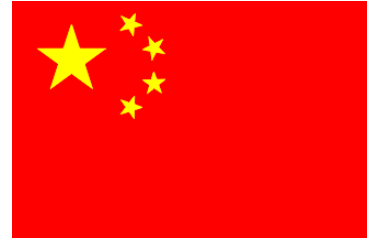


CHINA (CN)

Information is also given on Hong Kong (HK) and Macau (MO), the two Special Administrative Regions (SARs) of China.



I. LEGISLATIVE PROFILE *

1. National Legislation

a. Industrial Property

Capital: Beijing
Population: 1,271,900,000
Hong Kong SAR: 6,874,000
Macau SAR: 443,000

Patents:

- Patent Law, March 1984, as amended by the Decision Regarding the Revision of the Patent Law of the People's Republic of China, September 1992, and by the Decision Regarding the Revision of the Patent Law of the People's Republic of China, August 2000.

Hong Kong

- Patents Ordinance (Cap. 514), entered into force June 1997 (section 125 entered into force July 1997).

Macau

- Decree Law No. 16/95 (including plant variety protection), January 1995, entered into force September 1995.
- Decree Law No. 97/99/M of December 1999 (not yet entered into force).

Trade Marks:

- Trademark Law, August 1982, as amended by the Decision of the Revision of the Trademark Law of the People's Republic of China, February 1993, and by the Decision of the Revision of the Trademark Law of the People's Republic of China, October 2001.

Hong Kong

- Trade Mark Ordinance (Cap. 43), entered into force January 1955.
- Trade Mark Rules, entered into force March 1992.
- Governor's Decision No. 306/95/M regarding Trade Mark Fees, entered into December 1995, will be replaced by Decree Law No. 97/99/M.
- Governor's Decision No. 313/95/M regarding Classification of Goods and Services for Registration, entered into force December 1995.

Macau

- Decree Law No. 56/95/M, November 1995, entered into force December 1995.

* Article 8 of the Basic Law of 1983, a constitutional statute adopted by the National People's Congress of China, is applicable to the Hong Kong Special Administrative Region and Macau Special Administrative Region of the People's Republic of China, and provides in part that laws formerly in force in Hong Kong and Macau can be maintained.

- Governor's Decision No. 306/95/M, entered into force December 1995.
- Governor's Decision No. 313/95/M, entered into force December 1995.
As above, under Patents, Decree Law No. 97/99/M.

Industrial Designs:

As above, under Patents.

Hong Kong

- Registered Designs Ordinance (Cap. 522), entered into force June 1997.
- Registered Designs Rules, entered into force June 1997.
- Decree Law No. 97/99/M regarding International Property Code, December 1999 (not yet entered into force), amends Decree No's. 16/95 of January 1995, 56/95/M of November 1995 and Governors Decision No. 306/95/M of December 1995.
- Decree Law No. 16/95, January 1995 (entered into force 9 September 1995) will be amended by Decree Law No. 97/99/M (not yet in force).
- Decree Law No. 56/95/M, November 1995 (entered into force December 1995) will be amended by Decree Law No. 97/99/M (not yet in force).

Macau

- Decree Law No. 97/99/M (as above, under Patents).
- Decree Law No. 16/95 of January 1995, entered into force September 1995, will be amended by Decree Law No. 97/99/M (not yet in force).
- Decree Law No. 56/95/M of November 1995, entered into force December 1995, will be amended by Decree Law No. 97/99/M (not yet in force).

b. Copyright and Related Rights

Copyright:

- Copyright Law of the People's Republic of China, September 1990, as amended by the Decision of the Revision of the Copyright Law of the People's Republic of China, October 2001.
- Implementing Regulations of the Copyright Law of the People's Republic of China, May 1991, as amended September 2002.
- Regulations on Collective Management, March 2005.

Hong Kong

- Copyright Ordinance (Cap. 528), entered into force June 1997 (sections 142 to 144 entered into force July 1997).
- Decree Law No. 43/99/M regarding Copyright and Related Rights, August 1999 (entered into force October 1999) amends Decree Law No. 46980 of April 1966 and Law No. 4/85/M of November 1985.

Macau

- Decree Law No. 46980, April 1966, entered into force January 1972.
- Law No. 4/85/M, November 1985, entered into force January 1986.

- Decree Law No. 51/99/M, September 1999, entered into force October 1999.
- Decree Law 43/99/M of August 1999, entered into force October 1999.

Related Rights:

As above, under Copyright.

Hong Kong

As above, under Copyright.

Macau

As above, under Copyright.

c. Other Country-Specific Legislation or Activities

Unfair Competition:

- Law Against Unfair Competition, effective December 1993.

Computer Programs:

- Regulations on Computer Software Protection, June 1991.

Protection of Undisclosed Information:

- Drug Administration Law, effective July 1985 (regarding disclosure procedures relating to marketing of pharmaceutical products).

Layout Designs (Topographics) of Integrated Circuits:

- Regulation on the Protection of Layout Designs of Integrated Circuits, entered into force October 2001.

Enforcement:

- Copyright Administrative Penalty, September 2003.

Plant Variety Protection:

- Regulation on the Protection of New Plant Varieties, March 1997

Miscellaneous:

- International Copyright Treaties Implementing Rules.

Hong Kong

- Layout-design (Topography) of Integrated Circuits Ordinance (Cap. 445), entered into force March 1994.
- Plant Varieties Protection Ordinance (Cap. 490), entered into force October 1997.

Macau

- Decree Law No. 16/95 (Geographical Indications), January 1995, entered into force September 1995.

d. Sources for Information on National Laws*Patents and Industrial Designs:*

State Intellectual Property Office
As below, under Industrial Property Office.

Trade Marks:

Trademark Office
State Administration for Industry and
Commerce
8 Sanlihe Donglu
Xichengqu
Beijing 100820
Title of Head: Director General

Fax: (86.10) 68.01.36.23
E-mail: waiban.sbj@saic.gov.cn
Internet website:
<http://www.saic.gov.cn>

Copyright:

National Copyright Administration of China
(NCAC)
85, Dongsì Nandajie
Beijing 100703

Tel.: (86.10) 65.12.78.69
Fax: (86.10) 65.12.78.75

Copyright Protection Center of China
Jia 1, Xironxian Hutong
XiDan, Beijing

Fax: (86.10) 66.05.95.34

2. Membership of International Bodies**a. Membership of WIPO treaties:**

- WIPO Convention, since June 1980.
- Paris Convention (Industrial Property), since March 1985 (*Hong Kong* since July 1997, and *Macau* since December 1999).
- Berne Convention (Literary and Artistic Works), since October 1992 (*Hong Kong* applied since July 1997, and *Macau* since December 1999).
- PCT (Patents), since January 1994 (*Hong Kong* since June 1970).
- Madrid Agreement (International Registration of Marks), since October 1989.
- Madrid Protocol (International Registration of Marks), since December 1995.
- Nice Agreement (International Classification of Goods and Services), since August 1994 (*Macau* since December 1999).
- Locarno Agreement (International Classification for Industrial Designs), since September 1996.
- Strasbourg Agreement (International Patent Classification), since June 1997.
- Geneva Convention (Unauthorized Duplication of Phonograms), since April 1993 (*Hong Kong* since October 1971).
- Budapest Treaty (Deposit of Micro-organisms), since July 1995.
- WCT (WIPO Copyright Treaty), since June 2007.
- WPPT (WIPO Performances and Phonograms Treaty), since June 2007.

b. WTO: Member and Signatory to TRIPS Agreement, since December 2001.

- *Hong Kong* since January 1995.
- *Macau* since January 1995.

c. Membership of other bodies/treaties: APEC, UCC, UPOV.

- Member of APEC since November 1995.
- Member of UCC since July 1992.
- Member of UPOV since April 1999.

II. ADMINISTRATION

1. Industrial Property

Supervisory Ministry:

For Patents:
State Council
Central Government
Title of Head: Premier

Industrial Property Office:

State Intellectual Property Office
No 6 Xituchenglu Road
Haidian District
P.O. Box 8020
Beijing 100088
Title of Head: Commissioner

Tel.: (86.10) 62.09.32.68
Fax: (86.10) 62.01.96.15
Internet website: <http://www.sipo.gov.cn>

Trade Mark Office:

State Administration for Industry and
Commerce
8 Sanlihe Donglu
Xichengqu
Beijing 100820
Title of Head: Minister

Tel.: (86.10) 68.03.22.33
Fax: (86.10) 68.01.04.63
E-mail : waiban.sbj@saic.gov.cn
Internet website:
<http://www.saic.gov.cn>

Hong Kong

Intellectual Property Department
24th and 25th Floor
Wu Chung House
213 Queen's Road East
Wan Chai, Hong Kong

Tel.: (852) 29.61.68.88
Fax: (852) 28.38.62.76
E-mail: enquiry@ipd.gov.hk
Internet website : www.ipd.gov.hk

Macau
 Government of Macau
 Macau Economic Services
 Documentation Information and P.R. Centre
 P.O. Box 122
 Macau

Contact: Rua Dr. Pedro J. Lobo
 1-3, 25th Floor
 P.O. Box 122
 Macau
Title of Head: Director of Economic Services

Tel.: (853) 56.26.22/38.69.37
 59.72.638
 Fax: (853) 59.03.10
 E-mail: dpi@economia.gov.mo
 Internet website:
<http://www.economia.gov.mo/>

2. Copyright and Related Rights

Supervisory Ministry:

As above, under Supervisory Ministry for
 Industrial Property.

Copyright Office:

National Copyright Administration of China
 (NCAC)
 85, Dongsì Nandajie
 Beijing 100703
Title of Head: Commissioner

Tel.: (86.10) 65.12.78.69
 65.27.69.30
 Fax: (86.10) 65.12.78.75

Hong Kong

As above, under Industrial Property Office

Collective Management Societies:

Music Copyright Society of China
 5/F Jingfang Bldg.
 33, Dong Dan San Tiao
 Wangfujing
 Beijing 100005
Title of Head: Director General

Tel.: (86.10) 65.23.26.56
 Fax: (86.10) 65.23.26.57

Copyright Society of China
 For information, contact the National Copyright
 Administration (see above).

Hong Kong

Composers & Authors Society of
 Hong Kong Ltd (CASH)
 18/F Universal Trade Centre
 3 Arbutnot Road
 Central, Hong Kong
Contact: Angelina Law
 Corporate Communications Department

Tel.: (852) 28.46.32.68
 Fax: (852) 28.46.32.61
 E-mail: general@cash.org.hk
pr@cash.org.hk

Regional Office:

International Federation of the Phonographic
 Industry (IFPI) (South East Asia) Ltd
 Room 3705 Hopewell Centre
 183 Queen's Road East
 Wanchai, Hong Kong

Tel.: (852) 28.66.68.62
 Fax: (852) 28.65.63.26
 (direct)
 28.66.68.69
 E-mail: main@ifpihkg.org.hk

III. AUTHORITIES ENFORCING INTELLECTUAL PROPERTYIndustrial Property Tribunal*Patents:*

Administrative authorities for patents at various levels.
 Civil Tribunal No. 3 of the Supreme Court

Trade Marks:

Administrative authorities for industry and
 commerce at or above county level.

The People's Courts (different levels)
 Currently, there are over 3,000 administrative
 divisions at or above the county levels.

Hong Kong

Law Society's Committee on Intellectual
 Property
 C/o Messrs Wilkinson & Grist
 6th Floor Prince's Building
 Chater Road
 Hong Kong

Tel.: (852) 22.46.011
 Fax: (852) 25.29.20.90
 E-mail: sg@hklawsoc.org.hk

High Court
 38 Queensway
 Hong Kong

Tel.: (852) 28.69.08.69
 Fax: (852) 28.69.06.40

Small Claims Tribunal	Tel.:	(852)	28.77.40.68
Wanchai Law Courts	Fax:	(852)	25.87.91.39
4/F Wanchai Tower			
12, Harbour Road			
Wanchai			
Hong Kong			

Copyright Tribunal

Intellectual Property Tribunal in the Supreme Court

Intellectual Property Tribunals in the High Court and intermediate Courts in every Province, Autonomous Region and the Municipalities.

Intellectual Property Tribunals at the basic level (such as the District Courts) in Beijing, Shanghai, and some other cities in the developed region.

Hong Kong

As above, under Industrial Property Tribunal

Other

China

Department of Treaty and Law
Ministry of Commerce
2 Dong Chang An Avenue
Beijing 100731

Tel.: (86.10) 65.12.19.19

65.19.87.61

Tel/Fax: (86.10) 65.53.93.40

E-mail: Tf_office@mofcom.gov.cn

Hong Kong

Central contact point:

Secretary for Trade and Industry
Trade and Industry Branch
Level 29, One Pacific Place
88 Queensway
Hong Kong

Tel.: (852) 29.18.74.80

Fax: (852) 28.69.44.20

E-mail: tibeng@tib.gcn.gov.hk

Intellectual Property Investigation Bureau
Customs and Excise Department
M/F, 2 Rumsey Street
Central, Hong Kong

Tel.: (852) 28.51.16.11

Fax: (852) 28.50.64.15

*Contact point for technical assistance on TRIPS**Notifications:*

Intellectual Property Department of the
 Hong Kong Special Administrative Region
 As above, under Industrial Property Office.
Contact Official: Mr. R. J. Perera
 Assistant Director

Tel.: (852) 29.61.68.08
 Fax: (852) 28.38.62.76
 E-mail: rjperera@ipd.gov.hk

Macau

Macau Economic Services
 Rua do Dr. Pedro José Lobo
 25th Floor
 Luso International Building
 Macau

Tel.: (853) 597.21.21
 Fax: (853) 590.310

IV. EDUCATIONAL INSTITUTIONS TEACHING INTELLECTUAL PROPERTY

Peking University
 School of Intellectual Property
 Beijing 100871

Tel.: (86.10) 62.75.12.68
 Fax: (86.10) 62.75.12.69

People's University of China
 Intellectual Property Institution
 24, Linyuan Building 9
 Haidian District
 100872 Beijing

Tel.: (86.10) 62.51.23.58

People's University of China
 Faculty of Law
 24, Linyuan Building 9
 Haidian District, 100872 Beijing

E-mail: guowei@public.east.cn.net

Shanghai University
 Intellectual Property Institution

Academy of Social Sciences of China
 Intellectual Property Center
 15, Sha Tan Bei Jie
 Beijing 100720

Tel.: (86.10) 64.05.41.44
 66.16.36.81
 Fax: (86.10) 64.03.54.82
 66.21.15.67
 E-mail: zhengcs@pku.edu.cn

Intellectual Property Training Center
 No. 6 Xinxu Zhonglu
 Information Industry Base
 Haidian District 100085
 Beijing
 Established by the Intellectual Property Office
 of China.

Tel.: (86.10) 62.98.33.55
 Fax: (86.10) 62.98.47.80

Foreign Affairs College
 Intellectual Property Section
 Law Faculty
 24, Zhan Lan Guan Road
 100037 Beijing

Tel.: (86.10) 68.32.33.17
 68.32.33.08
 Fax: (86.10) 68.31.40.18

Many other universities in China have started to teach Intellectual Property Laws as a main subject for their students.

Hong Kong

City University of Hong Kong
 Department of Professional Legal Education
 83, Tat Ohee Avenue
 Kowloon Tong
 Kowloon, Hong Kong

Tel.: (852) 27.88.76.63
 Fax: (852) 27.88.71.28

Macau

Faculty of Law
 University of Macau
 University Drive
 Taipa, Macau

Tel.: (853) 50.15.03
 E-mail: flcl@umac.mo

V. INDUSTRIAL PROPERTY STATISTICS

Applications filed and/or registered for 2004 and 2005:

		Patents (direct filings)	Trade Marks	Industrial Designs (2004)
Applications by:	residents	93,172	593,382	10,579
	non-residents	40,022	63,902	9,270
Grants to:	residents	20,574	218,731	63,068
	non-residents	16,390	30,327	7,187

PCT-2005

Applications by residents and non-residents: 40,133 (National Phase Entries)
 Grants to residents and non-residents: 16,341 (131 residents and 16,210 non-residents)

Madrid System-2005International Registrations :

Total applications : 13,600 (non-residents only)

Total registrations : 10,610 (non-residents only)

Hong Kong – 2005

		Patents (direct filings)	Trade Marks	Industrial Designs (2004)
Applications by:	residents	156	7,487	2,116
	non-residents	11,607	13,390	2,493
Grants to:	residents	87	6,939	1,937
	non-residents	6,431	12,747	2,276

Macau – 2005

		Patents (direct filings)	Trade Marks	Industrial Designs (2002)
Applications by:	residents	3	560	
	non-residents	119	4,091	33
Grants to:	residents		394	
	non-residents	5	3,139	