds of patents (Application vs. Administrative enforcement cases)
3类专利的数量（申请量与行政执法案件量）



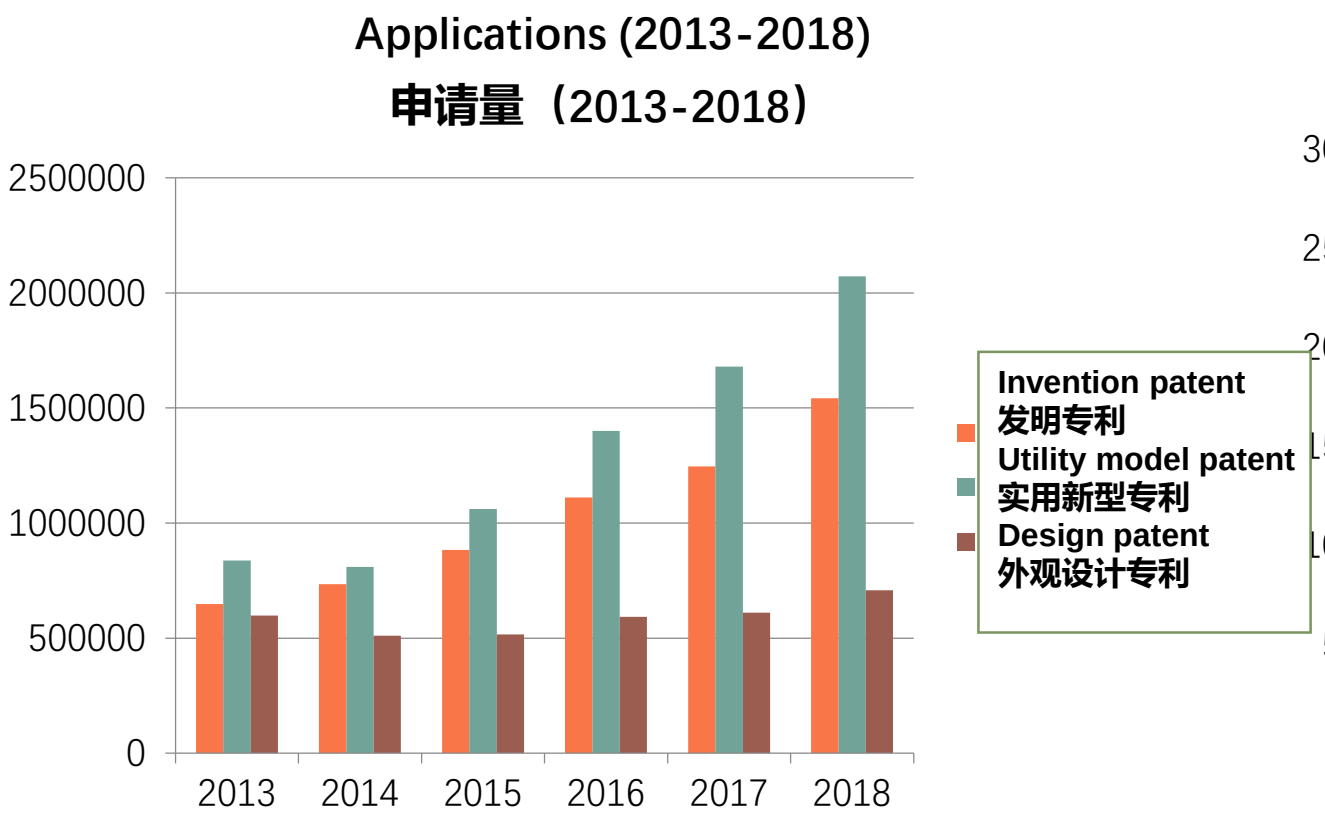
2

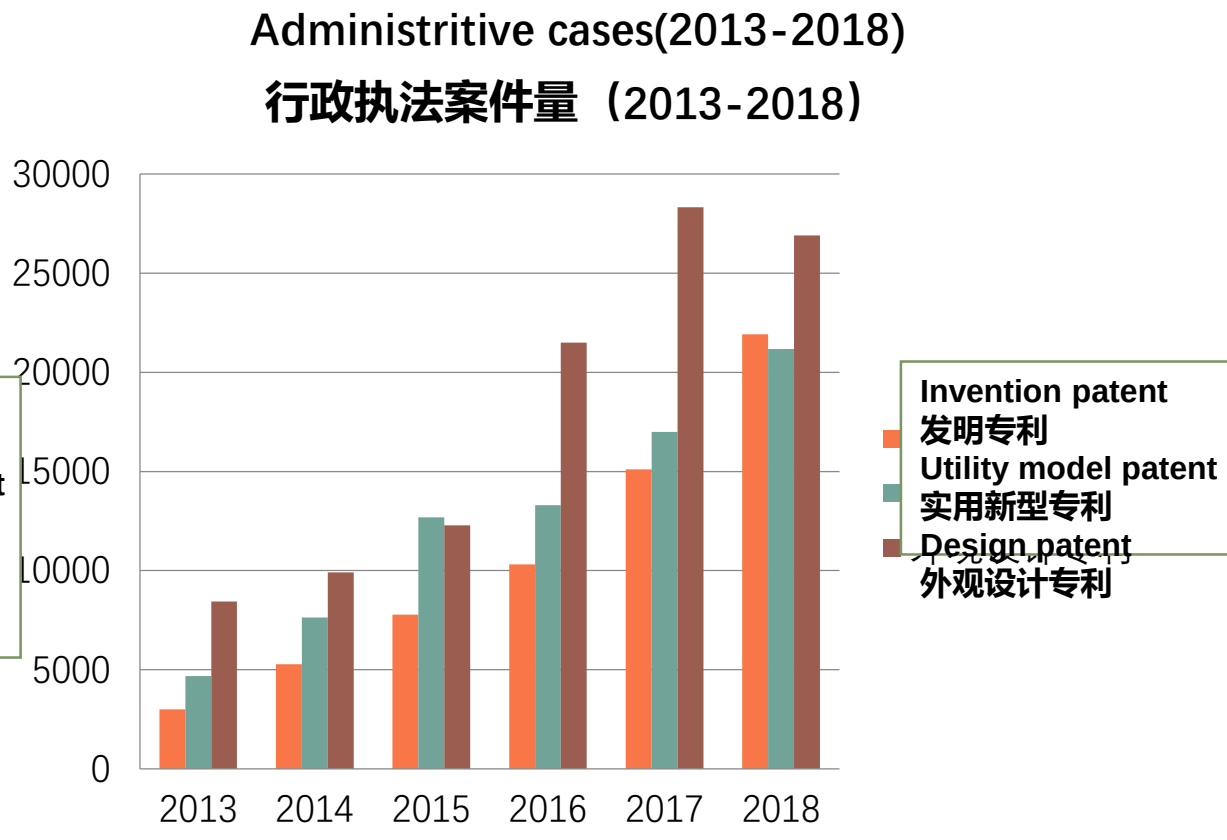
The needs and practices of IP administrative enforcement are increasing.
知识产权行政执法的需求和实践正在不断增加。

Administrative enforcement cases for 3 kinds of patents(2013-2018)
3类专利的行政执法案件量（2013-2018）



Applications & Administrative enforcement cases for 3 kinds of patents
3种专利的申请量与行政执法案件量





3

China’s Design Patent System is welcomed.
中国的外观设计专利制度深受欢迎。

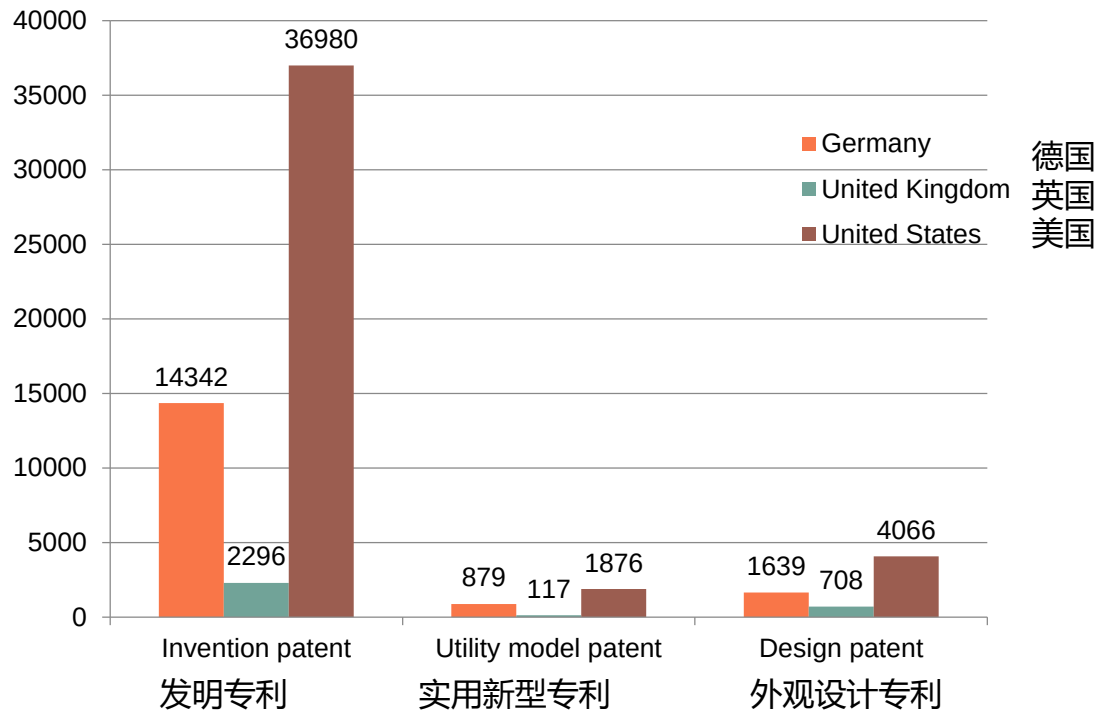
3 kinds of patents related to DE,UK,US (Application vs. Adm. enforcement cases)
与德国、英国、美国的3类专利数据对比情况（申请量与行政执法案件量）

Applications (2017) 申请量（2017）	Germany 德国	United Kingdom 英国	United States 美国
Invention patent 发明专利	14342	2296	36980
Utility model patent 实用新型专利	879	117	1876
Design patent 外观设计专利	1639	708	4066

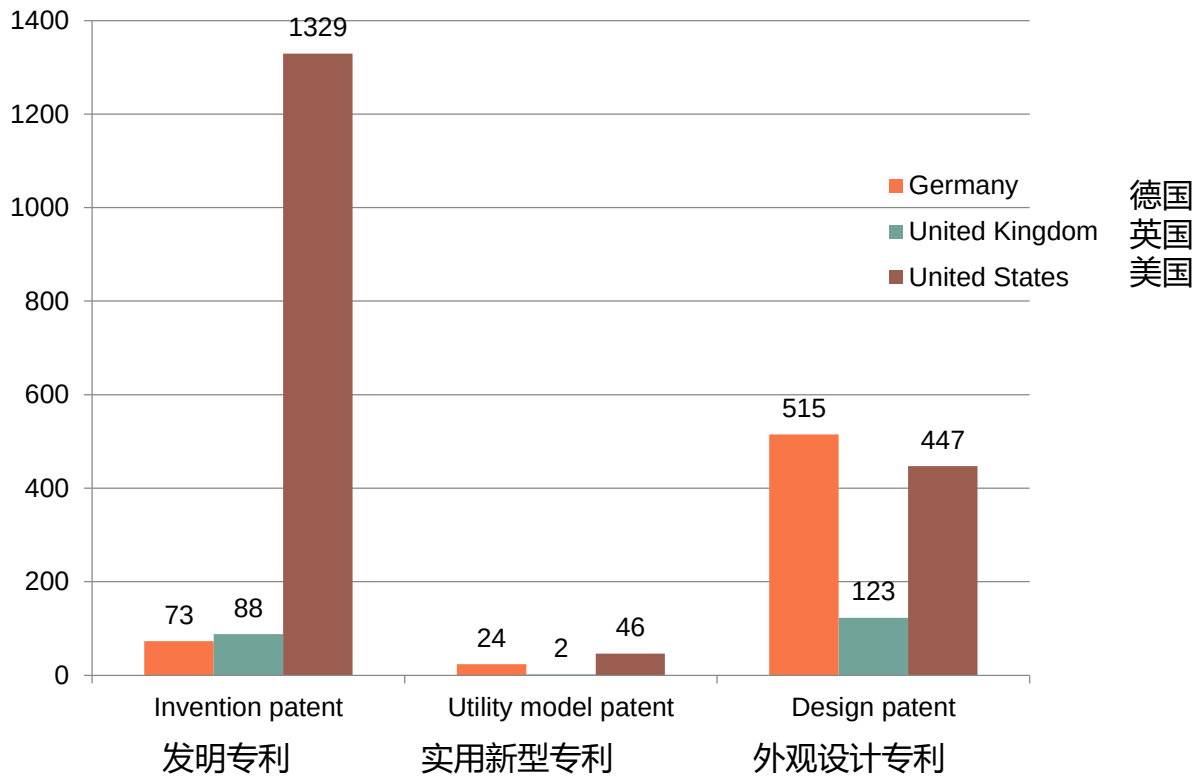
Adm. Enforcement (2013-2018) 行政执法量（2013-2018）	Germany 德国	United Kingdom 英国	United States 美国
Invention patent 发明专利	73	1329	88
Utility model patent 实用新型专利	24	46	2
Design patent 外观设计专利	515	447	123

3 kinds of patents related to DE,UK,US (Application vs. Adm. enforcement cases)
与德国、英国、美国的3类专利数据对比情况（申请量与行政执法案件量）

Applications in China(2017)
中国的申请量（2017）



Administrative enforcement cases(2013-2018)
行政执法案件量(2013-2018)



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Design patent fast protection mode: 外观设计专利快速维权模式:

China Zhong Shan IPR Rapid Aid Center for Lighting Industry
中国中山灯饰知识产权快速维权中心

Design patent fast protection mode 知识产权快速维权模式

- **Fast authorization 快速授权**
- **Fast protection 快速维权**
- **Fast coordination 快速协调**

3

Summary 总结

Summary 总结

- The protection of administrative enforcement is fast and convenient.
- 行政保护具有快速和便捷的优势。
- The growing demand for administrative law enforcement protection.
- 行政执法保护的需求在不断增长。
- The patent system for design is welcomed.
- 外观设计专利制度深受欢迎。

Next 下一步工作

- Establish a contingent of high-quality law enforcement personnel.
- 建立一支高素质的执法队伍
- Establish and improve the criteria for judging trademark and patent rights infringement.
- 建立和完善商标和专利权侵权判定标准
- Give full play to the advantages of administrative enforcement protection.
- 充分发挥行政执法保护的优势
- Strengthen the protection of design patents.
- 加强外观设计专利的维权

China National Intellectual Property Administration
中国国家知识产权局

Thank you! 谢谢!

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