

# 2019 年上海知识产权白皮书

上海市知识产权联席会议办公室

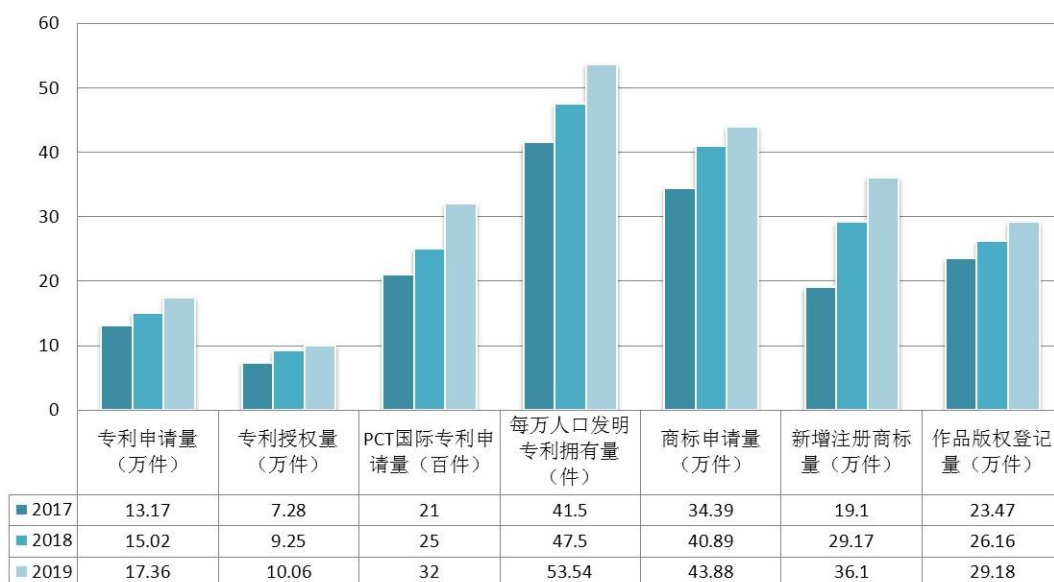
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# 2019 年上海知识产权白皮书

2019 年，上海聚焦亚太地区知识产权中心城市建设目标，加快推进引领型知识产权强市建设，着力深化改革创新，优化制度供给，深入实施知识产权战略，为上海持续推进三项新的重大战略任务、强化“四大功能”、建设“五个中心”、打响“四大品牌”提供有力支撑，圆满完成了年度各项主要目标任务。

## 一、知识产权创造实现量质齐升

### 2019 年上海市知识产权创造情况



2019 年，上海专利申请量 17.36 万件，专利授权量 10.06 万件，同比分别增长 15.54% 和 8.79%，其中，发明专利申请量和授权量各为 7.14 万件和 2.27 万件，同比分别增长 13.77%

和 6.58%；PCT 专利申请量 3200 件，同比增长 28%。上海有效发明专利拥有量 12.98 万件，同比增长 12.88%，每万人口发明专利拥有量达 53.54 件，在全国省级排名第二。上海商标申请量 43.88 万件，同比增长 7.31%，新增商标注册量 36.10 万件，同比增长 23.76%。上海有效商标注册量达到 147.26 万件，同比增长 28.13%。上海作品版权登记数 29.18 万件，同比增长 11.53%。上海共拥有地理标志商标 16 件，地理标志保护产品 8 个。上海获得植物新品种授权 27 项，植物新品种国际登录 14 个。

## 二、知识产权领域改革全面推进

**提升知识产权行政管理效能。**完成市、区两级知识产权机构改革，实现了对专利、商标、原产地地理标志的集中统一管理，人员和业务融合不断深化。调整重组市知识产权联席会议，修订《上海市知识产权联席会议工作制度》，知识产权战略实施统筹功能显著提升。聘请 22 名全国知名专家为第六届上海市知识产权专家咨询委员会成员。支持浦东新区持续探索基层新型知识产权管理模式和运行机制。支持杨浦、普陀等区市场监管局（知识产权局）设立专门的知识产权所。

优化知识产权政策法规体系。为加强上海科技创新中心建设的法治保障，市知识产权局推进知识产权地方综合立法，在广泛调研基础上形成地方立法草案建议稿，已列入市人大常委会 2020 年立法工作计划正式项目。牵头制定《上

海市知识产权对外转让审查细则（试行）》，经市政府常务会议审议通过。启动面向 2035 年的上海知识产权强市战略纲要编制，完成调研报告并形成纲要框架草案。研究制定本市电子商务领域知识产权保护工作指导意见，推动将知识产权保护举措纳入《上海市推进科技创新中心建设条例》《上海市会展业条例》等地方法规。加快上海市贯彻落实中央办公厅、国务院办公厅《关于强化知识产权保护的意见》实施细则的起草工作。市市场监管局牵头修订《上海市反不正当竞争条例》，目前已完成条例建议稿。

**服务三项新的重大战略任务。**市知识产权局积极推动自贸区知识产权创新工作，支持中国（浦东）知识产权保护中心设立临港新片区专窗，市商务委在自贸区开展技术进出口合同登记权限下放区级试点，市高级法院成立自贸区知识产权法庭临港新片区审判站，市版权局启动运行中国（上海）自由贸易试验区版权服务中心。市知识产权局加强科创板企业知识产权指导与服务，指导浦东科创知识产权 ABS 项目在上交所成功上市，实现上海知识产权证券化项目零突破。上海市携手苏浙皖三省推进长三角知识产权一体化发展，市知识产权局签署《长三角地区共同优化知识产权营商环境合作意向书》和《长三角区域知识产权执法协作协议书》，市市场监管局签署《长三角地区市场监管联动执法实施办法》，市高级法院签署《长三角地区人民法院知识产权司法保护交流合作协议》，市版权局签署《长三角地区共同营造版权产

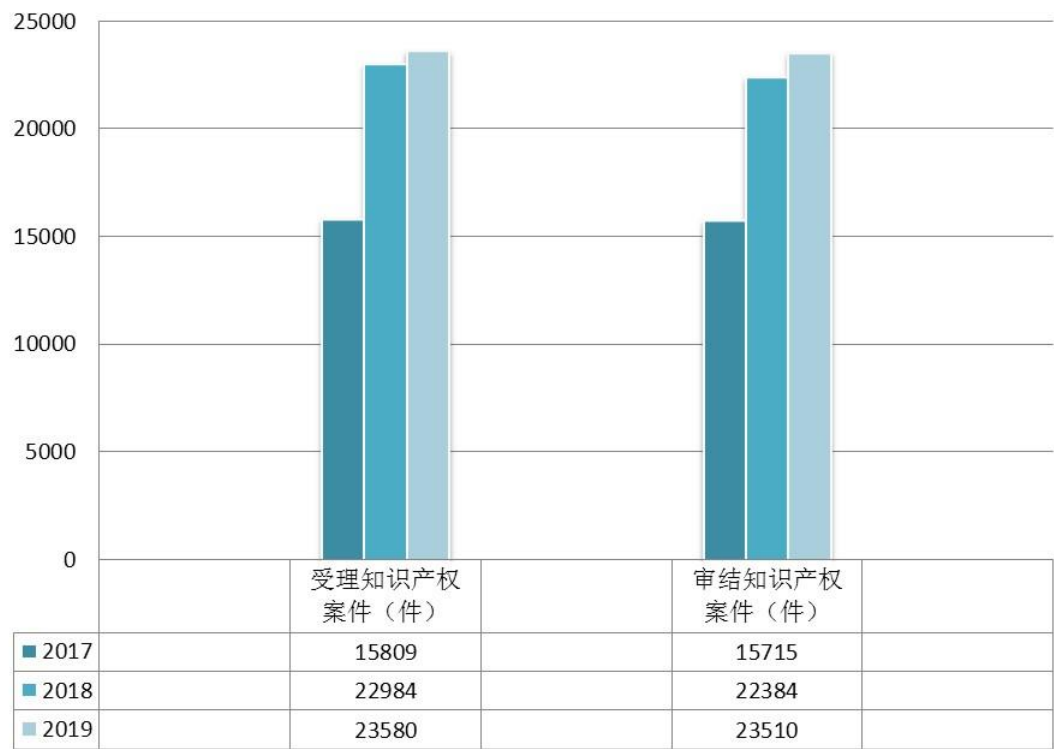
业高质量发展市场环境合作协议书》，建立联合执法办案工作机制，推动区域知识产权保护共治。市版权局成立长三角版权贸易基地（交易中心）联盟，市商务委建立长三角国际贸易知识产权海外维权联盟，市农业农村委推动成立长三角地区植物新品种保护技术联盟，促进区域知识产权服务体系不断完善。

### 三、知识产权保护力度持续强化

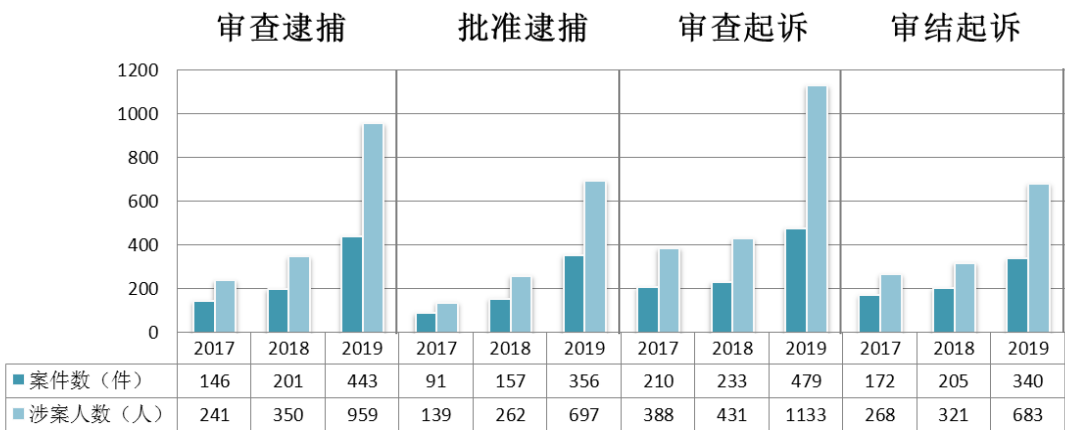
**发挥司法保护主导作用。**2019 年全市法院受理各类知识产权案件 23580 件，审结 23510 件，同比分别增长 3.97% 和 6.28%。全市检察机关共受理涉嫌侵犯知识产权审查逮捕案件 443 件 959 人，同比增长 120.4% 和 174%，批准逮捕 356 件 697 人；受理侵犯知识产权犯罪审查起诉案件 479 件 1133 人，同比增长 105.6% 和 162.9%，审结起诉 340 件 683 人。市公安局全年共破获侵犯知识产权案件 630 起，抓获犯罪嫌疑人 1150 人，涉案总值 68 亿余元。市高级法院、市检察院联合出台全国首个《关于常见知识产权犯罪的量刑指引》，统一知识产权刑事案件裁判标准。市高级法院加大知识产权侵权惩罚力度，依法足额支持权利人判赔诉请，显著提升知识产权侵权成本。浦东法院审结上海首例知识产权侵权惩罚性赔偿案件，判决侵权获利金额三倍共 300 万元的惩罚性赔偿。市检察院强化大案要案提前介入，提高知识产权案件侦办质效；在全国率先探索知识产权刑事案件权利人告知制度，现已在北京、江苏等五个省市试点推行；探索审查起诉

阶段被告人对权利人合理赔偿机制，累计促成合理赔偿 1.26 亿元人民币。

2019 年上海法院知识产权案件审理情况



2019 年上海检察机关办理知识产权案件情况



**强化知识产权行政保护。**2019 年全市市场监管系统共查处商标违法案件 1779 件，处罚款 1402 万元，没收各类侵权

商标标识和商品共计 21 万余件（只），移送涉嫌商标犯罪案件 52 件。市知识产权局全年共立案受理专利侵权纠纷案件 292 件，结案 280 件，其中作出行政处理决定 15 件。派员 349 人次入驻 55 个大型国际展会，现场受理专利纠纷投诉 185 件。市市场监管局会同市知识产权局开展知识产权执法“铁拳”行动，全年办结知识产权执法案件 2021 件，涉案金额 3772 万元，罚没款 1542 万元。市文化和旅游局执法总队全年检查各类文化经营场所 1.7 万家次，查处和取缔无证经营场所 132 处，收缴非法图书、音像制品等 37 万件；共立案查处网络侵权盗版案件 6 件，办理点播影院案件 22 件，关闭侵权盗版网站 13 家，删除侵权盗版链接 2458 条，下架违规产品 5623 个。市城管执法局全年查处侵犯知识产权案件 32 起，查获各类非法出版物 1319 件。上海海关依托跨境贸易大数据平台，精准高效打击进出口侵犯知识产权货物行为，全年查获侵权案件 381 起，涉案商品 733 万件，案值 1407 万元。

**加强知识产权综合治理。**市知识产权联席会议办公室组织开展第二届进博会知识产权保护百日行动，会同进博局设立“知识产权保护与商事纠纷处理服务中心”，协调成员单位共同完成服务保障任务，实现进博会知识产权“零侵权”。市知识产权局与北京等省市知识产权局共同召开十二省市知识产权行政保护协作会议，探索知识产权跨区域保护协作。健全海外维权保护和纠纷应对机制，积极申请设立国家

海外知识产权纠纷应对指导中心分中心。市市场监管局深入推进打击侵犯知识产权和制售假冒伪劣商品工作，开展跨部门、跨领域、跨区域联合打假。市知识产权局、市司法局、市高级法院优化知识产权纠纷多元解决机制，全年各区知识产权纠纷人民调解委员会共调解各类知识产权纠纷 1810 件。上海仲裁委员会、上海国际经济贸易仲裁委员会（上海国际仲裁中心）共仲裁知识产权争议案件 300 件。市版权局以热播影视剧作品等为重点，加强对互联网侵权盗版实施主动监测。

#### **四、知识产权综合运用规模不断扩大**

**知识产权金融服务能力提升。**市知识产权局完善知识产权金融服务链条，与 10 家银行签署《促进知识产权质押融资工作战略合作协议》，指导市知识产权服务中心牵头成立上海市知识产权金融服务联盟，举办知识产权质押融资实务交流会 3 场，促成银企签约知识产权质押融资项目 11 单。浦东新区、徐汇区推进国家知识产权运营服务体系建设重点城市建设。人民银行上海分行组织发布《金融支持长三角 G60 科创走廊先进制造业高质量发展综合服务方案》，积极引导商业银行优化信贷结构，加大对科创小微企业的知识产权信贷支持，推出知识产权质押贷款、股权质押贷款等产品。

**知识产权资源运营流转活跃。**国家知识产权局专利局上海代办处全年共办理专利权质押合同登记 89 件，质押金额 13.58 亿元；共有 157 家企业购买专利保险，保费 165.79 万



元，保额 6916.4 万元。国家知识产权运营公共服务平台国际运营（上海）试点平台启动运营，全年依托交易机构完成科技成果交易及服务项目 85 宗，达成知识产权交易及服务额 5.5 亿元，吸引 90 余家国内外机构加入上海国际知识产权运营联盟。

**知识产权助力企业创新发展。**上海市人民政府首次与世界知识产权组织联合颁发上海市知识产权创新奖，中国商用飞机有限责任公司、中微半导体设备（上海）股份有限公司、上海微创医疗器械（集团）有限公司等 9 家单位分别获得创造、保护、运用奖。上海在第二十一届中国专利奖评选活动中有 36 个项目获奖，其中专利金奖 2 项。浦东新区、松江区入选国家知识产权示范、试点城区。2019 年，国家知识产权局认定上海国家知识产权优势企业 18 家、示范企业 6 家。市知识产权局认定上海市专利工作试点单位 93 家、示范单位 33 家；认定上海市知识产权试点、示范园区各 2 家；支持 5 家单位开展专利导航试点项目，支持 5 家园区开展园区知识产权托管项目试点。制定发布《知识产权评议技术导则》地方标准，支持 2 家单位实施知识产权评议试点项目。市版权局认定上海市版权示范单位 11 家，示范园区（基地）1 家。市国资委安排 39.45 亿元收益资金支持国有企业科技创新，促进科技成果转化应用。市国防科工办推进国防知识产权创造和成果管理，42 个项目获评国防科学技术进步奖；指导闵行区深化知识产权军民融合试点地方建设。

## 五、知识产权服务体系日益完善

**深化知识产权领域“放管服”改革。**全面提升中国（浦东）知识产权保护中心服务能级，服务覆盖范围拓展至新一代信息技术产业领域，专利预审总量突破 1000 件，获得授权 300 多件。在市知识产权局行政服务中心大厅增设商标受理窗口，在市市场监管局行政服务中心大厅设立知识产权便民服务窗口。将优化政务服务事项接入“一网通办”平台，实现知识产权行政审批时限减少 66%；修订《上海市专利一般资助申请指南》，优化业务流程，实现企业群众办事“零材料”“零跑动”“少等待”目标。在全市各区设立版权工作站，开展版权登记、咨询培训、纠纷调解等服务，提供特色服务和精准化服务。市统计局首次将知识产权数据纳入上海经济社会发展综合数据平台。上海交通大学、同济大学入选首批高校国家知识产权信息服务中心。

**推动知识产权服务机构发展。**市知识产权局开展专利代理行业“蓝天”专项整治行动，加强行业自律和行业监管。完成对 20 家专利代理机构、260 家商标代理机构和 311 名专利代理师的执业检查。面向全市 799 家知识产权服务相关机构开展调查统计。截至 2019 年底，全市共有专利代理机构 175 家，执业专利代理师 1325 人，共有备案商标代理机构 2432 家。落实代理机构“互联网+监管”事项清单梳理及数据导入工作。指导市知识产权服务行业协会加强自身建设，促进行业培训交流及规范执业。指导徐汇区和漕河泾开发区全面完成

国家知识产权服务业集聚发展示范区建设任务。

**知识产权与品牌发展加速融合。**市知识产权局新建商标品牌指导站 13 个，指导站总数达 37 个；发布第四批、第五批上海市重点商标保护名录。市经信委、市知识产权局共同举办以“中国品牌、全球站位”为主题的第五届中国品牌经济（上海）论坛。市商务委、市市场监管局会同百度推出“老字号·百度品牌焕新计划”，为老字号企业提供“官网认证”“基础百科”等百度核心资源，提升上海老字号品牌价值。市国资委、市商务委出台《关于推进本市国有企业振兴老字号品牌的若干措施》，制定“一品一策一方案”，推动上海老字号品牌振兴。市检察院召开新闻发布会，通报 2016—2019 年上海检察机关办理侵犯“老品牌”知识产权犯罪案件情况。

## 六、知识产权发展环境不断优化

**知识产权合作交流成效显著。**上海市人民政府与国家知识产权局举行 2019—2020 年知识产权合作会商会议，明确促进知识产权高质量服务经济发展等六方面重点合作内容。由国家知识产权局、世界知识产权组织、上海市人民政府共同主办的第十六届上海知识产权国际论坛成功举办，论坛聚焦“加强知识产权保护国际合作，打造国际一流营商环境”主题，国际影响力进一步扩大。WIPO 高层领导出席第三十一届上海市市长企业家咨询会活动并发表主旨演讲，肯定上海在知识产权领域取得的成绩并为上海发展献计献策。市知识产权局会同市司法局等有关部门，积极推动世界知识产权组

织仲裁与调解中心在沪开展业务。市知识产权局与世界知识产权组织中国办事处共同在沪举办 **WIPO** 服务体系有效运用研讨会。支持同济大学上海国际知识产权学院与世界知识产权组织及国际著名高校院所开展国际合作和人才培养，持续推进 **WIPO** 联合培养硕士项目、国家“一带一路”硕士项目。上海交通大学、上海专利商标事务所有限公司入选 **WIPO** 在华首批技术与创新支持中心，中国科学院上海生命科学研究院和上海图书馆入选第三批技术与创新支持中心筹建机构。市高级法院依托最高法院上海国际交流合作基地，举办“新时代知识产权司法保护国际研讨会”。市商务委上海国际贸易知识产权海外维权服务基地与英国高校合作举办第三届“国际贸易知识产权海外维权高级研修班”。

**知识产权文化建设持续推进。**市知识产权联席会议办公室在全市范围内组织开展以“严格知识产权保护、营造一流营商环境”为主题的知识产权宣传周活动，发布 2018 年上海知识产权白皮书和十大典型案例，制作《奋进新时代、筑梦新征程》宣传片，编印《知识产权政策选编（2018 年）》，创办并每月编发《上海知识产权工作动态》。市知识产权局会同市政府新闻办举办专题新闻发布会；会同市外办面向外国驻沪总领馆官员、外国商会及外资企业等举办 2019 年上海知识产权情况通报会。市高级法院、市检察院分别发布年度知识产权审判、检察白皮书，市版权局发布 2018 年上海十大版权典型案例，市国资委发布《上海国企典型案例精选》。

市公安局邀请中央电视台等媒体现场直播从境外押解涉知识产权犯罪嫌疑人犯抵沪工作。市市场监管局开展打击侵权假冒宣传进机关、进企业、进学校、进社区、进家庭活动。

**知识产权人才培养途径不断拓展。**市知识产权局与上海应用技术大学签订合作框架协议。市教委、市知识产权局持续支持同济大学等高校加强知识产权领域相关学科建设，世界知识产权组织 2019 年中国暑期学校在华东政法大学成功举办。持续推进实务人才培养，56 人通过评审获得专利管理工程师资格。配合国家人社部、国家知识产权局开展职称制度改革调研。圆满完成 3472 人报名参加的 2019 年全国专利代理师资格考试上海考点考务工作，上海考点合格人数 437 人。市教委、市知识产权局认定第三批市级中小学知识产权教育示范学校 8 所，分别有 2 所和 3 所学校入选首批国家级示范学校、第四批试点学校；首次在上海市青少年科技创新大赛中设立知识产权“小达人”专项奖。面向中小学生推广普及 WIPO 知识产权入门教育远程课程，有 4416 名学员通过在线学习考核。市版权局开展软件正规化培训、版权保护专题培训、版权工作站培训，提升全社会的版权认知度。市检察院成立集办案、研究、专业培养和宣传服务等功能为一体的上海检察机关知识产权保护研究中心。上海海关、市商务委联合开展政策宣讲会，鼓励企业积极开展知识产权海关备案。



# 2019年上海知识产权白皮书

# **Intellectual Property Development in Shanghai in the Year 2019**

**The General Office of Shanghai Intellectual Property Joint Committee**

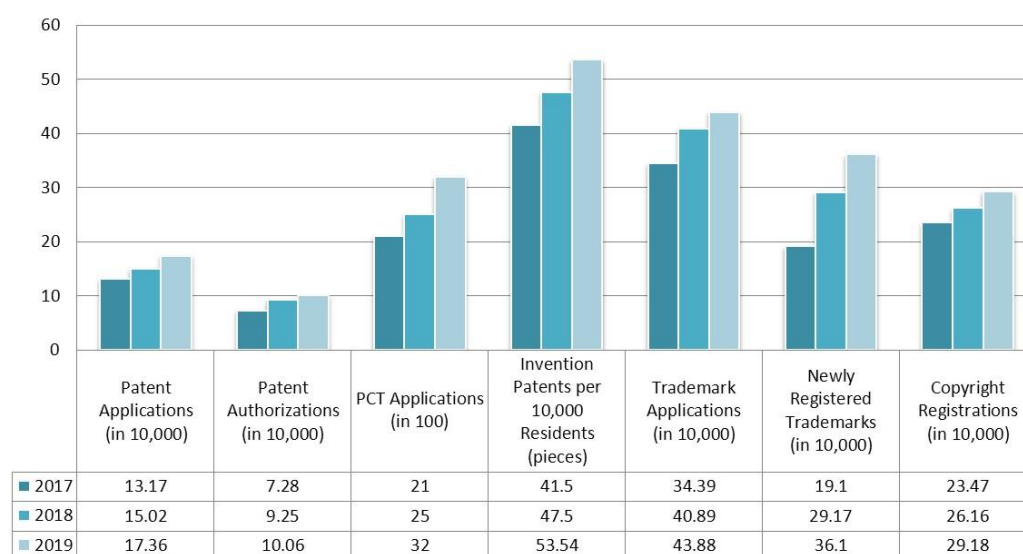
**April, 2020**

## Intellectual Property Development in Shanghai in the year 2019

The year 2019 has witnessed Shanghai's accomplishments of its major targets and tasks of the year attributed to Shanghai's focus on pursuing its goal of becoming an Asia-Pacific intellectual property (IP) hub, accelerating the building of Shanghai into a robust IP model city, deepening reform and innovation, optimizing institutional supply, and furthering the implementation of the IP strategy. All these focuses and efforts have effectively supported Shanghai's implementation of the Three New Major Strategic Tasks, strengthening of city's "Four Major Functions", and building of the "Five Centers" and "Four Brands" of Shanghai.

### I.Improvement in Both Quantity and Quality of IP Creations

#### IP Creation in Shanghai in 2019



In 2019, the total number of patent filings and patents granted in Shanghai reached 173,600 and 100,600, up by 15.54% and 8.79% respectively year on year. The number of invention patent filings and invention patents granted reached 71,400 and 22,700, up by 13.77% and 6.58% respectively year on year. The number of PCT patent filings reached 3,200, up by 28% year on year. By the end of 2019, the number of valid invention patents in Shanghai was 129,800, up by 12.88% year on year. The number of invention patents per 10,000 residents in Shanghai reached 53.54, making Shanghai the nation's second highest province/municipality in this index. Trademark applications in



Shanghai reached 438,800 with a year-on-year increase of 7.31%. Newly registered trademarks stood at 361,000 with a year-on-year increase of 23.76%. By the end of 2019, the total number of valid registered trademarks in the city hit 1.4736 million, up by 28.13% year on year. The number of copyright registrations in Shanghai was 291,800, up by 11.53% year on year. In addition, Shanghai boasted 16 trademarks of geographical indication and 8 products protected by geographical indication. Further, 27 new plant variety applications from Shanghai were granted and another 6 were granted International Registrar of new plant varieties.

## **II. Progress Achieved in Intellectual Property Reform in All Respects**

**Progress in Enhancing the IP Administrative Functions.** The IP institutional reform was accomplished at the municipal and district level, achieving integrated administration of patents, trademarks and geographical indications in one entity and deepening integration of personnel and work flows in the same entity. The Shanghai Intellectual Property Joint Committee was adjusted and re-organized and *the Working Mechanism of the Shanghai Intellectual Property Joint Committee* was revised, resulting in marked improvement in the execution and coordination of the IP strategy. Twenty-two renowned experts nationwide were appointed as members to the 6<sup>th</sup> Shanghai IP Experts' Advisory Committee. Shanghai IP Administration supported the Pudong New Area to continue to explore a new type of IP administrative model and operational mechanism at the grassroots level, and helped Market Regulation Administrations (former IP Administrations) in Yangpu and Putuo Districts to establish IP units.

**Progress in Improving the IP Policy and Regulation Framework.** To enhance the legal safeguards for Shanghai's building into a science and technology innovation center, Shanghai IP Administration deepened comprehensive administrative enforcement at the local level, and formulated, based on extensive research, a draft proposal for local legislation, which has been established as a formal project under the standing committee of the Municipal People's Congress's 2020 legislative work plan. Shanghai IP Administration also led the formulation of *the Detailed Examination Guideline for Outbound Transfer of Intellectual Property in Shanghai (A Trial Version)*. This guideline was approved by the municipal government's executive meeting. Shanghai IP Administration launched the compilation of *the Strategic Outline for Make-Shanghai-A-Strong IP City*, and has concluded the research report and formed

the *Outline's* draft framework. Shanghai IP Administration formulated *the Several Opinions on Intellectual Property Protection in the E-commerce Field in Shanghai*, and played a key role in introducing IP protection measures into local regulations such as *the Regulation of Shanghai Municipality on Promoting the Construction of Shanghai Into a Science and Technology Innovation Center*, and *the Regulation of Shanghai on Exhibition Industry*. Shanghai IP Administration also speeded up the drafting of detailed rules for the implementation of *the Opinions on Strengthening IP Protection* issued by the General Office of the CPC Central Committee and the State Council. Shanghai Municipal Administration for Market Regulation took the lead in revising *the Regulation of Shanghai Municipality on Anti-Unfair Competition*, and has now completed the draft of the proposed regulation.

**Progress in Assisting the Performance of the Three New Major Strategic Tasks.** Shanghai IP Administration actively promoted the innovative IP work in the Free Trade Zone, supported the China (Pudong) Intellectual Property Protection Center to open a Specialized Window for the Lingang New Area. Shanghai Municipal Commission of Commerce ran, in the Free Trade Zone, a district-level pilot project, which represents power delegated from technology import-export contract registration. Shanghai High People's Court established a trial station under the FTZ Tribunal for the Lingang New Area. Shanghai Copyright Administration launched the China (Shanghai) FTZ Copyright Service Center. Shanghai IP Administration strengthened IP-related guidance and service for enterprises in the Science and Technology Innovation Board, and provided direction to Shanghai Pudong Kechuang Group for its successful listing of an IP asset-backed security (ABS) at the Shanghai Stock Exchange, marking a breakthrough of IP securitization in Shanghai.

Shanghai worked with Jiangsu, Zhejiang and Anhui Provinces to promote the integrated development of IP in the Yangtze River Delta region. Shanghai IP Administration signed *the Letter of Intent for Cooperation on Optimizing the Business Environment in the Yangtze River Delta Region in the field of IP* and *the Agreement on IP Law Enforcement Cooperation in the Yangtze River Delta Region*. Shanghai Municipal Administration for Market Regulation sealed *the Implementing Measures for Joint Enforcement of Market Supervision in the Yangtze River Delta Region*. Shanghai High People's Court sealed *the Exchange and Cooperation Agreement on Judicial Protection of IP Between People's Courts in Yangtze River Delta Region*. Shanghai

Copyright Administration sealed *the Cooperation Agreement on Jointly Creating a Market Environment for High-Quality Development of Copyright Industry in Yangtze River Delta Region* and established a working mechanism for joint law enforcement and case handling so as to promote IP protection and co-governance in this region. Shanghai Copyright Administration also established the Yangtze River Delta Copyright Trading Base (Trading Center) Alliance. The Municipal Commission of Commerce established the Yangtze-River-Delta Overseas Protection Alliance for IPs in International Trade. Shanghai Municipal Agriculture and Rural Affairs Committee pushed the establishment of the Technical Alliance for Protection of New Plant Varieties in the Yangtze River Delta Region so as to continue to improve the region's IP service system.

### **III. Relentless Strengthening of IP Protection**

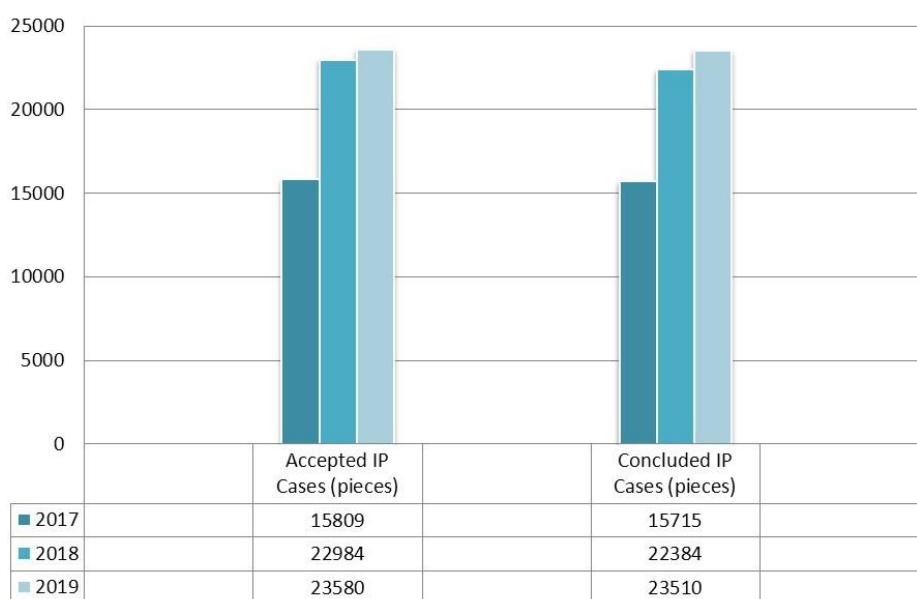
**Emphasizing the Dominant Role of Judicial Protection.** In 2019, the court system in Shanghai accepted total filings of 23,580 IP cases and concluded 23,510 IP cases, with a year-on-year increase of 3.97% and 6.28% respectively. In 2019, Shanghai's prosecutorial organs examined arrest applications from 443 cases of suspected IP infringement involving 959 suspects, with a year-on-year increase of 120.4% and 174% respectively; approved a total of 697 suspects from 356 cases for arrest; accepted 479 criminal prosecution cases of IP infringement involving 1,133 people, with a year-on-year increase of 105.6% and 162.9% respectively; concluded 340 cases and prosecuted 683 defendants. Shanghai Municipal Public Security Bureau cracked 630 IP infringement cases involving more than 6.8 billion RMB and arrested 1,150 criminal suspects.

Shanghai High People's Court and People's Procuratorate, in an effort to unify judgment standards for IP criminal cases, jointly issued China's first *Guideline on Sentencing Common IP Crimes*. Shanghai High People's Court also intensified the punishment for IP infringement, and supported right holders' claim for compensation in full amount according to law, thus significantly raising the cost of IP infringement. The Pudong Court concluded Shanghai's first case featuring punitive damages awarded to IP infringement, in which damages amounted to three times the profits obtained from the infringement, totaling 3 million RMB.

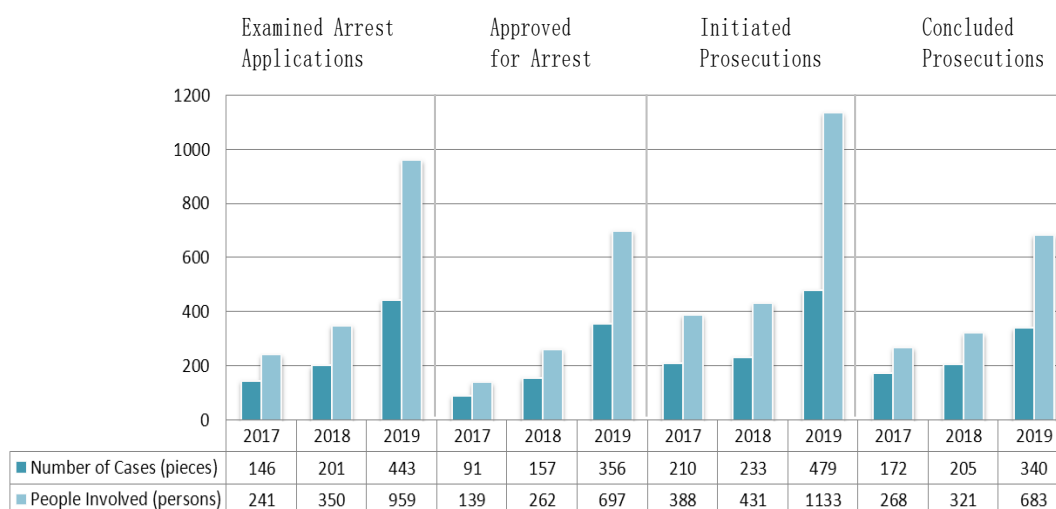
Shanghai People's Procuratorate, in an effort to improve the investigational quality and efficiency of IP cases, strengthened its early involvement in the investigational

process of major cases. It also took the lead in exploring the set-up of the right-holder informing system in IP criminal cases and has implemented the pilot version of this system in five provinces and cities including Beijing and Jiangsu Province. Further, it explored the set-up of a reasonable compensation mechanism from defendants to right holders at the examination and prosecution stage, resulting in total reasonable compensations of 126 million RMB.

### IP Cases Accepted by Courts of Shanghai in 2019



### IP Cases Processed by Shanghai Procuratorial Organs in 2019



**Strengthening the Administrative Protection of IP.** In 2019, the market regulation system of Shanghai investigated and concluded 1,779 trademark infringement cases, imposed a total fine of 14.02 million RMB, confiscated 210,000 pieces (sets) of labels & goods with infringed trademarks, and transferred 52 suspected trademark criminal cases to the police. In 2019, Shanghai IP Administration established and accepted 292 patent infringement disputes and concluded 280 cases, among which 15 received administrative decisions. Shanghai IP Administration also dispatched 349 officers to monitor 55 large-scale international exhibitions, and dealt with 185 patent disputes or complaints. The “Iron Fist” IP administrative enforcement campaign jointly conducted by Shanghai Municipal Administration for Market Regulation and Shanghai IP Administration resulted in 2,021 concluded IP administrative cases, involving 37.72 million RMB and a total fine of 15.42 million RMB for the whole year of 2019.

The law enforcement team of Shanghai Municipal Administration of Culture and Tourism inspected cultural business sites of various types for 17,000 times, investigated and shut down 132 sites without proper business permits, and confiscated 370,000 illegal books and audio-video products. It also established and investigated 6 cases involving online infringement and piracies, dealt with 22 cases of on-demand movie theaters, closed down 13 infringing and pirated websites, deleted 2,458 links involving infringement and piracies, and removed 5,623 illegal products from shelves. Shanghai Urban Management and Law Enforcement Bureau investigated and dealt with 32 cases of IP infringement and seized 1,319 illegal publications. Shanghai Customs took full advantage of the big-data cross-border trading platform to crack down on import-and-export related IP infringement in an accurate and efficient manner. Shanghai Customs tracked down 381 IP infringement cases with 7.33 million pieces of related goods involving 14.07 million RMB.

**Enhancing the Comprehensive Governance of IP.** The General Office of Shanghai Intellectual Property Joint Committee organized the 100-day Action of IP Protection for the Second China International Import Expo (CIIE), jointly established the “Intellectual Property Protection and Commercial Dispute Settlement Service Center” with the Expo Bureau, and coordinated member units to jointly safeguard the smooth running of the CIIE. As a result, “zero infringement” of intellectual property was achieved at the second CIIE. Shanghai IP Administration, together with the intellectual property administrations of Beijing and other provinces and cities, held a meeting on coordinating IP administrative protection among 12 provinces and cities, with the aim of exploring a cross-regional IP protection coordination mechanism.

Furthermore, efforts were made to improve the mechanism for rights protection

and disputes handling overseas, and to actively apply for the establishment of the sub-center for the National Overseas Intellectual Property Dispute Response & Guidance Center. Shanghai Municipal Administration for Market Regulation deepened the work on the crackdown of IP infringement and the production and sale of counterfeit and shoddy goods through cross-departmental, cross-disciplinary and cross-regional joint actions. Shanghai IP Administration, Shanghai Municipal Bureau of Justice, and Shanghai High People's Court improved the mechanism for diversified dispute resolution. The People's Associations for Mediation of IP disputes from various districts of Shanghai mediated 1,810 IP disputes in the whole year. Shanghai Arbitration Commission and Shanghai International Economic and Trade Arbitration Commission (Shanghai International Arbitration Center) arbitrated a total of 300 IP disputes.

Shanghai Copyright Administration enhanced proactive monitoring over Internet infringement and piracies by focusing on popular films and TV dramas.

#### **IV. Expanding the Utilization of IP in all Respects**

**Improvement in IP-related Financial Service Capacity.** Shanghai IP Administration strengthened the IP financial service chain by signing with 10 banks *the Strategic Cooperation Agreement on Promoting Financing with IP-as-a-Pledge*, guiding the Shanghai IP Service Center to take the lead in establishing the Shanghai IP Financial Service Alliance, holding three workshops on the practical matters of IP-as-a-pledge for financing, and supporting banks to ink 11 projects of IP-as-a-pledge for financing with enterprises. Pudong New Area and Xuhui District promoted the construction of the National IP Operation and Service System in Key Cities. The Shanghai Branch of the People's Bank of China issued *the Comprehensive Financial Service Plan for High-Quality Development of the Advanced Manufacturing Industry in the G60 Science and Innovation Corridor of the Yangtze River Delta*, actively guided commercial banks to optimize credit structure, ramped up support for technology and innovation-driven small-and-micro enterprises to obtain credits through their IP assets, and introduced products such as loans using IPs or equities as a pledge.

**Active Operation and Circulation of IP Resources.** The Shanghai Agency of the Patent Office of CNIPA registered 89 contracts which pledged patents as security worth of 1.358 billion RMB. A total of 157 enterprises purchased patent insurance, and paid 1.6579 million RMB in insurance premium to cover the total value of 69.164 million RMB. The National Intellectual Property International Operation (Shanghai) Platform was established and put into operation, and has completed, by relying on various exchange houses, 85 transactions and service projects which trade science and technology achievements, with the total IP transaction and service trade amounted to

550 million RMB. By far, more than 90 domestic and foreign institutions have joined the Shanghai International Intellectual Property Operation Alliance.

**IP Empowering Innovation-Driven Development of Companies.** Shanghai Municipal People's Government and the WIPO jointly issued the inaugural Shanghai Intellectual Property Innovation Awards. Nine organizations, including Commercial Aircraft Corporation of China, Advanced Micro-Fabrication Equipment Inc. China and Shanghai MicroPort Medical (Group) Co., Ltd. were awarded in the categories of IP Creation, IP Protection and IP Utilization respectively.

Shanghai claimed 36 awards of Chinese Outstanding Patented Invention & Industrial Design in its 21<sup>st</sup> edition, including two Golden Patent Awards. Pudong New Area was selected as an Urban Area for National IP Demonstration while Songjiang District was selected as a Pilot National IP Urban Area. In 2019, CNIPA recognized 18 enterprises as “Enterprises with IP Advantages” and six enterprises as “IP Demonstration Enterprises”. Shanghai IP Administration recognized 93 pilot units and 33 demonstration units for patent work in Shanghai, identified two pilot IP parks and another two demonstration IP parks in Shanghai; and supported five organizations to carry out pilot patent navigation projects, and another five parks to run pilot IP custody projects.

Shanghai IP Administration formulated and promulgated the local standards for *Technical Guidelines for Intellectual Property Appraisal*, and supported two organizations in carrying out pilot projects for intellectual property appraisal. Shanghai Copyright Administration has identified 11 copyright demonstration units and one demonstration park (base) in Shanghai. The Municipal State-owned Assets Supervision and Administration Commission allocated 3.945 billion RMB of revenue funds to support scientific and technological innovation in state-owned enterprises and promote the transformation and application of scientific and technological achievements. The Municipal Administration of Science, Technology and Industry for National Defense promoted the creation and management of IP rights for national defense. As a result, 42 projects were granted the National Defense Science and Technology Progress Award. The Municipal Administration of Science, Technology and Industry for National Defense also guided the Minhang District to deepen the local construction of the pilot civil-military integration project in the IP field.

## **V. An IP Service System Moving Towards Perfection**

**Deepening Reform on “Administration Streamlining, Power Delegation, Innovative Supervision and Public Service Enhancement” in the IP Field.** Efforts were made in comprehensively upgrading the service capacity of China (Pudong)

Intellectual Property Protection Center and its services were extended to the field of new-generation information technology industry. Total patent pre-examination processed by the Center exceeded 1,000, resulting in more than 300 patents granted. The Trademark Handling Window was set up in the hall of the administrative service center of Shanghai IP Administration, and the IP Service Window for the Public was set up in the hall of the administrative service center of Shanghai Municipal Administration for Market Regulation. IP functions were added to the “One-Stop E-Government Service” Platform, reducing the time required for IP administrative approval by 66%. *The Guideline for Patent General Fund Application* was revised with a streamlined application procedure to reduce materials, trips and time burden formerly required for enterprises applicants.

Copyright Workstations were set up in various districts of Shanghai to provide services of copyright registration, consultation and training, and dispute mediation, etc., all with strong characteristics and precise targets. Shanghai Municipal Bureau of Statistics, for the first time, incorporated IP data into the Comprehensive Data Platform of Shanghai's Economic and Social Development. Shanghai Jiao Tong University and Tongji University are among the first batch of National IP Information Service Centers in Universities.

**Promoting Development of IP Service Agencies.** Shanghai IP Administration carried out the "Blue Sky" action to regulate the patent agency industry, in which 20 patent agencies, 260 trademark agencies and 311 patent agents were inspected for their practice, as an effort to strengthen self-discipline and supervision of the industry. A survey carried out among 799 IP service agencies in Shanghai found that, by the end of 2019, there were 175 patent agencies, 1,325 licensed patent agents and 2,432 registered trademark agencies in the city. The job of sorting the list of IP agencies under “the Internet-based supervision” mode and its data input work were done. Shanghai IP Administration also guided the Shanghai IP Service Industry Association to enhance its capacity building, training and exchange activities and practice standardization. In addition, Shanghai IP Administration guided the Xuhui District and the Caohejing Development Zone to complete the construction of the National IP Service-Industry-Cluster Demonstration Zone.

**Accelerating Integration of IP Into Brand Development.** Shanghai IP Administration built 13 new trademark and brand guidance stations, making the total to be 37. It also issued the fourth and fifth batches of the Key Trademarks Protection List of Shanghai. Shanghai Municipal Commission of Economy and Informatization and Shanghai IP Administration jointly hosted “the 5<sup>th</sup> China Brand Economy



(Shanghai) Forum” under the theme “Global Perspective of Chinese Brand & Brand Economy”.

Shanghai Municipal Commission of Commerce and Shanghai Municipal Administration for Market Regulation jointly launched “the Renewal Plan of Time-Honored Brands on Baidu”, which provides time-honored enterprises with Baidu’s core resources of “Baidu Certification” and “Basic Encyclopedia”, etc., aimed at enhancing the brand value of time-honored brands in Shanghai. The Municipal State-owned Assets Supervision and Administration Commission and the Municipal Commission of Commerce issued *the Several Measures on Promoting the Revitalization of Time-honored Brands by State-owned Enterprises in Shanghai*, and formulated "One Brand, One Strategy and One Plan" to help revitalize time-honored brands in Shanghai. Shanghai People’s Procuratorate held a press conference to report the criminal cases of IP infringement of "old brands" processed by Shanghai’s Procuratorial Organs from 2016 to 2019.

## **VI. A Bettering Environment for IP Development**

**Great Achievements in IP Cooperation and Exchanges.** Shanghai Municipal People's Government and China National Intellectual Property Administration(CNIPA) held the 2019-2020 IP Cooperation Consultation Meeting, specifying six key areas of cooperation, including promoting IP’s role in servicing economic development in a high-quality way. The 16<sup>th</sup> Shanghai Intellectual Property Forum, hosted by China National Intellectual Property Administration, WIPO and Shanghai Municipal People’s Government, and held under the theme of “Enhancing International Cooperation in IP Protection and Building a World-class Business Environment”, exerted increasing international influence.

Senior leaders of WIPO, who attended the 31<sup>st</sup> Shanghai International Business Leaders’ Advisory Council and delivered keynote speeches, affirmed the achievements of Shanghai in the IP field and offered suggestions to Shanghai’s development. Shanghai IP Administration, together with Shanghai Municipal Bureau of Justice and other relevant departments, actively promoted the work of the WIPO Arbitration and Mediation Center in Shanghai. Shanghai IP Administration and WIPO Office in China jointly held the WIPO Global IP Services Workshop in Shanghai.

With the support of Shanghai IP Administration, Shanghai International College of Intellectual Property of Tongji University, together with WIPO and other internationally renowned universities and institutes, conducted international cooperation and talent training, and continued to promote the WIPO-Tongji Master’s Degree Program in Intellectual Property Law and the “Belt and Road” Master’s

Program of Intellectual Property under the cooperation between Tongji University and CNIPA. Shanghai Jiao Tong University and Shanghai Patent and Trademark Law Office, LLC. were selected as the first batch of WIPO Technology and Innovation Support Centers in China, and Shanghai Institutes for Biological Sciences, CAS and Shanghai Library were nominated to be the third batch of WIPO Technology and Innovation Support Centers. Shanghai High People's Court joined hands with the Chinese Courts International Exchanges Base (Shanghai) for Judicial Protection of Intellectual Property Rights to hold "the International Symposium on Judicial Protection of Intellectual Property Rights in the New Era". Shanghai International Trade Service Base for Overseas Intellectual Property Rights Protection under the Shanghai Municipal Commission of Commerce ran "the third Advanced Training Course on Overseas Intellectual Property Programme in International Trade" with a UK university.

**Constant IP Cultural Building.** The General Office of Shanghai Intellectual Property Joint Committee spearheaded "the IP Public Education Week" under the theme "Strictly Strengthen IPR Protection, Create First-class Business Environment" across the whole city. It also published the 2018 White Paper on Intellectual Property Development in Shanghai and the 2018 Top Ten Typical IP Cases in Shanghai. It produced an educational video entitled "A New Era—A Bright Journey" and compiled and published the Selected Edition of *Intellectual Property Policies (2018)*, founded and issued the monthly magazine of *Shanghai Intellectual Property Dynamics*. Shanghai IP Administration held a Briefing on the intellectual Property development in Shanghai in the year 2019 with the Information Office of Shanghai Municipality for domestic audiences and a similar Briefing with the Foreign Affairs Office of Shanghai Municipal People's Government for officials of foreign consulates general in Shanghai, foreign chambers of commerce and foreign-funded enterprises.

Shanghai High People's Court released the annual *White Paper on the Intellectual Property Trials* and Shanghai People's Procuratorate published the annual *White Paper on the Intellectual Property Cases*. Shanghai Copyright Administration released the *Top Ten Typical Copyright Cases in 2018* in Shanghai. The Municipal State-owned Assets Supervision and Administration released the *Selected Typical Cases of State-owned Enterprises in Shanghai*. Shanghai Municipal Public Security Bureau invited the China Central Television Station and other media to provide the live coverage of the arrival in Shanghai of suspects detained abroad for IP crimes. Shanghai Municipal Administration for Market Regulation extended publicity activities on fighting infringement and counterfeits into various public institutions, enterprises, schools, communities and families.

**More Channels of IP Talent Nurturing.** Shanghai IP Administration and Shanghai Institute of Technology inked a cooperation framework agreement. Shanghai Municipal Commission of Education and Shanghai IP Administration continued to support Tongji University and other universities in strengthening the construction of relevant disciplines in the IP field. The 2019 WIPO-China Summer School on Intellectual Property was held at East China University of Political Science and Law. Besides, efforts were made in continuously promoting talent training in practical matters. 56 people passed evaluation and were qualified as “Patent Management Engineers”. Shanghai IP Administration worked with the Ministry of Human Resources and Social Security and CNIPA to carry out research on the reform of the professional titles system. Work at the Shanghai Exam Point for the 2019 National Patent Agent Qualification Exam, for which a total of 3,472 applied, was successfully completed. 437 candidates from the Shanghai Exam Point passed the exam.

Shanghai Municipal Commission of Education and Shanghai IP Administration have identified eight model schools in the third batch of municipal primary and secondary schools for intellectual property education. Another two schools were selected as the first-batch National-level Demonstration Schools and further three were listed in the fourth batch of model schools. The special award of "Little Intellectual Property Talent" was set up, for the first time, in the Shanghai Youth Science and Technology Innovation Competition. Efforts were made to promote the WIPO's intellectual property introductory distance-learning course to primary and secondary school students, and 4,416 students passed its online learning assessment.

In an effort to enhance the awareness of copyright protection in the whole society, Shanghai Copyright Administration carried out training sessions on the importance of using legal software, copyright protection and methods to run copyright workstations. Shanghai People's Procuratorate established the Research Center for Intellectual Property Protection of Shanghai Procuratorial Organs, which integrates the functions of case handling, research, professional training and publicity services. Shanghai Customs and the Municipal Commission of Commerce jointly held policy briefings to encourage enterprises to actively register their IPs at the Customs.



# **Intellectual Property Development in Shanghai in the Year 2019**