On June 5, 2020 China’s State Administration for Market Regulation (SAMR), which regulates market competition, monopolies, intellectual property, and drug safety, released a national plan to combat intellectual property infringement. The plan is officially entitled “Key Points of the National Work to Crack Down on Intellectual Property Infringement and the Production and Sale of Counterfeit and Inferior Commodities in 2020.” The plan lists 35 points in 6 areas covering trademark, patent, copyright, and trade secret protection and makes special emphasis to protect the intellectual property of foreign-invested enterprises.

I. Deepen governance and product supervision in key areas

1. Strengthen the treatment of online infringement and counterfeiting. Strengthen the supervision of the online market, focusing on consumer goods such as clothing, shoes and hats, maternity and child supplies, elderly products, household appliances, consumer electronics, auto parts, digital products, decorative materials, food, cosmetics, etc. Crack down on online sales of infringing and counterfeit goods, false advertisements, false publicity, and fraudulent transactions. Further promote the investigation and handling of product
quality violation cases in the field of e-commerce, and increase spot checks and crackdowns during key periods.

2. Carry out market governance in rural areas. Strengthen the enforcement against counterfeit and shoddy commodities in rural areas, with a specific emphasis on agricultural products. Crack down on the production and sale of fake and inferior seeds, fertilizers, pesticides, agricultural films, agricultural machinery and their accessories, etc.

3. Promote the enforcement of cross-border infringement and counterfeiting. Strengthening intellectual property protection at trade fairs and exhibitions. Increase Customs enforcement, with a special focus on Belt and Road Initiative (BRI) nations.

4. Strengthen the protection of intellectual property rights of foreign-invested enterprises. Investigate and deal with violations of trade secrets, malicious squatting of trademarks, and unfair competition of trade marks in accordance with law, and severely crack down on trademark and patent infringement and counterfeiting, online piracy and other illegal activities. To organize investigations on the status of intellectual property protection of foreign-invested enterprises.

5. Strengthen supervision in key markets. Law enforcement will be strengthened in wholesale, professional, and other markets where there are many cases of infringement and counterfeiting.

6. Strict supervision of delivery links. Promote the implementation of the “Measures for the Supervision and Management of Postal Service Delivery Safety.” Supervise delivery companies to implement the “three systems” of receipt inspection (inspect at receipt of package for IP infringement), real name receipt (verify identify of receiver), and physical inspection of packages.

7. Strict supervision of key products. Focusing on key products related to life, health and property safety. Resolutely crack down on the illegal and criminal acts of manufacturing and selling counterfeit and inferior masks, protective clothing and other epidemic prevention products. Strengthen the supervision of advertising in key areas, and seriously investigate and deal with false and illegal advertisements. Strictly crack down on the manufacture and sale of counterfeit and substandard drugs, and increase the investigation and punishment of cases. Stop the illegal use of medical devices and clean up cosmetics sales. Organize and carry out a national supervision and random inspection of disinfection products, promptly notify the society of illegal enterprises and unqualified products; promote the online patrol mechanism for disinfection products and strengthen the investigation and handling of cases. Combating illegal production and sales of counterfeit and inferior lead batteries in accordance with law. Strict vehicle fuel supervision, focusing on strengthening the quality supervision of automobile gasoline and diesel, and seriously investigating and handling the production and sale of fake and inferior vehicle oil products, substandard vehicle urea and diesel vehicle pollution. Crack down fraudulent and substandard pollution control devices (e.g., catalytic converters). Severely cracks down on unlicensed and unlicensed refineries and gas stations.
II. Strengthen Intellectual Property Protection

8. Strengthen the protection of trademark exclusive rights and the rights and interests of other commercial signs. Proceed with “Iron Fist” criminal IP prosecution plan. Focusing on foreign-related trademarks and well-known trademarks – strictly and severely crack down on infringements of trademark rights. Strengthen the administrative protection of trademark rights and curb malicious trademark squatting. Strengthen the protection of corporation name rights and trademark rights in corporation registration. Carry out anti-unfair competition enforcement actions. Formulate standards for trademark infringement judgments.

9. Strengthen administrative adjudication of patent disputes and crack down on patent infringement. Focus on e-commerce and high-tech in particular.

10. Strict copyright protection. Carry out copyright enforcement, improve cross-regional and cross-sector law enforcement cooperation, and centrally investigate and deal with a number of major cases of infringement and piracy. Implement “Autumn Wind 2020” to severely crack down on the online and offline sales of illegal pirated publications.

11. Strengthen the protection of geographical indications. Improve the protection system for geographical indications.

12. Strengthen the protection of new plant varieties and the supervision of the forest grass seedling market. Increase the investigation of infringement of new plant variety rights, counterfeit plant varieties and the manufacture and sale of counterfeit and shoddy seedlings, and severely crack down on infringement of new varieties of agricultural and forestry plants.

13. Continue to promote the use of licensed software. Strengthen the management of software assets, expand the scope of joint procurement, and consolidate the achievements of licensed software in government agencies, central enterprises, and financial institutions. Promote the licensing of software in provincial state-owned enterprises and important industries. Promote full coverage of licensed software inspections by government agencies and increase inspections by enterprises and institutions.

14. Destroy seized goods. Infringing and counterfeit goods will be destroyed in a sound ecological manner.

15. Investigate and deal with infringement, counterfeiting and tax cases. Strengthen information sharing in infringement and counterfeiting tax-related cases, seriously investigate and punish relevant tax violations, organize and carry out special tax rectification in related industries and fields, and strengthen the punishment of infringement and counterfeiting. (This perhaps refers to the movie industry, which had an income tax scandal with famous actress Fan BingBing a few years previously).

III. Severely punish infringement, counterfeiting and other IP crimes
16. Increase Criminal IP Enforcement.

17. Fully perform prosecution functions. Focus on handling a batch of severe infringement and counterfeiting criminal cases and strengthen research guidance and supervision of key cases and new types of cases.

18. Further promote judicial protection. Strengthen the trial of cases in key industries and key areas of infringement and counterfeiting according to law. Promote the “three-in-one” trials of intellectual property infringement combining civil, administrative and criminal cases. Strictly crack down on repeated infringements and malicious infringements, apply punitive compensation for intellectual property infringement disputes according to law, and severely punish infringement and counterfeiting crimes in accordance with law.

IV. Promote the Promulgation of IP Laws & Regulations

19. Promote the improvement of laws and regulations. Promote legislation related to the protection of intellectual property rights and combating infringement and counterfeiting, and promote the formulation and revision of laws and regulations such as the Copyright Law, the Patent Law, the Regulations on the Protection of New Varieties of Plants, and the Implementation Regulations on the Consumer Rights Protection Law. Accelerate the formulation of relevant judicial interpretations and policy drafting.

20. Promote the construction of a credit system. Promote the collection and sharing of credit information in the field of infringement and counterfeiting, incorporate infringement and counterfeiting penalties and other information into the national credit information sharing platform, and publicize it through the “Credit China” system.

21. Promote and improve the convergence of the dual enforcement mechanisms. Deepen the coordination between administrative law enforcement agencies and judicial agencies, and improve the information sharing, case notification, and case transfer systems. (It is possible to enforce IP via both civil and administrate mechanisms in China).

22. Improve the assessment and evaluation mechanism.

23. Promote regional collaboration and linkage.

V. Promote ‘Social Co-Governance”

24. Increase transparency in judicial and administrative decisions. Increase information disclosure on government websites, and promptly disclose information on cases of administrative penalties for infringement and counterfeiting in accordance with law. Improve the case information disclosure management system.

25. Strengthen the responsibility of market participants.

26. Encourage industrial organizations.
27. **Optimize Intellectual Property Legal Services.** Strengthen the construction of intellectual property dispute arbitration and mediation organizations, and develop a team of professional and professional mediators.

28. **Continue to strengthen rights protection assistance.** Further improve the rapid response mechanism for reporting complaints and integrate various reporting and complaint portals.

29. **Continue to carry out education and guidance.**

VI. **Deepen foreign exchanges and cooperation**

30. **Intensify multi-bilateral exchanges and cooperation.** Carry out bilateral consultations, negotiations and dialogues on intellectual property issues in the economic and trade field, and in-depth implementation of China-EU intellectual property rights cooperation projects. Actively promote cooperation with the World Trade Organization, Asia-Pacific Economic Cooperation (APEC), BRICS countries, and countries and regions in the “Belt and Road” campaign to combat infringement and counterfeiting. *The U.S. is not specifically mentioned.*

31. **Vigorously strengthen cross-border law enforcement cooperation.**

32. **Support enterprises to carry out overseas rights protection.** Strengthen the construction of intellectual property rights early warning and rights protection assistance information platforms, and promote the formation of overseas intellectual property rights protection assistance networks.

VII. **Promoting business capacity building**

33. **Improve professional standards.** Improve professional standards of government agencies dealing with intellectual property rights enforcement.

34. **Increase the use of information technology.**

35. **Strengthen propaganda.** “Telling a good story about about protecting intellectual property rights and combating infringement and counterfeiting.”

The full text is available [here](https://www.natlawreview.com/article/china-s-state-administration-market-regulation-releases-national-plan-to-combat).

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