

# 2020 年广东省知识产权保护状况

**INTELLECTUAL PROPERTY RIGHTS PROTECTION  
IN GUANGDONG , CHINA  
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广东省知识产权战略实施工作联席会议

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# 2020年广东省知识产权保护状况

2020年是极不平凡和具有里程碑意义的一年，我国抗击新冠肺炎疫情斗争取得重大战略成果，脱贫攻坚战取得全面胜利，决胜全面建成小康社会取得决定性成就。全省各地、各相关部门深入贯彻落实习近平总书记关于知识产权工作的重要论述和重要指示批示精神，特别是习近平总书记在中央政治局第二十五次集体学习时的重要讲话精神，按照省委、省政府和国家知识产权局工作部署，深入推进引领型知识产权强省建设，完善知识产权保护体系，提升知识产权保护效能，为全省高质量发展提供有力支撑。

## 一、加强知识产权保护工作统筹协调

广东省委、省政府高度重视知识产权保护工作，主要领导多次对知识产权保护工作作出指示批示，多次召开专题会议研究部署知识产权保护工作。省委办公厅、省政府办公厅出台《关于强化知识产权保护的若干措施》，提出24条贯彻措施和8项重点任务，全省各地、各部门将知识产权保护工作纳入重要议事日程，研究制定配套措施，确保各项措施落实到位。

2020年，广东在国家首次对地方进行的知识产权保护检查考核工作中取得“优秀”等级；在国家知识产权局知识产权行政保护绩效考核连续3年排名全国第一；中国专利奖获奖项目总数连续5年位居全国第一；知识产权综合发展指数连续8年位居全国第一；区域

创新综合能力连续 4 年位居全国第一。“深圳-香港-广州科技集群”创新指数位居全球第二。

广东不断加强知识产权工作的统筹协调。省长马兴瑞两次主持召开广东省知识产权战略实施工作联席会议，专题研究部署知识产权战略实施和知识产权保护工作，加快推进知识产权强省建设。健全广东省推进使用正版软件工作联席会议制度，进一步加强软件正版化工作的组织领导。

2020 年 4 月，广东省人民政府与国家知识产权局议定出台《国家知识产权局 广东省人民政府第三轮知识产权高层次合作会商 2020 年工作要点》。2020 年 11 月，召开全省知识产权保护大会，国家知识产权局局长申长雨和省长马兴瑞出席会议并讲话。

广东大力实施创新驱动发展战略。全省研发投入从 2015 年 1798 亿元增加到 2020 年约 3200 亿元，占地区生产总值比重从 2.4% 提高到 2.9%。组建国家印刷及柔性显示创新中心、国家高性能医疗器械创新中心等 2 家国家级制造业创新中心。国家级高新区增至 14 家，高新技术企业达 5.3 万家，在粤两院院士 102 人。

广东积极推动知识产权地方立法工作。2020 年，省人大常委会将《广东省版权条例》列入 2020 年立法工作计划作为预备项目，同时推动《广东省版权条例》《广东省知识产权保护条例》列入 2021 年立法工作计划。省市场监督管理局（知识产权局）积极推动和开展《广东省知识产权保护条例》立项和起草工作。《深圳经济特区

知识产权保护条例（修正案）》获通过，明确六种故意侵犯知识产权情节严重的情形依法适用惩罚性赔偿。

广东深入推进知识产权试点示范建设。截至 2020 年底，全省共有国家知识产权强市创建市 2 个，试点示范城市 13 个，国家知识产权强县工程试点示范县 33 个，国家传统知识知识产权保护试点县 1 个，国家知识产权试点示范园区 11 个。国家知识产权试点示范城市覆盖率达 71.4%。全省已有全国版权示范城市 2 个，国家版权创新发展基地 1 个，全国版权示范单位（含软件正版化）9 家，国家版权贸易基地 1 个。

## 二、严格知识产权司法保护

2020 年，全省公安机关共立侵犯知识产权犯罪案件 3145 宗，破案 2704 宗，涉案金额近 27 亿元。省公安厅部署开展为期三年（2020 - 2022 年）的打击侵犯知识产权犯罪“蓝剑”专项行动，依法严厉打击侵犯知识产权犯罪。

2020 年，全省检察机关共批捕侵犯知识产权犯罪案件 1228 件 2114 人，起诉 1284 件 2283 人。全省检察机关共建议行政执法机关移送侵犯知识产权案件 31 件 34 人；督促侦查机关立案 10 件 11 人，纠正漏捕 20 人，追诉 14 人。在全省开展侵犯知识产权刑事案件权利人诉讼权利告知试点工作，全省检察机关共受理移送审查起诉涉知识产权刑事案件 1612 件，告知 2471 名权利人，告知率达 90% 以上。

全省检察机关积极探索知识产权案件办理专业化建设。省人民检察院在第四检察部专设知识产权专业组；广州市黄埔区人民检察院成立了知识产权检察室，并挂牌“黄埔知识产权检察保护中心”；深圳市坪山区人民检察院在深圳市生物医药创新产业园设立知识产权检察工作室。

2020年，全省法院新收各类知识产权案件19.61万件，同比增长24.60%；审结19.30万件，同比增长26.07%。其中，一审案件17.71万件，同比增长34.73%；二审案件1.77万件，同比减少30.22%；申请再审案件1135件，同比增长167.69%；再审案件54件，同比持平。审结涉外知识产权民事一审案件1032件，同比增长50%。审结涉港澳台一审案件894件（涉港案件471件、涉台案件422件、涉澳案件1件）。

全省法院新收知识产权民事、刑事和行政案件分别为194390件、1663件、17件，同比分别增长24.95%、-6.15%、6.25%。其中，全省法院新收一审知识产权民事案件175795件，同比增长35.23%。新收知识产权刑事一审案件1352件，同比减少8.71%。新收知识产权行政一审案件15件，同比增长15.38%。

省高级人民法院发布《关于网络游戏民事纠纷案件的审判指引》，是国内首次专门针对游戏领域相关法律问题进行规范的司法文件。

2020年，广州知识产权法院全年共新收各类案件13738件，审

结 12167 件。其中，新收各类专利权纠纷案件 6905 件，办结 4526 件，同比增长 80.28% 和 14.75%；收各类著作权纠纷案件 5284 件，办结 6380 件。共新收各类商标和不正当竞争纠纷案件 1132 件，办结 948 件。

广州知识产权法院加大恶意侵权、重复侵权等严重侵权行为判赔力度，依法支持惩罚性赔偿请求；加大证据保全力度，积极适用律师调查令，共发出律师调查令 98 份；制定技术调查官参与审理案件范围规定，建立技术调查官列席专业法官会议制度。2020 年，技术调查官参与审判案件 797 件，同比提高 55.96%。

2020 年，广州互联网法院全年受理互联网知识产权类纠纷案件共 27792 件，占该院收案数的 49.52%，其中，互联网著作权权属、侵权纠纷案件 27787 件，网络域名纠纷案件 2 件，共涉及诉讼标的额达 87328 万元。

### 三、强化知识产权行政保护

2020 年，全省市场监管部门共立案查处商标案件 4197 件，结案 3662 件，罚没金额 5194.31 万元；依法严厉打击不以使用为目的的恶意申请、以欺骗或者其他不正当手段申请注册等恶意申请商标注册行为，核查涉嫌恶意申请、违法代理商标注册行为线索 149 条，立案查处 34 件；立案查处地理标志案件 5 件。

2020 年，全省市场监管部门共立案办理专利侵权纠纷案件 5206 宗，假冒专利案件 234 宗。广东 3 项专利侵权纠纷行政裁决经验被

国家知识产权局和司法部联合推介。持续开展专利代理行业“蓝天”专项整治行动，严厉打击专利代理行业违法违规行为，排查涉嫌专利“挂证”、无资质代理等行为线索 1569 条，开出全国首张打击专利代理“挂证”罚单。

第 127、128 届广交会期间，广东积极探索“云上广交会”知识产权保护经验，报请国家知识产权局在全国开展展前知识产权侵权风险排查，共处理知识产权纠纷投诉 412 宗，纠纷数量同比下降 70.23%，其中涉外纠纷投诉 207 宗，同比下降 55.30%。

全省各级版权行政执法部门查办侵权盗版案件 249 宗。省版权局联合省通信管理局、省公安厅、省互联网办公室等单位，开展打击网络侵权盗版“剑网 2020”专项行动，共查处网络侵权盗版案件 68 宗，罚款 36.38 万元，依法移送司法机关 17 宗，收缴侵权盗版制品 4.70 万件。各地版权部门严厉打击侵犯电影版权违法行为，重点查处了中山市“小马映画”私人影院侵犯电影作品著作权案、深圳“雷锋电影院”微信公众号侵犯电影作品著作权案和江门市杨某某侵犯影视作品作品著作权案。其中，江门市杨某某侵犯影视作品作品著作权案入选国家版权局等单位联合发布的“剑网 2020”专项行动十大案件。

2020 年，全省农业农村部门依法严厉打击生产经营假冒伪劣农资的违法行为。全省累计出动执法人员 19.32 万人次，整顿农资市场 4016 个，检查企业、门店 68409 个次，立案查处违法案件 693 宗，结案 553 宗，移送司法机关 37 宗。

#### 四、加强知识产权海关保护

2020年，广东省内海关扣留进出口侵权货物12298批、2840万件，占全国海关同期的20%和50%，其中，深圳、广州、黄埔海关扣留侵权货物数量位居全国前列。

广东省内海关按照海关总署统一部署，持续深入开展“龙腾行动2020”知识产权海关保护专项行动，助力广东打造国际一流营商环境；开展寄递渠道知识产权保护专项执法“蓝网行动”，加强对“化整为零”“蚂蚁搬家”式进出境侵权走私行为的打击力度，有效治理互联网领域侵权假冒行为；开展出口转运货物知识产权保护“净网行动”，重点打击通过第三方转运侵权货物违法行为，有效防范侵权货物口岸漂移。

广东省内海关将知识产权专项执法行动与加强出口防疫医疗物资知识产权保护工作相结合，加大对出口医疗物资侵权的打击力度。深圳海关查获全国首宗出口耳温枪侵权案。

#### 五、健全知识产权纠纷多元化解决机制

广东持续畅通知识产权投诉举报渠道、落实举报奖励制度。2020年，全省共收到通过12345、12315等投诉举报渠道的知识产权类投诉举报案件12777件。2020年，全省96315智慧监管平台共收到符合奖励条件的公众举报侵犯知识产权违法行为492件，发放奖金123万余元。

2020年，广东获国家知识产权局批复同意建设中国（汕头）、



中国（珠海）、中国（广州）知识产权保护中心，分别面向汕头化工产业和机械制造产业、珠海高端装备制造产业和家电电气产业、广州高端装备制造产业和新材料产业开展知识产权快速协同保护工作。省内已建有 6 个国家级知识产权保护中心、7 个国家级知识产权快速维权援助中心，以及一批省知识产权维权援助分中心或工作站。2020 年，全省各国家级知识产权保护中心和快速维权援助中心共受理专利预审案件 18208 件，专利预审合格 13565 件，通过预审通道经国家知识产权局授权 11976 件。中国（广东）知识产权保护中心稳步推进专利快速预审工作，专利平均预审周期缩短至 4.7 天。

截至 2020 年底，全省共建立 54 个知识产权（含专利、商标、版权）人民调解组织。2020 年，全省各人民调解组织共办理知识产权纠纷案件 5213 件。广东知识产权纠纷人民调解委员会被司法部评为“全国模范人民调解委员会”。2020 年，全省仲裁机构共办理知识产权仲裁案件 345 件，涉案标的额共计约 26312 万元。全省公证机构共办理涉知识产权保护公证案件 3.8 万余件。

2020 年，广东获批设立国家海外知识产权纠纷应对指导中心广东分中心、深圳分中心。广东省知识产权保护中心、中国贸促会知识产权服务中心等 9 家企事业单位共同发起成立广东省海外知识产权保护促进会。2020 年 5 月，全国第一单海外知识产权侵权责任保险保单在广州市黄埔区落地。

## 六、推进知识产权保护和市场监管深度融合

2020年,全省市场监管部门共立案查处不正当竞争案件351宗,其中,查处仿冒混淆案件142宗,侵犯商业秘密案件4宗,查处防疫物资领域不正当竞争案件14宗,医药购销和医疗服务领域不正当竞争案件10宗;在集贸市场以及消费品批发、专业市场开展无厂名厂址和假冒、伪造厂名厂址、质量标志等来源不明产品专项检查。全省共出动执法人员2.08万人次,发出责令改正书967张,立案83宗。其中涉及无CCC(假冒)认证标志的产品数量共57件,无CCC(假冒)认证标志的产品货值0.45万元;涉及知识产权侵权假冒产品数量共3297件,知识产权侵权假冒产品货值3.83万元。

省市场监督管理局(知识产权局)联合省农业农村厅、省公安厅、省商务厅、省供销社成立省农村假冒伪劣食品整治行动专项联合工作小组,大力推进实施假冒伪劣食品整治行动。全省出动执法人员55万人次,检查各类生产经营主体65.99万家次、各类市场4.1万家次,查处假冒伪劣食品立案2633宗,货值350.59万元,罚没金额2254.51万元。

省市场监督管理局(知识产权局)深入实施标准化战略,推动出台《广东省标准化条例》,联合省发展改革委、省工业和信息化厅、省住房城乡建设厅、省应急管理厅印发《广东省氢燃料电池汽车标准体系与规划路线图(2020-2024年)》,提出将高价值专利转化为标准,推动产业高质量发展。2020年,全省企事业单位主导或

参与制修订国际标准 181 项、国家标准 1257 项、行业标准 475 项、地方标准 302 项，全省在全国标准信息服务平台新公开团体标准 1007 项，企业自我声明公开标准 55249 项。

## 七、强化源头保护提升创造运用水平

2020 年，全省专利授权量 70.97 万件，同比增长 34.57%。其中，发明专利授权量 7.07 万件，同比增长 18.33%，实用新型专利授权量 38.09 万件，同比增长 34.71%，外观设计专利授权量 25.81 万件，同比增长 39.61%。截至 2020 年底，全省累计专利授权量 375.49 万件，占全国总量的 17.76%，居全国第一，其中，累计发明专利授权量 42.95 万件，占全国总量的 14.62%，居全国第一。2020 年，全省 PCT 国际专利申请量 2.81 万件，同比增长 13.64%，占全国总量的 41.97%。截至 2020 年底，全省累计 PCT 国际专利申请量 20.72 万件，占全国总量的 50.04%。

截至 2020 年底，全省有效专利量 229.63 万件，占全国有效专利量的 20.44%，居全国第一。其中，有效发明专利量 35.05 万件，同比增长 18.46%；有效实用新型专利量 123.52 万件，同比增长 36.93%；有效外观设计专利量 71.06 万件，同比增长 27.90%。全省高价值发明专利量 17.24 万件，每万人口高价值发明专利拥有量 13.79 件。广东省战略性新兴产业有效发明专利量 13.77 万件，战略性新兴产业领域发明专利授权量和有效发明专利量均位居全国首位。

2020年,全省专利权质押登记金额306亿元,同比增长84.34%;全省专利实施许可合同备案金额31.77亿元人民币,同比增长359.10%;全省专利转让量5.65万件,同比增长43.20%。

2020年,广东省商标注册量107.99万件,居全国首位。马德里商标国际注册申请量1448件,同比增长2.48%。截至2020年12月,商标有效注册量543.00万件,居全国首位,同比增长21.28%,全省每万户市场主体的平均有效商标拥有量为3921.00件,比上年同期提高348.77件,全省平均每2.55个市场主体拥有一件有效商标。2020年,全省商标质押登记金额28亿元,居全国第三位。

2020年,全省新注册“从化流溪娟鱼”“德庆肉桂”“揭西擂茶”等地理标志商标7件,获批地理标志保护产品1个,获准使用地理标志产品专用标志企业175家。截至2020年底,全省累计注册地理标志商标85件,累计获批地理标志保护产品155个,累计获准使用地理标志产品专用标志企业589家。“吴川月饼”、“英德红茶”、“凤凰单丛”和“大埔蜜柚”4种地理标志入选第一批中欧地理标志互认清单。截至2020年底,全省经农业农村部登记地理标志农产品54个,农产品地理标志“镇隆荔枝”列为国家级农产品地理标志示范样板,梅江区清凉山茶入围国家地理标志农产品保护工程。

2020年,全省植物新品申请量、授权量分别51件、22件。截至2020年底,全省累计申请植物新品种权945件,获得植物新品种授权397件。

2020年，全省共完成作品著作权登记64195件，同比增长30.12%。其中，美术作品、摄影作品、录音制品、文字作品、设计图作品登记量分别占登记总量的63.5%、19%、2.7%、2.5%、2.2%。全省已有广东省版权兴业示范基地115家，广东省最具价值版权作品66个。

## 八、深化知识产权交流合作

省市场监督管理局（知识产权局）统筹推进粤港保护知识产权合作专责小组、粤澳知识产权工作小组、粤港标准质量和检测认证工作专责小组、粤澳标准质量和检测认证工作专责小组、粤港食品安全交流合作专责小组、粤澳食品安全交流合作专责小组等工作机制年度合作项目，全面深化三地业务合作交流；推动各方签署《粤港知识产权合作计划（2020）》《粤澳标准质量和检测认证工作专责小组合作协议》；联合粤港澳共同举办2020粤港澳大湾区知识产权交易博览会、第十届亚洲知识产权营商论坛、高价值专利培育布局大赛。2020年，粤港、粤澳累计开展知识产权合作项目292个、64个。

2020年，海关总署广东分署牵头广东省内海关开展与香港、澳门海关在知识产权保护方面紧密合作，开展集中打击重点领域、重点环节进出口侵权货物保护知识产权专项联合执法行动3次，省内海关扣留涉嫌侵权货物共335.20万件。

省卫生健康委员会推动广东省审评认证技术协会举办第二届粤

粤港澳大湾区生物医药和生物医学工程知识产权创新峰会，共同探讨粤港澳大湾区生物医药产业高质量发展，深化粤港澳大湾区和国际医学科技领域交流合作。

省文化和旅游厅与珠海市人民政府联合主办，珠海市文化广电旅游体育局、香港设计总会、澳门设计师协会联合承办粤港澳大湾区文化创意设计大赛，推动文博创意产品、非遗创意产品、文化旅游类创意产品三大类文创设计创新发展。广东省博物馆联合香港设计总会、澳门设计师协会等单位共同发起成立粤港澳大湾区（广东）文创联盟。

全省各地各部门立足以国内大循环为主体、国内国际双循环相互促进的新发展格局，巩固并扩大知识产权国际合作。2020年，省市场监督管理局（知识产权局）先后与日本贸易振兴机构、韩国驻广州总领事馆等合作举办中日知识产权实务（广东）研讨会、韩国品牌知识产权保护培训会、在粤韩资企业知识产权座谈会等系列活动，对外宣传广东知识产权发展新成效，讲好新时代的“广东故事”。先后接待世界知识产权组织中国办事处、新加坡驻广州总领事馆、葡萄牙驻广州总领事馆、中国欧盟商会等机构来访，就推动双（多）边知识产权合作进行了深入探讨。

## 九、优化知识产权人文环境

省市场监督管理局（知识产权局）会同省委组织部举办广东省地方党政领导干部市场监管和知识产权保护培训班，学习总书记关

于知识产权保护工作的重要讲话精神，增强新形势下做好知识产权保护工作的本领，推动广东知识产权保护工作不断迈上新台阶。

省教育厅鼓励有相应条件的高校整合教学资源，设立知识产权专业或知识产权法学、管理学相关硕士点、博士点，加强知识产权学院的建设。截至 2020 年底，全省设立知识产权专业的高校增加至 4 个；全省高校共建立知识产权学院 5 个，依托华南理工大学、深圳大学建设有国家知识产权培训（广东）基地 2 个。广东工业大学等 10 所高校获批为国家知识产权示范试点高校。省教育厅与佛山市人民政府共建广东高校科技成果转化中心。2020 年广东高校科技成果转化中心培训成果转化技术经理人 8 批 1027 人次；配合教育部科技发展中心在惠州市建设中国高校（华南）科技成果转化中心。暨南大学获批为第二批高校科技成果转化和技术转移基地。

省司法厅组织引导省律协、各地级市司法局与中山大学、广东外语外贸大学等单位合作，举办知识产权类人才培训班，把更多涉知识产权业务的律师纳入知识产权人才培养规划，不断提高律师服务知识产权保护的能力和水平；指导省律协与广东省知识产权研究会、广东省版权保护联合会、澳门青年联合会等单位联合举办第八届广东省知识产权法律服务论坛。

省卫生健康委员会组织中山大学附属第一医院、广东省人民医院、广州医科大学附属第一医院、南方医科大学南方医院、广东省中医药等 5 家医院召开座谈会，推进高水平医院知识产权管理体系

贯标工作。

省文化和旅游厅积极推动非遗知识产权保护工作，指导广东省法律援助基金会、广东省非物质文化遗产保护中心等单位举办“振兴传统文化、护航特色经济”法律研讨会暨非遗法援项目签约仪式，推动英歌（普宁英歌）、狮舞（青狮）等国家级非遗代表性项目加强在非遗传承创新过程中的知识产权保护。

截至 2020 年底，全省累计通过知识产权管理体系贯标认证企业超 1.5 万家、高校 25 家、科研机构 18 家，培育国家知识产权优势示范企业 870 家。



# **INTELLECTUAL PROPERTY RIGHTS PROTECTION IN GUANGDONG , CHINA IN 2020**

2020 was an extraordinary and landmark year for China. We achieved major strategic success in the fight against Covid-19, attained a complete victory in the battle against poverty, and we scored decisive achievements in securing a full victory in building a moderately prosperous society in all respects. All regions and related departments in Guangdong faithfully implemented the spirit of important treatises and instructions on IP by General Secretary Xi Jinping, especially his important speech at the 25th group study session of the Political Bureau of the CPC Central Committee, stepped up the effort in building Guangdong into a strong province in the leading of IP as required by the work arrangements from Guangdong Provincial Party Committee, People's Government of Guangdong Province and National Intellectual Property Administration (CNIPA), further improved the IPR protection system and enhanced the effectiveness of IPR protection, providing strong support to the high-quality development of Guangdong.

## **I. Strengthened Overall Planning and Coordination of IPR Protection**

Both Guangdong Provincial Party Committee and People's Government of Guangdong Province attached great importance to IPR protection and made instructions and comments on IPR protection on various occasions and convened several special sessions to deliberate upon and plan the work of IPR protection. The General Offices of the Provincial Party Committee and the Provincial Government worked out the *Measures for Strengthening IPR Protection in Guangdong*, articulating 24 implementation rules and 8 main tasks and requiring all regions and departments to have IPR protection incorporated into their priorities and develop

detailed procedures based on their realities so as to ensure effective implementation of all the IPR policies and measures.

Guangdong was graded Excellence in the first national IPR protection performance evaluation in 2020, and was ranked first for 3 consecutive years in the national IPR administrative protection performance evaluation by CNIPA, has led its national peers for 5 consecutive years in the award-winning patents, has retained the national title for 8 consecutive years in the overall development indicator of IP, and has led the nation for 4 consecutive years in the regional integrated innovation capability. Besides, the Shenzhen-Hong Kong-Guangzhou Technology Cluster has also ranked second in the global innovation indicator.

Guangdong has constantly strengthened the overall planning and coordination in IPR protection. Governor Ma Xingrui presided over two joint conferences on implementing the IPR strategy in Guangdong to deliberate upon and plan the IPR strategy and IPR protection work and facilitate the effort in building Guangdong into a strong province through IPR development. Guangdong has also improved its joint conference system to promote popularization of copyrighted software.

In April 2020, *2020 Work Priorities for the 3rd High-level IPR Cooperation and Coordination Between the People's Government of Guangdong Province and National Intellectual Property Administration*. Guangdong IPR Protection Conference was held in November 2020, Shen Changyu Commissioner of CNIPA, and Ma Xingrui, Governor of Guangdong Province, delivered speeches in the conference.

Guangdong has vigorously implemented the innovation-driven development strategy. The R&D expenditures of the province increased to about RMB 320 billion in 2020, compared with RMB 179.8 billion in 2015, its proportion in the local GDP increased from 2.4% to 2.9%. And 2 national manufacturing innovation centers - the National Innovation Center of Printing and Flexible Display and the National Innovation Center of High-Performance Medical Devices were set up. Up

till now, the Province is home to 14 national High-tech Zones and 53,000 high-tech enterprises, attracting 102 academicians of the Chinese Academy of Sciences and the Chinese Academy of Engineering.

Guangdong actively promoted IPR legislation. *Guangdong Copyright Regulations* was listed in 2020 preparatory legislation program. Guangdong Intellectual Property Administration has worked on the drafting of *Guangdong IPR Protection Regulations*. The Revision of *IPR Protection Regulations in Shenzhen Special Economic Zone* was approved, defining 6 serious circumstances of intentional IPR infringements subject to punitive damages as set forth by laws and regulations.

Guangdong further promoted the program of IP pilot cities and IP demonstration cities. Until 2020, 2 cities were listed as national leading IP cities, 13 as national IP pilot and demonstration cities, 33 as national IP pilot and demonstration counties, 1 as national pilot county for IPR protection of traditional knowledge and 11 as national IP pilot and demonstration zones. The coverage rate of national IP pilot and demonstration cities in Guangdong counts 71.4%. Guangdong is home to 2 national copyright demonstration cities, 1 national copyright innovation & development base, 9 national copyright demonstration entities (including copyrighted software), and 1 national copyright trading base.

## **II. Strengthened Judicial IPR Protection**

In 2020, public security organs investigated 3,145 IPR infringement criminal cases and concluded 2,704 of them, involving RMB 2.7 billion. Guangdong Provincial Public Security Department launched the three-year (2020-2022) Blue Sword Special Action against IPR infringement crime.

In 2020, prosecutorial organs in Guangdong approved to arrest 2,114 suspects in 1,228 IPR infringement cases, prosecuted 2,283 suspects in 1,284 IPR infringement cases, suggested the referral of 31 IPR infringement cases involving 34 suspects from administrative agencies, procured investigative organs to file 10

IPR infringement cases involving 11 suspects, corrected missing arrests of 20 suspects and prosecuted 14 suspects. The province also launched a pilot program of litigious right briefing in IPR infringement cases. In 2020, 2,471 suspects were briefed in 1,612 IPR-related criminal cases with a briefing-rate over 90%.

Prosecutorial organs in the Province actively pioneered in building a specialized team for IPR infringement cases. For example, the Guangdong Provincial Procuratorate set up a special team for IPR infringement cases in the 4th Prosecutorial Division, the Procuratorate of Huangpu District, Guangzhou, set up an IP procuratorial office named Huangpu Center of IPR Procuratorial Protection, and the Procuratorate of Pingshan District, Shenzhen, established an IP procuratorial office in Shenzhen Biomedicine Innovation Industrial Park.

In 2020, all courts in the Province accepted 196,100 IP cases, up 24.60% YoY, and concluded 193,000 cases, up 26.07% YoY. Of these cases, there were 177,100 first-instance cases, up 34.73%; 17,700 second-instance cases, down 30.22%; 1,135 retrial applications, up 167.69%; and 54 retrials, same as the previous year. A total of 1,032 civil cases of first instance involving foreign-related IPR disputes were concluded, up 50% YoY. 894 first-instance cases involving Hong Kong, Taiwan and Macao (respectively 471, 422 and 1) were concluded.

The courts in the Province accepted 194,390 civil cases, 1,663 criminal ones and 17 administrative ones involving IPR, up 24.95%, down 6.15% and up 6.25% respectively compared with the previous year. Of these cases, there were 175,795 civil ones of the first instance, up 35.23%; 1,352 criminal ones of the first instance, down 8.71%; and 15 administrative ones of the first instance, up 15.38%.

The High People's Court of Guangdong Province issued the *Guidelines for the Trial of Civil Cases Involving Online Games*, the first-ever judicial standardization specific to legal issues involving online games in the country.

In 2020, the Guangzhou Intellectual Property Court accepted 13,738 IPR-related cases, and concluded 12,167 ones. Of these cases, 6,905 patent dispute

cases were accepted, posting an 80.28% YoY rise, and 4,526 ones were concluded, posting a 14.75% YoY rise; 5,284 copyright dispute cases accepted, and 6,380 ones concluded; and 1,132 cases of trademark and unfair competition accepted, and 948 ones concluded.

The Guangzhou Intellectual Property Court imposed stricter penalties for serious infringements such as malicious infringement and repeated infringement, and upheld punitive damages in accordance with the law; improved evidence protection; actively applied lawyer investigation orders and issued a total of 98 lawyer investigation orders; established the rules to specify the cases that can be heard by technical investigators; and set up a system for technical investigators to attend professional judge meetings as non-voting delegates. In 2020, technical investigators participated in the trial of 797 cases, a year-on-year increase of 55.96%.

In 2020, the Guangzhou Internet Court accepted 27,792 cases involving internet IPR disputes, accounting for 49.52% of all the cases in the Court. There are 27,787 online copyrights dispute or infringements cases, and 2 domain names dispute cases, with the amount of cases totaling RMB 873.28 million .

### **III. Strengthened IPR Administrative Protection**

In 2020, market regulatory departments in Guangdong registered 4,197 trademark cases, settled 3,662 ones, and imposed the cumulative fine and confiscation of RMB 51,943,100 on the offences. They cracked down on bad-faith trademark applications, especially the ones for fraudulent or other improper purposes, investigated and tracked down 149 leads of suspected malicious application and illegal trademark registration agency, and handled 34 trademark registration-related cases and 5 geographical indication cases.

In 2020, market regulatory departments in Guangdong handled 5,206 patent infringement cases and 234 cases of counterfeited patents. Three practices of administrative rulings on patent infringement disputes in Guangdong Province were

jointly recommended by the China National Intellectual Property Administration and the Ministry of Justice of the People's Republic of China."Lantian" special action was carried out to crack down on violations of laws and regulations among patent agencies, investigated and tracked down 1,569 leads of illegal use of Patent Attorney Qualification Certificate and unqualified patent agency, and issued the first writ of penalty on "in-street-name" patent agency in the country.

During the 127th and 128th sessions of China Import and Export Fair (Canton Fair), Guangdong pioneered in the IPR protection of "Online Canton Fair", launch a national effort authorized by CNIPA in identifying and forestalling IPR infringement risks. 412 complaints were properly dealt with, down by 70.23% compared with last year. Among them 207 ones were related to foreign enterprises, down by 55.30% over last year.

Copyright administrative law enforcement departments at all levels in Guangdong investigated and handled 249 cases of infringement and piracy, During the "Jianwang 2020" special action against online IPR infringement and piracy, Guangdong Copyright Administration, together with Guangdong Communications Administration, Guangdong Provincial Public Security Department and Internet Office of Guangdong Province, investigated and dealt with 68 cases involving online infringements and piracies, imposed the cumulative fine of RMB 363,800, referred 17 criminal cases to judicial authorities by law, and seized 47,000 infringing and pirated products. Copyright authorities in all regions cracked down on film/TV copyright infringements, and dealt with several major cases, including Xiaoma Yinghua's film copyright infringement in Zhongshan, Leifeng Cinema Wechat Official Account's film/TV film copyright infringement in Shenzhen and Yang's film/TV film copyright infringement in Jiangmen – one of the Ten Typical Cases in the "Jianwang 2020" special action released by the National Copyright Administration of China and other authorities.

In 2020, agricultural and rural authorities in Guangdong cracked down on the

production and sale of counterfeit and shoddy agricultural materials in accordance with law, and made a cumulative input of 193,200 person-time of law enforcement force, with 4,016 agricultural markets regulated, 68,409 enterprises/stores inspected, 693 cases dealt with, 553 cases settled, and 37 cases referred to judicial authorities by law.

#### **IV. Strengthened Customs IPR Protection**

In 2020, the customs in Guangdong detained 28.4 million pieces of imported and exported infringing goods in 12,298 batches, accounting for 20% and 50% of their respective national figures during the same period. Customs in Shenzhen, Guangzhou and Huangpu were among the top in China regarding the number of detained infringing goods..

In response to the deployment of General Administration of Customs of China, the customs in Guangdong pushed forward the “Longteng Action 2020”, a special action of Customs IPR Protection, which helped foster a sound business environment. It launched the “Lanwang Action”, a special action to provide customs protection against IPR infringed products through mail, cracked down on “piecemeal” and “decentralized” acts of infringement and smuggling in international import and export trade, and restrained online infringement and counterfeiting. The customs in Guangdong launched the “Jingwang Action” to provide customs IPR protection against infringements during the transshipment of exported goods, especially the illegal act by transshipping infringing goods through third parties, preventing the smuggling of infringing goods through coastal and border ports.

By integrating IPR law enforcement special actions and exported anti-epidemic supplies IPR protection, the customs in Guangdong reinforced the crackdown on infringements of exported medical materials. The first IPR infringement case of ear thermometer exportation in China was dealt with by Shenzhen Customs.

## **V. Improved the Alternative IP Dispute Resolution**

Guangdong broadened channels for complaints and reports on IPR infringements and implemented a reward system for report on IPR offences. IN 2020, a total of 12,777 IPR complaints and reports were received through the informants' hot-line 12345 and 12315; 492 IPR reports were received on 96315 Intelligent Monitoring Platform, eligible for pecuniary rewards of more than RMB 1.23 million in total.

With the approval of the CNIPA, Guangdong established three IPR Protection Centers in Shantou, Zhuhai and Guangzhou in 2020, which will enhance fast and comprehensive IPR protection for major industries in these three cities: chemicals and machinery manufacturing in Shantou, advanced equipment manufacturing and household electric appliances in Zhuhai, and advanced equipment manufacturing and new material industry in Guangzhou. By the end of 2020, there had been 6 State IPR Protection Centers, 7 State Quick IPR Protection Assistance Centers and a number of provincial quick IPR protection assistance subcenters and workstations. These State IPR Protection Centers and Quick Protection Assistance Centers completed the preliminary examination of 18,208 patents, gave the preliminary confirmation of 13,565 patents, and obtained the authorization of 11,976 patents from the CNIPA through the preliminary examination channel. In addition, China (Guangdong) Intellectual Property Protection Center also steadily streamlined its patent preliminary examination procedures, shortening its average period for patent preliminary examinations to 4.7 business days.

By the end of 2020, Guangdong had established 54 mediation organizations for IPR disputes (including patent, trademark and copyright disputes). In 2020, these organizations dealt with 5,213 cases involving IPR disputes, and Guangdong People's Mediation Committee for IPR Disputes was honored with the title of National Model for People's Mediation Committee by the Ministry of Justice. In 2020, arbitration institutions in Guangdong dealt with 345 IPR arbitration cases



with approximately RMB 263.12 million involved. In addition, notary institutions in Guangdong dealt with more than 38,000 IPR protection notarization cases.

In 2020, two branches (Guangdong Branch and Shenzhen Branch) of National Guidance Center for Handling Overseas Intellectual Property Disputes were approved to be established in Guangdong. Guangdong Overseas Intellectual Protection Promotion Association was founded under the initiation by 9 entities, including Guangdong IP Protection Center and IPR Service Center of China Council for the Promotion of International Trade. In May 2020, the first overseas IPR infringement liability insurance policy in China was issued in Huangpu District, Guangzhou.

## **VI. Facilitated Integration between IPR Protection and Market Regulation**

In 2020, market regulators in Guangdong dealt with 351 unfair competition cases, including 142 counterfeiting ones, 4 trade secret infringement ones, 14 unfair competition ones involving anti-epidemic materials and 10 unfair competition ones involving drug purchase and sale and medical services, and launched various special inspection and crackdown on unqualified and counterfeited products (unmarked with producers, production sites, quality standards or places of origin) in fairs and wholesale markets. The cumulative input of 20,800 person-time of law enforcement force was made, 967 writs of rectification were issued, and 83 cases were registered. A total of 57 products with counterfeited CCC certification marks in the amount of RMB 4,500 and 3,297 counterfeited products involving IPR infringement in the amount of RMB 38,300 were seized.

Guangdong Administration for Market Regulation has set up a special joint working group with the Department of Agriculture and Rural Affairs of Guangdong Province, Guangdong Provincial Public Security Department, Department of Commerce of Guangdong Province and Supply and Marketing Cooperatives of

Guangdong Province, to step up the crackdown on counterfeited and shoddy foods. During these special actions, the input of 550,000 person-time of law enforcement force was made, 659,900 producers and traders in 41,000 markets were inspected, 2,633 cases involving counterfeited and shoddy foods in the cumulative amount of RMB 3,505,900 were investigated, and the cumulative fine of RMB 22,545,100 was imposed in 2020.

Guangdong Administration for Market Regulation (Guangdong Intellectual Property Administration) thoroughly implemented the standardization strategy, promoted the introduction of the *Standardization Regulations of Guangdong Province*, and worked with Guangdong Provincial Development and Reform Commission, the Department of Industry and Information Technology of Guangdong Province, the Department of Housing and Urban-Rural Development of Guangdong Province and the Department of Emergency Management of Guangdong Province on issuing the *Standard System and Planning Roadmap of Guangdong Province for Hydrogen Fuel Cell Vehicles (2020-2024)*, proposed to transform high-value patents into standards to drive high-quality development of the industry. In 2020, the enterprises and institutions in the Province led or participated in the formulation and revision of 181 international standards, including 1,257 national standards, 475 industry standards and 302 local standards. In addition, 1,007 standards for industry groups and 55,249 in-house standards for enterprises were published on the national public service platform for standards information.

## **VII. Strengthened IPR Protection at the Roots and Improved Innovation and Patent Utilization**

In 2020, 709,700 patents were granted in Guangdong, up by 34.57%. To be specific, 70,700 invention patents were granted, up 18.33% year on year; 380,900 utility model patents were granted, up 34.71%; and 258,100 industrial design patents were granted, up 39.61%. The cumulative number of patents granted till the

end of 2020 was 3.7549 million, accounting for 17.76% of the national total and ranking first in the country. To be specific, the cumulative number of invention patents granted was 429,500, accounting for 14.62% of the national total and ranking first in the country. 2020 recorded 28,100 applications PCT applications, up by 13.64% over last year and accounting for 41.97% of the national total. By the end of 2020, 207,200 applications for PCT international patents in Guangdong had been recorded, accounting for 50.04% of the national total.

By the end of 2020, 2,296,300 valid patents were recorded, accounting for 20.44% of the national total and ranking first in the country. To be specific, there were 350,500 valid invention patents, up 18.46% year on year; 1,235,200 valid utility model patents, up 36.93%; and 710,600 valid industrial design patents, up 27.90%. There were 172,400 high-value invention patents in Guangdong, equivalent to 13.79 high-value invention patents for every 10,000 residents. In addition, strategic emerging industries in Guangdong held 137,700 valid invention patents and led the country both in the number of invention patents granted and valid invention patents.

In 2020, the amount of registered patent pledges stood at RMB 30.6 billion, up 84.34% year on year; the amount of registered patent licensing contracts were RMB 3.177 billion, up 359.10%; and 56,500 patents were transferred, up 43.20%.

In 2020, 1.0799 million trademark registrations were made, ranking first in China, and 1,448 International Registration of trademarks under Madrid system were filed, up 2.48% year on year. By December 2020, 5.43 million valid trademark registrations had been made, up by 21.28%, ranking first in China. The number of valid trademarks per 10,000 entities stood at 3,921, equivalent to one valid trademark for 2.55 entities, 348.77 more than that of the previous year. In 2020, the amount of registered trademark pledges stood at RMB 2.8 billion, ranking third in the country.

In 2020, 7 geographical indication trademarks, including Conghua Liuxi

Juanyu, Deqing Cinnamon and Jiexi Leicha, were registered, 1 product was approved to be protected by geographical indications, and 175 enterprises were approved to use the special marks for geographical indication products. By the end of 2020, 85 geographical indication trademarks were registered, 155 products had been put under geographical indication protection, 589 enterprises had been approved to use the special marks for geographical indication products, and 4 geographical indications-Wuchuan Mooncake, Yingde Black Tea, Fenghuang Dancong and Dapu Pomelo-had been included in the first Sino-EU mutual recognition lists of geographical indications. As of the end of 2020, there were 54 agricultural products with geographical indications registered by the Ministry of Agriculture and Rural Affairs. The geographical indication of agricultural products: Zhenlong Lychee was listed as one of the national models for geographical indication agricultural products, and the Qingliangshan Tea in Meijiang District was included in the national project for protecting geographical indications agricultural products .

In 2020, 51 applications for new plant varieties and 22 grants were made. By the end of 2020, there were 945 cumulative applications for new varieties of plants and 397 cumulative grants for new varieties of plants.

In 2020, 64,195 copyright registrations were made in the Province, posting a 30.12% YoY rise. The copyright registrations for artistic works, photographic works, sound recordings, text works and design drawings accounted for 63.5%, 19%, 2.7%, 2.5% and 2.2% of the total, respectively. There were 115 copyright industry demonstration bases and 66 most valuable copyright works in the Province.

### **VIII. Deepened IP Exchanges and Cooperation**

Guangdong Intellectual Property Administration, together with related department in Hong Kong and Macao, pushed forward the annual cooperation projects based on the joint working mechanisms, including Guangdong-Hong Kong

Task Force on IPR Protection Cooperation, Guangdong-Macao IPR Working Panel, Guangdong-Hong Kong Task Force on Standards, Quality, Testing and Certification, Guangdong-Macao Task Force on Standards, Quality, Testing and Certification, Guangdong-Hong Kong Task Force on Communication and Cooperation on Food Safety, and Guangdong-Macao Task Force on Communication and Cooperation on Food Safety. Guangdong Intellectual Property Administration comprehensively deepened business cooperation and exchange among the three parties, procured related parties to sign the *Guangdong-Hong Kong Intellectual Property Cooperation Plan (2020)* and the *Cooperation Agreement of the Guangdong-Macao Task Force on Standards, Quality, Testing and Certification*, and rallied the three regions to hold major events, including the Greater Bay Area IP Trade Expo 2020, the 10th Asian IP Business Forum and the Competition of High-value Patent Cultivation. In 2020, Guangdong implemented 292 IP cooperation projects with Hong Kong and 64 ones with Macao.

In 2020, the customs in Guangdong cooperated closely with customs in Hong Kong and Macao in IPR protection, jointly launching 3 special actions for IPR protection against imported and exported infringing goods in key areas and major processes. The customs in Guangdong detained 3.352 million pieces of suspected infringing goods.

Health Commission of Guangdong Province, who advanced Guangdong Food & Drug Technology Association for Evaluation & Certification in hosting the 2nd Greater Bay Area Biomedicine & Biomedical Engineering IPR Innovation Summit, proactively explored high-quality development approaches for the biomedical industry in the Greater Bay Area, and deepened the communication and cooperation within international medical technology organizations.

Department of Culture and Tourism of Guangdong Province partnered with Zhuhai Municipal People's Government, Zhuhai Culture, Radio, Television, Tourism & Sports Bureau, Hong Kong Federation of Design Associations and

Macao Designers Association in organizing the Greater Bay Area Cultural Creative & Design Competition to promote cultural design and innovation in three major segments of the culture and creative industry: creative products of the cultural exhibition, creative products of intangible cultural heritages and creative products of cultural tourism. Guangdong Museum, together with the Hong Kong Federation of Design Associations, Macao Designers Association and other units, founded the Cultural and Creative Alliance of the Greater Bay Area (Guangdong).

In response to the new development paradigm with domestic circulation as the mainstay and domestic and international circulations reinforcing each other, IP departments in Guangdong continued to consolidate and expand international IP exchanges and cooperation. In 2020, Guangdong Intellectual Property Administration, teamed with Japan External Trade Organization and Consulate General of the Republic of Korea in Guangzhou, held a series of high-profile events, including Sino-Japan Seminar on IPR Protection Practice (Guangdong), Training Session on IPR Protection of Korean Brands and IP Workshop for Korean Enterprises in Guangdong, publicizing the latest IP achievements and developments in Guangdong and shedding light on “Guangdong stories” in the new era. In addition, the Administration also actively reached out to and engaged with international institutions, receiving visits from WIPO Office in China, Consulate General of the Republic of Singapore in Guangzhou, Consulate General of the Republic of Portugal in Guangzhou and European Union Chamber of Commerce in China and conducting in-depth discussions with them on bilateral (multi-lateral) IPR cooperation.

### **IX. Improved IP Cultural Environment**

Working with the Organization Department of the Provincial Party Committee, Guangdong Administration for Market Regulation (Guangdong Intellectual Property Administration) organized training sessions on market regulation and IPR protection government officials, instructing them on studying the spirit of important

speeches on IPR protection by General Secretary Xi Jinping, empowering them in IPR protection in the new situation and taking the IPR protection in Guangdong onto a higher stage.

The Department of Education of Guangdong Province encouraged universities (if applicable) to develop their undergraduate, graduate and doctoral programs on IP, IP law and IP management by integrating their teaching resources and strengthen the development of their IPR schools. As of the end of 2020, 4 universities had offered the IP programs, 5 universities had run the IPR schools, and 2 national IP training (Guangdong) bases (affiliated to South China University of Technology and Shenzhen University respectively) had been established. Besides, 10 universities, including the Guangdong University of Technology, were designated as the national IPR pilot universities. The Department of Education of Guangdong Province and the Foshan Municipal People's Government jointly established the Guangdong University Research Findings Commercialization Center. In 2020, the Center offered 8 training sessions to 1,027 technical managers in tech findings commercialization, and partnered with the Ministry of Education, Science and Technology Development Center in setting up China University S&T Achievements Transformation Center (South China) in Huizhou. In addition, Jinan University was included among the second batch of university S&T achievements transformation and technology transfer bases.

Department of Justice of Guangdong Province rallied Guangdong Lawyers Association and various bureaus of justice across the Province to cooperate with institutions of higher education, including Sun Yat-sen University and Guangdong University of Foreign Studies, offering training courses to IP professionals, broadening the talent development programs to cover more IP practitioners and enhancing the ability and professionalism of lawyers in providing IP services and provision. In addition, the Department also guided Guangdong Lawyers Association on its cooperation with related entities, including Guangdong

Intellectual Property Society, Guangdong Copyright Protection Association and Macao Youth Federation, in jointly organizing the 8th Guangdong Intellectual Property Legal Service Forum.

Health Commission of Guangdong Province held workshops with 5 major hospitals: the First Affiliated Hospital of Sun Yat-sen University, Guangdong Provincial People's Hospital, First Affiliated Hospital Of Guangzhou Medical University, Southern Medical University Nanfang Hospital and Guangdong Traditional Chinese Medicine Hospital to ensure high-quality compliance with the IP management system at these hospitals.

Department of Culture and Tourism of Guangdong Province actively promoted the intangible cultural heritage IPR protection, guided Guangdong Legal Aid Foundation, Guangdong Intangible Cultural Heritage Protection Center and other units to hold the Legal Seminar themed Revitalize Traditional Culture & Support Featured Economies and the Signing Ceremony of the Legal Aid Program for Intangible Cultural Heritages, promoted national major projects of intangible cultural heritages, such as Yingge (Puning Yingge) and Lion Dance (Qingshi), and strengthened IPR protection in the inheritance and innovation of intangible cultural heritages.

By the end of 2020, more than 15,000 enterprises, 25 universities and 18 research institutions had passed the IP management system certification, and 870 national IP demonstration entities had been established.