

中国知识产权保护 与营商环境新进展报告

Report on the Latest Development in IPR
Protection and Business Environment in China

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全国打击侵犯知识产权和制售假冒伪劣商品工作
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Office of the National Leading Group on Fight
against IPR Infringement and Counterfeiting

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前 言

当今世界，和平合作、开放融通、变革创新的潮流滚滚向前。创新是引领发展的第一动力，创新发展需要良好的营商环境，产权保护特别是知识产权保护是塑造良好营商环境的重要方面。中国政府高度重视保护知识产权和优化营商环境，习近平主席提出“加强知识产权保护是完善产权保护制度最重要的内容，也是提高中国经济竞争力的最大激励”，“中国将尊重国际营商惯例，对在中国注册的各类企业一视同仁、平等对待”，要“营造国际一流营商环境”；在第二届“一带一路”国际合作高峰论坛开幕式上，强调“加强知识产权保护”“依法严厉打击知识产权侵权行为”“创造良好创新生态环境”。2018年是中国改革开放40周年，也是中国知识产权管理体制和营商环境改革的关键之年，中国的知识产权保护和营商环境建设取得新的进展。

一、锐意进取持续深化改革

2018年，中国知识产权管理体制和运行机制实现历史性重构，知识产权审判领域改革取得重大突破，知识产权保护得到全面加强，知识产权综合实力再上新台阶。“放管服”改革红利持续释放，营商环境大幅改善，市场主体活力充分激发。知识产权领域改革和营商环境改革持续深化、相互促进，取得明显成效。

（一）知识产权领域改革不断深化

知识产权行政管理体制实现重构。2018年3月，中共中央印发《深化党和国家机构改革方案》，从宏观层面对知识产权行政管理职责进行优化整合，新组建国家市场监督管理总局，重新组建国家知识产权局。中共中央办公厅、国务院办公厅印发《关于深化市场监管综合行政执法改革的指导意见》，对知识产权等领域综合执法作出顶层设计。商标、专利、原产地地理标志、集成电路布图设计由国家知识产权局统一管理，其中农产品地理标志由国家知识产权局、农业农村部等按职责分工负责，商标、专利的行政执法由市场监管综合执法队伍承担。改革后知识产权管理更加集中高效，解决了商标、专利分头管理和重复执法问题。

知识产权审判领域改革取得重大突破。一是出台指引改革的纲领性文件。2018年2月，中共中央办公厅、国务院办公厅印

发《关于加强知识产权审判领域改革创新若干问题的意见》，对知识产权审判体制机制改革作出全面部署。**二是建立国家层面知识产权案件上诉审理机制。**最高人民法院设立知识产权法庭，主要审理专利等专业技术性较强的知识产权上诉案件。**三是加大知识产权审判“三合一”改革力度。**知识产权民事、行政、刑事案件审判“三合一”改革，在全国法院全面深入推进。全国目前已有17家高级法院、113家中级法院和129家基层法院实行“三合一”。**四是加强知识产权审判机构建设。**2018年，批复设立天津、郑州等8个知识产权法庭，连同之前设立的南京、合肥等11个知识产权法庭，实行跨区域管辖的知识产权法庭达到19个。知识产权法庭的设立对进一步完善知识产权保护机制，统一知识产权司法裁判尺度，提升审判质量，发挥司法保护知识产权的主导作用，维护市场秩序和市场主体合法权益，实施创新驱动发展战略，具有重要意义。

知识产权领域“放管服”改革成效显著。**一是知识产权审查周期大幅缩短。**商标注册平均审查周期压缩到6个月，高价值专利审查周期压缩10%，提高了知识产权审查效率。**二是知识产权行政事业性收费减免力度加大。**自2018年8月1日起，停征和调整专利部分收费；对符合条件的申请人，专利年费的减缴期限由自授予专利权当年起6年内，延长至10年内；对符合条件的发明专利申请，在第一次审查意见通知书答复期限届满前（已提交答复意见的除外），主动申请撤回的，允许退还50%的专利申请实质审查费。**三是专利代理行业准入放宽。**通过修订《专利

代理条例》，取消代理机构设立审批的省级初审，进一步降低专利代理机构申请办理执业许可证的条件。**四是商标数据实现全面开放。**全面上线商标网上服务系统，向社会免费公开现有全部存量商标的基本信息。**五是知识产权电子化申请实现无纸化。**自2018年11月27日起，商标注册证书实行电子颁发，公众可从中国商标网查询使用商标注册证明。不断加强地理标志保护，2018年新批准地理标志保护产品67件，注册地理标志商标961件，批准地理标志产品专用标志使用企业223家。

（二）营商环境改革扎实推进

企业发展政策环境持续改善。国务院成立推进政府职能转变和“放管服”改革协调小组，下设优化营商环境专题组，负责牵头优化营商环境，提高综合竞争力，打造竞争新优势。围绕破解企业投资生产经营中的“堵点”“痛点”，出台《国务院关于在全国推开“证照分离”改革的通知》《国务院关于积极有效利用外资推动经济高质量发展若干措施的通知》《国务院关于印发优化口岸营商环境促进跨境贸易便利化工作方案的通知》《国务院办公厅关于聚焦企业关切进一步推动优化营商环境政策落实的通知》《国务院办公厅关于进一步压缩企业开办时间的意见》等政策文件，加快打造市场化、法治化、国际化营商环境，增强企业发展信心和竞争力。

商事制度改革全面深化。一是“证照分离”改革在全国推开。出台《国务院关于在全国推开“证照分离”改革的通知》，决定

自2018年11月10日起，在全国范围内对第一批106项涉企行政审批事项，分别按照直接取消审批、审批改为备案、实行告知承诺、优化准入服务等四种方式，实行“证照分离”改革，大幅减少行政审批，进一步破解“准入不准营”问题。**二是登记注册便利化改革深入推进。**市场监管总局、税务总局等部门推进压缩企业开办时间，中国人民银行开展试点取消企业银行账户开户许可，国家知识产权局缩短商标注册、专利申请审查周期等。商事制度改革精简了涉企行政审批事项，创新了政府监管方式，降低了市场准入门槛和制度性交易成本。

外商投资自由化便利化水平大幅提升。一是借鉴国际通行的引资政策。《国务院关于积极有效利用外资推动经济高质量发展若干措施的通知》对标国际先进水平，从投资自由、投资便利、投资促进、投资保护等方面提出了65项政策措施，营造更加公平透明便利、更有吸引力的投资环境。二是持续放宽外资准入限制。推动外商投资负面清单的压减工作，发布2018年外商投资准入负面清单，减少限制性措施，大幅提升投资自由化水平。三是持续推进外资领域“放管服”改革。将负面清单内投资总额10亿美元以下的外资审批权限下放至省级人民政府。在全国实施外资企业设立商务备案与工商登记“一口办理”，目前以审批方式设立的外商投资企业占比不到1%，推动投资便利化水平进一步提升。

营商环境评价体系初步构建。国家发展改革委牵头，按照国际可比、对标世行、中国特色原则，围绕与市场主体密切相关的开办企业、办理建筑许可、获得信贷、纳税、办理破产等方面和

知识产权保护等,科学构建中国营商环境评价指标体系,并在东部、中部、西部和东北地区选取 22 个城市,开展营商环境试评价,以评促改、以评促优,推动出台一批有针对性的改革举措,企业和群众办事便利度不断提高。

二、标本兼治保护知识产权

2018年，中国坚持依法治理、打建结合、统筹协作、社会共治的原则，在完善知识产权法律体系、加强行政执法、强化司法保护、推动部门区域协作、推进社会共治、深化国际合作等方面持续发力，取得了显著成效。世界知识产权组织2018年7月发布的《2018全球创新指数报告》显示，中国排名第17，较上年提升5位，首次跻身全球创新指数20强。

（一）法律体系日益完善

电子商务立法取得重大突破。2018年8月，十三届全国人大常委会表决通过《电子商务法》，于2019年1月1日起正式施行。《电子商务法》作为中国首部电子商务领域的综合性法律，对知识产权行政执法处罚权和标准进行了详细规定，加大了对知识产权侵权行为的惩戒力度，为电子商务领域知识产权保护提供了坚实的法律保障，对保障电子商务相关主体的合法权益，促进电子商务的创新发展具有里程碑意义。

市场竞争法律制度日益完善。修订后的《反不正当竞争法》更加准确地界定市场混淆行为，重新界定商业贿赂行为，新增互联网领域的专门内容，进一步加强和完善对不正当竞争行为的规制，同时大幅提高处罚数额上限，有效增强了法律威慑力。《反

《反不正当竞争法》修订实施一年来，市场监管部门查处各类不正当竞争案件 1.1 万件，罚没金额 3.8 亿元，为建立更加开放透明、公平有序的市场规则和体系提供了强有力的法律保障。

惩罚性赔偿制度加快健全。中国现行知识产权法律制度中，《商标法》率先规定惩罚性赔偿。《专利法》《著作权法》的修法进程也明显提速。2018 年 12 月，《专利法修正案（草案）》提交十三届全国人大常委会完成第一次审议，草案着力加大对侵犯知识产权的打击力度，大幅提高故意侵犯专利权、假冒专利的赔偿和罚款额，显著增加侵权成本，震慑和遏制专利恶意侵权行为。《著作权法》第三次修改也将对惩罚性赔偿予以规定。

知识产权法规逐步完善。一是**完善专利代理制度。**修订《专利代理条例》，放宽专利代理行业准入，简化审批程序，完善专利代理执业规范和服务监管制度，提升专利代理的专业化和市场化水平。二是**加强奥林匹克标志保护。**修订《奥林匹克标志保护条例》，专门增加条款，对谎称与奥林匹克标志权利人之间有赞助或其他支持关系借机牟利的隐性营销行为进行规制，提高奥林匹克标志侵权行为的行政处罚标准。

知识产权司法解释陆续出台。最高人民法院发布《关于审查知识产权纠纷行为保全案件适用法律若干问题的规定》，完善知识产权保全案件的程序性及实体性规则，对知识产权权利人制止侵权行为、获得司法救济提供了司法保障；发布《关于知识产权法庭若干问题的规定》，进一步明确知识产权法庭的机构性质、受案范围、诉讼程序、审判权力运行机制、程序衔接等内容；发

布《关于互联网法院审理案件若干问题的规定》，指导互联网法院的审判工作。

（二）行政执法显著加强

重点领域整治扎实推进。一是**互联网领域治理**。市场监管总局牵头开展2018年网络市场监管专项行动，共检查网站（网点）81.1万个次，责令整改网站1.2万个次，查处网络交易案件1.8万件。网信部门清理违法违规信息412万条，关闭假冒网站241家。文化和旅游部部署互联网应用商店开展手机表演平台专项清理，大力查处文化和旅游市场违法经营活动。国家版权局牵头开展“剑网2018”专项行动，重点整治网络转载、短视频等领域问题，删除侵权盗版网络链接185万条，收缴侵权盗版制品123万件。工业和信息化部部省两级通信主管部门配合处置违法违规网站（APP）1024个。国家知识产权局深化电子商务领域知识产权保护专项整治，查处电商领域专利侵权假冒案件3.3万件。广电总局加强对有害网络视听节目、非法视听网站、非法互联网电视机平台的打击力度。二是**农村和城乡结合部治理**。农业农村部牵头开展农资打假专项治理行动，检查农资企业93.6万个，整顿市场23.2万个，查获假劣农资5400吨。国家林业和草原局开展“全国林木种苗行政执法年”活动，查处制售假冒伪劣种苗等违法案件120余起；开展植物新品种保护行政执法专项行动，对相关展会、交易会进行重点检查。三是**进出口环节治理**。海关总署开展打击进出口假冒伪劣商品“清风”行动，截获假冒伪劣商品173.8万件，继续

开展出口优势企业知识产权保护“龙腾”行动，查获涉嫌侵犯国内企业知识产权的进出口商品 385 批，同比增长 52.2%。**四是重点民生领域治理。**共查处生产销售假劣药品和不符合标准医疗器械案件近 2.5 万件，涉案金额 26.12 亿元，依法查处江苏泰州“3·7”和湖南湘潭“4·4”生产销售假冒化妆品案等一批重大典型案件，捣毁制假售假窝点 46 个，涉案总金额约 5.5 亿元。

执法监管力度明显增强。2018 年，国家知识产权局组织开展“溯源”“净化”“雷霆”等商标、专利执法专项行动，全年共查处专利侵权假冒案件 7.7 万件，同比增长 15.9%；查处商标违法案件 3.1 万件，案值 5.5 亿元。不断加大外商投资企业商标保护力度，共查处侵犯中国港澳台地区和外国商标注册人权益案件 6000 余件，案值 1.51 亿元，同比增长 50.1%。依法向司法机关移送涉嫌商标犯罪案件 236 件，同比增长 37.2%，其中向司法机关移送涉嫌侵犯涉外商标犯罪案件 108 件，同比增长 28.6%。版权执法部门共立案查办侵权盗版案件 2500 余起，移送司法机关案件 102 起，捣毁窝点 203 个。加强软件正版化督促检查，共检查单位 374 家，检查计算机 5.04 万台。工业和信息化部持续开展软件正版化工作的监督检查，新出厂计算机预装正版操作系统比例连续 9 年保持在 98% 以上。全国海关共查扣进出境侵权货物 4.72 万批，涉及侵权货物 2480 万件，审核通过知识产权海关保护备案申请 11488 件，同比增长 24.9%。市场监管总局查办侵害消费者权益案件 2.9 万件，案值 8.7 亿元，罚没金额 2 亿元，持续打击市场混淆、虚假宣传等不正当竞争行为，查处各类不正当竞争案

件 11277 件，罚没金额 3.8 亿元。邮政局强化落实邮政企业、快递企业主体责任，督促企业依法验视寄递物品，严防侵犯知识产权和假冒伪劣商品流入寄递渠道。

专栏 1 依法从严惩处商标侵权行为

2018 年 11 月，北京市市场监管部门发布 2018 年“打击侵犯商标专用权和制售假冒伪劣商品”十大案例。其中，查处侵犯“Tiger”注册商标专用权案，依法责令涉案公司停止侵权行为，没收侵权鞋 6687 双，罚款 5587 万余元，这是近 20 年来北京查处的最大一起商标侵权案件。

（三）司法保护更加有力

打击犯罪精准严厉。公安部研发“打击侵犯知识产权犯罪情报研判平台”，汇集历年案件数据 8500 万条，在全国建立 32 个情报研判战略中心，为各地线索研判提供数据支撑；连续组织开展打击知识产权犯罪“春雷”行动、打击假药犯罪“云鹊”行动、打击涉烟经济犯罪集中行动、打假“利剑”行动、打击食品药品农资环境犯罪“百日行动”等系列专项行动，组织各地公安机关充分发挥职能作用，突出大要案侦办，强化打击震慑，保持高压严打态势，破案近 1.9 万起。2018 年，检察机关批准逮捕生产、销售伪劣商品犯罪 4500 余件 8000 余人，提起公诉 9100 余件 15800 余人；批准逮捕涉及侵犯知识产权犯罪案件 3306 件 5627 人，提起公诉 4458 件 8325 人；批捕数罪或他罪中含侵犯知识产权行为 70 件 133 人，提起公诉 147 件 220 人。同时，检察机关充分发

挥立案监督、侦查监督、审判监督等诉讼监督职能，及时纠正有案不移、有案不立、以罚代刑、裁判不公等问题。2018年，经检察机关建议，行政执法机关已移送涉嫌知识产权犯罪案件343件464人；经检察机关监督，公安机关立案侦查侵犯知识产权犯罪案件189件237人；向公安机关提出书面纠正涉知识产权犯罪案件侦查活动中的违法行为211件次，公安机关已纠正165件次；提出刑事抗诉55件，法院改判38人。检察机关注重恪守客观公正义务，依法履行监督撤案职能，保护合法知识产权权利人不受不当追诉。2018年，经检察机关监督，公安机关撤销涉嫌侵犯知识产权犯罪案件131件148人。此外，检察机关积极制发检察建议，促进依法行政，预防和减少知识产权犯罪，并发布了保护知识产权十大典型案例，彰显了知识产权刑事司法保护工作中检察机关工作的力度和水平。

专栏2 运用大数据打击侵权假冒犯罪

2018年，公安部门部署打击假药犯罪“云鹊”行动，形成近年来假药领域最强一轮打击攻势。2018年9月，上海警方利用大数据分析成功破获一起特大跨境销售侵权假冒商品案件。犯罪嫌疑人以开展正常贸易为掩护，租用境外服务器开设数十个外文网站，向47个国家的境外客户大肆销售各类假冒名牌商品，金额达10亿余元。上海市公安局会同广东、湖北、福建等地警方共同捣毁窝点17处，抓获犯罪嫌疑人21人，关停售假网站35个，现场缴获假冒名牌商品1万余件。

专栏3 挂牌督办重大犯罪案件

2018年，最高检挂牌督办了江门“1·19”假冒注册商标案等10起重大侵犯商标权案件；联合中宣部版权管理局、全国“扫黄打非”工作小组办公室、公安部治安管理局对天津冯某某涉嫌利用网盘传播侵权作品案等22起案件予以挂牌督办，并派员赴四川、福建现场督导案件办理。各地检察机关对辖区内的重大侵犯知识产权犯罪案件挂牌督办。如上海市检察机关挂牌督办郑某某、章某某等人侵犯著作权案等10起案件；浙江省检察机关挂牌督办金华黄某某等涉嫌销售盗版光盘案、义乌马某某等涉嫌销售盗版图书案。

司法审判公正高效。一是知识产权收结案数量双创新高，审判质效明显提升。2018年，全国法院新收各类知识产权案件共计334951件，与2017年相比，同比上升41.19%；审结案件共计319651件，同比上升41.64%，结案率高达95.43%；知识产权案件服判息诉率持续向好，案件调撤率大幅上升。**二是司法保护主导作用日益凸显，知识产权司法保护的公信力稳步提升。**全国人大常委会审议通过《人民法院组织法（修订草案）》，首次确立了指导性案例制度。对于司法实践中的典型案件，最高人民法院及时通过案例指导体系予以发布，充分发挥司法裁判的示范效应和引领作用。**三是进一步完善知识产权案件诉讼程序。**全国人大常委会审议通过《关于专利等知识产权案件诉讼程序若干问题的决定》，进一步统一知识产权案件裁判标准。**四是不断加大司**

法公开力度。大力推进庭审同步录音录像、网络直播，扩大裁判文书公开。发布年度知识产权司法保护十大案件和 50 件典型案例，促进知识产权法律适用标准更加明确统一。

专栏 4 平等保护国外企业知识产权

2018 年 4 月 26 日，最高人民法院公开开庭审理克里斯蒂昂迪奥尔香料公司与国家工商行政管理总局商标评审委员会商标驳回复审行政纠纷案，并当庭宣判。本案通过为国际商标申请人提供及时有效的司法救济，平等保护境外当事人合法权益，积极履行国际义务，进一步树立了我国知识产权保护的责任大国形象，提升了我国法院知识产权司法公信力。

（四）统筹协作不断强化

统筹协调机制运转高效。一是**知识产权协调机制进一步调整完善。**国务院对全国打击侵犯知识产权和制售假冒伪劣商品工作领导小组组成人员进行调整，领导小组办公室设在市场监管总局；对国务院知识产权战略实施工作部际联席会议成员单位和人员也作出调整，联席会议办公室设在国家知识产权局。二是**中央与地方联动不断加强。**各地区按照中央部署，切实转变工作职能，完善知识产权管理体制机制。

部门协作不断加强。中央宣传部会同有关部门开展“秋风 2018”、印刷复制发行专项行动，合力打击线上线下侵权盗版活动。国家发展改革委牵头开展 19 个领域失信问题专项治理，确定

一批第三方市场机构，深入推进守信联合激励和失信联合惩戒。农业农村部、市场监管总局等6部门联合开展农村假冒伪劣食品专项整治，查处案件1.2万余件。生态环境部会同有关部门对收缴的侵权假冒商品进行分类处理，全国无害化销毁侵权假冒商品约3500吨，防止了二次污染和二次流通。知识产权行政执法与刑事司法衔接更加紧密，行政执法机关移送侵犯知识产权和生产销售伪劣商品犯罪案件3100余件3600余人。

区域协作更加密切。京津冀、长三角、泛珠三角、丝绸之路沿线4大区域协作持续深化。13个省市联合开展电商打假“云剑联盟”行动，共破获侵权假冒案件158起，捣毁生产窝点89个，仓储窝点110个，抓获犯罪嫌疑人513名，涉案总价值约20多亿元，有力净化了协作区域的市场环境。京津冀晋蒙浙六省市开展互联网打假区域协作对接，探索建立互联网领域打击侵权假冒互助工作机制，推进跨区域网络侵权假冒治理机制建设。

（五）社会共治积极推进

舆论宣传有序开展。中央宣传部以“品质消费，美好生活”为主题，组织媒体深入宣传打击侵权假冒的政策措施。有关部门围绕“3·15”“4·26”“5·15”等重要时点开展集中宣传，利用报刊、网站、新媒体加强常态化宣传。30多家财经媒体发起成立“中国财经媒体版权保护联盟”，共同抵制未经授权擅自转载新闻作品的行为，推动实现常态化监控。广电总局与国家知识产权局联合发文，开展保护知识产权主题广播电视公益广告作品征

集活动，展现知识产权在新时代社会发展中的重要作用及工作成果。

行业自律不断加强。国资委指导中央企业成立电子商务联盟，开展务实合作，提高行业自律水平。京版十五社反盗版联盟等与大型电商平台就图书版权保护计划签订合作协议，共同推动版权社会共治，切实履行企业主体责任，合力构建从源头遏制各类侵权盗版行为的新模式。36家主要互联网企业签订《2018中国互联网企业履行社会责任倡议》，努力共同营造健康网络生态环境。大型电商平台建立侵权投诉快速处理机制，并利用人工智能和大数据技术搭建商品质量管理体系。

快速协同保护体系更加完善。持续推进知识产权快速协同保护体系建设，截至目前，全国批复设立知识产权保护中心23家，正式投入运行12家，批复设立快速维权中心20家，正式投入运营18家，服务范围覆盖新一代信息技术、高端装备制造、生物医药等16个重点产业，为创新主体、市场主体提供快速预审、快速确权、快速维权、专利预警等便捷、高效、低成本的“一站式”知识产权综合服务。

纠纷解决更加多元。司法部、国家知识产权局指导北京、上海、浙江等省市在条件成熟的地区和行业设立知识产权纠纷人民调解委员会，开展知识产权纠纷调解工作。国家知识产权局深入推进仲裁调解试点工作，共完成80余家知识产权纠纷调解组织的培育工作，调解案件7600余件，培育11家仲裁机构，受理仲裁案件680余件。遴选确定首批29家知识产权仲裁调解机构开展能力建设，重点提升纠纷解决能力。

（六）国际合作持续深化

双边交流合作稳步推进。举行多轮中欧地理标志协定谈判，并取得实质性进展。定期召开中欧、中俄、中加知识产权工作组会议，加强双边知识产权立法、执法、司法交流。中巴（拿马）、中摩（尔多瓦）、中毛（里求斯）、中挪（威）等多个自贸协定知识产权章节谈判顺利推进，其中中巴（拿马）、中毛（里求斯）自贸区知识产权章节谈判已实质性结束。

多边交流合作务实推动。不断加强与“一带一路”沿线国家和地区交流合作，成功举办2018年“一带一路”知识产权高级别会议，通过《关于进一步推进“一带一路”国家知识产权务实合作的联合声明》。推进世界贸易组织TRIPS理事会、金砖国家知识产权合作机制、APEC知识产权专家组会议等多边场合项下的知识产权交流与合作。积极推动《保护广播组织条约》等国际版权条约谈判进程，合作举办2018国际版权论坛，积极推动《视听表演北京条约》生效。最高人民法院与世界知识产权组织合作举办首届知识产权司法审判高级研究班，推动知识产权审判队伍国际化进程。贸促会联合国际商会、国际保护知识产权协会共同主办国际工商知识产权2018论坛；中国国际商会承办国际商会知识产权委员会2018年秋季会议，积极对接国际商会打击假冒和盗版商业行动组开展相关工作。

跨境执法合作积极拓展。2018年7月，中国和欧盟签署《中欧海关知识产权合作行动计划（2018-2020）》，在打击知识产权

侵权行为方面进一步加强合作。公安和海关部门参加国际刑警组织、世界海关组织联合开展的“盘古”第十一次联合行动，重点打击网络销售假药犯罪行为。公安部门参与打击非法物品贩运“链条”行动，围绕重点跨国案件与国际刑警组织进行联合研判，取得积极成效。

三、多措并举优化营商环境

中国政府加快转变职能，充分发挥市场配置资源的决定性作用，采取放宽市场准入、对标国际规则、加强权益保护等多种举措，大力提升营商环境法治化、国际化、便利化水平。世界银行2018年10月发布的《2019年营商环境报告》显示，中国营商环境排名在190个经济体中名列第46位，较2017年大幅上升32位，在G20国家中提升位次最多，营商环境改善幅度位居全球第三，东亚太平洋地区之首，是营商环境改善最为显著的经济体之一。

（一）投资贸易更加高效便捷

提升投资便利度。2018年6月，国务院印发《关于积极有效利用外资推动经济高质量发展若干措施的通知》，在全国实行外商投资准入负面清单，放宽企业开展外汇资金集中运营管理试点的备案条件，支持跨国企业集团办理跨境双向人民币资金池业务。积极推进外国高端人才服务“一卡通”试点，简化外国人才来华工作许可程序。2018年在全球跨国投资下降19%的情况下，中国实际使用外资1383亿美元，增长1.5%，再创历史新高。

促进贸易便利化。2018年10月，国务院印发《优化口岸营商环境促进跨境贸易便利化工作方案》，将进出口环节验核的监管证件减至48种，推进海关、边检、海事一次性联合检查。截至

2018年12月底，进出口整体通关时间分别比上一年压缩56.4%和61.2%。据海关统计，2018年，中国外贸进出口总额30.5万亿元人民币，同比增长9.7%。其中，出口16.4万亿元，增长7.1%；进口14.1万亿元，增长12.9%。

推进注册便利化。市场监督管理、税务等部门共同大幅压缩企业开办时间，由原来平均20天减至8.5天内；在全国推开“证照分离”改革；全面推进“企业开办全程网上办”改革试点和电子营业执照。截至2018年底，全国实有市场主体1.1亿户，其中企业3474.2万户，新增市场主体2149.6万户，新增企业670万户，日均新增企业1.8万户。

（二）对外合作更加开放包容

大幅放宽市场准入。2018年6月，国家发展改革委、商务部发布《外商投资准入特别管理措施（负面清单）（2018年版）》，将限制性措施由63条减至48条，在22个领域推出开放措施，大幅开放金融、基础设施、交通运输、商贸流通和文化等领域的服务业，基本放开汽车、船舶和飞机等制造业，放宽农业和能源资源领域的准入。负面清单之外的领域，按照内外资一致原则实施准入前国民待遇。据统计，2018年来自发达经济体的投资维持较快增长，英国、德国、韩国、日本、美国对华投资分别增长了150.1%、79.3%、24.1%、13.6%、7.7%；利用外资结构持续优化，制造业利用外资占比升至30.6%，高技术制造业利用外资增长35.1%。合同外资5000万美元以上的大项目近1700个，增长

23.3%。世界贸易组织2018年7月发布的《中国贸易政策审议报告》认为，中国仍是最大的外商投资目的地之一，吸引外国直接投资连续多年上升。

专栏5 扩大金融业对外开放

近年来，中国人民银行会同有关部门，加快推出对外开放措施，取得了一系列积极成果。银行业、证券业、保险业推出新一轮开放措施。股比方面，银行业完全放开外资持股比例限制，证券业和保险业外资持股比例放宽至51%，2021年不再设限；业务范围方面，大幅扩大外资银行业务范围，不再对合资证券公司业务范围单独设限，放开外资保险经纪公司经营范围。同时，不断放开征信、评级、支付等领域的准入限制，允许外资机构在中国开展企业征信业务和信用评级服务，明确银行卡清算机构和非银行支付机构的外资准入政策，给予外资国民待遇。

外资机构市场准入和在华展业取得明显进展。证监会正式批准瑞银集团（UBS）增持瑞银证券的股比至51%，成为首家外资控股证券公司。银保监会批准德国安联保险集团筹建安联（中国）保险控股有限公司，成为中国首家外资控股保险公司。人民银行会同银保监会审查通过美国运通公司发起设立银行卡清算机构“连通公司”的筹备申请，迈出中国银行卡市场开放的重要一步。美国标普公司作为首家外资公司获准进入中国信用评级市场。

打造对外开放新高地。2018年11月，国务院印发《关于支持自由贸易试验区深化改革创新若干措施的通知》，进一步发挥

自由贸易试验区全面深化改革和扩大开放试验田的作用。在推动对外开放方面，自由贸易试验区进一步放宽外商投资建设工程设计企业、人才中介机构等方面的资质限制。2018年6月修订的《自由贸易试验区外商投资准入特别管理措施（负面清单）（2018年版）》将限制性措施减至45条，在种业、油气、矿产资源、增值电信业务、文化等重要领域拓展开放试点。2018年，自由贸易试验区新设立企业9409家，实际使用外资1073.1亿人民币，占全国比重为12.1%。推进国家级经济技术开发区创新提升，激发对外经济活力，培育具有较强竞争力的先进制造业、产业集群，推动国际合作园区建设，以高水平开放促进高质量发展。

建设开放型合作平台。中国致力于维护和发展开放型世界经济，与其他国家共同构建广泛的利益共同体。2018年11月，举办首届中国国际进口博览会，以实际行动支持经济全球化和贸易自由化。172个国家、地区和国际组织参加，220多家世界500强和行业龙头企业参展，300多项新产品新技术首次发布，成交额578亿美元。

专栏6 加强知识产权保护交流合作

2018年11月，打击侵权假冒论坛、第十五届上海知识产权国际论坛暨全球知识产权保护和创新发展大会顺利举办，作为首届中国国际进口博览会的配套活动，系统展示了中国打击侵权假冒、保护知识产权的措施与成效，引起国内外积极反响。

（三）市场竞争更加公平有序

维护公平竞争市场秩序。加大反垄断执法力度，立案调查涉嫌垄断协议和滥用市场支配地位案件 36 件，结案 17 件。开展涉企和民生领域价格收费专项检查、进出口环节收费专项整治，治理整顿乱收费行为。严厉打击非正常专利申请和商标恶意抢注、囤积行为。深入推动公平竞争审查，加快健全审查机制，全国对 31 万份新制订文件进行公平竞争审查。

加强贸易政策合规工作。2018 年，继续深入落实《国务院办公厅关于进一步加强贸易政策合规工作的通知》，在做好贸易政策日常合规评估基础上，进一步加大能力建设力度，多层次提升合规意识，加强我国贸易政策与世界贸易组织规则和中国加入世界贸易组织承诺对接，提升我国贸易政策合规性和有效性。

加强外商合法权益保护。继续加大知识产权保护力度，严厉打击侵权假冒违法犯罪行为，大幅提高知识产权侵权法定赔偿上限，保护外商投资企业的合法权益。严格履行中国加入世界贸易组织承诺，外商投资过程中技术合作的条件由投资各方议定，明确规定各级政府工作人员不得利用行政手段强制技术转让。完善中央层面外商投资企业投诉工作部际联席会议制度，同时建立健全各省外商投资企业投诉工作机制，及时解决外商投资企业反映的突出问题。

履行国际通行经贸规则。中国高度重视并积极参与世界贸易组织贸易政策审议，认真履行世界贸易组织通报义务，按照要求

定期通报国内相关法律、法规和具体措施的修订调整和实施情况，涉及货物贸易、服务贸易、知识产权法律法规等诸多领域。参与世界贸易组织对其他成员审议近 300 次，向被审议成员提交书面问题和贸易关注，敦促其他成员遵守世界贸易组织规则和有关承诺，为维护和强化审议机制功能发挥了积极作用。

维护国际争端解决机制。中国主张通过世界贸易组织争端解决机制妥善解决贸易争端，维护自身贸易利益和世贸规则权威。积极参与改进世界贸易组织争端解决程序的谈判，支持世界贸易组织上诉机构独立公正开展上诉审议工作。针对当前个别世界贸易组织成员阻挠上诉机构成员遴选，与 60 多个成员联署提案，努力推动尽快启动遴选程序。

（四）信用建设更加公开透明

加强信用监管机制建设。一是推进“双随机、一公开”监管。2018 年市场监管部门共抽查企业 160.1 万户次，抽查比例为 5.28%，抽查检查结果通过国家企业信用信息公示系统 100% 予以公示，牵头或参与开展部门联合双随机抽查 13.6 万户次。二是**加强市场主体信用监管。**推进企业年报和信息公示，企业年报公示率为 91.5%。政府部门间签署《失信企业协同监管和联合惩戒合作备忘录》等多个联合奖惩备忘录，对市场主体实行守信联合激励和失信联合惩戒，让守信者“一路畅通”，失信者“寸步难行”。三是**完善国家企业信用信息公示系统。**有效归集各级政府部门对 1.13 亿市场主体的登记注册备案、行政许可、行政处罚、

抽查检查结果、经营异常名录、严重违法失信企业名单（“黑名单”）等涉企信息 6.29 亿条，便于企业累积信用，促进企业诚信自律。

专栏 7 加强知识产权失信联合惩戒

发展改革委、中国人民银行、国家知识产权局等 38 个部门联合签署《关于对知识产权（专利）领域严重失信主体开展联合惩戒的合作备忘录》，明确重复专利侵权行为等知识产权领域严重失信行为将面临 38 项惩戒措施，合力构建知识产权失信惩戒制度。

深化“互联网+政务服务”。2018 年 7 月，印发《国家数据共享交换平台服务接口申请、授权和使用管理暂行办法》，进一步规范数据共享申请授权管理服务，基本建成全国一体化的数据共享交换平台体系，面向全国各级政府部门开通 1000 余个数据共享服务接口，数据共享交换量达 360 亿条次。2018 年 4 月，发展改革委联合相关部门启动“群众办事百项堵点疏解行动”，分批分领域面向社会征集群众办事遇到的堵点。

结束语

加强知识产权保护是中国切实履行加入世界贸易组织的庄严承诺，更是中国自身发展的内在需要。2018年，中国知识产权保护和营商环境建设取得显著成效，维护了公平有序竞争，激发了市场主体创新创业积极性，推动了创新驱动发展战略实施和经济高质量发展，为全球治理侵权假冒、保护知识产权，提供了中国方案，贡献了中国智慧。

保护知识产权、优化营商环境需要世界各国共同面对、紧密合作。面向未来，中国将始终与国际通行规则保持一致，坚持对内对外依法平等保护知识产权，严厉打击侵权假冒行为，营造国际一流营商环境。全面履行中国的承诺和国际义务，坚定维护多边贸易体制，反对单边主义和贸易保护主义，促进世界经济持续繁荣发展。

Preface

Today's world is characterized by the trends of peaceful cooperation, opening up, and transformative innovation. Innovation is the primary force driving development. Innovative development requires a favorable business environment, and property rights protection, especially intellectual property rights (IPR) protection, is an important aspect in shaping a favorable business environment. The Chinese government attaches great importance to IPR protection and business environment optimization. President Xi Jinping emphasized that “strengthening protection of intellectual property rights (IPR) is the centerpiece of the system for improving property rights protection, and it would provide the biggest boost to the competitiveness of the Chinese economy”, “we respect international business rules and practice, and provide equal treatment to all types of businesses registered in China”, and China will “create a world-class business environment”. At the opening ceremony of the Second Belt and Road Forum for International Cooperation, he once again called for efforts to “protect intellectual property”, “crack down on violations of intellectual property in accordance with law”, and “create an enabling environment for innovation”. The year of 2018 marked the 40th anniversary of China's reform and opening up, and it was also a crucial year for reforms in the IPR management system and the business environment in China. New progress has been made in China's IPR protection and business environment construction.

I. Forging ahead with the deepening of reforms

In 2018, China's IPR management system and operational mechanism achieved historical reconstruction, major breakthroughs were made in trial reform of IPR cases, IPR protection was comprehensively strengthened, and the comprehensive strength in IPR reached a new level. The dividends of the reform to streamline administration and scale back administrative power, ease restrictions and strengthen regulation where necessary, and improve services continued to be released, the business environment was greatly improved, and the vitality of main market players was sufficiently stimulated. The reforms in IPR and the business environment continued to be deepened, promoted each other and achieved remarkable results.

i. IPR reform constantly deepened

Reconstruction was achieved in the system of IPR administrative management. In March 2018, the CPC Central Committee printed and issued the *Plan for Deepening the Institutional Reform of the Party and State* which, by optimizing and integrating the responsibilities of IPR administrative management at the macro level, newly established the State Administration for Market Regulation and re-established the National Intellectual Property Administration. The General Office of the CPC Central Committee and the General Office of the State Council printed and issued the *Guidelines on Deepening the Reforms of Comprehensive Administrative Law Enforcement in Market Supervision*, which provided top-level designing for the comprehensive law enforcement in IPR and

other fields. Trademarks, patents, geographical indications of origin and layout designs of integrated circuits shall be subject to the unified management by the State Intellectual Property Office. Among them, the geographical indications of agricultural products shall be handled by the State Intellectual Property Office, the Ministry of Agriculture and Rural Affairs and other departments according to respective responsibilities, and the administrative enforcement of trademarks and patents shall be exercised by comprehensive law enforcement teams for market regulation. IPR management has become more centralized and efficient upon reform, and problems in the split management and repetitive enforcement of trademarks and patents have been solved.

Major breakthroughs were made in trial reform of IPR cases. First, a programmatic document guiding the reform was introduced. In February 2018, the General Office of the CPC Central Committee and the General Office of the State Council printed and issued the *Opinions on Several Issues concerning Strengthening Reform and Innovation in Intellectual Property Trials*, which adopted an overall action plan for the reform of the system and mechanism of IPR trials. **Second, an appeal and hearing mechanism for IPR cases was established at the national level.** The Supreme People's Court established an IPR court which mainly deals with patents and other IPR appeal cases requiring strong technical expertise. **Third, efforts in the “three in one” reform of IPR trial were strengthened.** The “three in one” reform of civil, administrative and criminal IPR cases has been comprehensively and thoroughly promoted in courts across the whole country. There are currently 17 higher courts, 113 intermediate courts and 129 local courts in China that have implemented the “three in one” reform. **Fourth, the construction of IPR judicial institutions was strengthened.** In 2018, 8 IPR courts were approved and established in places such as Tianjin and Zhengzhou. Together with 11 IPR

courts that had been previously established in places such as Nanjing and Hefei, there are now 19 IPR courts with cross-regional jurisdictions. The establishment of IPR courts is of great significance for further improving the IPR protection mechanism, unifying the standards of IPR judicial adjudication, improving the quality of trials, giving play to the leading role of justice in IPR protection, maintaining market order and the legitimate rights and interests of main market players, and implementing the innovation-driven development strategy.

Notable results were achieved in the reforms to streamline administration, delegate powers, and improve regulation and services in the IPR sector. First, the cycle of IPR review was greatly shortened. The average review cycle of trademark registration was compressed to 6 months, and that of high-value patents was compressed by 10%, which improved the efficiency of IPR review. **Second, the IPR administrative and institutional fees were greatly reduced.** As of August 1, 2018, some patent fees were cancelled or adjusted. For an eligible applicant, the period of reduction of patent annuity was extended to 10 years from 6 years upon the year in which the patent was granted; for an application for an invention patent, 50% of the substantive examination fee for patent application may be refunded where the application is voluntarily withdrawn before the expiration of the reply period of the notification of first office action (except for those whose replies have been submitted). **Third, access to the patent agency industry was eased.** By amending the *Patent Agency Regulations*, the provincial-level preliminary examination for the establishment of agencies was abolished, and the conditions for patent agencies to apply for licenses was further lowered. **Fourth, trademark data was made fully open.** The online trademark service system was fully launched, and the basic information of all existing stock trademarks was made free to the public. **Fifth, electronic IPR application becomes paperless.** As of November 27, 2018,

trademark registration certificates were issued electronically, and the public can inquire and use trademark registration certificates from <http://sbj.saic.gov.cn/>. The protection of geographical indications was continuously strengthened. In 2018, 67 enterprise geographical indication protection application were approved, 961 geographical indication trademarks were registered, and 223 enterprises were approved to use GI-specific signs.

ii. Steady progress made in reform of business environment

The policy environment of enterprise development was being improved. The State Council established Coordination Group on Promoting the Transformation of Government Functions and Reforms to Streamline Administration, Delegating powers, and Improving Regulation and Services, which consists of the group for optimizing business environment, to take the lead in optimizing the business environment, improving comprehensive competitiveness, and creating new competitive advantages. Focusing on overcoming the blocks and pains in the investment and production of enterprises, a series of policies and documents have been introduced, including the *Circular of the State Council on Promoting the Reform of “Separation of Licenses and Operating Permits” Nationwide*, the *Circular of the State Council on the Several Measures for Actively and Effectively Using Foreign Capital to Promote the High-quality Economic Development*, the *Circular of the State Council on Printing and Issuing the Program for Optimizing the Business Environment at Ports to Facilitate Cross-border Trade*, the *Circular of the General Office of the State Council on Addressing the Concerns of Businesses and Improving the Business Environment*, and the *Opinions of the General Office of the State Council on Further Reducing the Length of Time for Starting Businesses*. The policies accelerate the establishment of a market-oriented legal and international business environment, and enhance the

confidence and competitiveness of enterprise development.

The commercial system reform was furthered. First, the reform of “separation of licenses and operating permits” was staged nationwide. According to the *Circular of the State Council on Promoting the Reform of “Separation of Licenses and Operating Permits” Nationwide*, since November 10, 2018, the first group of 106 enterprise-related administrative approval items shall be subject to the reform of “separating licenses from operating permits” nationwide in four ways respectively, namely, direct cancellation of approval, replacement of approval with record filing, the implementation of the notification-commitment system, and the optimization of access services, to greatly simplify administrative approval and put an end to the phenomenon of “letting firms in but not letting them do business.” **Second, the reform for facilitation of registration was deepened.** The State Administration for Market Regulation and the State Taxation Administration pressed ahead with efforts to shorten the timeframe required for the establishment of an enterprise; the People’s Bank of China (PBC) conducted a pilot reform to abolish the licensing mechanism for opening corporate bank accounts; and the State Intellectual Property Administration shortened the required time length for trademark registration and patent application review. The commercial system reform has streamlined enterprise-related administrative approval items, created new government regulation models, reduced the market access threshold and the institutional transaction costs.

Liberalization and facilitation of foreign investment witnessed significant improvement. First, China drew on standard international investment attraction policy. The *Circular of the State Council on the Several Measures for Actively and Effectively Using Foreign Capital to Promote the High-quality Economic Development* proposes 65 policy measures for the

liberalization, facilitation, promotion and protection of investment in line with international advanced levels to create a fairer, more transparent, convenient and attractive investment environment. **Second, China further eased restrictions on foreign investment access.** China downsized the negative list for foreign investment access. In the negative list published in 2018, China removed some restrictive measures and greatly boosted investment liberalization. **Third, China forged ahead with administrative reform to streamline administration, delegate more powers, improve regulation, and provide better services in the field of foreign investment.** According to the negative list, the approval of foreign investment worth of less than USD one billion in total is delegated to people's governments at the provincial level. China implemented a nationwide policy to establish a one-stop platform for foreign-invested enterprises to complete business filing procedures and business registration at one go. At present, foreign-invested enterprises established via approval account for less than 1%. These moves have brought investment facilitation to a higher level.

An evaluation system of the business environment was taking shape. The National Development and Reform Commission (NDRC) takes the lead in accordance with the principles of international comparison, benchmarking the World Bank, and Chinese characteristics. Focusing on the establishment of enterprises, handling building permits, obtaining credit, paying taxes, handling bankruptcy, and intellectual property protection, which are closely related to market entities, scientifically constructing an evaluation index system for business environment in China. A pilot evaluation on the business environment was conducted in 22 cities across eastern, central, western and northeastern China, to promote reform and optimization through evaluation. Meanwhile, a set of targeted reform measures were put in place so that both businesses and the public now enjoy increasingly better access to government services.

II. Effective protection of intellectual property rights (IPR)

In 2018, China secured remarkable progress in the consistent efforts to improve the legislation system of IPRs, strengthen administrative enforcement, step up judicial protection, and push forward interdepartmental and cross-regional collaboration, social governance and international cooperation, under the principles of rule by law, fighting while constructing, coordination and collaboration and joint governance of different social sectors. Global Innovation Index 2018 issued by WIPO in Jul. 2018 shows that China ranks 17th, up 5 places from the previous year, and gets into the top 20 for the first time in global innovation indexes report.

i. Improved Legislation system

E-commerce legislation secured major breakthroughs. In August 2018, the *E-commerce Law* was adopted by voting on the 13th Standing Committee of the National People's Congress (NPC), and put into force on January 1, 2019. As China's first comprehensive law in the field of e-commerce, the *E-commerce Law* specifies IPR administrative penalty and related standards and toughens the punishment for IPR infringements, which is milestone significance in providing solid legal guarantee to IPR protection in the field of e-commerce, protecting the legitimate rights and interests of relevant e-commerce entities, and advancing the innovative development of e-commerce.

Progress was made in improving the legal framework of market competition. The amended *Anti-Unfair Competition Law of the People's*

Republic of China defines the act of market confusion more accurately, redefines commercial bribery, adds new provisions on the internet sector, strengthens and improves the regulation of unfair competition, and greatly raises the ceiling of penalty amount, thus effectively enhancing legal deterrence. Since the implementation of the amended *Anti-Unfair Competition Law* one year ago, market regulation authorities have investigated 11,000 unfair competition cases and confiscated a sum of RMB 380 million. The enactment of the law provides strong legal protection to the building of more open, transparent, justified and orderly market rules and systems.

Efforts on the building of punitive damages systems sped up. In China's current legal IPR framework, the *Trademark Law* provides for punitive damages. The amendment of the *Patent Law* and the *Copyright Law* was accelerated as well. In December 2018, the *Patent Law (Draft Amendment)* was submitted to the 13th Standing Committee of the NPC for the first deliberation. The draft strengthens crackdown on IPR infringement, and raises the compensation and fines for intentional IPR infringement and patent counterfeiting, thus pushing up the cost of infringement and effectively deterring and containing malicious infringement. The third revision of the *Copyright Law* will set out provisions on punitive damages as well.

Steady progress was made in improving laws and regulations on IPRs.
First, the patent agency system was improved. China revised the *Patent Agency Regulations*. In doing so, it eased access to the patent agency industry, streamlined approval procedures, improved patent agency practice standards and service regulation systems, and enabled more professional patent agency services with a clearer market orientation. **Second, it stepped up the protection of Olympic symbols.** The *Regulations on the Protection of Olympic Symbols* was revised, adding provisions on ambushing marketing behaviors that seek

profits by establishing sponsorship relationships or other supportive relationships with right holders of Olympic symbols, and raising the administrative penalty standards of Olympic symbol infringement.

Various Judicial interpretations of IPRs were issued. The Supreme People's Court (SPC) issued the *Provisions of the Supreme People's Court on Several Issues Concerning the Application of Law in Examining Cases Involving Act Preservation in Intellectual Property Disputes* which improves the procedures and substantial rules for IPR cases involving act preservation and delivers judicial guarantee to containing infringement upon the rights of IPR holders and their access to judicial remedy. The *Provisions of the Supreme People's Court on Several Issues Concerning the Intellectual Property Tribunal* was released to specify the nature, scope of case acceptance, litigation procedures, operation mechanism of adjudicative power and proceeding coordination. The *Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Cases by Internet Courts* was rolled out to guide the trial of Internet courts.

ii. Administrative law enforcement remarkably enhanced

Steady progress has been made in rectifying key fields. The first is governance of the internet. The State Administration for Market Regulation took the lead in launching the 2018 special campaign for online market regulation, during which a total of 811,000 websites were inspected, 12,000 websites were ordered to make rectifications and 18,000 online trading cases were investigated. Network security and information departments have removed 4.12 million pieces of unlawful information and closed down 241 counterfeit websites. The Ministry of Culture and Tourism (MCT) deployed the Internet app stores to carry out a clean-up action on mobile phone performance platforms with a view to severely investigating and punishing illegal business activities in

the culture and tourism market. Under the leadership of the National Copyright Administration (NCAC), the special campaign called “Jianwang 2018” was conducted to focus on solving problems concerning online reproduction and short videos, removing 1.85 million infringing pirated network links and confiscating 1.23 million infringing pirated products. A total of 1,024 unlawful websites (APP) were dealt with in partnership with the ministerial and provincial competent communication authorities under the Ministry of Industry and Information Technology (MIIT). The National Intellectual Property Administration (CNIPA) further improved and rectified the protection of intellectual property rights in the e-commerce field, investigating 33,000 patent infringement cases in the e-commerce field. The State Administration of Press, Publication, Radio, Film and Television (SAPPRFT) further cracked down on harmful online audiovisual programs, illegal audiovisual websites and illegal internet television platforms. **The second is governance of suburban areas.** The Ministry of Agriculture and Rural Affairs led the special campaign for cracking down on counterfeit agricultural goods, inspecting 936,000 agricultural material enterprises, rectifying 232,000 markets and confiscating counterfeit agricultural materials of 5,400 tons. The State Administration of Forestry and Grassland conducted the activity of “Administrative Law Enforcement Year of Forest Seedlings Nationwide”, investigating and handling over 120 cases relating to production and sales of inferior seedlings; and conducted special campaign for protecting new varieties of plants by inspecting relevant exhibitions or trade fairs. **The third is governance of export and import.** The General Administration of Customs (GAC) conducted the “Qingfeng” campaign to crack down on the counterfeit and shoddy goods in export and import, intercepting 1,738,000 pieces of inferior goods, and also conducted the “Longteng” campaign to protect the intellectual property rights of enterprises having advantages over

export, investigating 385 batches of exported and imported goods suspected of infringing the intellectual property rights of domestic enterprises, with a year-on-year increase of 52.2%. **The fourth is governance of key fields concerning the people's livelihood.** Nearly 25,000 cases concerning production and sales of fake or poor-quality medicines were investigated, worth RMB 2.612 billion. A batch of important typical cases, such as Jiangsu Taizhou “3·7” and Hunan Xiangtan “4·4” cases of producing and selling fake cosmetic products, destroying 46 dens of producing or selling fake products, totally worth RMB 550 million.

Remarkably strengthened regulation. In 2018, the CNIPA conducted such special campaigns as “Suyuan”, “Jinghua” and “Leiting” concerning trademarks and patents, investigating and handling 77,000 patent infringement cases throughout the year, with a year-on-year increase of 15.9%, and investigating and handling 31,000 trademark cases, worth RMB 550 million. Trademark protection for foreign-funded enterprises has continuously been enhanced, 6,000 cases of infringing upon rights and interests of trademark registrants from Hong Kong, Macau and Taiwan of China as well as foreign countries were investigated, worth RMB 151 million, with a year-on-year increase of 50.1%. A total of 236 trademark-related criminal cases were transferred to judicial authorities, with a year-on-year increase of 37.2%. 108 criminal cases about infringement upon foreign trademarks were transferred to judicial authorities, with a year-on-year increase of 28.6%. Copyright administrations accepted and handled a total of more than 2,500 infringement and piracy cases, transferred 102 cases to judicial authorities and destroyed 203 dens. The supervision over the application of genuine software has been strengthened, inspecting 374 units in total and checked 50,400 computers. The MIIT has continued the supervision and inspection over the use of legitimate software, with the pre-installed genuine operation systems in new factory computers accounting for over 98% of the total pre-installed systems

for 9 consecutive years. The Customs investigated and confiscated 47,200 batches of exported and imported IPR infringing goods in total, containing 24.8 million IPR infringing goods, reviewed and approved of 11,488 applications for registering IPR customs protection, with a year-on-year increase of 24.9%. The SAMR investigated and handled 29,000 cases of impairing consumers' rights and interests worth RMB 870 million, and confiscated RMB 200 million, continued cracking down on such unfair competition behaviors as market confusion and false advertising, investigated and handled 11,277 unfair competition cases, confiscating RMB 380 million. The State Post Bureau (SPB) intensified the implementation of main body responsibilities of postal and express enterprises and urged such enterprises to check articles to be delivered in line with law, in order to prevent goods infringing upon intellectual property rights and inferior goods from flowing into the delivery channel.

Column 1 Strictly punish trademark infringement according to law

In November 2018, Beijing Market Regulatory Bureau released top10 cases of “cracking down on infringement upon trademark exclusive rights and production or sales of counterfeit goods”. The case of infringing upon the exclusive rights of the registered trademark “Tiger” was investigated and handled, ordering the company involved to stop infringement, confiscating 6,687 pairs of infringing shoes and imposing a fine of over RMB 55.87 million. It is the biggest trademark infringement case investigated and handled in Beijing for nearly 20 years.

iii. Enhanced judicial protection

Precisely and severely cracking down on crimes. The Ministry of Public Security (MPS) developed the “Platform of studying and judging information

on crackdown on IP infringement crimes”, which contains 85 million pieces of historical case data, and established 32 strategy centers for information study and judgment nationwide to provide data support to local authorities in clue study and judgment; continued the “Chunlei” campaign for cracking down on IP crimes, the “Yunque” campaign for cracking down on fake medicines, the campaign for cracking down on economic crimes involving cigarettes, and the “Lijian” campaign for cracking down on inferior goods, “One-Hundred-Day Campaign” for fighting crimes involving food, medicine, agricultural goods and environment, and organized local public security organs to fully play their role to place focus on investigating important cases, intensify crackdown and maintain crackdown effort in a strict and intensified way, solving nearly 19,000 cases. in 2018, the procuratorial organs approved of arresting over 8,000 persons involved in more than 4,500 cases of producing or selling counterfeit goods and instituted 9,100 public prosecutions against over 15,800 persons; approved of arresting 5,627 persons involved in 3,306 criminal cases of IPR infringement and instituted 4,458 public prosecutions against 8,325 persons. They approved of arresting 133 persons involved in 70 cases concerning the crimes containing IPR infringement and instituted 147 public prosecutions against 220 persons. Meanwhile, they gave full rein to the supervision functions in case acceptance, investigation and judgment and timely corrected such problems as failure in transferring the case that shall be transferred, failure in accepting the case that shall be accepted, imposing a fine in exchange for criminal punishment, and unfair judgment. In 2018, as suggested by the procuratorial organs, the law enforcement administrations transferred 343 IPR criminal cases involving 464 persons; under the supervision of procuratorial organs, the public security organs accepted and investigated 189 criminal cases of IPR infringement involving 237 persons; the procuratorial organs requested public security organs to correct their

211 illegal acts of investigating IP criminal cases in writing; the procuratorial organs presented 55 criminal protests, causing the people's court to change the judgment for 38 persons. The procuratorial organs have attached importance to abiding by their objective and fair duties and performed their power of supervision and withdrawing a case according to law, so as to protect lawful IPR owners from not being improperly prosecuted. In 2018, under the supervision of procuratorial organs, the public security organs withdrew 131 IPR infringement criminal cases involving 148 persons. Besides, the procuratorial organs actively developed and released procuratorial suggestions to promote administration at law, prevent and reduce IPR crimes, and launched ten typical cases concerning IPR protection, showing the power and level of work of procuratorial organs on IPR criminal and judicial protection.

Column 2 Fighting infringement and counterfeiting crimes by making use of big data

In 2018, public security departments deployed the “Yunque” campaign for cracking down on fake medicines, forming the strongest round of crackdown in the field of fake medicines in recent years. In September 2018, Shanghai police succeeded in solving a particularly major case of cross-border sales of IPR infringement and counterfeit goods by taking advantage of big data analysis. In this case, suspects covered for themselves by conducting normal dealings, built tens of foreign language websites with the use of servers abroad, and sold counterfeit name brands to clients from 47 foreign countries, worth more than RMB 1 billion. Together with Guangdong, Hubei and Fujian police, Shanghai Bureau of Public Security destroyed 17 places of production, arrested 21 suspects, closed down 35 websites of selling counterfeit commodities, and captured more than 10,000 counterfeit name brands.

Column 3 Supervision over important cases

In 2018, the Supreme People's Procuratorate supervised 10 important trademark right infringement cases including Jiangmen "1·19" counterfeit registered trademark case; supervised 22 cases including the case of the suspect surnamed Feng suspected of disseminating infringing works in Tianjin by network disk together with Copyright Administration Bureau of the Publicity Department of the Communist Party of China, National Work Team Office of Eliminating Pornography and Illegal Publications and Public Security Bureau of the Ministry of Public Security, and dispatched personnel to supervise and guide case handling in Sichuan and Fujian. Local procuratorial organs supervised important IPR infringement crime cases within their jurisdiction. For example, Shanghai Procuratorate supervised 10 cases including the case of suspects surnamed Zheng and Zhang and others constituting copyright infringement; Zhejiang Provincial Procuratorate supervised the case of suspect surnamed Huang in Jinhua and others suspected of selling pirated disks and the case of suspect surnamed Ma and others in Yiwu suspected of selling pirated books.

Fair and efficient judicial trials. Firstly, the number of accepted and closed IPR cases reaches to a new record and the quality and efficiency of trials is remarkably improved. In 2018, the number of IPR cases accepted by the people's courts throughout the nation totals 334,951, up 41.19% compared with 2017; the number of closed cases hits 319,651, up 41.64% compared with last year, with the rate of closing the case of as much as 95.43%; the rate of satisfaction of IPR cases has been on the rise and the rate of conciliated and withdrawn case goes up greatly. **Secondly, judicial protection plays an increasingly prominent leading role and the public steadily has more**

confidence in judicial protection of IPR. The Standing Committee of the National People’s Congress deliberated and adopted the Organic Law of the People’s Court (Draft for revision), which establishes the guiding case system for the first time. As to typical cases in judicial practice, the Supreme People’s Court (SPC) timely releases them through the case guidance system to give a full play to the demonstration effect and leading role of judicial judgments. **Thirdly, further improve judicial proceedings for IPR cases.** The Standing Committee of the National People’s Congress deliberated and adopted the Decision on Several Problems concerning the Lawsuit Procedures for IPR (including Patent) Cases, further unifying standards for judging IPR cases. **Fourthly, continuously make judicial matters more transparent.** Synchronously audio and video recording and live broadcasting online hearing was greatly propelled and more judgment documents were made public. Annual Top 10 cases and 50 typical cases of judicial protection of IPR were released to clarify and unify the standards of applying IPR laws.

Column 4 Give equal protection to IPR of foreign enterprises

On April 26, 2018, the SPC publicly heard the administrative case of rejected trademark review between Parfums Christian Dior and the Trademark Review and Adjudication Board of State Administration for Industry and Commerce and pronounced the sentence in court. This case further built the image of China’s role as a responsible major country in protecting IPR and improved the public confidence in the people’s courts by providing timely and effective judicial remedies to international trademark applicants, equally protecting lawful rights and interests of foreigners and actively performed international obligations.

iv. Continuously strengthen planning and collaboration

The planning and collaboration mechanism efficiently operated. Firstly, the IPR collaboration mechanism was further adjusted and improved. The State Council adjusted members of The National Leading Group on the Fight against IPR infringement and Counterfeiting, and set the office of the Leading Group in the State Administration for Market Regulation; also adjusted units and members of the ministerial joint meeting of the State Council for implementing IPR strategies and set the office of such meeting in the National Intellectual Property Administration. **Secondly, continuously intensify the linkage between the Central Government and local governments.** According to the deployment made by the Central Government, all the local governments actually changed their functions and improved the IPR management mechanism.

Inter-department collaboration was continuously enhanced. The Publicity Department of the Communist Party of China worked with relevant departments to conduct such special campaigns as “Qiufeng 2018” as well as campaign on printing, reproduction and publishing, in order to crack down on online and offline IPR infringement and piracy. The National Development and Reform Commission led to solve discredit problems in 19 fields, determined a batch of third-party market institutions and further propelled joint incentive for integrity and joint punishment for discredit. Six departments including the MOA and SAMR managed rural counterfeit and inferior food together and investigated and settled more than 12,000 cases. The Ministry of Ecology and Environment (MEE), jointly with relevant departments, classified confiscated IPR infringing and counterfeit commodities and destroyed 3,500 tons of such commodities in a harmless way, avoiding secondary pollution and circulation. Law enforcement administrations transferred more than 3,600 persons involved in over 3,100

criminal cases of IPR infringement and producing or selling counterfeit goods, bringing a closer linkage between IPR administrative law enforcement and criminal judiciary.

Regional collaboration became closer. The collaboration of four regions including the Beijing-Tianjin-Hebei Region, the Yangtze River Delta, the Pan-Pearl River Delta and the areas along the Silk Road was deepened. A total of 13 provinces and cities worked together to conduct the “Yunjian Lianmeng” campaign for cracking down counterfeiting on e-commerce, detecting 158 IPR infringement cases, destroyed 89 places of productions and 110 places of storage, arrested 513 suspects, involving more than RMB 2 billion, purifying the market environment in those collaborative regions. Six provinces (Beijing, Tianjin, Hebei, Shanxi, Inner Mongolia and Zhejiang) collaborated in fighting the Internet counterfeiting, explored to establish the mechanism of mutual assistance in cracking down IPR infringement and counterfeiting in the field of the Internet, and propelled the establishment of the trans-regional governance mechanism on internet IPR infringement and counterfeiting.

v. Actively propel social governance

Publicity was conducted in an orderly way. The Publicity Department of the Communist Party of China organized media to disseminate policies and measures for fighting against IPR infringement and counterfeiting with the theme on “Quality consumption and beautiful life”. Relevant departments conducted intensive publicity at the important dates of “3·15”, “4·26” and “5·15” and promoted normal publicity through newspapers, websites and new media. More than 30 financial media initiated the “China Financial Media Copyright Protection Alliance” to resist unauthorized news reprinting and realize normal monitoring. The National Radio and Television Administration and the CNIPA

made a joint release to collect televised public service advertisement themed on IPR protection, manifesting the important role of IPR in social development in the new age and working achievements.

Industrial self-regulation was continuously enhanced. The State-owned Assets Supervision and Administration Commission of the State Council (SASAC) guided central enterprises in setting up the e-commerce alliance to cooperate in practice and improve the level of industrial self-regulation. The Anti-Piracy Alliance Composed of 15 Beijing Publishers concluded the cooperation agreement with large e-commerce platforms for the copyright protection plan, with an aim to propel the social governance of copyright, perform enterprise responsibilities and build a new model of containing piracy from the source. A total of 36 major Internet enterprises signed the *2018 Initiative of Performance of Social Responsibilities of China's Internet Enterprises*, in an effort to create a healthy network ecological environment together. Large e-commerce platforms established quick response mechanism for IPR infringement complaints, and built the commodities quality management system with the use of artificial intelligence and big data technologies.

Quick collaborative protection system was improved. The building of quick collaborative IPR protection system has been continuously propelled. Up to date, 23 IPR protection centers were approved for building nationwide. There were 12 such centers that have been put into service. A total of 20 fast right protection centers were approved of for building, of which 18 were put into service, with the scope of service covering 16 important industries, such as the new generation of information technology, high-end equipment manufacturing, biomedicine. They provided such convenient, efficient and low-cost “one-stop” comprehensive IPR-related services as quick pre-hearing, right confirmation, right protection and patent pre-warning to innovation subjects and market

players.

Resolution of dispute was diversified. The Ministry of Justice and the CNIPA guided Beijing, Shanghai and Zhejiang in building the people's committee of IP dispute mediation in areas and for industries with mature conditions to mediate IP disputes. The CNIPA further propelled the pilot arbitration mediation by cultivating 80 IP dispute mediation organizations that mediated more than 7,600 cases and over 11 arbitral institutions that accepted over 680 cases. The first batch of 29 IP arbitral mediators was chosen to conduct capacity building and focus on the improvement of capacity of resolving disputes.

vi. International cooperation has been constantly deepened

Bilateral exchanges and cooperation have been steadily advanced. Several rounds of negotiations with the EU regarding the geographic indications agreement were held and scored substantive progress. Meetings of the IP working groups with the EU, Russia and Canada on a regular basis to strengthen bilateral legislative were held for legislation, enforcement, and jurisdiction exchanges on intellectual property. Negotiations with Panama, Moldova, Mauritius and Norway on the IP chapters of free trade agreements have also proceeded smoothly, with those with Panama and Mauritius having substantively concluded.

Multilateral exchanges and cooperation have been pragmatically pushed forward. We have constantly enhanced exchanges and cooperation with countries/regions along the Belt and Road, successfully hosted the 2018 Belt and Road High-level Conference on IP and adopted the *Joint Statement on Pragmatic Cooperation in the Field of Intellectual Property Among Countries along the Belt and Road*. Moreover, advanced intellectual property exchanges

and cooperation on multilateral occasions were conducted, e.g. the WTO TRIPS Council, the BRICS cooperation mechanism for intellectual property and the APEC intellectual property experts group meeting, etc. Furthermore, we have actively advanced the process of negotiations for such international copyright agreement such as the *Protect Broadcasting Organizations Treaty*, jointly hosted the 2018 international copyright forum and actively facilitated the coming-into-effect of the *Beijing Treaty on Audio-visual Performances*. Particularly, the Supreme People's Court, in partnership with the World Intellectual Property Organization, organized the first advanced workshop on intellectual property-related judicial judgment, thus promoting the internationalization process of judges handling intellectual property cases. In addition, China Council for the Promotion of International Trade, in collaboration with the International Chamber of Commerce (ICC) and the International Association for the Protection of Intellectual Property, sponsored the International Intellectual Property Business 2018 Forum. China Chamber of International Commerce hosted the 2018 autumn meeting of the ICC's intellectual property committee and cooperated closely with the ICC BASCAP group in doing relevant jobs.

Cross-border cooperation on law enforcement has been actively expanded. China and the EU signed the Action Plan Concerning EU-China Customs Cooperation on IPR (2018-2020) in July 2018, with a view to strengthening cooperation in combating intellectual property infringement. The public security authorities and customs of China participated in the 11th joint operation Pangea organized by the Interpol and World Customs Organization, with emphasis placed on cracking down on online sale of fake medicines. Furthermore, the public security authorities took part in the international operation Chain targeting the trafficking of illegal goods, studied and judged major cross-border cases with the Interpol and generated positive outcomes.

III. Optimizing business environment through several measures

The Chinese government has accelerated the shift of its functions, giving full play to the market in decisively allocating resources, and vigorously improving the level of doing business environment in legalization, internationalization and facilitation, by way of easing market access, aligning with international rules and strengthening the protection of rights and interests. The World Bank's report *Doing Business 2019* issued in October 2018 indicates that, among the 190 economies across the globe, China ranks 46 in terms of the business environment, seeing a rise of 32 places compared with 2017 as a country with the greatest leap among the G20 countries. The improvement in the business environment ranks third in the world as well as the top improver of East Asia and the Pacific. China is one of the world economies with the most significant improvement in the business environment.

i. Investment and trade become more efficient and convenient

Promoting investment facilitation. In June 2018, the State Council of China circulated the Notice on Several Measures for Actively and Effectively Using Foreign Investment to Promote High Quality Economic Development, thereby adopting a negative list approach to the market access of foreign investors, easing the filing conditions for enterprises to experiment the centralized operation and management of foreign exchange funds and supporting transnational enterprises to conduct two-way cross-border RMB cash pooling business. Moreover, the Chinese government has actively pushed forward the

All-in-One-Card service experiment for high-level foreign talents to simplify the approval procedures for them to work in China. While the cross-border investment dropped by 19% globally in 2018, China managed to actually use foreign investment worth USD 138.3 billion, seeing a growth of 1.5% and creating yet another record high.

Promoting trade facilitation. In October 2018, the State Council issued the Program of Optimizing the Business Environment at Ports to Promote Cross-border Trade Facilitation, thereby reducing the number of certificates to be checked at the export and import customs clearance to 48 and promoting the conduct of one-off joint inspection on the part of customs, frontier inspection and maritime authorities. By the end of December 2018, the overall length of import and export customs clearance has been shortened by 56.4% and 61.2% respectively. According to statistics of the customs authorities, the total value of China's foreign trade amounted to RMB 30.5 trillion in 2018, growing 9.7% on a year on year basis. In particular, the value of export stood at RMB 16.4 trillion, up 7.1%, and the value of import stood at RMB 14.1 trillion, up 12.9%.

Promoting business registration facilitation. Market supervision and administration and taxation authorities of China have jointly shortened the time used to set up an enterprise to a significant extent from an average of 20 days in the past to no more than 8.5 days. Reform on “separation of licenses and operating permits” has been rolled out across the country. And a pilot reform on undergoing all the business incorporation procedures online and the use of electronic business licenses have also been advanced in all respects. By the end of 2018, there have been 110 million market entities across the country, including 34.742 million enterprises, 21.496 million newly increased market entities and 6.70 million newly increased enterprises, with the enterprises increasing 18,000 on a daily basis.

ii. International cooperation becomes more open and inclusive

Significantly easing restrictions on market access. The National Development and Reform Commission and the Ministry of Commerce jointly issued the *Special Administrative Measures (Negative List) for Foreign Investment Access (2018)* in June 2018, thereby reducing the number of restrictive measures from 63 to 48, launching opening-up measures for 22 areas, widely opening up areas such as the finance, infrastructure, transportation, commercial circulation and culture, basically opening up the automobile, ship and aircraft manufacturing industries, and easing the market access for agriculture, energy and resources sectors. Beyond the Negative List, pre-establishment national treatment was offered to foreign investors according to the principle of equal treatment to domestic and foreign investors. According to statistics, the investment from developed economies maintained a relatively fast growth in 2018, with the investment from the UK, Germany, South Korea, Japan and the United States increasing 150.1%, 79.3%, 24.1%, 13.6% and 7.7% respectively. The structure of the foreign investment utilization continuously improved, with the manufacturing industry using as much as 30.6% of the total foreign investment and the high-tech manufacturing industry increasing its use of foreign investment by 35.1%. The number of big projects with the contractual amount of foreign investment reaching USD 50 million is approximated 1,700, rising 23.3%. The *Trade Policy Review-China (2018)* released by the WTO in July 2018 held that China remained one of the top destinations for foreign investors across the world, with the FDI growing steadily for years running.

Column 5 Expanding the Opening up of financial industry

In recent years, the People's Bank of China, in collaboration with other government agencies concerned, quickened the process of unveiling opening-up measures and made a series of positive achievements. As a result, the banking, securities and insurance sectors have launched a new wave of opening-up measures. With respect to the shareholding ratio, the banking industry has eliminated all restrictions on the shareholding ratio of foreign investors, while the securities and insurance industries have respectively seen the shareholding ratio of foreign investors rise to 51% at present and further to 100%, with no restrictions set at all, by 2021. With regard to the scope of business, the scope of business allowed to be engaged in by foreign banks has expanded widely; the separate restrictions on Sino-foreign joint securities ventures have been eradicated; and the restrictions on foreign insurance brokers have been removed. Moreover, China has constantly relaxed access restrictions on credit investigation, credit rating and payment sectors, allowing foreign investors to conduct corporation credit business and rating services in China. Furthermore, China has clarified the market access policies for foreign investors to set up bank card clearing and non-banking payment institutions in the country, granting them national treatment in that process.

In practice, foreign investors have made significant progress in accessing the Chinese market and expanding their presence across the country. For example, China Securities Regulatory Commission has officially approved the rise of UBS's shareholding ratio in UBS Securities to 51%, enabling the latter to become the first securities company controlled by foreign investors in China. China Banking and Insurance Regulatory Commission has permitted Allianz, a German insurance group, to prepare for the incorporation

of Allianz China General Insurance Company Ltd, which is to become the first insurance company controlled by foreign investors in China. The People's Bank of China, together with China Banking and Insurance Regulatory Commission, reviewed and gave green light to the application of American Express for the establishment of Liantong Company, a bank card clearing institution, in China, indicating an important step forward for the opening-up of the Chinese bank card market. Moreover, Standard and Poor from the United States has been allowed access to the Chinese credit rating market as the first foreign company to do so.

Explore new horizons of opening-up. The State Council issued the *Notice on Several Measures Supporting the Pilot Free Trade Zones to Deepen Reform and Innovation* in November 2018, with a view to giving more play to free trade zones in furthering reforms in all respects and expanding the test field for the opening-up. In an effort to facilitate opening-up, the pilot free trade zones have further eased restrictions on the qualifications for foreign investors to invest in construction, engineering and design enterprises and talent agencies in China. the *Special Administrative Measures (Negative List) for Foreign Investors Access to Pilot Free Trade Zones (2018)*, as revised in June 2018, reduced the number of restrictive measures to 45 and expanded the opening-up experiment into important areas such as seeding, oil and gas, mineral resources, value-added telecommunication service and cultural sectors. In 2018, the pilot free trade zones of China have seen 9,409 newly set-up enterprises and actually used foreign investment in a total amount of 107.31 billion yuan, which accounted for 12.1% of the national total. In addition to free trade zones, China has promoted the innovation and upgrading of national economic and technological development zones to stimulate the vitality of foreign-related economy and

foster quite competitive advanced manufacturing industries and industry clusters. Moreover, China has advanced the development of international cooperation parks to promote high quality development via high-level opening-up.

Building an open cooperation platforms. China is committed to maintaining and developing an open global economy and to building a wide-reaching community of shared interest with other countries. It organized the first China International Import Expo in November 2018 to support economic globalization and trade liberalization through concrete actions. The expo saw the participation of 172 countries, regions and international organizations, the exhibition of more than 220 global top 500 enterprises and flagship enterprises of various industries and the debut of more than 300 new products and technologies, with the amount of transaction reaching USD 57.8 billion.

Column 6 Strengthening exchanges and cooperation for the protection of IP

The Forum on Combating IP Infringement and Counterfeiting, the 15th Shanghai International Forum on IP & the Global Conference on the Protection, Innovation and Development of IP was successfully held in November 2018 as a supporting event for the first China International Import Expo. It systematically exhibited the measures and outcomes of China in combating IP infringement and counterfeiting and in protecting IP, generating a positive response at home and abroad.

iii. Market competition is fairer and more orderly

Maintaining a fair order for market competition. China has stepped up law enforcement efforts against monopoly behavior. It has filed and investigated 36 cases involving monopoly agreement and abusing dominant market position

and closed 17 cases. It has also conducted inspections over pricing and charging practices involving enterprises and people's livelihood, special rectification against charges on the import and export links to arbitrary charges. Moreover, China has cracked down on improper application for patents and malicious registration and hoarding of trademarks. It has furthermore deepened the fair competition review and accelerated perfection of the review process. Across the country, it has conducted the fair competition review over 310,000 newly formulated documents.

Strengthening trade policy compliance. In 2018, China has continued to carry out the *Notice of the State Council General Office on Further Strengthening Trade Policies Compliance*. On the basis of conducting routine compliance reviews over trade policies, China has intensified its capacity building efforts to raise the awareness of compliance at multiple levels, integrate its trade policies with the WTO rules and China's commitment upon entry into the WTO, and improve the compliance and validity of its trade policies.

Strengthening the protection of legitimate rights and interest of foreign investors. China has continued to step up the efforts to protect IP by cracking down illegal and criminal acts including IP infringement and counterfeiting, significantly raising the ceiling of statutory compensation for IP infringement and protecting the legitimate rights and interests of foreign enterprises. It has also stringently delivered its commitment made upon its entry into the WTO by explicitly providing that the conditions for technological cooperation with foreign investors should be agreed upon by all parties to the cooperation and the staff of governments at various levels should not resort to administrative means to enforce technology transfer. Moreover, China has improved the ministerial joint meeting system for the complaint work relating to foreign investors and established a sound complaint work system for foreign investors at the provincial

level to resolve in a timely manner outstanding issues reported by foreign investors.

Complying with internationally prevailing economic and trade rules. China has attached great importance to and taken an active part in the trade policy review organized by the WTO, earnestly performed its obligation of notification to the WTO and informed the WTO of revisions and implementation of its domestic laws, regulations and measures on a regular basis and as required. So far, it has submitted notifications to the WTO covering such areas as trade in goods, trade in services and IP laws and regulations, etc. China has also participated in the trade policy review against other members of the WTO nearly 300 times, submitted written questions and trade concerns to the reviewed members and urged other members to observe the rules of the WTO and related commitments, thus playing a positive role in maintaining and enhancing functions of the WTO review mechanism.

Safeguarding international dispute resolution mechanisms. China maintained that trade disputes should be resolved properly through the WTO's dispute resolution mechanism for the purpose of both protecting its own interest in trade and upholding the authority of the WTO rules. Therefore, it is active in participating in negotiations aimed at improving the WTO's dispute resolution mechanism and supports the WTO's appellate body to conduct appellate reviews in an independent and impartial manner. In response to individual members' obstruction of the selection of members into the WTO appellate body, China has tabled a joint proposal together with 60-plus members, striving to institute the selection process as soon as possible.

iv. The construction of credit systems is more open and transparent

Heightening the development of credit supervision mechanisms. firstly, China has advanced a credit supervision model featuring “random selection of both the inspectors and the inspected entities, and disclosure of the inspection results”. In 2018, the market supervision authorities spot-checked enterprises 1.601 million times, covering 5.28% of all enterprises across the country. Moreover, results of the spot-check were 100% disclosed via the National Enterprise Credit Information Publicity System. In the same year, the market supervision authorities led or participated in random joint inspection 136,000 times together with other government agencies. **Secondly, China has tightened credit supervision over market players.** It has promoted annual reporting and information disclosure on the part of enterprises, raising the rate of annual report disclosure by enterprises to 91.5%. Moreover, several memorandums on joint reward and punishment, e.g. the *Memorandum on Cooperation in Jointly Supervising and Punishing Non-creditworthy Enterprises*, have been signed among government agencies, under which market players are jointly rewarded if they are creditworthy or jointly punished if they are not, so that creditworthy enterprises “are given green light” while non-creditworthy ones “get stuck” in their operations. **Thirdly, China has improved the National Enterprise Credit Information Publicity System.** So far, the system has effectively collected 629 million pieces of information relating to 113 million market players, including such information as registration and filing, administrative license, administrative penalty, spot-check and inspection results, list of enterprises with abnormal operations, and list of enterprises engaged in severe breach of law and credit (“black list”), in an effort to assist enterprises to

build credit and act with honesty and self-discipline.

Column 7 Strengthening joint punishment for IP-related breach of credit

38 government departments of China, including the National Development and Reform Commission, the People's Bank of China and the National IP Administration, have signed a *Memorandum on Cooperation in Jointly Punishing Entities Engaged in Severe Breach of Credit in the Field of Intellectual Property (Patents)*, specifying that severe breach of credit in the IP areas, e.g. repeated patent infringement, will face 38 disciplinary measures, in a bid to jointly build a disciplinary system for the breach of credit in the IP area.

Deepening the “Internet + government services”. In July 2018, China issued the *Interim Administrative Measures for the Application, Authorization and Utilization of National Data Sharing and Exchange Platforms Service Interfaces* to further regulate the management of data sharing applications and authorizations. As a result, a nationally integrated system of data sharing and exchange platforms was basically put in place. The system has opened more than 1,000 data sharing service interfaces for government agencies at various levels across the country, with the data shared and exchanged amounting to 36 billion piece-times. In April 2018, the National Development and Reform Commission, together with other departments concerned, launched a campaign to break deadlocks in the provision of public services. The campaign solicited public opinions in different areas and at different times on the impasses they often encounter in dealing with the public service providers.

Concluding remarks

Enhancing the protection of IP is a solemn commitment China has made upon its entry into the WTO , moreover, it is the inherent need for the development of China itself. In 2018, China has made significant progress in the protection of IP and the creation of a favorable business environment, thus maintaining fair and orderly competition, stoking the enthusiasm of market players in innovation and entrepreneurship and promoting the implementation of the innovation-driven development strategy and the high quality development of its economy. China has contributed its plan and wisdom to solution of global infringement, counterfeiting and the protection of IP.

The protection of IP and the optimization of business environment require all countries in the world to face up and cooperate closely. Looking into the future, China will always align with the internationally prevailing rules to protect IP according to law and on an equal footing for both domestic and foreign investors, crack down hard on IP infringement and counterfeiting and foster a globally first rate business environment. China will thoroughly deliver its commitment and international obligations, firmly uphold the multilateral trade system and resolutely oppose unilateralism and trade protectionism, with a view to promoting sustained economic prosperity across the world.