

2016 年上海知识产权白皮书

White Paper on the Intellectual Property Development in Shanghai in the Year 2016

上海市知识产权联席会议办公室

The General Office of Shanghai Intellectual Property Joint Committee

2016年，上海全面贯彻落实党中央、国务院关于知识产权强国建设的系列重大部署，以推进建设亚太地区知识产权中心城市为目标，以支撑建设具有全球影响力的科技创新中心为主线，深入实施知识产权战略，大力加强知识产权保护和运用，加快培育知识产权发展新动能，各项工作取得了新发展新成效，实现了“十三五”时期上海知识产权工作良好开局。

一、知识产权的数量与质量同步提升

2016年，上海专利申请量为119937件，同比增长19.9%，其中，发明专利申请量为54339件，同比增长15.7%，发明、实用新型、外观设计三类专利申请量占申请总量的比例为45:43:12；同期，上海专利授权量为64230件，同比增长5.9%，其中发明专利授权量分别为20086件，同比增长14.1%；PCT国际专利申请量为1560件，同比增长47.2%。截至2016年12月底，上海有效发明专利拥有量为85049件，同比增长21.5%，每万人口发明专利拥有量为35.2件。2016年，上海新增注册商标15.8万件；至2016年底，上海有效注册商标总量71.8万件，驰名商标194件和著名商标1331件。2016年，上海作品版权登记数217249件，同

比增长 9%。

二、知识产权工作改革创新有序推进

上海市政府与国家知识产权局签订了第三轮合作会商议定书。上海成为首批国家引领型知识产权强省试点省份。国家工商总局在沪设立了注册商标专用权质权登记申请受理点。上海市政府有关部门成立了上海国际知识产权学院，建立了上海产业知识产权运营创业投资中心，设立了上海产业知识产权运营基金，印发了《关于本市开展知识产权纠纷人民调解工作的若干意见》，启动了上海知识产权交易中心筹建工作。浦东新区政府全面推进了知识产权综合管理改革和上海自贸区知识产权制度建设，在知识产权领域的管理体制、执法范围、政策覆盖、服务辐射等方面深入开展“三合一”工作。上海市高级人民法院在全国率先制定了《知识产权审判“十三五”规划》。

三、知识产权领域宏观管理显著加强

中共上海市委、上海市政府正式发布了《关于加强知识产权运用和保护支撑科技创新中心建设的实施意见》。《上海市国民经济和社会发展的第十三个五年规划纲要》将“每万人口发明专利拥

有量”列入上海国民经济和社会发展预期性指标，预计至 2020 年上海每万人口发明专利拥有量将达到 40 件。上海市政府有关部门印发了《关于加快上海知识产权服务业发展的意见》，出台了《上海市关于加强互联网领域侵权假冒行为治理的实施意见》，拟制了促进科技成果转移转化相关条例草案和五年行动计划草稿，开展了地理标志产品相关地方标准的制修订工作；组建了全国首个“打击假冒伪劣涉案物品检验平台”，推进了打击侵犯知识产权和制售假冒伪劣食品药品工作；在 12 所市属高校中持续开展了技术转移体系建设；举办了第二届中国品牌经济（上海）论坛，启动了中小学知识产权教育试点示范工作。

四、知识产权资源运营流转日趋活跃

全年国家知识产权局专利局上海代办处共办理专利权质押融资 52 笔，融资额折合人民币 5.26 亿元；全市共有 50 家企业的 678 件专利进行“专利保险”，保费额 129.81 万元，投保金额 2605.8 万元。上海市政府有关部门加强了科技中介服务体系建设和培育了 40 余家科技中介服务机构，在 20 余个经济科技活动中实施了知识产权分析评议工作。上海在第十八届中国专利奖评选活

动中有 39 个项目获奖。第八届上海市发明创造专利奖评选活动中有 41 个项目获奖。

五、严格知识产权保护力度不断加大

2016 年，上海公安机关共立侵犯知识产权犯罪案件 373 起，破案 281 起，抓获犯罪嫌疑人 498 人。上海专利管理部门立案处理专利案件 258 件，其中立案受理专利纠纷案件 200 件，立案查处假冒专利案件 58 件；派员入驻 41 个大型国际展览会，现场处理专利侵权纠纷投诉 300 余件，在第四届“上交会”期间再次实现知识产权零投诉，在全市商业系统的 277 家单位 3244 个门店持续开展“销售真牌真品，保护知识产权”承诺活动。上海工商和市场监管部门立案查处商标侵权违法案件 1253 件，没收各类商标侵权商品和标识 17 万件（只），移送涉嫌商标犯罪案件 16 件；深入组织开展“迪士尼”注册商标保护专项行动，累计立案查处各类侵犯“迪士尼”注册商标专用权案件 112 件，没收相关侵权商品 1729 件。上海文化执法部门检查各类文化经营场所 2.24 万家次，立案处罚 329 起，收缴违法音像制品 47.5 万余张（盘）、违法书刊 10 万余册（份）、非法印刷品 7.3 万余件。上海城管执

法部门对街面知识产权侵权行为实施行政处罚 2014 起。上海海关查获侵犯知识产权案件 237 起，涉案侵权货物 529 万件，案值 4850 万元，同比上升 69.7%。

2016 年，上海检察机关共受理涉嫌侵犯知识产权审查逮捕案件 133 件 231 人，批准逮捕 76 件 103 人；受理侵犯知识产权犯罪审查起诉案件 215 件 412 人，提起公诉 170 件 279 人。全市法院受理各类知识产权案件 12171 多件，审结 12255 件，同比分别增加 20.74% 和 31.28%，同期结案率 100.48%，同比上升 9.51%。

六、知识产权助推企业产业加快发展

2016 年，国家知识产权局认定上海“国家知识产权示范企业”1 家、“国家知识产权优势企业”12 家。上海市政府有关部门认定“上海市专利工作示范单位”49 家、“上海市专利工作试点单位”101 家，认定“上海市知识产权试点、示范园区”5 个；在高新技术企业认定、高新技术成果转化项目认定、科技小巨人工程企业认定等过程中，突显知识产权分值权重，强化知识产权导向；大力支持产业创新联盟开展相关领域知识产权战略研究、数据库建设等工作，推动成立了国内首家 3D 行业知识产权联盟；深入开

展了卫生计生系统知识产权示范、试点单位创建活动；积极推进了采标标志工作，实践探索建立团体标准联盟，不断加强崇明老白酒、崇明老毛蟹等地理标志产品保护工作。

七、知识产权事业发展基础更加坚实

知识产权人才队伍不断壮大。2016年，上海有8人入选第二批国家知识产权专家库专家；有46人入选第一期全国专利信息实务人才名单。至2016年底，上海有专利代理机构117家，比2015年增加17家，执业专利代理人1037名，比2015年增加65人。有72人通过获得“专利管理工程师”资格，有1300余人获得“上海市专利工作者”证书；全市18872名企事业单位专业技术人员中接受了知识产权公需科目继续教育。上海市政府有关部门举办了“上海市领导干部知识产权与科创中心建设”专题研讨班、知识产权评议工作研讨班以及园区知识产权工作培训班、“加强知识产权保护，规范商业经营管理”培训班。

知识产权文化建设持续推进。上海市政府有关部门和各区政府组织开展了以“加强知识产权运用和保护，支撑上海科技创新中心建设”为主题的知识产权宣传周活动。上海市知识产权联席

会议办公室举办了《国务院关于新形势下加快知识产权强国建设的若干意见》宣传解读会，发布了《2015 年上海知识产权白皮书》，公布了《2015 年上海知识产权十大典型案例》，制作了上海市知识产权事业发展宣传片，与苏浙两省共同召开了长三角地区知识产权新闻发布会，举办了知识产权文化建设和上海“迪士尼”知识产权保护培训班。

知识产权国际交流深入开展。上海市政府与世界知识产权组织共同举办了以“尊重知识产权，激励创新创造”为主题的第十三届上海知识产权国际论坛。上海市知识产权局与世界知识产权组织仲裁与调解中心、世界知识产权组织中国办事处分别在沪共同举办了“WIPO 调解与仲裁”专题研讨会、“WIPO 知识产权服务体系有效运用高级研修班”。此外，以“全球经济下的知识产权执法：中国当前的趋势和挑战”为主题的美国大使知识产权圆桌会议、2016 年全球知识产权及创新峰会也先后在沪举行。

White Paper on the Intellectual Property Development in Shanghai in the Year 2016

In the year 2016, Shanghai has followed the decisions and arrangements of the CPC Central Committee and the State Council to build China into one Intellectual Property (IP) Powerful Nation. With the construction of Science & Technology Innovation Center with global impact as its main line and the development towards one IP Hub in Asia-Pacific region as its chief goal, the city has promoted the in-depth implementation of IP strategy with focus on IP rights (IPR) protection and IP exploitation. New progress has been made in all aspects and the city had a good start in the IP field according to its 13th Five-Year- Plan of development.

I. Improvement of Quantity & Quality of IP Creation

The total number of patent filings in the city in 2016 reached up to 119,937, with an increase of 19.9% compared with that in 2015. Invention patent filings amount to 54,339, with an annual increase of 15.7%. Inventions, utility models and industrial designs account for 45%, 43% and 12% respectively among all patent applications. The number of all patents granted in 2016 was 64,230, with a yearly increase of 5.9%. The number of invention patents granted was 20,086, increased by 14.1%. The number of PCT patent filings was

1,560, with a yearly increase of 47.2%. Up to the end of the year 2016, the number of valid invention patents in Shanghai was 85,049, with an increase of 21.5% compared with that in 2015. The number of invention patents per 10,000 residents reached 35.2.

Within the year 158,000 trademark applications were approved in Shanghai. Up to the end of 2016, the total number of valid registered trademarks in the city reached 718,000, of which 194 were Well-known Trademarks and 1331 were Famous Trademarks.

The number of copyright registrations in Shanghai in 2016 was 217,249, with an annual increase of 9%.

II. Progress of Innovative Reform in the IP Field

In the year 2016, the *Agreement on the 3rd Round of Cooperation and Consultation between Shanghai Municipal People's Government and the State IP Office of P. R. China* was signed. And Shanghai became one among the first group of Pilot National Leading Provinces with Strong IP Power. The State Administration for Industry and Commerce of P. R. China opened one filing office in Shanghai for trademark pledge registration.

With supports from the city's administrative authorities, the Shanghai International College of IP was set up, the Shanghai Industrial Venture Investment Center for IP Operation and the Shanghai Industrial IP Operation Fund were founded, the *Opinions*

on the Conducting of the People's Mediation for IP Disputes in Shanghai was issued, and the preparation for Shanghai IP Trading Center has been initiated.

The Pudong New Area People's Government pushed forward the reform on comprehensive IP administration and the construction of IP working system in China (Shanghai) Polite Free Trade Zone, following the new "Three in One" model with the coverage of IP administrative mechanism, law enforcement, policies and services for patents, trademarks & copyrights.

The Shanghai High People's Court drafted the *13th Five-Year-Plan for IP-related Trials in Shanghai* firstly nationwide.

III. Enhancement of Macro Administration on IP

The CPC Shanghai Municipal Committee and Shanghai Municipal People's Government issued the *Implementation Opinions on the IPR Exploitation & Protection to Support the Construction of Science & Technology Innovation Center in Shanghai*. The number of invention patents per 10,000 residents has been regarded as one of the anticipated index targets of economic and social development of the city according to the *Outline of the 13th Five-Year-Plan for Economic and Social Development in Shanghai*. And the number of invention patents per 10,000 residents in the year 2020 is expected to be 40.

Opinions on Accelerating the Development of IP Service Sector in

Shanghai and Implementation Opinions on Strengthening Fighting Online Infringement and Counterfeiting Activities in Shanghai were promulgated by local administrative authorities. *Rules on Acceleration the Transfer and Commercialization of Science & Technology Achievements* and its Five-Year-Plan have been roughly drawn up. And the local standards on products with geographical indications have been revised. The Inspection Platform for Articles Involved with Anti-counterfeiting Cases was set up firstly nationwide to support the actions against infringement and counterfeits. The supporting systems for technology transfer have been developed continually in 12 local universities and colleges. The 2nd China Brand Economy (Shanghai) Forum was held. And the Project for IP Experiment / Demonstration Units in local elementary and secondary schools has been started.

IV. Active Operation and Circulation of IP Resources

Shanghai Agency of the Patent Office of the State Intellectual Property Office of P. R. China has handled 52 cases of patent pledge loans and the total financing value amounted to RMB 526 million Yuan. In the whole year, 678 patents from 50 local enterprises were insured in the form of IP Insurance, with the total amount of RMB 26.058 million Yuan.

The development of intermediary service system for science &

technology achievements was attached importance by local government. More than 40 service agencies for science & technology achievements have been raised. IP analysis & appraisal were conducted in more than 20 economic and science & technology projects. 39 local projects won prizes in the 18th WIPO-SIPO Awards for Chinese Outstanding Patented Invention & Industrial Design. And 41 projects won prizes in the 8th Shanghai Awards for Patented Invention.

V. Strengthening of the IPR Protection

Shanghai Police placed on file 373 criminal IP cases in the year 2016, with 281 cases solved and 498 criminal suspects arrested.

Shanghai Intellectual Property Administration (SIPA) settled 258 patent administrative cases in the whole year, consisting of 200 cases on patent disputes and 58 cases on the investigation of imitating patent. SIPA sent officers to 41 large-scale international exhibitions and dealt with more than 300 patent infringement disputes on site. There has been no complaint on IP dispute during the 4th China (Shanghai) International Technology Fair. SIPA also pushed forward the pledge activities of “Selling Authentic Products and Protect Intellectual property Rights” in 3,244 stores of 277 commercial units in the city.

Different levels of administrations for industry and commerce

(AIC) investigated and settled 1,253 trademark infringement cases in the whole year and confiscated 170,000 pieces (sets) of trademark infringement goods & labels. And 16 suspected trademark criminal cases were transferred to the Police. Local AIC also carried out the special campaign on the protection of trademarks of Disney, with 112 relevant infringement cases handled and 1,729 pieces of infringed goods confiscated.

The local culture law enforcement authorities checked various cultural business sites over 22,400 times. 329 cases were settled by penalty. Over 475,000 pieces of illegal audio-video products, 100,000 copies of illegal books & periodicals, and 73,000 copies of illegal publications were seized.

Urban management authorities implemented administrative punishment in 2,014 cases of IPR infringement on streets throughout the year.

Shanghai Customs handled 237 cases of IPR infringement in 2016 with 5.29 million pieces of related goods involving RMB 48.5 million Yuan, with an increase of 69.7% over that last year.

The city's procuratorial organs undertook 133 arrestment examining cases on IPR infringement with 231 infringement suspects. 103 suspects in 76 cases were approved to be arrested. The procuratorial organs also undertook 215 prosecution examining cases on IPR infringement with 412 defendants. 170 cases with 279

defendants were presented to public prosecution.

The number of IP-related cases accepted by Shanghai courts reached 12,171, with a yearly increase of 20.74%. And the number of IP-related cases concluded amounted to 12,255, with a yearly increase of 31.28%. The rate of case settlement within the same trial period was 100.48%, with an annual rise of 9.51%.

VI. IP Impetus to Industries and Enterprises

In the year 2016, 1 unit in Shanghai was named as the National IP Demonstration Enterprise and 12 local units were named as the National Enterprises with IP Advantages by the State Intellectual Property Office of P. R. China

The local administrative authorities named 49 Patent Demonstration Units and 101 Patent Experiment Units, together with 5 IP Demonstration / Experiment Parks in Shanghai. The IP score weight was highlighted during the qualification recognition of the local High-tech Enterprises, of the High-tech Transfer Projects and of the Enterprises listed in “Little Giant” Project. Industrial Innovation Alliances were encouraged to carry out IP strategy research and to build IP databases, and the first IP Alliance within the country in the 3D Industry was organized in Shanghai. More IP Demonstration / Experiment Units in the sector of health and family planning were recognized. The special work on Products Adopting International

Standard was advancing. The establishment of Alliance on Group Standards was explored. And the protection for local products with geographical indications such as Chongming Rice Liquor and Chongming Crab were also reinforced.

VII. Consolidated Foundation for IP Development

The group of IP talents continued to increase in the city. In the year 2016, 8 local experts entered the 2nd Round of Name List of the National IP Expert Tank, and 46 entered the 1st Round of Name List of the National Practical Talents on Patent Information. By the end of 2016, Shanghai has 117 patent agencies, 17 more than that in 2015, and in total 1037 patent agents, 65 more than that in 2015. 72 candidates got the certificates of “Patent Management Engineer” after training and examination. And over 1,300 candidates got the certificates of “Patent Practitioners”. 18,872 professionals and technical personnel of local enterprises and institutions attended the continuing education with IP courses. The local administrative authorities also organized training programs such as the Seminar on the Role of IP in Building Science & Innovation Center in Shanghai for local leading cadres at different levels, the Training Course on IP Appraisal and IP Management in High-tech Parks, and the Training Course on IPR Protection in Regulatory Business Operation.

The IP culture has gradually formed in the city. Local

administrative authorities and district governments organized IP publicity week activities with the theme on “Enhancing IPR Exploitation & Protection to Support the Construction of Science & Technology Innovation Center in Shanghai”. The General Office of Shanghai Joint IP Committee organized the Briefing on the *Opinions of Accelerating the Development towards IP Powerful Nation by the State Council of P. R. China*. It released the *White Book on the Intellectual Property Development in Shanghai in 2015* and the publicity video on Shanghai IP development, and announced *Ten Typical IP Cases in Shanghai in 2015*. It also hosted the Press Conference on the IP Development in Yangtze River Delta Region, and organized the Training Courses on IP Culture Formation and Protection for the Trademarks of Disney.

The city also had in-depth international cooperation and communication in the IP field. Shanghai Municipal People's Government and the World Intellectual Property Organization (WIPO) jointly organized the 13th Shanghai International Intellectual Property Forum with the theme on “Building Respect for IP – Stimulating Innovation and Creativity”. Shanghai Intellectual Property Administration (SIPA) cooperated with WIPO Arbitration and Mediation Center to organize the WIPO IP Arbitration & Mediation Seminar. SIPA also organized the Workshop on the Effective Utilization of WIPO Global IP Services jointly with the WIPO China

Office. Besides, the U.S. Ambassador's IPR Roundtable themed as "Enforcing Intellectual Property Rights in a Global Economy: Current Trends and Challenges in China" and the Global IP & Innovation Summit 2016 were also held in Shanghai in the year 2016.

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