

中国知识产权保护 与营商环境新进展报告

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

(2021)

全国打击侵犯知识产权和制售假冒伪劣商品工作
领导小组办公室

Office of the National Leading Group
on Fight against IPR Infringement and Counterfeiting

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前 言

2021年是中国历史上具有里程碑意义的一年。面对复杂严峻的国内外形势和诸多风险挑战，中国政府统筹疫情防控和经济社会发展，构建新发展格局迈出新步伐，高质量发展取得新成效，如期打赢脱贫攻坚战，如期全面建成小康社会、实现第一个百年奋斗目标，开启全面建设社会主义现代化国家、向第二个百年奋斗目标进军新征程。

2021年是中国知识产权事业谋篇布局、全面推进的一年。印发《知识产权强国建设纲要（2021—2035年）》（以下简称《纲要》）和《“十四五”国家知识产权保护和运用规划》，擘画了新时代建设知识产权强国的宏伟蓝图。持续创新监管方式，强化执法力度，深化司法改革，知识产权保护更加有力，知识产权运用效益显著提升。

2021年是中国营商环境聚力优化、开拓创新的一年。部署营商环境创新试点，以制度创新为核心，赋予有条件的地方更大改革自主权。一体推进简政放权、放管结合、优化服务改革，聚力统筹全链条优化审批、全过程公正监管、全周期提升服务，有效市场和有为政府实现更好结合，营商环境迈向更高水平。

一、国际国内形势

世界正经历百年未有之大变局，与世纪疫情相互叠加，全球经济进入新的动荡期。面对复杂形势，中国政府统筹部署，在危机中育新机，在变局中开新局，经济发展和疫情防控保持全球领先地位，产业链韧性得到提升，改革开放向纵深推进，知识产权保护举措更加有力，优化营商环境步伐更加坚定。

（一）国际形势

世界经济在动荡起伏中艰难复苏。世界银行发布《全球经济展望》报告显示，2021年全球经济强劲反弹，预计增长率5.5%。与此同时，国际产业链供应链布局深刻调整，大宗商品价格持续上涨，能源供应紧张，复合型通胀风险正在显现，世界经济不稳定、不确定、不平衡特点突出，复苏进程充满变数。

科技创新在激烈博弈中加快迸发。科技创新越来越成为国际战略博弈主战场，围绕科技制高点的竞争空前激烈，新一轮科技革命和产业变革正重构全球创新版图、重塑全球经济结构。世界知识产权组织(WIPO)发布数据显示，2021年通过《专利合作条约》(PCT)提交的专利国际申请量达27.75万件，创历史新高；亚洲地区申请量占申请总量的54.1%，保持领先地位。

营商环境在利益纷争中出现分化。世界营商环境呈现整体改

善趋势，西亚、北非地区尤为显著，中国连续两年成为全球营商环境改善幅度最大的10个经济体之一。发达经济体、新兴市场与发展中国家经济走势继续分化，部分国家和地区贸易保护抬头。2021年11月在第四届虹桥国际经济论坛上发布的《世界开放报告2021》显示，世界开放指数总体呈震荡缩小势头，美国开放指数降幅最大。

（二）国内形势

经济社会发展在科学谋划中稳健开局。“十四五”发展规划正式实施，建设社会主义现代化国家新征程全面开启，经济社会发展实现良好开局。2021年国内生产总值达114万亿元，同比增长8.1%。内需对经济增长贡献率达79.1%，比上年提高4.4个百分点。脱贫攻坚战如期打赢，小康社会全面建成，提前10年实现《联合国2030年可持续发展议程》减贫目标。

知识产权事业在全面部署中加速推进。以实施《纲要》为契机，全面加大知识产权工作力度。2021年，中国全社会研发经费投入27864亿元，同比增长14.2%，延续“十三五”以来两位数增长态势。全年授权发明专利69.6万件，实用新型312万件，外观设计78.6万件，国内（不含港澳台）每万人口高价值发明专利拥有量达7.5件。全年核准注册商标773.9万件，核准注册地理标志证明商标、集体商标477件，新认定地理标志保护产品99个，全年授予植物新品种权3979个，中国知识产权事业快速发展，创造、运用、保护、管理、服务能力稳步提高。

市场主体活力在持续改革中有效激发。中国政府深入推进“放

管服”改革，加快“证照分离”步伐，出台一系列帮扶措施，推动事前信用培育、规范事中监管行为、强化事后失信惩戒，持续优化营商环境，有力激发了市场活力。2021年，全国市场主体突破1.5亿户，近10年净增1亿户，企业活跃度保持在70%左右，承载了7亿多人的就业基本盘。充满活力、蓬勃发展的市场主体，有力推动经济总量的稳定增长，促进创新资源持续积累。

二、知识产权保护显著增强

2021年，中国政府将知识产权保护摆在更加突出位置，强化顶层设计，狠抓责任落实，在法治建设、行政执法、司法保护、宣传引导等各方面成效显著。

（一）统筹谋划系统全面

顶层设计务实有力。印发《纲要》和《“十四五”国家知识产权保护和运用规划》，对未来十五年、五年知识产权事业发展作出顶层设计、描绘发展路线，强调打通知识产权创造、运用、保护、管理和全链条，提出法治保障、严格保护，改革驱动、质量引领，聚焦重点、统筹协调，科学治理、合作共赢基本原则。制定《知识产权强国建设纲要和“十四五”规划实施年度推进计划》，明确2021—2022年度重点任务和措施。一系列长短结合的政策部署，规划了中国特色知识产权事业发展之路。

组织实施积极有序。各地、各部门认真贯彻落实规划部署，先后发布《人民法院知识产权司法保护规划（2021—2025年）》《版权工作“十四五”规划》《专利和商标审查“十四五”规划》《地理标志保护和运用“十四五”规划》《知识产权人才“十四五”规划》《知识产权公共服务“十四五”规划》等系列专项规划，出台深化知识产权领域“放管服”改革、优化创新环境和营商环境相关文件。上海、

贵州等多个省（区、市）印发贯彻落实《纲要》配套政策，黑龙江、江苏、浙江等 27 省（区、市）印发地方“十四五”规划，形成上下联动、同步推进的良好格局。

协调推动扎实有效。全国打击侵权假冒工作领导小组召开打击侵权假冒工作电视电话会议、办公室主任会议，及时印发工作要点，部署年度重点任务。对各地开展打击侵权假冒年度绩效考核，成绩纳入中央政法委平安建设考评工作，有效推动属地责任落实。以湖北咸宁为中心，在全国 16 省（区、市）同步开展侵权假冒商品统一销毁行动，共销毁商品包括侵权假冒伪劣防疫物资、食品药品、服装鞋帽、建材电器、烟酒、机械设备、日化用品及盗版非法出版物等 30 大类、200 多个品种，重量近 2000 吨，货值 7 亿余元，对制假售假违法犯罪行为形成强大震慑。

（二）法治体系日益完善

法律法规层面。《专利法》《著作权法》（修订）及《刑法修正案（十一）》正式施行，进一步扩大知识产权保护范围，提高侵权惩罚性赔偿比例，加大违法犯罪惩处力度。修订《科学技术进步法》《种子法》，进一步健全科技创新保障措施，扩大植物新品种保护范围和保护环节。《医疗器械监督管理条例》（修订）公布施行，进一步加强知识产权保护，提高自主创新能力，加大违法处罚力度。《化妆品监督管理条例》正式施行，从落实主体责任、规范生产过程、上市后质量安全管控等方面加强监管、严防假冒。

部门规章层面。市场监管总局发布《网络交易监督管理办法》，

压实网络交易平台经营者主体责任；与财政部联合发布施行《市场监管领域重大违法行为举报奖励暂行办法》，加大举报奖励和保护力度，震慑重大违法行为。国家药监局发布《化妆品生产经营监督管理办法》，细化化妆品生产经营管理要求，夯实企业主体责任。

司法解释层面。最高人民法院发布《关于审理侵害知识产权民事案件适用惩罚性赔偿的解释》，细化惩罚性赔偿制度适用；发布《关于审理申请注册的药品相关的专利权纠纷民事案件适用法律若干问题的规定》，完善诉讼程序与药品审评审批程序、行政裁决程序的衔接；发布《关于审理侵害植物新品种权纠纷案件具体应用法律问题的若干规定（二）》，严厉打击种业领域套牌侵权等突出问题。最高人民检察院发布《关于推进行政执法与刑事司法衔接工作的规定》，细化行刑衔接机制，明确“双向衔接”规定，加强检察机关与监察、公安、司法、行政执法机关协调配合。

规范性文件层面。最高人民法院发布《关于加强新时代知识产权审判工作为知识产权强国建设提供有力司法服务和保障的意见》，推进知识产权审判事业高质量发展。农业农村部修订《农业植物品种命名规定》，加强品种名称管理。国家药监局、国家知识产权局发布《药品专利纠纷早期解决机制实施办法（试行）》，鼓励新药研究，保护药品专利权人合法权益。国家知识产权局发布《商标审查审理指南》《商标一般违法判断标准》，修订《专利审查指南》，为审查审理、执法判断提供细化指引；与市场监管总局联合发布《关于进一步加强地理标志保护的指导意见》，严厉打击地理标志侵权假冒行为；与司法部联合印发《关于加强知识产权纠纷调解工作的

意见》，完善知识产权纠纷多元化解机制。

（三）重点整治扎实推进

深化重点领域整治。国家版权局、工业和信息化部、公安部、国家网信办联合开展打击网络侵权盗版“剑网”2021专项行动，共删除侵权链接119.7万条，查处网络侵权案件1031件。农业农村部部署农资打假、种业监管执法年、保护种业知识产权专项整治等专项行动，开展巡查检查近40万次，查处种业违法案件8000余件。市场监管总局开展民生领域案件查办“铁拳”行动，查处商标侵权、假冒专利等违法案件5万余件；牵头开展2021网络市场监管专项行动，查处网络销售侵权假冒伪劣商品案件1215件；加强标准侵权盗版网络监控，与相关网络平台建立合作机制，删除侵权文档14万余项。国家版权局、文化和旅游部联合印发《关于规范卡拉OK领域版

专栏一：梁某侵犯网络影视作品著作权案

2018年起，梁某组织开发“人人影视字幕组”网站及客户端，从境外网站下载未经授权的影视作品，翻译、制作上传至服务器，向用户提供在线观看和下载服务。2021年1月，梁某被公安机关抓获归案。经查，“人人影视字幕组”网站及客户端内共有未授权影视作品32824部，会员数量达683万。2021年11月，上海市第三中级人民法院公开审理此案，以侵犯著作权罪判处梁某有期徒刑三年六个月，并处罚金人民币150万元。违法所得予以追缴，扣押在案的供犯罪所用的本人财物等予以没收。

权市场秩序的通知》，进一步规范卡拉 OK 领域集体管理工作。商务部、文化和旅游部、广电总局、国家邮政局、市场监管总局等 28 部门联合印发《加快培育新型消费实施方案》，对销售假冒伪劣商品行为部署加大监管执法力度。国家知识产权局印发《2021 年全国知识产权行政保护工作方案》，聚焦电商等重点领域开展专项治理，共处理专利侵权纠纷行政裁决案件 4.98 万件。

深化重点产品整治。市场监管总局会同生态环境部、商务部、国家卫生健康委、国家药监局等，联合开展打击整治非法制售口罩等防护产品专项行动，查办案件 4.57 万件。国家药监局开展化妆品“线上净网线下清源”专项行动，打击非法添加、假冒伪劣行为，查办案件 2.2 万件。国家知识产权局、市场监管总局联合开展北京 2022 年冬奥会和冬残奥会奥林匹克标志知识产权保护专项行动，加

**专栏二：奥润房地产开发有限公司
等 3 家单位侵犯奥林匹克标志专有权案**

2021 年 5 月，安徽省马鞍山市市场监管局接到举报，称奥润房地产开发有限公司在《皖江晚报》上使用“奥运”“奥林匹克”词汇作为广告语，涉嫌侵犯奥林匹克标志专有权。经查，3 名当事人未经奥林匹克标志权利人许可，为商业目的使用奥林匹克标志，违法营业额 5000—100000 元不等。马鞍山市市场监管局依据《奥林匹克标志保护条例》相关规定，责令 3 名当事人改正违法行为，对马鞍山奥润房地产开发有限公司、马鞍山新华广告有限公司各罚款 10 万元，对皖江晚报社罚款 1 万元。

大奥林匹克标志保护力度，推动将冬奥会徽、火炬造型、吉祥物等通过奥林匹克标志、专利、商标获得全方位、立体化知识产权保护。对 63 件奥林匹克标志予以公告保护，315 件普通商标获商品和服务全类别商标权保护，14 件相关外观设计专利获授权，促进知识产权文化与奥林匹克精神深度融合。

深化重点环节整治。海关总署部署开展知识产权保护“龙腾”“蓝网”“净网”专项行动，扣留进出口侵权嫌疑货物 7.9 万批次，同比增长 27.9%；审核通过知识产权海关保护备案申请 1.77 万件，同比增长 17%。国家邮政局督促寄递企业严格落实邮件快件实名收寄、收寄验视、过机安检三项制度，打击违法寄递侵权假冒物品行为。国家知识产权局开展知识产权代理行业“蓝天”行动，严厉打击非正常专利申请代理、恶意商标申请代理、无资质专利代理和伪造、编造法律文件印章等行为，打击非正常专利申请和商标恶意注册申请行为，向地方通报非正常专利申请 81.5 万件，打击恶意商标注册申请 48.2 万件。

专栏三：宁波海关查处出口侵权美妆用品案

在“龙腾”2021 专项行动中，宁波海关查验进出口商品时发现一批名为“塑料刷”的货物中夹带品牌美妆用品，存在侵权嫌疑。经查，该批货物夹带含有“L' OREAL”（欧莱雅）“DIOR”（迪奥）等商标的妆前乳 288 个、粉底液 1080 个、睫毛膏 3600 个、唇彩 5.33 万个。经与知识产权权利人联系，确认该化妆品为侵权产品。宁波海关依法将该起侵权案件移交公安机关处理，目前案件在进一步侦办中。

（四）司法保护持续加强

刑事打击利剑高悬。公安部开展“昆仑”2021专项行动，依法严厉打击侵犯知识产权犯罪活动。全国公安机关共侦破侵犯知识产权和制售伪劣商品犯罪案件2.1万起，抓获犯罪嫌疑人3.8万名。坚持对各类市场主体依法平等保护，先后侦破一批侵犯企业商标权、著作权、专利权等知识产权大要案件。

专栏四：常某等制售假冒品牌保温杯案

2021年7月，江苏省徐州市公安机关根据举报，破获一起通过电商平台和直播平台销售假冒品牌保温杯案，抓获犯罪嫌疑人10名，捣毁犯罪窝点2处，现场查扣假冒品牌保温杯1万余个，涉案金额5000余万元。经查，犯罪嫌疑人常某通过拆解不同型号品牌保温杯，研究制造工艺，据此订购部件、假冒标识，组装生产假冒品牌保温杯，经苏某、徐某等下线批发商层层倒手，通过互联网电商平台和直播平台进行销售。目前，此案在进一步审理中。

司法审判量质齐升。最高人民法院健全专业化知识产权审判体系，持续推进知识产权民事、行政、刑事案件审判“三合一”改革，落实侵权惩罚性赔偿制度，维护市场公平竞争，一视同仁平等保护中外当事人合法权益。全国法院共审结知识产权一审案件54.1万件，同比增长16.1%，在895件案件中对侵权人判处惩罚性赔偿。

专栏五：安徽纽曼公司等侵害技术秘密案

2017年10月，广州天赐公司等向广州知识产权法院提起诉讼，请求判令安徽纽曼公司等停止侵权、赔偿损失、赔礼道歉。一审法院认定被诉侵权行为构成对涉案技术秘密的侵害，判决适用2.5倍惩罚性赔偿。原告、被告均向最高人民法院提起上诉，二审认定被诉侵权行为构成对涉案技术秘密的侵害，综合考虑涉案技术秘密贡献程度、行为人主观恶性程度等情节，判决顶格适用5倍惩罚性赔偿，改判安徽纽曼公司赔偿原告经济损失3000万元及合理开支40万元。该案系最高人民法院作出判决的首例知识产权侵权惩罚性赔偿案件。

检察监督精准有力。最高人民检察院全面推行知识产权刑事案件权利人诉讼权利义务告知制度，完善知识产权检察职能集中统

专栏六：大某视界文化传媒有限公司等侵犯著作权案

2018年5月，张某、李某经营的大某视界文化传媒有限公司未经权利人许可，下载、编辑大量境内外影片，包括美国电影协会成员公司享有版权的作品302部，腾讯公司享有版权的作品70部，通过“大某视界”APP提供用户观看并收取会员费。2020年3月，公安机关将该案移送深圳市南山区检察院审查起诉。2020年4月，南山区检察院对境内外权利人一视同仁平等保护，以侵犯著作权罪提起公诉。2020年11月，南山区法院以侵犯著作权罪判处被告单位罚金人民币40万元，判处被告人张某等四人有期徒刑一年至三年不等，并处罚金。部分被告人提出上诉，2021年3月深圳市中级人民法院裁定驳回上诉，维持原判。

一履行机制，起诉犯罪案件数量持续上升，有效构筑“不敢侵权”“不能侵权”法律防线。全国检察机关共批准逮捕涉嫌侵犯知识产权犯罪嫌疑人 7835 人，提起公诉 14020 人；批准逮捕涉嫌生产、销售假冒伪劣商品犯罪嫌疑人 6631 人，提起公诉 16598 人。

（五）监管效能稳步提升

实施信用监管。国家发展改革委牵头建成全国信用信息共享平台，归集信用信息 700 亿条，形成信用信息共享交换“总枢纽”。市场监管总局完善国家企业信用信息公示系统，依法公示各类市场主体抽查检查结果、行政处罚等信息 41 亿条；修订《市场监督管理严重违法失信名单管理办法》，将故意侵犯知识产权、恶意商标注册申请等情形列入严重违法失信名单，截至 2021 年年底，13 个知识产权领域严重违法失信主体被列入名单并通过国家企业信用信息公示系统依法公示。国家知识产权局建立健全知识产权领域信用管理工作机制，持续推进以信用为基础的分级分类监管试点工作，研究制定《专利代理信用评价管理办法（试行）》。

强化智慧监管。海关总署大力实施“智慧海关”建设，开发运用新一代查验管理系统移动端知识产权商标智能识别技术，提高执法办案效率。国家知识产权局建立全国地理标志产品保护统一电子受理平台，为地理标志产品保护申请人提供全方位、全流程服务。北京海关搭建“云确”平台，权利人无需到场即可远程指导确定侵权要点。广州海关开发便捷通关立体监管系统专项分析模型，打击“化整为零”“蚂蚁搬家”式进出境侵权行为。

推进协同监管。国家知识产权局、公安部发布《关于加强协作配合强化知识产权保护的意见》，加快构建知识产权行政保护与刑事司法有机衔接、优势互补运行机制。国家版权局、国资委、国管局等13部门完善软件正版化工作机制，巩固扩大软件正版化工作成果。最高人民法院、农业农村部签署种业知识产权保护合作备忘录，加强行政和司法协同保护。国家林草局、国家发展改革委等10部门联合印发《关于加快推进竹产业创新发展的意见》，加强优良竹种保护培育，促进科技创新和成果转化。上海、江苏、浙江等省市共同成立长三角知识产权运营服务体系重点城市联盟，山西、安徽、江西、河南、湖北、湖南签署《中部六省知识产权行政保护协作协议书》，在线索移送、协助调查、联合执法等方面加强互动、互通、互鉴。

（六）宣传引导有序开展

及时开展政策宣介。全国打击侵权假冒工作领导小组办公室发布《中国知识产权保护与营商环境新进展报告（2020）》，国家知识产权局发布《2020年中国知识产权保护状况》，最高人民法院发布《中国法院知识产权司法保护状况（2020年）》，最高人民检察院发布2020年知识产权检察工作概况，系统全面介绍中国保护知识产权措施与成效。国家发展改革委发布《中国营商环境报告2021》《优化营商环境百问百答》，集中展示各地统筹推进知识产权保护与营商环境优化举措和成效。相关部门围绕贯彻落实《纲要》、规划、政策法规，及时召开新闻发布会、吹风会、研讨会，营造知识产权工作良好氛围。

积极引导行业自律。国家发展改革委牵头开展中国品牌日活动，引导企业加强品牌建设、发挥品牌引领作用。市场监管总局对直播带货加强行政指导，规范价格行为和竞争行为；会同中央网信办、税务总局等召开互联网平台企业行政指导会，推动建立公平竞争、创新发展的平台经济新秩序。国家知识产权局召开行政指导会，规范不以保护创新为目的的非正常专利申请代理行为。

大力提升社会意识。《关于开展法治宣传教育的第八个五年规划（2021—2025年）》发布，对宣传知识产权保护、促进科技成果转化作出明确要求。相关部门先后举办世界知识产权日、全国知识产权宣传周等专题活动，发布知识产权执法行动典型案例、中国法院知识产权十大案例、检察机关保护知识产权指导性案例和典型案例，开展知识产权进企业、进社区活动，深化中小学知识产权教育，全社会知识产权保护意识显著提升。

中国政府保护知识产权、打击侵权假冒工作的不懈努力，为建设创新型国家、推动高质量发展、促进世界科技进步、助力全球经济复苏发挥了积极作用，获得国际社会肯定与赞誉。WIPO发布《2021年全球创新指数报告》显示，中国排名第12位，较2020年上升2位。中国欧盟商会发布的《商业信心调查2021》显示，半数以上受访企业认为中国知识产权执法力度“足够好”“非常好”，这在历次调查中尚属首次。

三、营商环境优化持续发力

2021年，中国政府坚持不懈优化营商环境，商事制度改革加大力度，法治保障不断完善，综合监管打出重拳，推动营商环境优化再上新台阶。

（一）投资贸易便利度进一步跃升

加强外资政策指引。商务部发布《“十四五”利用外资发展规划》，明确“十四五”时期利用外资的指导思想、基本原则、主要目标和工作重点；发布《“十四五”对外贸易高质量发展规划》，从推进内外贸一体化、深化“一带一路”贸易畅通合作、营造良好发展环境等10个方面明确45项重点任务；发布《中国外商投资指引（2021版）》，为外商在华投资、兴业、生活提供指南。

专栏七：《“十四五”利用外资发展规划》重点工作

1. 推进更高水平对外开放
2. 优化利用外资结构
3. 强化开放平台功能
4. 提升外商投资促进服务水平
5. 完善外商投资管理体制
6. 优化外商投资环境
7. 促进国际投资自由化便利化

搭建经贸合作平台。成功举办第四届中国国际进口博览会，127个国家和地区2900多家企业参展，意向成交金额707.2亿美元。成功举办第二十一届中国国际投资贸易洽谈会，90多个国家和地区、820多个工商经贸团组、4900多家企业、约5万名客商参展参会，512个项目达成合作协议，协议总投资额3920亿元。成功举办2021年中国国际服务贸易交易会，达成项目类、投资类、协定协议等各类成果1672个。成功举办首届中国国际消费品博览会，70个国家和地区1505家企业参展，合同成交金额15.36亿元。

优化口岸营商环境。印发《关于开展营商环境创新试点工作的意见》，在北京、上海、重庆、杭州、广州、深圳6个城市开展试点，部署提升跨境贸易便利化水平、完善知识产权市场化定价和交易机制等重点任务。海关总署拓展国际贸易“单一窗口”功能，满足企业“一站式”业务办理需求，进一步简化进出口手续，进出口证件减至41种，其中38种实现网上申请、网上办理。持续压缩进出口货物通关时间，全国进口、出口整体通关时间分别为36.68小时、1.83小时，较2017年分别缩短62.34%和85.15%。

（二）市场准入开放度进一步加大

逐步扩大行业准入范围。印发《建设高标准市场体系行动方案》，部署全面完善产权保护制度、全面实施市场准入负面清单制度、全面完善公平竞争制度，要求坚持平等准入、公正监管、开放有序、诚信守法，畅通市场循环，疏通政策堵点，加快建立统一开放、竞争有序、制度完备、治理完善的高标准市场体系。在上海市浦东新

区开展“一业一证”改革试点，大幅降低行业准入成本。在深圳等地开展放宽市场准入试点，在科技、金融、医疗、教育、文化、交通等多个领域先行先试。

大幅削减外资准入限制。国家发展改革委、商务部联合发布《外商投资准入特别管理措施（负面清单）（2021年版）》，特别管理措施同比减少2项，压缩6.1%，在汽车、广播电视设备等制造业领域进一步放宽准入限制。发布《自由贸易试验区外商投资准入特别管理措施（负面清单）（2021年版）》，特别管理措施同比减少3项，压缩10%，在服务业等领域进一步放宽准入限制。发布《海南自由贸易港跨境服务贸易负面清单》，在国民待遇、市场准入、金融服务跨境贸易等方面，制定针对境外服务提供者的11个门类、70项特别管理措施。

专栏八：违背市场准入负面清单案例归集和通报范围

2021年12月16日，国家发展改革委印发《关于建立违背市场准入负面清单案例归集和通报制度的通知》，对案例归集和通报范围进行明确界定：

1. 地方政府及有关机构违背市场准入负面清单禁止准入类或许可准入类事项要求进行审批的。
2. 市场主体违规进入市场准入负面清单禁止或限制进入的行业、领域、业务的。
3. 地方政府及有关机构设置市场准入隐性壁垒的。
4. 其他违背市场准入负面清单制度的。

有序降低产品准入门槛。印发《关于深化“证照分离”改革进一步激发市场主体发展活力的通知》，68项涉企经营许可事项被取消，15项涉企经营许可事项改为备案管理，37项涉企经营许可事项实行告知承诺。新修订的《食品安全法》，将预包装食品经营由许可制改为备案制。商务部等印发深化“证照分离”改革、激发市场主体发展活力工作实施方案，推动照后减证和简化审批。

（三）市场竞争公平度进一步增强

反垄断工作集中发力。挂牌成立国家反垄断局，进一步健全反垄断工作体制机制，充实反垄断监管力量，提升监管效能。加快推进《反垄断法》修订，发布实施《关于强化反垄断深入推进公平竞争政策实施的意见》《关于平台经济领域的反垄断指南》《关于原料药领域的反垄断指南》《企业境外反垄断合规指引》《公平竞争审查制度实施细则》，不断完善公平竞争制度体系。强化平台经济等重点领域反垄断监管执法，查处各类垄断案件176件，审结经营者集中案件727件，逐步解决了平台经济领域“二选一”行为，反垄断和防止资本无序扩张取得重大进展。

反不正当竞争扎实推进。市场监管总局开展反不正当竞争执法专项行动，聚焦平台经济、医药保健、公用事业、建筑材料等重点民生领域，查处各类不正当竞争案件8563件、价格收费违法案件11.8万件、虚假违法广告案件4.27万件。坚决治理竞争失序问题，依法查办一批大案要案，发布《2020年反不正当竞争执法年度报告》，加强案件行政处罚信息公示，促进全社会公平竞争法治意识，保护

各类市场主体发展活力。

清除隐性壁垒成效明显。各地、各部门坚持对各类市场主体一视同仁、公平公正对待，全面清理、废止对非公有制经济的不合理规定。2021年，对全国新出台的24.4万件政策措施文件开展公平竞争审查，清理存量44.2万件，纠正和废止1.12万件。健全招标投标制度规则 and 标准，打破各种“卷帘门”“玻璃门”“旋转门”，清除各类隐形壁垒，激发了各类市场主体的创新动力和发展活力。近年来，中国民营企业税收贡献占比超过50%，出口占比超过55%，投资占比超过60%，发明创新占比超过70%。

（四）政务服务满意度进一步提高

提高商事服务水平。发布《市场主体登记管理条例》，上线“全国市场主体登记注册服务网”，完善登记管理基础性制度，提供更加便利规范登记服务。进一步提升企业注册登记效率，全国企业平均开办时间压缩至4个工作日，北京地区压缩至0.5个工作日。提高知识产权审查效率，高价值发明专利审查周期压减至13.3个月，发明专利平均审查周期压减至18.5个月，商标注册平均审查周期稳定在4个月。编制发布《国家知识产权局公共服务事项清单（第一版）》，推动知识产权公共服务事项无差别受理、同标准办理。

优化监管执法模式。印发《“十四五”市场监管现代化规划》，全面部署市场监管体系建设，强调优化执法模式，提高监管效能，更大激发各类市场主体活力，持续优化营商环境。市场监管总局制定《法治市场监管建设实施纲要（2021—2025年）》，推动制修订

法规、规章 14 部，编制《市场监管权责清单》和《综合执法事项清单》。全面推行“双随机、一公开”监管，依法加强事中事后监管，现代化、规范化监管体系日益形成，监管执法模式不断优化。

落实各类税费优惠。围绕提振工业经济运行、支持中小微企业发展，出台一系列减税降费、缓税缓费优惠政策。新增减税降费约 1.1 万亿元，为制造业中小微企业办理缓缴税费超过 2100 亿元，为煤电和供热企业办理“减、退、缓”税 271 亿元。涉企收费规范治理取得明显成效，累计退还企业违规收费 54.5 亿元。

实施有效帮扶措施。印发《关于进一步加大对中小企业纾困帮扶力度的通知》《加强信用信息共享应用促进中小微企业融资实施方案》，缓解中小微企业成本压力和融资难题。市场监管总局正式上线“全国个体私营经济发展服务网”，大力扶持个体工商户、小微企业发展，着力解决信息不对称问题，提高各类惠企政策的可及性。国家知识产权局和中国贸促会联合印发《关于进一步加强海外知识产权纠纷应对机制建设的指导意见》，帮助企业提升海外知识产权保护能力。

中国营商环境持续向好，既为中国各类市场主体稳定增长提供了保障，也为外资企业在华投资兴业培育了沃土。2021 年，中国实际使用外资 11493.6 亿元人民币，同比增长 14.9%。中国美国商会发布 2021 年度《中国商务环境调查报告》显示，61% 的受访企业视中国为首选投资目的地，对中国对外资企业进一步开放市场的前景充满信心。

四、国际交流合作日益深入

2021年，中国政府积极践行人类命运共同体理念，持续开展知识产权保护交流合作，不断强化多双边联合执法，同世界各国一道努力推进知识产权全球治理。

（一）加快秩序共建步伐

积极参加知识产权国际规则磋商与谈判，深度参与WIPO、世界贸易组织（WTO）等框架下全球知识产权治理，为共建良好国际秩序贡献中国力量。正式提交《工业品外观设计国际注册海牙协定》加入书。全国人大常委会批准加入《关于为盲人、视力障碍者或其他印刷品阅读障碍者获得已出版作品提供便利的马拉喀什条约》。《中华人民共和国政府与欧洲联盟地理标志保护与合作协定》正式生效，实现244个中欧地理标志产品互认互保。完成《区域全面经济伙伴关系协定》（RCEP）核准程序，全面部署实施工作。正式提请加入《全面与进步跨太平洋伙伴关系协定》（CPTPP）和《数字经济伙伴关系协定》（DEPA），积极接轨新一代国际经贸规则。

（二）开展跨境联合行动

公安部持续参与国际刑警组织框架下打击假药犯罪“盘古”行动、打击食品犯罪“奥普森”行动、打击互联网侵权假冒犯罪“猎鹰”

行动等联合行动，围绕 32 起重点跨国（境）案件开展线索通报、情报共享、协查取证等多层面执法合作，以实际战果赢得国际社会积极评价。海关总署积极参加世界海关组织打击非法、假冒、不符合标准药品和医疗物资进出口国际联合执法行动及“阻止 II”联合执法行动，对跨境制售侵权假冒商品违法行为实施有效打击。

（三）拓展多边双边合作

成功举办中国知识产权保护高层论坛、第四届打击侵权假冒国际合作论坛、第八届中国国际版权博览会、第十八届上海知识产权国际论坛，为交流互鉴、增进共识搭建重要多边平台。中欧知识产权局战略合作伙伴关系持续深化，签署升级版合作谅解备忘录、中欧植物新品种保护合作第二期协议，与欧洲专利局开展 PCT 国际检索单位试点项目，实现中国商标数据首次对外交换，IPKey 知识产权合作项目有序开展。中英知识产权保护指南正式发布，“一带一路”国家、金砖国家、亚太经合组织，以及中美欧日韩、中日韩、中国—东盟、中国—日本、中国—俄罗斯、中国—瑞士知识产权交流日益深入，为构建更大范围、更宽领域、更深层次知识产权合作奠定了良好基础。

结束语

“志不求易者成，事不避难者进。”保护知识产权、优化营商环境，是中国政府坚定不移、矢志不渝的目标和追求。知识产权保护是衡量营商环境的重要指标，优化营商环境是保护知识产权的重要保障。中国政府将统筹推进知识产权保护与营商环境优化，全面贯彻新发展理念，加快构建新发展格局，努力推动高质量发展，为中外权利人营造创新创业的良好生态，为广大消费者搭建放心消费的安全环境。

创新是时代进步的不竭动力，保护知识产权、优化营商环境，需要世界各国的共同努力。中国政府愿同世界各国一道，加强协作、密切配合，和衷共济、风雨同舟，共同拓展保护知识产权、优化营商环境成功之路，为推动世界经济不断焕发生机活力作出新贡献。

Preface

The year 2021 was a milestone in the history of China. Facing complicated and serious circumstances both in and outside China, as well as many risks and challenges, the Chinese government kept the COVID-19 pandemic under control and pursued economic and social development in a well-coordinated way, made new advances in fostering a new development paradigm and pursuing high-quality development, won the critical battle against poverty as envisaged, achieved the first centenary goal of building a moderately prosperous society in all respects on schedule, and began a new journey toward the second centenary goal of building a modern socialist country in all respects.

The year 2021 witnessed China's efforts in the overall planning and comprehensive advancement in intellectual property rights (IPR). The *Outline for Building a Powerful Intellectual Property Country (2021-2035)* (hereinafter referred to as the "Outline") and the *14th Five-Year Plan for National IPR Protection and Application* were issued, drawing a grand blueprint for building China into a strong IPR country in the new era. China continuously innovated supervision methods, strengthened law enforcement, and deepened judicial reforms to further protect IPR and significantly improve the benefits of IPR application.

The year 2021 saw China's focus on optimizing its business environment, and pursuit of pioneering and innovating projects. China deployed pilot programs for innovations in improving the business environment, with institutional innovation as the core; and empowered qualified localities with greater autonomy in

reforms. China advanced the reform to streamline administration, delegate power, strengthen regulation and improve services in a unified manner; made concerted efforts to coordinate the optimized examination and approval along the whole chain, fair supervision throughout the whole process, and better services over the entire cycle; and promoted both an efficient market and a well-functioning government for a better business environment.

I. International and domestic situations

The whole world is undergoing major changes unseen in a century. Against the background that the changes combine with the once-in-a-century pandemic, the global economy is entering a new period of turbulence. In the face of complex circumstances, the Chinese government made overall arrangements to cultivate new opportunities in the midst of the crisis, and created new situations in the changing environment. China maintained a leading position in the world in terms of economic development and COVID-19 prevention and control, improved the resilience of its industrial chain, deepened reforms and opening up, strengthened IPR protection measures, and took firmer steps towards a better business environment.

i. International situations

The world economy struggled to recover amid ups and downs. According to the *Global Economic Prospects* by the World Bank, the global economy was projected to show a strong rebound in 2021, with an anticipated growth of 5.5%. At the same time, the layout of the international industrial chain and supply chain was profoundly adjusted, bulk commodity prices continued to rise, energy supply was tight, and the risk of compound inflation is emerging. The world economy was characterized by instability, uncertainty and imbalance, and continued on a bumpy and uneven road to recovery.

Technological innovation was accelerated in fierce competitions. Technological innovation increasingly became the main battlefield of

international strategic competitions, reflected by the unprecedentedly fierce competition for the commanding heights of science and technology. A new round of technological revolution and industrial transformation was reshaping the global innovation map and economic structure. According to the data released by the World Intellectual Property Organization (WIPO), there was a record high of 277,500 international patent applications submitted under the *Patent Cooperation Treaty* (PCT) in 2021, of which 54.1% were from Asia, maintaining leading position.

The business environments of various countries and regions showed different trajectories amid conflicts of interest. The global business environment showed an overall trend of improvement, especially in West Asia and North Africa. China became one of the top 10 economies with the most significant improvement in the business environment for two consecutive years. The economic trajectories of developed economies, emerging markets and developing countries continued to diverge, with rising trade protectionism in some countries and regions. According to the *World Openness Report 2021* released at the 4th Hongqiao International Economic Forum in November 2021, the World Openness Index showed an overall trend of declining volatility, and the United States experienced the biggest drop in the openness index.

ii. Domestic situations

Economic and social development got off to a good start thanks to scientific planning. The “14th Five-Year” development plan was officially implemented, marking a new journey of building a modern socialist country in all respects and a good start of economic and social development. In 2021, China’s GDP reached RMB 114 trillion, up 8.1% year on year. Domestic demand contributed to 79.1% of economic growth, up by 4.4 percentage points over the

previous year. China declared victory in the critical battle against poverty as envisaged, built a moderately prosperous society in all respects on schedule, and achieved the poverty alleviation goal of the *United Nations' 2030 Agenda for Sustainable Development* 10 years ahead of schedule.

IPR work was accelerated in the overall deployment. Taking the implementation of the *Outline* as an opportunity, China comprehensively enhanced its IPR work. In 2021, China's total R&D expenditures registered 2.7864 trillion yuan, up 14.2% year on year, continuing its double-digit growth trend since the "13th Five-Year" period. In 2021, China granted 696,000 invention patents, 3.12 million utility model patents and 786,000 design patents. The number of domestic (excluding Hong Kong, Macao and Taiwan) high-value invention patents per 10,000 people was 7.5. Throughout the year, China reviewed and approved 7.739 million registered trademarks, approved and registered 477 geographical indications (GIs) as collective trademarks and certification trademarks, recognized the protection of additional 99 GI products, and approved 3,979 applications for new plant variety rights. While China's IPR undertakings experienced rapid development, the country's ability to create, utilize, protect, manage and serve IPR was steadily improved.

Market entities were effectively energized through ongoing reforms. The Chinese government further promoted reforms to streamline administration, delegate power, strengthen regulation and improve services; accelerated the reform of "Separating Operating Permits from Business Licenses"; and introduced a series of supportive measures for raising credit awareness, regulating supervision behaviors and strengthening punishment over dishonesty to continuously optimize the business environment and effectively enhance market vitality. In 2021, the number of market entities nationwide exceeded 150 million, with a net increase of 100 million in the past decade. Around 70% of the

enterprises remained active, serving as the fundamentals for the employment of more than 700 million people. Dynamic and booming market entities contributed to the steady growth of China's total economic output and the continuous accumulation of innovation resources.

II. IPR protection significantly strengthened

In 2021, the Chinese government placed IPR protection in a more prominent position, strengthened top-level designs, emphasized implementation and accountability, and achieved remarkable results in rule-based governance, administrative law enforcement, judicial protection and publicity and guidance.

i. Overall planning and coordination were systematic and comprehensive

Pragmatic and effective top-level designs were formed. The *Outline* and the *14th Five-Year Plan for National IPR Protection and Application* were issued as top-level designs and blueprints for the development of China's IPR in the next 15 years and 5 years respectively. They indicated that efforts shall be made to remove all impediments to smooth IPR creation, application, protection, administration, and service, and to follow the basic principles of guaranteeing strong legal protection, pursuing high-quality development driven by reforms, focusing on key areas, highlighting overall coordination and scientific governance, and seeking win-win cooperation. The *Annual Promotion Plan for the Implementation of the Outline for Building a Powerful Intellectual Property Country and the 14th Five-Year Plan* was published, specifying key tasks and work measures for 2021 and 2022. A series of long-term and short-term planning and deployment pointed out the development path of IPR with Chinese characteristics.

Effective and smooth organization and implementation were achieved.

Localities and departments across the country conscientiously implemented the planning and deployment, and successively issued a series of IPR plans, including the *Plan of People's Courts for Judicial Protection of IPR (2021-2025)*, the *14th Five-Year Plan for Copyright Work*, the *14th Five-Year Plan for Patent and Trademark Examination*, the *14th Five-Year Plan for the Protection and Application of GI*, the *14th Five-Year Plan for IPR Talents*, and the *14th Five-Year Plan for Public Services in IPR*. In addition, policies were formulated to streamline administration and delegate power, strengthen regulation and improve services in IPR, and to optimize the environment for innovation and business. A number of provinces (autonomous regions and municipalities directly under the central government) including Shanghai and Guizhou issued and implemented the supporting policies of the *Outline*. 27 provinces (autonomous regions and municipalities directly under the central government) including Heilongjiang, Jiangsu and Zhejiang issued their own “14th Five-Year Plans”, positively responding to the national “14th Five-Year Plan” and jointly promoting IPR work.

Concrete and effective efforts in coordination and promotion were realized. The National Leading Group on Fight against IPR Infringement and Counterfeiting held teleconferences and conferences of office directors on combating IPR infringement and counterfeiting, printed and distributed work priorities in a timely manner, and deployed key annual tasks. It worked with the Commission for Political and Legal Affairs of the Central Committee of the Communist Party of China (CCCPC) to assess the annual performance of localities on their fight against IPR infringement and counterfeiting to effectively urge all localities to ensure implementation. With Xianning of Hubei as the center, 16 provinces (autonomous regions and municipalities directly under the central government) across the country simultaneously launched a campaign

of destroying infringing and counterfeit goods, including IPR-infringing and counterfeit anti-epidemic materials, food and drugs, clothing, shoes and hats, building materials and electrical appliances, tobacco and alcohol, machinery and equipment, daily chemicals and pirated publications, etc. Goods of over 200 varieties in 30 categories, with a weight of nearly 2,000 tons and a value of more than 700 million yuan, were destroyed in this campaign, acting as a powerful deterrent to other offenders producing and selling counterfeit goods.

ii. Legal system was increasingly improved

In regard to laws and regulations, China officially implemented the *Patent Law*, the *Copyright Law* (revised) and the Amendment XI to *Criminal Law*, further expanding the scope of IPR protection, increasing the proportion of punitive compensation for infringement, and intensifying punishment for violations and crimes. China revised the *Law of the People's Republic of China on Progress of Science and Technology* and the *Seed Law*, further improving the measures for safeguarding scientific and technological innovation and expanding the scope and links of new plant varieties protection. The *Regulations on the Supervision and Administration of Medical Devices* (revised) was promulgated and implemented to further strengthen IPR protection, improve the ability of independent innovation, and intensify punishment for violations. The *Regulations on the Supervision and Administration of Cosmetics* came into force, and helped to strengthen supervision and anti-counterfeiting by ensuring primary responsibilities, regulating production process and controlling post-marketing quality and safety.

With regard to departmental regulations, the State Administration for Market Regulation (SAMR) issued the *Measures for the Supervision and Administration of Online Transactions* to have operators of online trading

platforms shoulder primary responsibilities; issued and implemented, in coordination with the Ministry of Finance, the *Interim Measures for Rewarding the Reporting of Major Illegal Acts in Market Regulation* to enhance incentives for and protection of reporting and deter major violations. The National Medical Products Administration (NMPA) issued the *Measures for the Supervision and Administration of Cosmetics Production and Operation*, which specified the requirements for the production and operation of cosmetics, and further ensured that enterprises shoulder primary responsibilities.

As for judicial interpretations, the Supreme People’s Court (SPC) issued the *Interpretation on the Application of Punitive Compensation in the Trial of Civil Cases of IPR Infringement*, detailing the application of the punitive compensation system; issued the *Provisions on Several Issues Concerning the Application of Law in the Trial of Civil Cases Concerning Patent Disputes Related to Drugs Applied for Registration* to better connect litigation procedures with drug review and approval procedures and administrative adjudication procedures; and promulgated the *Several Provisions on the Application of Law in the Trial of Dispute Cases Concerning the Trademark Infringement of New Plant Variety Rights (II)* to crack down on counterfeiting and infringements in the seed industry. The Supreme People’s Procuratorate (SPP) issued the *Regulations on Promoting the Linkage between Administrative Law Enforcement and Criminal Justice*, which specified the mechanism for connecting administrative and criminal procedures, clarified the provisions on “two-way connection”, and further strengthened the coordination and cooperation between procuratorial organs and the organs of supervision, public security, justice, and administrative law enforcement.

In terms of normative documents, the SPC issued the *Opinions on Strengthening Intellectual Property Adjudication in the New Era to Provide*

Effective Judicial Services and Guarantees for Building a Powerful Intellectual Property Country to promote the high-quality development of intellectual property adjudication. The Ministry of Agriculture and Rural Affairs (MARA) revised the *Regulations on the Nomenclature of Agricultural Plant Varieties* to further strengthen the management of variety names. NMPA and the China National Intellectual Property Administration (CNIPA) issued the *Measures for the Implementation of Early Resolution Mechanisms for Drug Patent Disputes (Trial)* to encourage researches in new drugs and protect the legitimate rights and interests of drug patentees. CNIPA issued the *Guidelines for Trademark Examination and Trial and the Judgement Standard for General Trademark Violations*, and revised the *Patent Examination Guidelines*, to provide detailed guidelines for examination, trial and law-enforcement judgment. CNIPA and SAMR jointly issued the *Guiding Opinions on Further Strengthening the Protection of GI* to severely crack down on IPR infringement and counterfeiting of GI. CNIPA and the Ministry of Justice jointly issued the *Opinions on Strengthening the Mediation for Disputes over Intellectual Property* to improve the diversified resolution mechanisms for IPR disputes.

iii. Key rectification campaigns were advanced solidly

Rectification campaigns in key areas were deepened. The National Copyright Administration (NCAC), the Ministry of Industry and Information Technology, the Ministry of Public Security and the Cyberspace Administration of China jointly launched the special campaign coded “Jianwang Action 2021” to combat online infringement and piracy. A total of 1.197 million infringing links were deleted, and 1,031 online infringement cases were investigated and dealt with. MARA deployed special campaigns including combat against counterfeit agricultural materials, year of supervision and enforcement in the seed industry

and IPR protection in the seed industry. Nearly 400,000 inspections were carried out, and more than 8,000 illegal cases in the seed industry were investigated and dealt with. SAMR investigated and dealt with more than 50,000 cases involving trademark infringement and counterfeit patents by carrying out the “Iron Fist” campaign in the field of people’s livelihood. SAMR took the lead in the 2021 campaign of online market supervision where 1,215 cases of online sales of infringing, counterfeit and shoddy goods were investigated and dealt with, strengthened online monitoring of infringement and piracy in standard, established cooperation mechanisms with relevant online platforms, and deleted more than 140,000 infringing documents. NCAC and the Ministry of Culture and Tourism jointly issued the *Notice on Regulating the Karaoke Copyright Market* to push forward the collective management in the karaoke field. 28 ministries and departments, including the Ministry of Commerce, the Ministry of Culture and Tourism, the National Radio and Television Administration, the State Post Bureau and SAMR, jointly issued the *Implementation Plan for Accelerating the Development of New Types of Consumption*, and enhanced supervision and enforcement over the sales of counterfeit and shoddy goods. CNIPA issued the *2021 National Work Plan for the Administrative Protection of IPR* to launch special campaign of rectification in key areas such as e-commerce, where a total of 49,800 administrative adjudication cases of patent infringement disputes were handled.

Column 1: The case of Liang infringing the copyright of online film and television works

From 2018 on, Liang organized the development of RRYS.TV website and client, downloaded unauthorized film and television works from overseas websites, translated, produced and uploaded them to the server, and provided users with online viewing and download services. In January 2021, Liang was arrested by the public security organs and brought to justice. It was investigated that RRYS.TV website and client had 32,824 unauthorized film and television works and 6.83 million members. In November 2021, Shanghai No. 3 Intermediate People's Court heard the case publicly and sentenced Liang to three years and six months' imprisonment for copyright infringement and a fine of RMB 1.5 million. Illegal gains in this case were recovered, and personal property used for the crime were seized and confiscated.

Campaigns of rectification targeting key products were deepened.

SAMR, together with the Ministry of Ecology and Environment, the Ministry of Commerce, the National Health Commission and NMPA, jointly launched a special campaign to crack down on the illegal manufacturing and sales of masks and other protective products, and investigated and handled 45,700 cases. NMPA launched a cosmetic campaign of "online and offline enforcement" to crack down on illegal additions and counterfeiting, and investigated and handled 22,000 cases. CNIPA and SAMR jointly launched a special campaign to further protect the IPR of the symbols of the Beijing 2022 Winter Olympics and Winter Paralympics, and promoted the all-round and three-dimensional IPR protection of the Winter Olympics emblem, torch shape, mascot, etc. by protecting Olympic logos, patents and trademarks. In the campaign, 63 Olympic symbols were

announced for protection, 315 common trademarks were protected for trademark rights in all categories of goods and services, and 14 related design patents were authorized, deepening the integration of IPR culture and the Olympic spirit.

Column 2: The case of Aorun Real Estate Development Co., Ltd. and other two entities infringing the exclusive rights of the Olympic symbols

In May 2021, the Ma'anshan Municipal Market Regulation Bureau in Hubei Province received a report that Aorun Real Estate Development Co., Ltd. used the words "Olympic Games" and "Olympics" as advertising slogans on the *Wanjiang Evening Post*, which was suspected of infringing the exclusive rights of the Olympic symbols. It was investigated that the three parties used the Olympic symbols for commercial purposes without the permission of the owner of the Olympic symbols, and made illegal gains ranging from RMB 5,000 to RMB100,000. In accordance with the relevant provisions of the *Regulations on the Protection of Olympic Symbols*, the Maanshan Municipal Market Regulation Bureau ordered the three parties to correct their violating behaviors, fined Maanshan Aorun Real Estate Development Co., Ltd. and Maanshan Xinhua Advertising Co., Ltd. RMB 100,000 each, and fined *Wanjiang Evening Post* RMB 10,000.

Campaigns of rectification involving key links were deepened. The General Administration of Customs(GAC) deployed and launched "Longteng", "Blue Net" and "Clean Net" campaigns for IPR protection, detained 79,000 batches of suspected infringing goods for import and export, up 27.9% year on year, and reviewed and approved 17,700 applications for IPR customs protection,

up 17% year on year. The State Post Bureau urged delivery companies to strictly implement the three systems of real-name receipt and delivery of express mail, inspection of receipt and delivery and security inspection with machine, and cracked down on illegal delivery of IPR-infringing and counterfeit goods. CNIPA launched the “Blue Sky” campaign in the IPR agency industry, severely cracked down on abnormal patent application agency, malicious trademark application agency, unqualified patent agency and forging legal document seals, etc., and fought against abnormal patent applications and malicious applications for trademark registration. CNIPA informed local governments of 815,000 abnormal patent applications, and cracked down on 482,000 malicious applications for trademark registration.

Column 3: The case of Ningbo Customs investigating and dealing with the export of infringing cosmetics

In the special campaign coded “Longteng Action 2021”, Ningbo Customs found when inspecting import and export commodities that a batch of goods called “plastic brushes” contained branded beauty products, which were suspected of infringement. It was investigated that this batch of goods contained 288 makeup primers, 1,080 liquid foundations, 3,600 mascaras and 53,300 lip glosses bearing trademarks including “L’OREAL” and “DIOR”. After contacting relevant IPR owners, it was confirmed that those were infringing cosmetics. Ningbo Customs handed over the case to relevant public security organs for further investigation according to laws.

iv. Judicial protection was continuously strengthened

Actions against IPR crimes were effective and positive. The Ministry of Public Security(MPS) launched the special campaign coded “Kunlun Action 2021” to crack down on IPR infringement crimes in accordance with the law. Public security organs across the country cracked 21,000 criminal cases of IPR infringement and the production and sale of counterfeit and shoddy goods, and arrested 38,000 suspects. A number of major cases of infringement of corporate trademark rights, copyrights, patents and other intellectual property rights were successively cracked to provide various market entities with equal protection in accordance with the law.

Column 4: The case of Chang and others manufacturing and selling counterfeit branded thermos cups

In July 2021, upon receiving reports, the public security organ of Xuzhou City, Jiangsu Province cracked a case of selling counterfeit branded thermos cups through e-commerce platforms and live broadcast platforms, arrested 10 suspects, destroyed 2 criminal dens, and seized over 10,000 counterfeit branded thermos cups on the spot, with a value of more than RMB 50 million. It was investigated that suspect Chang disassembled different types of branded thermos cups to study the manufacturing process, and accordingly placed orders for relevant parts and counterfeit logos, then assembled them into counterfeit branded thermos cups, which were then handled by Su, Xu and other offline wholesalers, and sold them on Internet e-commerce platforms and live broadcast platforms. This case is currently under further trial.

Judicial trials were improved in both quality and quantity. SPC improved the professional IPR adjudication system, continued to promote the reform of integrating trails for IPR civil, administrative and criminal cases, implemented the punitive compensation system for infringement, maintained fair market competition, and protected the legitimate rights and interests of Chinese and foreign parties equally. Courts nationwide concluded a total of 541,000 first-instance IPR cases, up 16.1% year on year, and imposed punitive compensation on infringers in 895 cases.

Column 5: The case of Anhui Newman Fine Chemicals Co.,Ltd. and others infringing technical secrets

In October 2017, Guangzhou Tinci High-Tech Material Co., Ltd and others filed a lawsuit with the Guangzhou Intellectual Property Court, requesting that Anhui Newman Fine Chemicals Co.,Ltd. and others be ordered to stop infringement, compensate for losses and make an apology. The court of first instance accepted that the alleged infringement constituted an infringement of the technical secrets in question, and convicted that infringers shouldered punitive compensation which was 2.5 times of the amount of damages. Both the plaintiff and the defendant appealed to SPC. The second instance accepted that the alleged infringement constituted an infringement of the technical secrets in question. Taking into account the degree of contribution of the technical secrets in question and the subjective maliciousness of the perpetrator, it was decided that punitive compensation up to 5 times of the amount of damages should be implemented. Anhui Newman Fine Chemicals Co.,Ltd. was re-ordered to compensate the plaintiff for economic losses of 30 million yuan and reasonable expenses of RMB 400,000. It was the first case of punitive compensation for intellectual property infringement settled by SPC.

Procuratorial supervision was precise and powerful. SPP comprehensively implemented the system of notifying rights holders of rights and obligations in IPR criminal cases, improved the centralized and unified performance mechanism of IPR procuratorial functions, continued to increase the number of criminal cases prosecuted, and effectively built legal deterrent lines that people “dare not” and “cannot” break. Procuratorial organs across the country approved the arrest of 7,835 IPR infringement suspects, and prosecuted 14,020; approved the arrest of 6,631 suspects for producing and selling counterfeit and shoddy goods, and prosecuted 16,598.

Column 6: The case of Damou Vision Culture Media Co., Ltd. and others infringing copyrights

In May 2018, Damou Vision Culture Media Co., Ltd., operated by Zhang and Li, downloaded and edited a large number of domestic and foreign films without the permission of rights holders, including 302 copyrighted works of member companies of the Motion Picture Association of America and 70 copyrighted works of Tencent, which were provided to users of Damou Vision APP and used to collect membership fees. In March 2020, the public security organs transferred the case to the People’s Procuratorate of Nanshan District of Shenzhen for review and prosecution. In April 2020, the People’s Procuratorate of Nanshan gave equal protection to rights holders in and outside China and prosecuted for copyright infringement. In November 2020, the People’s Court of Nanshan District of Shenzhen fined the company RMB 400,000 for copyright infringement, and sentenced the defendant Zhang and three others to 1 to 3 years’ imprisonment in addition to fine payment. Some of the defendants appealed, and in March 2021, the Shenzhen Intermediate People’s Court ruled to dismiss the appeal and upheld the original judgment.

v. Supervision effectiveness was improved steadily

Credit supervision was implemented. The National Development and Reform Commission (NDRC) took the lead in building a national credit information sharing platform, collecting 70 billion pieces of credit information, forming a “hub” for sharing and exchanging credit information. SAMR improved the national enterprise credit information publicity system, publicizing 4.1 billion pieces of information such as the results of random inspections and administrative penalties concerning various market entities in accordance with the law; and revised the *Measures for the Administration of List of Serious Illegal and Dishonest Acts Subject to Market Regulation*, including untrustworthy entities that have intentionally infringed IPR, maliciously submitted trademark applications, etc. in the list of serious illegal and dishonest acts. By the end of 2021, 13 entities with serious illegal and dishonest acts in the field of intellectual property were included in the list and announced through the national enterprise credit information publicity system according to law. CNIPA established and improved the IPR-related credit management mechanism, continued to advance the pilot projects of credit-based supervision by class and category, and studied and formulated the *Administrative Measures for Credit Evaluation of Patent Agents (Trial)*.

Smart supervision was strengthened. GAC vigorously constructed “smart customs”, developed and applied the intelligent IPR and trademarks identification technology on the mobile terminal of the new-generation inspection management system to improve the efficiency of law enforcement and case handling. CNIPA established a unified electronic acceptance platform for the protection of GI products across the country to provide all-round and full-process services for the applicants for the protection of GI products. Beijing

Customs set up “Yunque” platform to allow rights holders to remotely instruct and determine the key points of infringement without being present. Guangzhou Customs developed an analysis model for the three-dimensional supervision system for convenient customs clearance to combat entry and exit infringements in fragmentation.

Collaborative supervision was promoted. CNIPA and the MPS issued the *Opinions on Strengthening Cooperation and Enhancing IPR protection* to accelerate the establishment of an operation mechanism to organically connect IPR administrative protection and criminal justice and allow their advantages to complement each other. 13 ministries and departments, including NCAC, the State-owned Assets Supervision and Administration Commission of the State Council, and the National Government Offices Administration, optimized the work mechanism for software legalization and consolidated and expanded the achievements of efforts in software legalization. SPC and MARA signed a memorandum of cooperation on IPR protection in the seed industry to strengthen administrative and judicial coordination in IPR protection. 10 ministries and departments including the National Forestry and Grassland Administration and NDRC jointly issued the *Opinions on Accelerating the Innovation and Development of the Bamboo Industry* to strengthen the protection and cultivation of fine bamboo species and facilitate scientific and technological innovation and the application of advances in science and technology. Shanghai, Jiangsu, Zhejiang and other provinces and municipalities jointly established the Alliance of Key Cities in Yangtze River Delta for IPR Operation Service System. Shanxi, Anhui, Jiangxi, Henan, Hubei and Hunan signed the *Cooperation Agreement on Intellectual Property Administrative Protection in the Six Provinces of Central China* to strengthen interaction, exchange and mutual learning in terms of clue transfer, assistance in investigation, and joint law enforcement, etc.

vi. Publicity and guidance continued orderly

Policy promotion was timely carried out. The Office of the National Leading Group on Fight against IPR Infringement and Counterfeiting released the *Report on the Latest Development of IPR Protection and Business Environment in China (2020)*, CNIPA issued the *China's Intellectual Property Protection in 2020*, the SPC released the *Intellectual Property Protection by Chinese Courts in 2020*, and SPP released the *Overview of Intellectual Property-related Procuratorial Work in 2020*, introducing China's measures and achievements in IPR protection in a systematic and comprehensive manner. NDRC released the *Report on Business Environment in China (2021)* and the *100 Q&A on Business Environment Optimization*, focusing on the measures and achievements of all localities in comprehensive intellectual property protection and business environment optimization. Relevant departments timely held press conferences, briefings and seminars relating to implementing the *Outline*, the plans, policies, laws and regulations, and created an atmosphere in favor of efforts in IPR.

Industry self-discipline was under active guidance. NDRC took the lead in launching China Brand Day events to guide enterprises in strengthening brand building and give play to the leading roles of respective brands. SAMR strengthened administrative guidance on selling through live streaming and regulated price actions and competition behaviors; and held administrative guidance meetings for Internet platform enterprises in conjunction with departments such as the Office of the Central Cyberspace Affairs Commission and the State Administration of Taxation to promote the establishment of a new order of platform economy characterized by fair competition and innovative development. CNIPA held an administrative guidance meeting to further regulate

the abnormal behaviors of agencies for patent applications not for the purpose of protecting innovation.

Social awareness was vigorously enhanced. The *8th Five-Year Plan on Carrying out Publicity and Education to Raise Public Awareness of the Law (2021-2025)* was released, which made clear requirements for publicizing IPR protection and promotion on transformation of scientific and technological achievements. Relevant departments successively held thematic events on the occasion of the World Intellectual Property Day, the National Intellectual Property Publicity Week, etc.; released typical cases of IPR law enforcement actions, 10 major IPR cases heard by Chinese courts and guiding and typical cases of IPR protection dealt with by procuratorial organs; publicized IPR in companies and communities, and deepened IPR education in primary and secondary schools. The awareness of IPR protection of the whole society was significantly improved.

The unremitting efforts of the Chinese government in protecting IPR and fighting against IPR infringement and counterfeiting played a positive role in the building of an innovation-oriented country, the pursuit of high-quality development, the scientific and technological progress around the world and the global economic recovery, which were affirmed and praised by the international community. According to the 2021 edition of the *Global Innovation Index (GII)* released by the WIPO, China ranks 12th, up 2 places from 2020. According to the *Business Confidence Survey 2021* released by the European Union Chamber of Commerce in China, more than half of the companies surveyed believe that China's IP law enforcement is "good enough" or "very good", which is for the first time ever in all the surveys.

III. The business environment has been constantly optimized

In 2021, the Chinese government made unremitting efforts to optimize the business environment, intensified the reform of the business system, constantly improved legal protection, and took effective measures in comprehensive regulation, pushing the optimization of the business environment to a new level.

i. Investment and trade have been further facilitated

Policy guidance over foreign investment was strengthened. The Ministry of Commerce issued the *Plan for Development by Utilizing Foreign Investment during the “14th Five-Year Plan” Period*, which clarified the guiding thought, basic principles, main objectives and work priorities about the utilization of foreign investment during the 14th Five-Year Plan period; released the *Plan for High-quality Development of Foreign Trade during the “14th Five-Year Plan” Period*, which defined 45 key tasks in 10 aspects such as promoting the integration of domestic and foreign trade, deepening smooth trade cooperation along the Belt and Road, and creating an environment favorable to development; and issued the *Foreign Investment Guide of the People's Republic of China (Edition 2021)*, which provided guidance for foreign investors in their investment, business operation and life in China.

Column 7 Priority areas mentioned in the *Plan for Development by Utilizing Foreign Investment during the “14th Five-Year Plan” Period*

1. Promote a higher level of opening up
2. Optimize the structure of foreign investment utilization
3. Consolidate the functions of open platforms
4. Enhance the service for foreign investment facilitation
5. Improve the management system of foreign investment
6. Optimize the environment for foreign investment
7. Promote the liberalization and facilitation of international investment

Platforms for economic and trade cooperation were built. The 4th China International Import Expo was successfully held, with more than 2,900 enterprises from 127 countries and regions attending the Expo and a total of USD 70.72 million in intentional transactions. The 21st China International Fair for Investment & Trade was successfully held, receiving some 50,000 business guests from more than 820 industrial, commercial, economic and trade groups and over 4,900 enterprises from more than 90 countries and regions. Cooperation agreements on 512 projects were reached at the Fair, involving a total investment of RMB 392 billion. The 2021 China International Fair for Trade in Services was successfully held, with a total of 1,672 outcomes achieved, including projects, investments and agreements. The first China International Consumer Products Expo was successfully held, with 1,505 enterprises from 70 countries and regions attending the Expo and a total of RMB 1.536 billion in intentional transactions.

The business environment at ports were optimized. The *Opinions on Carrying out the Pilot Program of Business Environment Innovation* was printed

and issued. According to the document, the pilot program will be carried out in Beijing, Shanghai, Chongqing, Hangzhou, Guangzhou and Shenzhen to deploy key tasks such as improving cross-border trade facilitation and improving the market-oriented pricing and trading mechanism of IPR. GAC expanded the “single window” function for international trade to meet the needs of enterprises for one-stop business handling , and further simplified import and export formalities. The types of import and export documents required was reduced to 41, of which 38 may be applied for and handled online. Efforts have been made to continue to reduce the customs clearance time for imports and exports, and the overall customs clearance time for imports and exports across the country was reduced to 36.68 hours and 1.83 hours respectively, 62.34% and 85.15% shorter than that in 2017.

ii. Market access was further eased

The scope of industry access gradually expanded. The *Action Plan on Building a High-Standard Market System* was printed and issued. According to the plan, efforts will be made to comprehensively improve property rights protection, implement the negative list system for market access and make advancements in fair competition. The plan called for measures to maintain equal access, fair supervision, orderly openness, integrity and law-abiding, unlock market cycles and resolve policy difficulties, accelerate the building of a high-standard market system which is unified and open with featuring orderly competition, sound market institutions and comprehensive governance. The “one integrated license” reform piloted in Shanghai’s Pudong New Area has significantly reduced the cost of industry access. Pilot programs to relax market access have been implemented in Shenzhen and other places, where pilots take place first in such fields as science and technology, finance, medical treatment,

education, culture and transport.

Access restrictions on foreign investment were significantly reduced.

NDRC and the Ministry of Commerce jointly issued the *Special Administrative Measures (Negative List) for the Access of Foreign Investment (Edition 2021)*. The number of special administrative measures reduced by two or 6.1% year-on-year, and access restrictions in the field of manufacturing such as automobiles, radio and television equipment were further relaxed. The *Special Administrative Measures (Negative List) for the Access of Foreign Investment in Pilot Free Trade Zones (Edition 2021)* was released. The number of special administrative measures dropped by three or 10% year-on-year, and access restrictions were further relaxed in services and other sectors in those zones. The *Negative List for*

Column 8 The scope of collection and notification of cases violating the negative list for market access

On December 16, 2021, NDRC printed and issued the *Notice on Establishing the Collection and Notification System of Cases Violating the Negative List for Market Access*, to clearly define the scope of case collection and notification as follows:

1. where local governments and relevant institutions examine and approve in violation of the provisions of the negative list for market access on prohibited or permitted categories;
2. where market entities violate regulations and enter industries, sectors and businesses prohibited or restricted by the negative list for market access;
3. where local governments and relevant institutions set hidden barriers to market access; or
4. other violations of the negative list system for market access.

Cross-border Trade in Services in Hainan Free Trade Port was issued, which contained 70 special management measures in 11 categories for overseas service providers in terms of national treatment, market access, financial services and cross-border trade, etc.

Market access thresholds for products were eased in an orderly manner. The *Notice on Deepening the Reform of “Separating Operating Permits from Business Licenses” and Further Stimulating the Development Vitality of Market Entities* was issued. 68 items of operating permits required of enterprises were canceled, 15 were changed to record management, and 37 adopted the notification and commitment system. The newly revised *Food Safety Law* changed the licensing system governing the operation of prepackaged food into the filing system. The Ministry of Commerce and other departments issued implementation plans for deepening the reform of “separating operating permits from business licenses” and stimulating the development vitality of market entities, and promoted “Operating Permits Reduction after Getting Business Licenses” and simplified examination and approval.

iii. The fairness of market competition has been further enhanced

Strong anti-monopoly moves were made across the board. The National Anti-Monopoly Bureau has been established to further improve anti-monopoly systems and mechanisms, build up anti-monopoly regulatory forces and improve the regulatory efficiency. Efforts have been made to accelerate the revision of the *Anti-Monopoly Law*, and the following documents have been released to constantly improve the system of fair competition: the *Opinions on Strengthening Anti-Monopoly Efforts and Further Promoting the Implementation of Policies on Fair Competition*, the *Anti-Monopoly Guide in the Field of Platform Economy*,

the *Anti-Monopoly Guide in the Field of Active Pharmaceutical Ingredients*, the *Guide for Enterprises on Anti-Monopoly Compliance Abroad* and the *Detailed Rules for the Implementation of the Review System for Fair Competition*. By strengthening anti-monopoly supervision and law enforcement in key areas such as the platform economy, China investigated and dealt with 176 monopoly cases, concluded 727 cases about concentration of undertakings, and gradually solved the problem of “one out of two” in the platform economy. Significant progress has been made in anti-monopoly efforts and the prevention of disorderly capital expansion.

Solid progress was made in combating unfair competition. SAMR launched a special law enforcement action against unfair competition focusing on key areas affecting people’s livelihood such as platform economy, medicine and health care, public utilities and building materials, and investigated and dealt with 8,563 cases of unfair competition, 118,000 cases of price violations and 42,700 cases of false and illegal advertising. SAMR resolutely tackled the problem of competition disorder, investigated and handled a number of major cases according to law, released the *2020 Annual Report on Law Enforcement against Unfair Competition*, and strengthened the publicity of information on administrative penalties for cases. These efforts have fostered the awareness of fair competition and rule of law in the whole society, and protected the development vitality of various market entities.

The removal of hidden barriers saw remarkable results. All local governments and departments insisted on treating all types of market entities in an equal and fair manner, and comprehensively cleaned up or abolished unreasonable regulations on the non-public economy. In 2021, a total of 244,000 new policies, measures and documents were examined according to anti-unfair competition regulation, 442,000 existing policies, measures and documents

were screened and modified, and 11,200 were corrected or abolished through the nationwide fair competition review system. Rules and standards of the system of tenders and bids were improved, various “rolling shutter doors”, “glass doors” and “revolving doors” were broken, and various types of hidden barriers were removed, which stimulated the innovation drive and development vitality of all types of market entities. In the past few years, China’s private enterprises contributed more than 50% of taxes, over 55% of exports, over 60% of investment, and over 70% of inventions and innovations.

iv. Satisfaction over government services further improved

Commercial services improved. The *Regulations on the Registration and Management of Market Entities* were released, and the National Service Network for the Registration of Market Entities went online to improve the basic registration management system and provide more convenient and standardized registration services. The efficiency of enterprise registration was further improved, with the average start-up time of enterprises being reduced to 4 working days nationwide and 0.5 working day in Beijing. The efficiency of IPR examination was improved, with the examination period for high-value invention patents being shortened to 13.3 months, the average examination period for invention patents being shortened to 18.5 months, and the average examination period for trademark registration being maintained at 4 months. The *List of Public Service Items of the CNIPA (1st Edition)* was prepared and released to promote the non-discriminatory acceptance and handling of public IPR service items with the same standards.

Regulatory and law enforcement modes were optimized. The *Plan on the Modernization of Market Regulation during the “14th Five-Year Plan” Period* was printed and issued to comprehensively deploy the construction of

the market regulation system, emphasize the optimization of law enforcement modes, improve the efficiency of regulation, better stimulate the vitality of various market entities and continuously optimize the business environment. SAMR formulated the *Implementation Outline for the Construction of Market Regulation under the Rule of Law (2021-2025)*, promoted the formulation and revision of 14 regulations, and prepared the *List of Rights and Responsibilities of Market Regulation* and the *List of Comprehensive Law Enforcement Matters*. Efforts were made to comprehensively implement the “regulation of random selection of both inspectors and inspection targets and the prompt release of results” and to strengthen concurrent and ex-post supervision according to law. A modern and standardized regulatory system is increasingly taking shape, and the regulatory and law enforcement modes have been constantly optimized.

Various tax preferences were implemented. A series of preferential policies on the reduction and deferral of taxes and fees were introduced to boost industrial economic operations and support the development of micro, small and medium enterprises (MSMEs). About RMB 1.1 trillion of taxes and fees were newly cut, more than RMB 210 billion of taxes were deferred for manufacturing MSMEs, and RMB 27.1 billion of tax cuts, tax rebates and tax deferrals were granted to coal-fired power and heating enterprises. The standardization and management of enterprise-related charges achieved remarkable results, and a total of RMB 5.45 billion of illegal charges were returned to enterprises.

Effective assistance measures were implemented. The *Notice on Further Strengthening the Rescue and Assistance to Small and Medium-sized Enterprises* and the *Implementation Plan for Strengthening the Sharing and Application of Credit Information and Promoting the Financing of Small, Medium-sized and Micro Enterprises* were printed and issued to alleviate the cost pressures and financing problems of MSMEs. SAMR officially launched the “National Service

Network for the Development of Individual and Private Businesses”, vigorously supported the development of individual industrial and commercial households and small and micro enterprises, strove to solve the problem of information asymmetry and improved the accessibility of various preferential policies for enterprises. CNIPA and the China Council for the Promotion of International Trade jointly printed and issued the *Guiding Opinions on Further Strengthening the Construction of the Response Mechanism for Overseas Intellectual Property Right Disputes*, helping enterprises improve their capabilities of protecting their IPR abroad.

China’s business environment continues to improve, which not only provides a guarantee for the stable growth of various market entities in China, but also cultivates fertile soil for foreign-funded enterprises to invest and start business in China. In 2021, China actually used RMB 1149.36 billion of foreign investment, a year-on-year increase of 14.9%. According to the *China Business Climate Survey Report* released by AmCham China, 61% of the enterprises surveyed regard China as their preferred investment destination and are full of confidence in China’s prospect for opening its market to foreign-funded enterprises.

IV. International exchanges and cooperation are increasingly deepening

In 2021, the Chinese government actively implemented the concept of a community with a shared future for mankind, continued to carry out exchanges and cooperation over IPR protection, continuously strengthened multilateral and bilateral joint law enforcement, and worked with other countries around the world to promote global IPR governance.

i. Pace of the co-building of order was accelerated

China has actively participated in the consultations and negotiations of IPR-related international rules, got deeply involved in global IPR governance under the frameworks of WIPO and the World Trade Organization(WTO), and contributed to the co-building of a good international order. China officially deposited its instrument of accession to the *Hague Agreement for the International Registration of Industrial Designs*. The Standing Committee of the National People's Congress ratified the *Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled*. The *Agreement between the Government of the People's Republic of China and the European Union on Cooperation on, and Protection of, GI* officially entered into force, with 244 China-EU GI being mutually recognized and protected. China completed the procedures for ratification of the *Regional Comprehensive Economic Partnership (RCEP)* and all due preparations for fully implementing the RCEP. China officially filed applications to join the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership*

(CPTPP) and the *Digital Economy Partnership Agreement (DEPA)* in an effort to be geared towards new international economic and trade rules.

ii. Cross-border joint operations

MPS participated in the International Criminal Police Organization’s operation “Pangea” against Internet crimes of manufacturing and selling counterfeit drugs, operation “Opson” against food crimes, and operation “Falcon” against infringement and counterfeiting crimes on the Internet. The multi-level law enforcement cooperation was carried out on clue notification, intelligence sharing and assistance in investigation and evidence collection over 32 key transnational (cross-border) cases, and won positive comments from the international community with actual accomplishments. GAC actively participated in the World Customs Organization’s international joint law enforcement actions against the import and export of illegal, counterfeit and substandard drugs and medical materials and the joint law enforcement action “Prevention II”, which effectively cracked down on the illegal acts of the cross-border manufacturing and selling of infringing and counterfeit goods.

iii. Multilateral and bilateral cooperation expanded

The High-level Forum on China IP Protection, the 4th Forum on International Cooperation in Fighting against IPR Infringement and Counterfeiting, the 8th China International Copyright Expo and the 18th Shanghai International Intellectual Property Forum were successfully held to build important multilateral platforms for exchanges, mutual learning and consensus building. The Strategic Partnership between CNIPA and the European Patent Office (EPO) continued to deepen. The two sides signed an upgraded memorandum of understanding on cooperation and phase II agreement on the protection of new

varieties of plants. The EPO-CNIPA pilot project of PCT International Searching was carried out. The first external exchange of Chinese trademark data was realized, and the intellectual property cooperation project of IPKey was carried out in an orderly manner. The Guidelines for Intellectual Property Protection between CNIPA and IPO of UK were officially released. IP exchanges among countries along the Belt and Road, BRICS countries and APEC countries, among China, US, EU, Japan and South Korea, among China, Japan and South Korea, between China and ASEAN countries, between China and Japan, between China and Russia, and between China and Switzerland increasingly deepened, which has laid a good foundation for IPR cooperation in wider scopes, broader fields and at deeper levels.

Conclusion

“Those who refuse to take the easy path will succeed; those who meet challenges head on will prevail”. Protecting IPR and optimizing the business environment are the unswerving goals of the Chinese government. IPR protection is an important indicator to measure the business environment, while the optimization of the business environment is an important guarantee to protect IPR. The Chinese government will plan IPR protection and the optimization of the business environment as a whole, fully implement the new development philosophy, speed up the construction of a new development pattern, strive to promote high-quality development, create a favorable climate for the innovation and entrepreneurship of Chinese and foreign right holders, and build a safe environment for consumers.

Innovation is an inexhaustible force driving the progress of the times. IPR protection and the optimization of the business environment require the joint efforts of all countries in the world. The Chinese government is willing to work with other countries around the world to strengthen collaboration and cooperation, stand together through thick and thin, blaze new trails of successful IPR protection and business environment optimization, and make new contributions to the continuous revitalization of the world economy.