

# **2017 年上海知识产权白皮书**

## **White Paper on the Intellectual Property Development in Shanghai in the Year 2017**

上海市知识产权联席会议办公室

The General Office of Shanghai Intellectual Property Joint Committee

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2017年，上海认真学习贯彻党的十九大精神和习近平新时代中国特色社会主义思想，全面落实党中央、国务院关于加快知识产权强国建设的重大战略部署，以推进亚太地区知识产权中心城市建设为目标，以支撑上海科创中心建设和深化上海自贸区建设为主线，深入推进实施知识产权战略，强化知识产权创造、保护和运用，加快培育知识产权发展新动能，为开启上海新时代引领型知识产权强市建设奠定了坚实的基础。

### 一、知识产权创造数量质量稳步提升

2017年，上海专利申请量为131746件，同比增长17.2%，其中，发明专利申请量为54633件，同比增长7.6%，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42:46:12；同期，上海专利授权量为72806件，同比增长10.4%，其中发明专利授权量为20681件，同比下降3.5%；PCT国际专利申请量为2100件，同比增长34.6%。至2017年12月，上海有效发明专利拥有量为100433件，同比增长18%，发明专利五年维持率达到75.9%，每万人口发明专利拥有量为41.5件，居全国各省份排名第2位。上海新增注册商标19.1万件，同比增长21%；至2017年底，上海有效注册商标总量为88.8万件，同比增长23.7%。上海作品版权登记数234658件，同比增长8%。上海申请（农业）植物新品种权13项，获得（林业）植物新品种权授权3项。

## 二、知识产权宏观管理举措日益完备

**推进知识产权管理体制机制创新。**中国（浦东）知识产权保护中心成立，聚焦高端装备制造、生物医药两大产业，开展知识产权快速审查、快速确权、快速维权等协同保护工作。徐汇区被列入国家第一批知识产权综合管理改革试点地区。国家工商总局商标局上海（徐汇）商标受理窗口、上海商标审查协作中心在徐汇区相继设立，为企业“足不出沪”办理国内外商标注册业务提供服务。徐汇公证处知识产权公证法律服务中心揭牌成立，将公证法律服务覆盖知识产权保护全过程。

**完善知识产权工作相关法规政策。**上海市人大颁布《上海市促进科技成果转移转化条例》，上海市政府配套出台《上海市促进科技成果转移转化行动方案（2017-2020）》，为促进知识产权转移转化提供了法治保障。中共上海市委、上海市政府印发《关于加快本市文化创意产业创新发展的若干意见》，将“提升知识产权保护水平”作为“构建现代文化市场体系”的重要内容。上海市政府出台《关于进一步支持外资研发中心参与上海具有全球影响力的科技创新中心建设的若干意见》，在“促进知识产权落地、加大知识产权保护力度、提升知识产权服务能级”等方面提出了具体措施。上海市知识产权局、市财政局印发《上海市专利资助办法》和《上海市专利资助资金管理办法》，突出专利创造的质量导向，强化专利运用的扶持重点，规范资金使用的范围内容。

**强化知识产权工作协同推进措施。**上海市政府与国家工商总局签署《关于大力实施商标品牌战略的合作协议》。上海市经信委、市知识产权局共同主办以“科创驱动与品牌经济发展”为主题的“第三届中国品牌经济（上海）论坛”。上海市司法局、市知识产权局推动全市13个区建立知识产权纠纷人民调解委员会。上海市知识产权联席会议办公室组织开展上海实施国家知识产权战略十年情况评估工作。松江区政府与上海市知识产权局签署共同推进G60科创走廊知识产权工作的战略框架协议。

### **三、知识产权运用助推企业产业加快发展**

**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62笔，融资额折合人民币6.6亿元；全年全市共有57家企业办理专利保险，保费额57.8万元，投保额2508万元。上海知识产权交易中心实现知识产权意向挂牌项目888宗，成交20宗，成交金额近1.48亿元。上海市重点产业知识产权运营基金对1家知识产权服务机构、2家科技企业进行股权投资，投资金额7500万元。上海市知识产权局全年完成全市专利实施许可合同备案72件，涉及合同金额3.61亿元，同比增长59%；完成全市专利技术合同认定33项，涉及合同成交金额3.28亿元，同比增长162%。上海市科委推进高新技术企业知识产权成果转化，在7670家高新技术企业中新认定高新技术成果转化项目493项，所认定项目拥有各类知识产权1332件，

平均每个项目知识产权拥有量 2.7 件。上海市教委在市属 18 所理工农医类高校中大力推进高校技术转移中心建设，完善科技成果转化制度，建立一支 319 人的技术经纪人队伍。上海市农委印发《关于进一步加强上海市农业科技成果转移转化工作的通知》，搭建农业科技成果转移转化服务和交易平台，实现 14 项农业科技成果转化，签约交易金额累计 900 余万元。上海市版权局支持国家（上海）版权贸易基地举办 2017 年中国（上海）自由贸易试验区文化授权交易会。市质监局积极推进技术标准和知识产权相结合，在开展企业标准自我声明公开工作中，明确要求企业明示知识产权相关问题。黄浦区大力发展品牌经济，扎实推进老字号品牌重塑工作。

**企业知识产权制度建设有力推进。**2017 年，上海新增“国家知识产权优势企业、示范企业”10 家和 6 家，新增“国家知识产权示范园区”2 个。新增“全国版权示范单位”2 家和“全国版权示范单位（软件正版化）”1 家。新增“上海市专利工作试点单位、示范单位”99 家和 30 家，新增“上海市知识产权试点园区、示范园区”各 4 个。新增“上海版权示范单位”19 家、“上海版权示范园区（基地）”3 个。新增上海市卫生计生系统知识产权试点、示范单位 9 家。上海市知识产权局在 8 家企业、2 个园区组织开展以提升企业技术能力、促进产业发展规划为目的的专利导航试点项目。2017 年，上海在第十九届中国专利奖评选活动中有 42 个项目获奖，在第三届“中国商标金奖”评选

活动中获得 3 个奖项，在“2017 年中国版权最具影响力企业、中国版权卓越成就者奖”评选活动中有 2 家企业和 1 位个人获奖。

**知识产权服务体系建设持续发展。**上海市知识产权局、市国资委、市金融办等部门推动建设的上海知识产权交易中心挂牌成立，以“政府引导、资本参与、市场运作”为运营模式的知识产权交易平台应运而生。全年本市新增专利代理机构 16 家和执业专利代理人 132 名，目前全市共有专利代理机构 133 家和执业专利代理人 1169 名。上海市工商局指导上海市商标协会制定《上海商标代理服务规范达标单位认定办法》，以制度为抓手推进商标代理行业规范发展，目前全市共有商标代理机构 1129 家。上海市版权局推进全市 15 个版权服务工作站建设，大力开展作品登记、软件著作权登记资助、宣传培训、优秀版权项目挖掘等服务工作。全年上海市知识产权（专利信息）公共服务平台访问量 96182 人次，全国注册用户新增 446 家（累计 9567 家），处理国内外专利数据 280 余万条，企业依托平台自主建立网上专题数据库新增 86 个（累计 1352 个），为政府部门、园区提供数据分析报告 92 份。上海市知识产权局深入组织开展重大经济科技活动知识产权评议工作，全年实施国家级、市级知识产权评议项目各 2 个和区级知识产权评议项目 20 余个，本市 3 家知识产权服务机构成为“国家知识产权分析评议服务示范机构、示范创建机构”。上海市商务委全面深化上海国际贸易知识产权海外维权服务基地功能，先后发布美国 301 调查舆情

报告、美国 337 调查白皮书等资讯，帮助对美出口高新技术企业掌握国际贸易知识产权保护动向和应对策略；受理和协调涉及本市企业的美国 337 调查案件 3 起。徐汇区推进漕河泾新兴技术开发区建设“国家知识产权服务业集聚发展示范区”，出台加快发展知识产权服务业的扶持办法。闵行区推动上海知识产权交易中心南部分中心、中国版权保护中心华东版权登记大厅两个综合服务平台功能建设。浦东新区推进上海自贸区版权服务中心建设。嘉定区集中打造国际汽车城知识产权保护中心、菊园科技园知识产权服务集聚区。奉贤区聚焦“东方美谷”美丽健康产业集群发展强化知识产权综合服务。黄浦、静安区分别完成张江黄浦园、市北园区知识产权公共服务平台功能升级和建立完善。杨浦区开展知识产权服务双创基地建设试点工作。嘉定区举办中国知识产权商业化运营大会。

#### **四、严格知识产权保护工作坚定有力**

**行政执法保持高压态势。**2017 年，全市公安机关共立侵犯知识产权犯罪案件 395 起，破案 280 起，抓获犯罪嫌疑人 575 人。专利管理部门全年开展 34 次执法检查，涉及商业单位 68 家以及专利商品 800 余件；立案审理各类专利案件 314 件，其中立案受理专利纠纷案件 240 件，立案查处假冒专利案件 74 件，并首次对省外行政相对人的假冒专利行为进行行政处罚；派员 372 人次入驻 46 个大型国际展览会，现场处理专利侵权纠纷投诉 238 件；在第五届“上交会”期间再次实现知

知识产权零投诉；在全市商业系统的 283 家单位 4000 余个门店持续开展“销售真牌真品，保护知识产权”承诺活动。工商和市场监管部门立案查处商标侵权违法案件 1254 件，没收各类商标侵权商品和标识 16.77 万件（只），罚款 909.77 万元，移送涉嫌商标犯罪案件 22 件。文化执法部门检查各类文化经营场所 1.7 万家次，查处和取缔相关无证经营场所 198 处，收缴盗版图书、非法音像制品等近 35 万件，立案处罚 334 起。城管执法部门处置涉及侵犯知识产权案件 55 起，查扣盗版图书、非法音像制品等 4375 件。上海海关查获侵犯知识产权案件 308 起，涉案侵权货物 1670 万件，案值合计 2.19 亿元。全年上海知识产权仲裁院、上海国际经济贸易仲裁委员会（上海国际仲裁中心）分别仲裁知识产权争议案 184 件和 40 件。

**司法保护凸显主导地位。**上海市高级人民法院制定出台《关于深入推进知识产权民事、行政和刑事案件审判“三合一”工作的实施意见》，全年全市法院受理各类知识产权案件 15809 件，审结 15715 件，同比分别增加 40.76%和 38.47%，知识产权案件审判法官人均结案数 194 件，同比上升 19.75%，全市法院知识产权庭案件收结总量呈大幅增长态势。全市检察机关推动知识产权案件权利义务告知工作，进一步提升知识产权刑事办案专业化，全年全市检察机关共受理涉嫌侵犯知识产权审查逮捕案件 146 件 241 人，批准逮捕 91 件 139 人，逮捕率为 56.5%；受理侵犯知识产权犯罪审查起诉案件 210 件 388 人，审结



起诉 172 件 268 人，审结起诉率为 98.2%。上海市司法行政管理部門积极推动律師队伍成为知识产权法治建设的坚强力量，全年全市律師办理知识产权民事案件 1008 件，办理非诉讼知识产权法律事务 15145 件，全市 7 家知识产权司法鉴定机构办理涉及知识产权保护司法鉴定案件 864 件。

## 五、知识产权事业发展基础不断夯实

知识产权人才队伍不断壮大。上海市知识产权局圆满完成 3018 人报名参考的 2017 年全国专利代理人资格考试上海考点考务工作，上海考点合格人数 446 人。有 1083 人通过培训与考试获得了“上海市专利工作者”证书。上海市人社局将科技管理领域知识产权管理专业工程师评价方式由考试调整为评审，与市知识产权局共同细化评审办法，还共同在全市 26219 名企事业单位专业技术人员中开展知识产权公需科目继续教育。上海市司法局初步形成本市知识产权法律服务人才库，将发展涉外知识产权法律服务人才队伍纳入本市深化律師制度改革的实施方案予以推进。上海市工商局举办高知名度商标商品真伪鉴别培训会。上海市版权局承办全国第一期版权执法监管及软件正版化工作培训班。上海市卫计委面向医院、医药医疗企业举办以“专利信息分析和利用”为主题的系列培训活动。

知识产权文化建设持续推进。大力弘扬尊重知识、崇尚创新、诚信守法的知识产权文化观念。上海市知识产权联席会议办公室在全市

范围组织开展以“创新创造改变生活，知识产权竞争未来”为主题的2017年知识产权宣传周活动，发布《2016年上海知识产权白皮书》，公布《2016年上海知识产权十大典型案例》，制作《让知识产权浇灌创新之花》宣传片，编制知识产权宣传海报，编印《知识产权政策选编（2016年）》，举办知识产权文化建设培训班，与苏浙两省知识产权联席会议办公室在杭州共同召开长三角地区知识产权新闻发布会。上海市知识产权局、市教委联合印发开展中小学知识产权教育示范学校创建工作的通知和方案，致力于形成“教育一个学生，影响一个家庭，带动整个社会”的青少年知识产权宣传教育工作局面，并认定8所学校为首批上海市中小学知识产权教育示范学校。上海市工商局、市版权局分别公布《2016年度十大商标典型违法案例》和《上海2016年度十大版权典型案例》。上海市工商局与“移动电视”联合制作8集“对话商标”系列宣传片。上海海关充分利用微博、微信和微视频等新媒体扩大知识产权宣传效果，制作微视频宣传片《想象保卫战》。黄浦区将“知识产权”列入区委党校主体班课程，增强党政领导干部知识产权意识。浦东新区制作《漫说知识产权ABC》宣传绘本，编写《中小企业知识产权管理实务100问》。

**知识产权国际交流深入开展。**上海市教委、市知识产权局推进上海国际知识产权学院建设，首期世界知识产权组织联合培养知识产权法硕士项目和国家“一带一路”知识产权硕士项目开班运行。上海市

知识产权局承办上海市政府与世界知识产权组织共同举办的第十四届上海知识产权国际论坛。上海市新闻办、市知识产权局共同主办上海知识产权发展状况涉外通报会。上海市知识产权局、市工商局分别与世界知识产权组织合作举办“WIPO 专利纠纷调解与仲裁”专题研讨会、企业商标国际战略培训会。上海市知识产权局与世界知识产权组织中国办事处联合在沪举办“WIPO 知识产权服务体系有效运用高级研修班”。上海市版权局承办世界知识产权组织和国家版权局在沪举办的“保护创作者权利，推动文化和电影产业发展版权论坛”。上海市商务委指导上海国际贸易知识产权海外维权服务基地与英国高校开展战略合作，先后联合举办“国际贸易知识产权海外维权高级研修班”、“‘一带一路’背景下企业海外知识产权风险防范”培训班。

## **White Paper on Intellectual Property Development in Shanghai in the Year 2017**

In 2017, Shanghai fully implemented the guiding principles from the Party's 19<sup>th</sup> National Congress and from *Xi Jinping's Thought on Socialist Society with Chinese Characteristics for a New Era*, and the decisions and arrangements of the CPC Central Committee and the State Council to build China into one Intellectual Property (IP) Powerful Nation. Therefore, to strive for the goal of building herself into an Asia Pacific IP hub, Shanghai focused on her Science & Technology Innovation Center building and strengthened the Shanghai Pilot Free Trade Zone construction by pushing forward the implementation of the IP strategy, enhancing the creation, protection and utilization of IP, while nurturing new momentum for IP development. All these efforts further solidified the foundation for a strong IP city of the new age.

### **I. IP Creation Up in Quantity & Quality**

The total number of patent filings in the city in 2017 reached 131,746, up by 17.2% compared with that in 2016. Invention patent filings amounted to 54,633, with an annual increase of 7.6%. Inventions, utility models and industrial designs accounted for 42%, 46% and 12% respectively among all patent applications. The number of all Shanghai patents granted in 2017 was 72,806, with a yearly increase of 10.4%. The number of invention patents granted was 20,681, down by 3.5%. The number of PCT patent filings was 2,100, with a yearly increase of 34.6%. By December 2017, the number of valid invention patents in Shanghai was 100,433, with an increase of 18% compared with that in 2016. The rate of invention patents valid over 5 years reached 75.9%. The number of invention patents per 10,000 residents in Shanghai reached 41.5, making Shanghai the second highest in this index.

Within the year, 191,000 trademark applications were approved in Shanghai, up by 21%. By the end of 2017, the total number of valid registered trademarks in the city stood at 888,000, up by 23.7%.

The number of copyright registrations in Shanghai in 2017 was 234,658, with an annual

increase of 8%. Shanghai filed 13 (agricultural) new plant varieties, and 3 were awarded (in forestry) for new plant variety protection.

## **II. Towards a Mature Framework for IP Macro-Management**

**Shanghai improved IP institutional management with innovative measures.** The newly established China (Pudong) Intellectual Property Rights Protection Center focuses on serving high-end equipment manufacturing and bio-pharmaceutical industries, carrying out coordinated and efficient IP examination, determination and enforcement work. Xuhui District was listed as one of the first pilot IP comprehensive management reform areas. The State Administration for Industry and Commerce has set up business offices in Xuhui to accept applications for trademark registration and the Shanghai Trademark Review Coordination Center was established in Xuhui to provide services for domestic and international trademark registration on home turf. Shanghai Xuhui Notary Public Office-Intellectual Property Notarization Service Center was inaugurated to support the complete cycle for IP protection.

**Shanghai introduces further regulations and policies to complete the IP protection net.** Shanghai People's Congress promulgated *the Regulation on the Transfer and Transformation of Scientific and Technological Achievements in Shanghai*, coupled with *the Action Plan (2017-2020)* introduced by the Shanghai municipal government to implement this regulation. Both documents provide legal assurance to promote the transfer and transformation of IP rights. The CPC Shanghai municipal committee and Shanghai municipal government published *Opinions on Accelerating the Innovation-Oriented Development of Cultural and Creative Industry in Shanghai*, which highlights "improving the quality of IP protection" as an integral part of building a modern cultural market system. The Shanghai municipal government published *Several Opinions on Further Supporting the Participation of Foreign-Funded R&D Centers in Shanghai's Global Science and Technology Innovation Center Building*, which elucidates concrete measures to stimulate local IP creation, enhance IP protection and the quality of IP services. The Shanghai Intellectual Property Administration (SIPA) and Shanghai Financial Bureau published *the Shanghai Patent Funding Scheme* and

*the Guide for Shanghai's Patent Fund Management*, which emphasize quality in IP creation, the key support areas and the proper scope for IP funding.

**Shanghai strengthened inter-departmental collaboration on IP.** Shanghai municipal government and State Administration for Industry and Commerce signed *the Cooperation Agreement on Vigorously Implementing the National Brand (Trademark) Strategy*. The Shanghai Municipal Commission of Economy and informatization and SIPA jointly hosted “The 3rd China Brand Economy (Shanghai) Forum”. The Shanghai Bureau of Justice and SIPA supported the set-up of 13 district-level People’s IP Mediation Committees. The General Office of Shanghai Intellectual Property Joint Committee organized a ten-year retrospective review of Shanghai’s implementation of the National IP Strategy. The Songjiang district government and SIPA signed the strategic framework agreement on jointly promoting the IP work of the G60 Highway Science & Technology Innovation Valley initiative.

### **III. Utilized IP Empowering Companies and Industries**

**Shanghai saw increasing activities of IP resource operation and circulation.** In 2017, the Shanghai Agency of the Patent Office of the State IP Office processed 62 cases of patent pledge loans, which led to a total financing of 660 million RMB. Fifty-seven enterprises in Shanghai insured their IP works, with a 578,000 RMB premium paid, and the maximum insurance recovery will be 25.08 million RMB. The Shanghai IP Transaction Center listed 888 intent-to-sell IP projects, from which 20 deals were made, valued at 148 million RMB. The Shanghai IP Operational Fund for Key Industries made a 75 million RMB equity investment into one IP service agency and two tech firms. In 2017, SIPA put on the record 72 patent licensing contracts in the city, involving a total contract value of 361 million RMB, with a yearly increase of 59%. SIPA verified 33 technical patent contracts in the city, involving a contract value of 328 million RMB, up by 162% year-on-year.

IP commercialization by high-tech enterprises was strongly supported by the Shanghai Municipal Commission of Science and Technology. A total of 493 projects from 7670 high-tech enterprises were verified by the Commission as high-tech commercialization projects, boasting a total of 1332 IPs, or 2.7 IPs per project. Building tech-transfer centers in

18 city-level universities in science, engineering, medicine and agriculture made great headway thanks to the support from the Shanghai Municipal Commission of Education. A complete system was put in place for tech-transfer in universities and a team of 318 technical brokers was established. The Shanghai Municipal Commission of Agriculture published *The Notice on Further Strengthening Shanghai's Agricultural Tech Transfer and Transformation*. A platform was built to facilitate an agro-tech commercialization service and transactions. To date, the platform has completed 14 agro-tech transfers of more than 9 million RMB.

With the support of the Shanghai Copyright Bureau, the National (Shanghai) Copyright Trading Base organized the 2017 China (Shanghai) Pilot Free Trade Zone Culture Licensing Fair (CCLF). The Shanghai Municipal Bureau of Quality and Technical Supervision required companies to clearly disclose IP information when companies register technical standards for products in their self-disclosure. The brand economy has been growing by leaps and bounds in Huangpu District, as time-honored brands were strongly encouraged to press ahead with their brand revitalization.

**Shanghai saw more enterprises embracing IP in their organizational management.** In 2017, ten more “National Enterprises with IP Advantages”, six more “National IP Demonstration Enterprises”, and two more “National IP Demonstration Zones” sprang up in Shanghai. In addition, Shanghai had two more “National Copyright Demonstration Units” and one more “National Copyright Demonstration Unit” (“Using Legitimate Software Only”); 99 more “Shanghai Pilot Patent Work Units”, 30 more “Shanghai Patent Demonstration Units”, four more “Shanghai Pilot IP Zones” and four more “Shanghai Patent Demonstration Zones”; 19 more “Shanghai Copyright Demonstration Units” and three more “Shanghai Copyright Demonstration Zones (Bases)”; and lastly, nine more IP demonstration and pilot units in the healthcare and family planning field.

SIPA organized pilot Patent Navigation activities in eight enterprises and two industrial parks to help them improve technology competence and design better long-term industry development plans. In 2017, 42 projects from Shanghai clinched awards in “the 19<sup>th</sup>WIPO-SIPO Awards for Chinese Outstanding Patented Invention & Industrial Design”. Shanghai also won three prizes in “the 3<sup>rd</sup> China Trademark Awards”. Two companies were

awarded “the Most Influential Enterprise in the Copyright Industry (2017)” and one person was named “Person of Year with Outstanding Copyright Achievements”.

**Shanghai’s IP service network continued to flourish.** The inauguration of the Shanghai IP Transaction Center was a testimony to the support from SIPA and the Shanghai State-Owned Assets Supervision and Administration Commission, Shanghai Municipal Office of Financial Service, and several other agencies. As a specialized IP transaction platform, the Center is guided by the government, but is operated on market principles and attracts investments to support IP transactions. In 2017, Shanghai had sixteen more patent agencies and 132 new patent attorneys, making the total number of patent agencies 133 and overall headcount of patent attorneys 1169.

Guided by the Shanghai Municipal Administration of Industry and Commerce, the Shanghai Trademark Association compiled *Guidelines for Assessing Qualified Trademark Agencies in Shanghai*, promoting the healthy development of the industry based on institutional safeguards. Up till now, there have been 1129 trademark agencies in Shanghai. On the copyright front, 15 copyright service stations have been built with the support from Shanghai Copyright Bureau, providing a wide range of services including copyright registration, financial support provided by the Shanghai Copyright Bureau for software registration, education for the public, and identifying high-quality copyright projects for more policy and financial support.

In 2017, the Shanghai IP (Patent-Focused) Public Search Platform was visited 96,182 times, and accepted an additional 446 registered users nationwide (9567 in total). The platform has processed 2.8 million pieces of patent data. Moreover, 86 new specialized databases were built by enterprises on the platform (a total of 1362 to date) and 92 analytical reports have been produced by the Platform for government agencies and industrial zones.

Comprehensive IP review to support decision-making for key economic and technological activities was high on the agenda of SIPA, which conducted two IP reviews at the state and city level respectively and 20 more projects at the district level. Three IP service agencies from Shanghai have been rated “State-Level IP Analytical and Review Demonstration Agencies” and “Nominated Demonstration Agencies”.



The Shanghai Municipal Commission of Commerce greatly boosted the capacity of the Shanghai Overseas IPR Protection Service Center and published reports on the public opinions of Section 301 investigation and a White Paper on USITC Section 337 investigations. The Commission also equipped high-tech exporters to the US with updated IP protection information in international trade and countermeasures. The Commission also processed and liaised on three cases in a Section 337 investigation involving Shanghai enterprises.

With the support of Xuhui District, Caohejing Hi-Tech Park made further progress in building “The State-Level IP Service Demonstration Cluster”. Xuhui also introduced a policy to stimulate the IP service industry. Minhang district focused on building two fully-fledged service platforms: the South-Shanghai Office for the Shanghai IP Transaction Center and the East-China Copyright Registration Hall of the China Copyright Protection Center, while Pudong district pushed forward the building of the Copyright Service Center in the Shanghai Pilot Free Trade Zone.

While Jiading district focused on building an IPR protection center for Jiading’s International Automobile City and an IP service cluster in the Juyuan Tech Park, Fengxian district focused on servicing the beauty and health industry cluster in its “Oriental Beauty Valley” with stronger and more comprehensive IP services. Huangpu and Jingan district accomplished a functional upgrade for the IP public service platforms in the Huangpu Park of the Zhangjiang National Innovation Demonstration Zone and the North-Shanghai Industrial Park respectively. Yangpu district ran a pilot project to serve its Innovation and Entrepreneurship Base with IP services. Jiading District hosted the 2017 IP Commercialization Conference.

#### **IV. Uncompromising IP Safeguards**

**Shanghai strictly implemented IP administrative law enforcement.** In 2017, Shanghai Police placed on file 395 criminal IP cases; 280 cases were solved and 575 criminal suspects were arrested. SIPA launched 34 enforcement inspections, which involved 68 commercial institutions and examined patent information for more than 800 commodities. SIPA also placed on file and investigated 314 patent administrative cases. Among them, 240 cases were

patent disputes and 74 were counterfeit patent cases that have been settled in 2017. SIPA, for the first time, imposed an administrative penalty on the patent counterfeiting behavior of a non-Shanghai enterprise. SIPA also dispatched 372 officers to 46 large-scale international exhibitions and handled 238 patent infringement complaints on site. Once more, there has been no IP-related complaint during the 5<sup>th</sup> China (Shanghai) International Technology Fair. SIPA pushed 283 commercial units in the city to continue running the activity of “Pledging to Sell Authentic Products Only and Protecting IP Rights” in their 4,000 stores.

Different levels of Administration for Industry and Commerce and market surveillance departments investigated and settled 1,254 trademark infringement cases in the whole year and confiscated 167,700 pieces (sets) of goods & labels with infringed trademarks and imposed total fines of 9.0977 million RMB. Moreover, 22 suspected trademark criminal cases were transferred to the police. Local law enforcement authorities on the cultural markets inspected various types of cultural business sites 17,000 times. A total of 198 sites without proper business permits were shut down, and 350,000 pirated books and audio-video products were confiscated. 334 cases were established as administrative cases and received further penalties. Urban management authorities handled and settled 55 cases of IP infringements. 4375 pirated books and audio-video products were seized.

In 2017, Shanghai Customs tracked down 308 IP infringement cases with 16.7 million pieces of related goods involving 219 million RMB. The Shanghai Arbitration Court of Intellectual Property and Shanghai International Economic and Trade Arbitration Commission (Shanghai International Arbitration Center) presided over 184 and 40 IP arbitration cases respectively.

**Judicial protection remains the prominent approach of IP protection.** Shanghai High People’s Court released *Opinions on Trying Civil, Administrative and Criminal IP Cases Collectively in One Tribunal (otherwise known as “Three-in-One”)*. In 2017, the court system in Shanghai accepted total filings of 15,809 IP cases and concluded 15,715 IP cases, with a yearly increase of 40.76% and 38.47% respectively. This means every judge in Shanghai’s IP tribunals concluded on average 194 IP cases, up by 19.75% compared with last year. Cases handled and concluded in Shanghai’s IP tribunals increased by a big margin.

Shanghai's prosecutorial organs worked hard to improve the quality of notification of procedural rights and obligations. As a result, the process to handle criminal cases was made more professional. In the whole year, these organs examined arrest applications from 146 cases of IPR infringement involving 241 suspects. A total of 139 suspects from 91 cases were approved for arrest, accounting for 56.5% of the total cases. These organs also processed 210 criminal prosecution cases of IPR infringement with 388 defendants. A total of 172 cases and 268 defendants were tried and handed rulings, accounting for 98.2% of the total cases.

Supporting lawyers as a strong force in IPR judicial protection is high on the agenda of Shanghai's judicial and administrative organs. In 2017, lawyers in Shanghai represented 1008 IP civil cases, and were involved in 15,145 non-litigated IP legal cases. Seven judicial appraisal offices specialized in IP in the city provided judicial appraisals for 864 cases involving IPR protection.

## **V. A Stronger IP Talent Base and Culture**

**Shanghai boasts a stronger IP talent pool.** A total of 3018 people who registered for the 2017 National Patent Agent Qualification Exam took the exam in Shanghai, provided by SIPA, of which 446 people passed the exam. 1083 people obtained the certificate of "Shanghai Patent Practitioner" after attending training and being qualified for the training's graduation exam. IP managing engineers in science and technology management now will be qualified through reviews of application materials by the Shanghai Municipal Human Resources and Social Security Bureau rather than by exams. The review standards were designed in conjunction with the SIPA. The Bureau and SIPA also ran a continuing education IP course for 26,219 professionals and technical personnel from local enterprises and institutions.

As the talent pool for IP legal service took shape thanks to the efforts by the Shanghai Bureau of Justice, the Bureau's next focus is to nurture a team capable of providing international IP legal support as part of the plan to deepen lawyers' institutional reform in Shanghai. The Shanghai Administration for Industry and Commerce organized training on how to identify fake commodities and trademarks disguised as famous brands. The Shanghai Copyright Bureau ran training on copyright law enforcement and supervision and how to

encourage the use of legitimate software. This is Phase I of the nationwide training hosted by the State Copyright Bureau. The Shanghai Health and Family Planning Commission ran a series of training sessions for hospitals, medical and healthcare companies on how to analyze and use patent information.

**Shanghai continued to press ahead with IP culture strengthening.** Respecting knowledge and innovation, upholding trust, integrity and the rule of law are important IP cultural values. In 2017, the General Office of the Shanghai Intellectual Property Joint Committee organized a city-wide IP educational week themed “Embracing a Better Life by Innovation, Winning the Future Through Strong IP”. The Office also published the *2016 Shanghai IP White Paper* and *2016 Ten Typical IP Cases in Shanghai*, and a short educational film *Watering the Flowers of Innovation With IP*. The Office also compiled IP posters, and a *Selection of Important IP policies (2016)*, organized a training session on IP cultural building, and convened the Yangzi River Delta IP press conference with counterpart offices in Jiangsu and Zhejiang provinces.

SIPA and the Shanghai Municipal Commission of Education jointly published a notice and an action plan to enroll primary and middle schools for IP educational demonstrations. The goal of the campaign is to build a strong IP culture across the whole of society through first educating a student, who will then educate the whole family and the larger community. Eight primary and middle schools became the first IP education model schools in Shanghai. The Shanghai Administration for Industry and Commerce and the Shanghai Copyright Bureau published *the Top Ten Typical Trademark Infringement Cases* and *the Top Ten Typical Copyright Cases in 2016 in Shanghai*.

The Shanghai Administration for Industry and Commerce and the MET Media jointly produced an eight-episode trademark advocacy program — *A Dialogue on Trademarks*. Shanghai Customs frequently used Weibo, We-Chat, micro-video and other new media platforms for IP advocacy and produced the micro-video *An Imaginative War on Piracy*. Huangpu district included IP into the key curriculum for the district’s party school to enhance the IP awareness of CPC party and government cadres. Pudong New District produced the pictorial *The A-B-C of Intellectual Property* and compiled a book entitled *100 Questions on*

*Managing IP by SMEs.*

**Shanghai strengthened international IP exchanges.** The Shanghai Municipal Education Commission and SIPA advanced the construction of the Shanghai International College of Intellectual Property, which hosted the inaugural WIPO-Tongji Master’s Degree Program in Intellectual Property Law and the “Belt and Road” Master Program of Intellectual Property. SIPA organized the “14<sup>th</sup> Shanghai International Intellectual Property Forum”, hosted by the Shanghai Government and WIPO. The Information Office of the Shanghai Municipality and SIPA jointly hosted a briefing on Shanghai’s IP development to foreign audiences.

SIPA and WIPO jointly ran a workshop introducing WIPO’s patent dispute mediation and arbitration program. The Shanghai Administration for Industry and Commerce worked with WIPO to run a training session on shaping companies’ international trademark strategies. SIPA and the China Office of WIPO jointly opened a senior research class exploring the effective use of WIPO’s IP service system. The Shanghai Copyright Bureau organized “The International Forum on Copyright: Promoting the Rights of Creators and Promoting the Development of the Culture and Film Industry”. The hosts of this Forum were WIPO and the National Copyright Administration.

The Shanghai Municipal Commission for Commerce provided guidance to strategic cooperation between the Shanghai Overseas IPR Protection Service Center and British universities, and jointly ran the senior research class on “Overseas IPR Protection in International Trade” and also on training sessions on how companies can prevent IP risks in their Belt-and-Road expansion.