

中国知財ニュース IP NEWS in CHINA

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情報元：[中国法総合オンラインサービス〈Westlaw China〉](#)

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Adopted Legislation

[1] **MOFCOM issued the Guideline for Overseas Enterprises on Intellectual Property Rights (Trial)**

[Ministry of Commerce]

...On February 8, the Ministry of Commerce (MOFCOM) issued the Guideline for Overseas Enterprises on Intellectual Property Rights (Trial) (Shang Fa Han [2014] No. 61). The 24-article Guideline is applicable to acts related to intellectual property rights in the overseas investment and cooperation activities of Chinese enterprises, including creation, utilization, protection and management of intellectual properties. Enterprises should establish effective internal incentive and management system related to intellectual property, including, but not limited to R&D incentive system, archive management system, trade secrets management system, and the management system of obligations of temporary staff to protect IP. Enterprises should be equipped with IP legal staff, to deal with IP related matters. Enterprises should establish a special fund for the IP creation, research and development, nourishing, promotion, protection as well as prevention and disposal of IP disputes.

[2] SIPO releases the Certain Opinions on Promoting the Development of Patent Agency

Industry

[State Intellectual Property Office]

...On February 28, State Intellectual Property Office (SIPO) printed and distributed the Certain Opinions on Promoting the Development of Patent Agency Industry (Guo Zhi Fa Fa Zi [2014] No. 12), which became effective from the promulgation date. If any existing provisions are inconsistent with the Opinions, the Opinions should prevail. According to the Opinions, with regard to persons that have both patent agent certificate and legal practice certificate, their legal practice should also be deemed patent agency practice. With regard to persons with patent agency certificate in enterprises, institutes of higher learning, and scientific research institutes, their patent application work for their employers should be deemed patent agency practice. Large and medium patent agencies are encouraged to establish branches in areas where there is great patent agency service demand and patent agents are in urgent need. Where relevant conditions are met, the number of professional patent agents serving in such branches is allowed to be reduced from two to one.

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Government Policies

[1] SIPO issued the list of administrative examination and approval items

[State Intellectual Property Office]

...On February 17, the State Intellectual Property Office (SIPO) issued the list of administrative examination and approval items, totaling 10 items: mainly including determination of patent agency qualification, approval of the establishment of patent agencies; acceptance and approval of patent application; re-examination of the patent application dismissed; declaration of invalidation of patents; etc.

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