

2021 年上海知识产权白皮书

上海市知识产权联席会议办公室

2022 年 4 月

2021 年上海知识产权白皮书

2021 年以来，上海深入学习贯彻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，全面落实《知识产权强国建设纲要（2021—2035年）》和《“十四五”国家知识产权保护和运用规划》，聚焦打造国际知识产权保护高地目标，推动知识产权强市建设，圆满完成了全年主要目标任务，实现“十四五”良好开局。

一、知识产权顶层设计全面加强

印发知识产权强市建设纲要规划。市委、市政府印发《上海市知识产权强市建设纲要（2021—2035年）》，这是上海第一份由市委、市政府印发的知识产权重要文件；

《上海市知识产权保护和运用“十四五”规划》由市政府印发并首次纳入市级专项规划，纲要和规划共同绘就未来十五年和“十四五”时期上海知识产权事业发展的宏伟蓝图。国家知识产权局与上海市政府签署共建高水平改革开放知识产权强市合作会商议定书，并议定年度合作会商工作要点。

完善知识产权政策法规体系。上海首部知识产权保护综合性地方法规《上海市知识产权保护条例》、浦东新区打造社会主义现代化建设引领区首批先行先试法规《上海市浦东新区建立高水平知识产权保护制度若干规定》先后

实施。市知识产权局、市财政局、市市场监管局印发《上海市实施专利转化专项计划工作方案（2021-2023）》。市知识产权局、人民银行上海分行、上海银保监局、市地方金融监管局、市版权局联合印发《关于进一步加强本市知识产权金融工作的指导意见》。浦东新区制定知识产权发展“十四五”规划。

优化知识产权管理体制机制。深化知识产权机构改革，市知识产权局调整升格为正局级市政府直属机构。中国（上海）知识产权保护中心正式获批建设。优化区党政领导班子知识产权绩效考核，将知识产权保护工作作为全面高质量发展专项指标一级指标。市、各区知识产权联席会议分别召开年度工作会议，统筹推进知识产权战略实施。虹口、静安等区局设立知识产权监管所。

二、服务大局工作能力显著提升

服务保障浦东高水平改革开放。市版权局推出《支持浦东新区建设国家版权创新发展基地的若干措施》，在浦东新区率先以“著作权行为发生地”原则开展跨地域作品登记。市高级法院指导浦东新区发布《上海市浦东新区人民法院打造知识产权司法保护引领区、服务浦东新区高水平改革开放十项举措》。市检察院制定《服务保障浦东新区高水平改革开放打造社会主义现代化建设引领区的实施意见》。

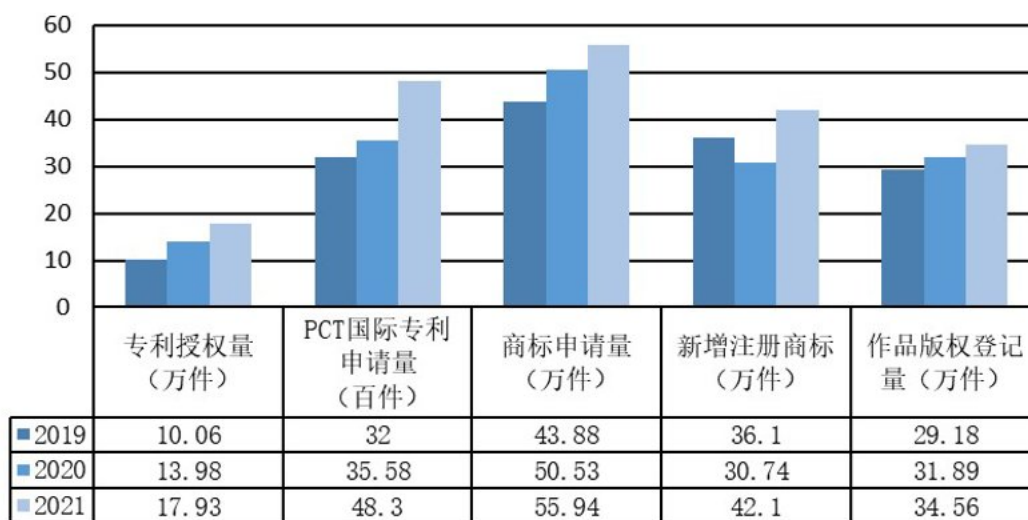
推动国家战略在重点区域实施。市知识产权局、市市

市场监管局推动临港新片区集中行使市、区两级知识产权事权74项。市版权局指导自贸区版权服务中心优化功能，作品登记周期由30天缩短至10天。市司法局推动13家律师事务所在临港新片区设立同城分所，在虹桥国际开放枢纽打造服务业聚集区。市知识产权局与苏浙皖知识产权局合作举办长三角知识产权新闻发布会，签署《关于合作举办新兴产业知识产权发展与保护论坛协议书》，指导长三角生态绿色一体化发展示范区出台《强化知识产权保护推进先行先试的若干举措》。松江区成立“长三角G60科创走廊知识产权行政保护协作中心”。黄浦、徐汇、嘉定、青浦等区分别签署协议推进长三角知识产权保护和一体化。

加强进博会知识产权保护。市知识产权联席会议办公室组织开展第四届进博会知识产权保护百日行动，再次实现展会期间“零投诉”。行动期间，市公安局侦破刑事案件243起、抓获1106人、案值44.7亿元，查办案件数量和案值均成倍增长。市知识产权局、中国国际进口博览局等联建“知识产权保护与商事纠纷处理服务中心”，组建进博会知识产权服务保障工作组、青年突击队、青年志愿者服务队驻场开展咨询和宣传服务。市商务委设立“现场联合监管与服务组”，共协调处理解决监管事项167项。市司法局遴选专业人员成立“知识产权法律服务专业小组”提供法律服务。上海海关持续发挥跨境贸易大数据平台功效，实现守法企业快速通关。

三、知识产权创造质量大幅提高

2021年上海市知识产权创造情况

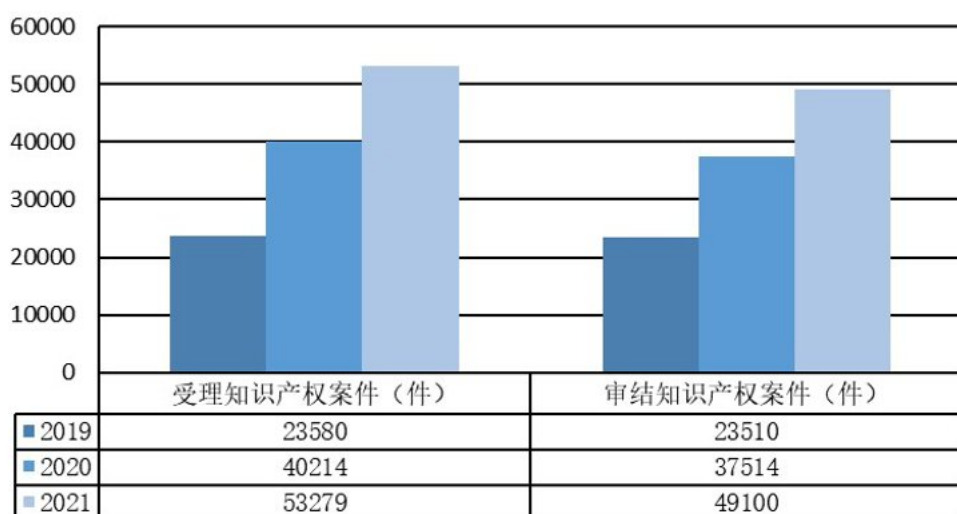


2021年，上海专利授权量17.93万件，同比增长28.29%，其中，发明专利授权量3.29万件，同比增长35.74%；PCT国际专利申请量为4830件，同比增长35.75%；上海有效发明专利拥有量17.20万件，同比增长18.11%；每万人口高价值发明专利拥有量34.2件。上海商标申请量55.94万件，同比增长10.71%；新增商标注册量42.10万件，增长36.95%；上海有效商标注册量达211.71万件，同比增长21.86%，平均每1.51个市场主体拥有1件注册商标。上海作品著作权登记数34.56万件，同比增长8.4%。上海获得农业植物新品种授权65项、林业植物新品种授权17项。上海在《全球创新指数报告》中科学技术集群中的排名由2020年的第9位上升至第8位。

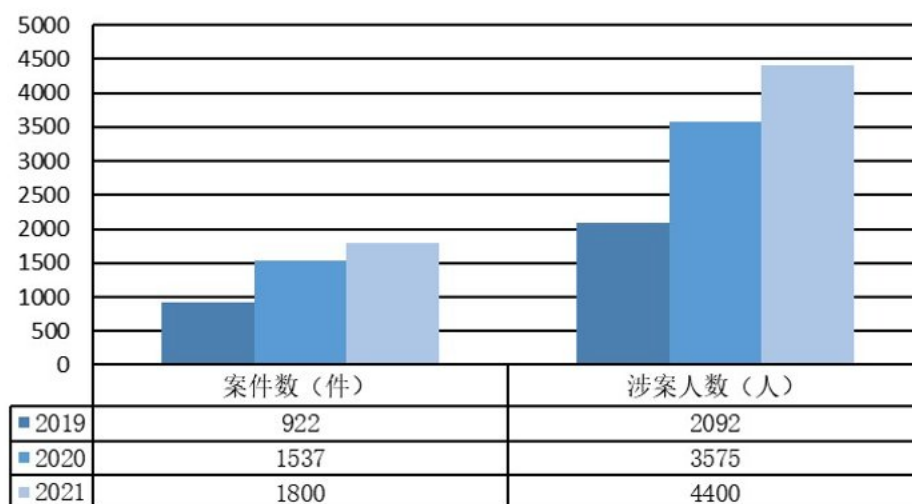
四、知识产权保护体系持续健全

发挥司法保护主导作用。2021年全市法院共受理各类知识产权案件53279件、审结49100件，同比分别增长32.49%和30.88%，一审服判息诉率96.93%。市检察机关共受理知识产权犯罪案件1800余件4400余人，同比分别增长18.8%和23.6%。市高级法院、市检察院和市公安局联合出台《关于知识产权民事、行政诉讼中刑事犯罪线索移送及同步审查的工作暂行办法》。市高级法院持续完善“三合一”审判机制，建立知识产权价值评估专家咨询制度。市检察机关组建全国首批知识产权检察办公室，建设刑事、民事、行政检察职能集中统一履行的专业化办案组，在全国率先建立权利人实质性参与刑事诉讼机制。上海知识产权法院协同推进速裁审判团队建设和二审独任制改革，实现案件繁简分流、轻重分离、快慢分道。

2021年上海法院知识产权案件审理情况



2021年上海检察机关受理知识产权案件情况



强化知识产权行政保护。上海在2021年全国知识产权保护工作检查考核中排名全国领先，连续两年保持优秀。全年全市各级知识产权管理部门累计立案查处商标违法案件1285件，结案1297件，案值5214.39万元，罚没款1591.97万元。市知识产权局全年立案受理专利侵权纠纷案件851件，结案862件。全市公安机关共侦破侵犯知识产权案件1500余起、涉案总值80亿余元，同比均翻番，市公安局侦破国家四部委联合督办的“人人影视字幕组”侵犯著作权案等一批大要案。市市场监管局推进商业秘密保护示范区、示范站（点）创建工作，开展2021年民生领域案件查办“铁拳”行动、不正当竞争专项整治行动。市知识产权局、市市场监管局共同开展北京冬奥会等知识产权保护专项行动。市版权局联合市公安局、市通信管理局、市委网信办、市文旅局执法总队开展“剑网2021”专项行动，严厉打击短视频、体育赛事、在线教育等领域侵权盗版行为。市文旅局

执法总队积极贯彻落实2021年新修订的《著作权法》，市区两级版权行政执法部门立案查处版权侵权案件91件，罚没款198万元。上海海关统筹开展“龙腾”“蓝网”“净网”等知识产权保护专项行动，成立全国首个科创企业知识产权海关保护中心。

创新多元纠纷解决机制。市知识产权局、市高级人民法院联合印发《关于在本市开展知识产权纠纷行政调解协议司法确认程序试点工作的实施办法》《关于建立知识产权民事纠纷诉调对接工作机制的实施意见》，在全国率先建立知识产权行政调解协议司法确认机制和民事纠纷诉调对接工作机制。市知识产权局、市司法局共同深化仲裁调解机制建设，目前全市共设知识产权纠纷人民调解组织16家，全年受理纠纷13850件；上海仲裁委员会、上海国际经济贸易仲裁委员会共受理争议案件504件，涉案金额8.62亿元。市知识产权局2021年共入驻20个大型国际展会，派驻296人次，现场处理专利纠纷投诉53件，圆满完成第八届上交会、第十届中国花博会知识产权保护服务任务。市司法局推动徐汇公证处设立公证科技创新中心暨知识产权公证服务中心，全市公证机构办理知识产权类公证33218件。

加强知识产权综合治理。市知识产权局率先探索对专利行政确权与行政裁决联合审理并当庭作出决定，探索建立知识产权行政保护技术咨询和技术调查官制度，深化以信用为基础的分级分类监管试点工作。市市场监管局、市

知识产权局等9部门联合印发《关于加强知识产权行政执法与刑事司法衔接工作的协作意见》。市知识产权局强化维权援助工作，新建知识产权维权援助工作站8个；发布三批上海市重点商标保护名录，涉及114家企业143件注册商标。市商务委指导上海国际贸易知识产权海外维权基地建立入世以来涉上海企业337调查案件库，为企业提供知识产权应诉指导。静安、徐汇、长宁、普陀、虹口、杨浦、宝山、嘉定等区出台政策加强知识产权行刑衔接。虹口区探索开展知识产权信用分级分类监管工作。

五、知识产权运用效益持续提高

推进知识产权运营体系建设。上海入选财政部、国家知识产权局2021年专利转化专项计划奖补省份。市知识产权局认定2家市级知识产权运营综合服务基地、15家运营服务集聚区功能园和7家运营促进中心。深化国家知识产权运营公共服务平台国际运营（上海）试点平台建设，发挥上海知识产权交易中心功能，全年完成知识产权交易服务项目248宗、交易金额24.3亿元。市教委认定42家上海市协同创新中心，支持5所高校推进科技成果转化赋权改革试点。市科委、市人力资源社会保障局、市财政局共同出台规定，落实以增加知识价值为导向的收入分配政策。市科委积极承接国家重大科研项目，发展数字孪生城市、大数据等前沿技术支撑城市数字化转型。市卫生健康委依托上海医药卫生技术转移服务平台，实时推送卫生系统

优秀专利成果。市国防科工办依托2021年长三角高技术成果交易会，推动科技成果双向转化。

强化市场主体能力建设。上海46项专利获第二十二届中国专利奖，其中专利金奖2项、银奖2项，外观设计金奖1项。市知识产权局新认定市级专利工作试点示范单位127家、市级知识产权试点示范园区4家。支持上海西门子医疗器械有限公司等5家单位为2021年专利导航项目承担单位，认定首批2家上海市专利导航服务基地，在中国北斗产业技术创新西虹桥基地等2家园区实施知识产权托管项目。市版权局新认定9家市级版权示范单位、园区（基地），培育3家单位成为国家级版权示范单位、园区（基地）。市知识产权局、市国资委签署战略合作协议促进国资国企知识产权高质量发展。市经信委在企业技术中心评价体系中加强知识产权产出的评价指标和权重，编制《上海市创新产品推荐目录》支持创新产品进入市场。闵行区完成知识产权专项试点地方建设项目验收。

创新知识产权金融服务。市知识产权局、人民银行上海分行、上海银保监局、市地方金融监管局共同加强知识产权金融工作，全年专利商标质押融资总额76.34亿元，同比增长98.75%；专利商标保险保障额度1.51亿元。上海知识产权质押融资工作经验入选中国服务贸易“十三五”发展成就展，知识产权保险工作经验入选上海市服务贸易创新试点最佳实践案例。市知识产权局推动全国首单知识产

权交易保险和全市首批知识产权投贷联动项目、海外侵权责任保险、地理标志商标保险落地，推动设立知识产权质押融资风险补偿基金。

促进知识产权与品牌融合发展。市知识产权局强化商标品牌培育帮扶指导，全年新设商标品牌创新创业基地2个，新增商标品牌指导站24个，总量达77个；与市经信委共同举办第七届中国品牌经济（上海）论坛。市版权局在东华大学设立全国首个汉服版权综合服务平台，实施上海翻译出版促进计划，组织全市出版单位、版权服务平台等参加国际图书博览会和中国国际版权博览会。市经信委推动打造“上海制造”品牌矩阵，首次征集评选“上海品牌100+”（时尚消费品），推动品牌创新成果发布。市商务委起草《关于上海老字号认定和管理的若干规定（草案）》，编制《上海老字号地方标准》。上海2个案例入选国务院国资委年度100个国有企业品牌建设典型案例。

实施地理标志运用促进工程。市知识产权局召开推进地理标志运用工作会议，推动打造地理标志区域品牌，助力上海都市农业发展。指导崇明现代农业园区开展地理标志试点园区建设，在园区内建设商标品牌指导站。“崇明大米”和“南汇水蜜桃”入选国家首批地理标志运用促进重点联系指导名录。“南汇水蜜桃”入选首批国家地理标志产品保护示范区筹建名单。

六、知识产权服务体系日益完善

强化知识产权公共服务供给。市知识产权局完成上海知识产权信息服务平台改造，将原平台数据安全迁移至“市政务云平台”。开展知识产权信息服务能力建设项目和知识产权风险预警分析项目，开展知识产权信息公共服务机构在行动专项活动。认定首批6家市知识产权信息公共服务网点，3家单位入选国家知识产权信息公共服务网点，2个案例入选国家知识产权信息公共服务优秀案例。

深化知识产权“放管服”改革。市知识产权局提升“一网通办”电子政务服务能级，专利一般资助实现“零材料”“零跑腿”办理。提升行政服务窗口能级，在全国率先实现知识产权事务“一窗通办”，新增集成电路布图设计登记受理、专利权开放许可等业务。知识产权保护“一件事”集成服务改革入选国家2021年度全面创新改革揭榜任务清单。市经信委通过“上海市企业服务云”为企业提供各类知识产权政策及服务。

促进知识产权服务业健康发展。市知识产权局严厉打击非正常专利申请代理行为，完成首次专利代理机构年报工作，组织开展知识产权服务行业“双随机、一公开”检查，全年完成对180家商标代理机构、20家专利代理机构的执业检查。全市共处罚结案专利商标代理违法案件33件，罚没款383.23万元。指导市知识产权服务行业协会完成换届选举，激活市知识产权研究会。至2021年底，全市共有专利代理机构266家、执业专利代理师1778人，分别增长

23.7%和17.3%；在国家知识产权局备案的商标代理机构2926家，增长13.2%。

七、知识产权发展生态不断优化

加强知识产权保护国际合作。成功举办以“数字经济时代的知识产权保护与国际合作”为主题的第十八届上海知识产权国际论坛，李强书记、申长雨局长等领导出席并致辞。成功举办市政府与世界知识产权组织视频会议，龚正市长、邓鸿森总干事出席并讲话。市政府与世界知识产权组织联合颁发第三届上海知识产权创新奖，上海华虹宏力半导体制造有限公司等9家单位获奖。市知识产权局和市外办共同召开2021年知识产权工作情况领馆通报会，与长宁区联合举办第十一届亚洲知识产权营商环境—沪港合作专场。市知识产权局、市司法局、市外办、市高级法院共同支持推进世界知识产权组织仲裁与调解上海中心建设，累计受理案件41件，结案29件，其中成功调解14件。市高级法院与世界知识产权组织签署《加强知识产权领域替代性争议解决交流与合作谅解备忘录》。

加强知识产权文化建设。市知识产权联席会议办公室在全市范围内组织开展以“全面加强知识产权保护、推动构建新发展格局”为主题的2021年上海知识产权宣传周活动，发布《2020年上海知识产权白皮书》《2020年上海知识产权保护十大典型案例》，持续提升《上海知识产权》刊物质量和影响力，组建上海市知识产权青年志愿者服务

队。市知识产权局开通全国首家地方知识产权综合性英文网站“上海市知识产权局英文网”，会同市教委认定6所学校为第五批上海市中小学知识产权教育示范学校。市版权局发布2021年十大版权保护典型案例，编制《影视版权一本通》。市商务委编制《上海市外商投资企业权益保护白皮书》《RCEP相关知识产权维权指引目录》。市高级人民法院、市检察院发布年度知识产权审判、检察白皮书，市高级人民法院、上海知识产权法院联合发布上海法院知识产权司法保护十大案件。市农业农村委、奉贤区举办“赋能东方美谷发展、助力奉贤新城建设”农业科技新成果发布会。市中小企业发展服务中心编制《2021年上海市中小企业知识产权发展情况报告》。青浦区成立长三角一体化示范区“汇菁力”知识产权青年志愿者服务队。奉贤区评选发布年度知识产权保护典型案例。

强化知识产权人才队伍建设。市知识产权局会同市人力资源和社会保障局制定高级知识产权师职称评审标准和流程，建设首批8家市级知识产权培训基地，举办知识产权强市建设高级研修班。市知识产权局组织实施3400余人报名参考的全国专利代理师资格考试上海考点工作。市知识产权局、市教委共同支持上海国际知识产权学院与世界知识产权组织签署联合培养知识产权法硕士项目第二期谅解备忘录。市农业农村委开展事业单位专业技术人员知识产权基础课程培训。市卫生健康委举办医学科技成果转化管

理与发展培训班。市国防科工办举办国防知识产权管理与应用培训。



2021年上海知识产权白皮书

Intellectual Property Development in Shanghai in the Year 2021

The General Office of Shanghai Intellectual Property Joint Committee

April, 2022

Intellectual Property Development in Shanghai in the Year of 2021

Since 2021, Shanghai has been earnestly studying and implementing the spirits embodied in an important speech made by General Secretary Xi Jinping at the 25th Group Study Session of the Politburo of the CPC Central Committee, fully implementing *the Outline for Building a Country Strong on IPR (2021-2035) and the 14th Five-Year National Plan for IP Protection and Application*, pursuing the goal of putting Shanghai at the international forefront of intellectual property (IP) protection, promoting the construction of a Strong IP City through successfully completing the main goals and tasks for the whole year of 2021, thereby launching the “14th Five-Year Plan” implementation with a good start.

I. Comprehensively Strengthening Top-Level Design of IP Work

Shanghai issued an Outline and a Plan to build Shanghai into a Strong IP City. Shanghai Municipal Party Committee and Municipal People’s Government issued *the Outline for Building a Strong IP City of Shanghai (2021-2035) (the Outline)*. This is the first landmark policy document on IP development issued by Shanghai Municipal Party Committee and Municipal People’s Government. Moreover, Shanghai Municipal Government issued *the 14th Five-Year Plan on Intellectual Property Protection and Utilization in Shanghai (the Plan)* and included *the Plan* in the municipal-level special plan for the first time. *The Outline* and *the Plan* jointly draw a grand blueprint for the development of Shanghai’s IP cause in the next fifteen years and the “14th Five-Year Plan” period. China National Intellectual Property Administration (CNIPA) and Shanghai Municipal People’s Government signed *the Protocol on Cooperation and Consultation on Jointly Building Shanghai into a Strong IP City Through High-level Reform and Opening up* and agreed on the key points of their annual cooperation and consultation.

Perfecting the IP policy and regulation regime. *Regulations of Shanghai Municipality on IP Protection*, Shanghai’s first comprehensive local law on IP protection was implemented, followed by the implementation of *Several Provisions on Establishing a High-level IP Protection System in Shanghai Pudong New Area* as Pudong’s the first batch of pilot laws and regulations to build itself into a leading area for socialist modernization. Shanghai IP Administration, Shanghai Municipal Finance Bureau and Shanghai Municipal Market Supervision Administration issued *the Work*

Program of Shanghai Municipality for Implementing the Special Plan of Patent Commercialization (2021-2023). Shanghai IP Administration, the People's Bank of China Shanghai Branch, Shanghai Banking and Insurance Regulatory Bureau, Shanghai Local Financial Supervision and Administration, and Shanghai Copyright Administration jointly issued *the Guiding Opinions on Further Strengthening Shanghai's IP-related Financial Work*. Pudong New Area formulated *the 14th Five-Year Plan for IP Development*.

Optimizing the IP administrative institution. Thanks to deepening IP institutional reform, Shanghai IP Administration has been upgraded to a bureau-level organization directly under the leadership of Shanghai Municipal People's Government. The Construction of China (Shanghai) Intellectual Property Protection Center was officially approved. In an effort to improve IP-related performance assessment of district-level party and government leaders, IP protection performance was included as a first-tier indicator in the special index to measure comprehensive and high-quality development. Shanghai Intellectual Property Joint Committee at the municipal and district levels convened their respective annual work meetings to better coordinate the implementation of IP strategies. IP administrations of Hongkou, Jing'an and other districts have set up their IP supervision stations.

II. Significantly Improving the Capacity to Serve the Macro-Business Environment

Introducing better services to safeguard Pudong's high-level reform and opening up. Shanghai Copyright Administration issued *Several Measures to Support Construction of the National Copyright Innovation and Development Base in Pudong New Area*, and took the lead in implementing cross-regional work registration in Pudong New Area on the principle of "copyright registration based on where copyright-related behavior occurs". Shanghai High People's Court guided Pudong New Area to issue *Ten Measures of People's Court of Shanghai Pudong New Area to Build a Leading Area for IP Judicial Protection to Serve Pudong New Area's Reform and Opening-up at a High-level*. Shanghai People's Procuratorate formulated *the Implementation Opinions on Serving and Ensuring High-level Reform and Opening-up and Creating a Leading Area of Socialist Modernization for Pudong New Area*.

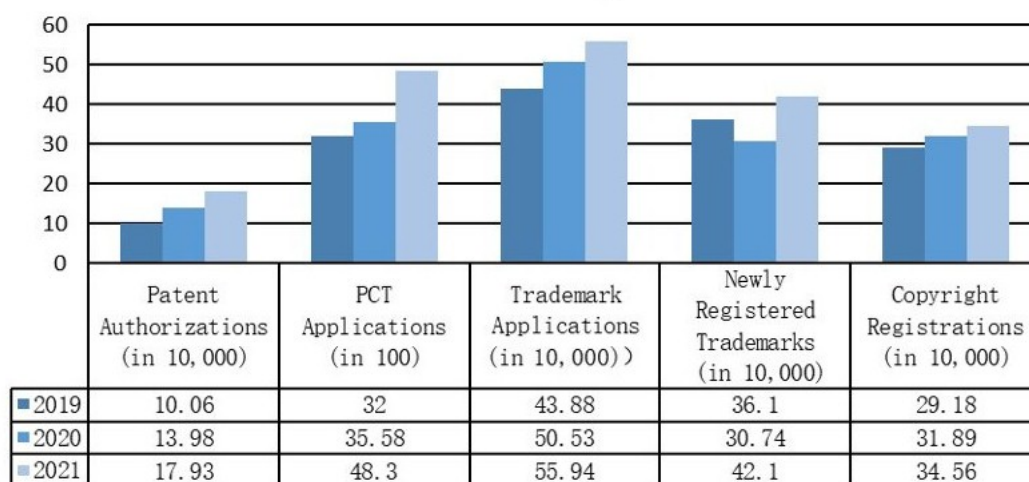
Promoting implementation of national strategies in key areas and regions. Shanghai IP Administration and Shanghai Municipal Market Supervision

Administration promoted Lingang New Area to carry out 74 municipal and district-level IP tasks and responsibilities. Shanghai Copyright Administration instructed the FTZ copyright service center to optimize its functions to shorten the registration processing days of works from 30 days to 10 days. Shanghai Municipal Bureau of Justice encouraged 13 law firms to set up branch offices in Lingang New Area, among measures to contribute to the building of a service cluster in Hongqiao International Hub for Opening Up. Shanghai IP Administration and IP administrations of Jiangsu, Zhejiang and Anhui provinces jointly convened the Yangtze River Delta Intellectual Property Press Conference, and signed *the Agreement on Jointly Holding the Forum on IP Development and Protection of Emerging Industries*, and guided the Demonstration Zone of Green and Integrated Ecological Development of Yangtze River Delta to release *Several Pilot Measures to Strengthen IP Protection* in the region. Huangpu, Xuhui, Jiading and Qingpu districts signed agreements respectively to promote integrated IP protection and development in the Yangtze River Delta region.

Strengthening IP protection at China International Import Expo (CIIE). The General Office of Shanghai Intellectual Property Joint Committee spearheaded the Hundred-Day IP Enforcement Campaign (the Campaign) during the 4th CIIE, and once again achieved “zero complaints” during the CIIE. During the Campaign, Shanghai Public Security Bureau cracked 243 criminal cases, arrested 1,106 people involving 4.47 billion RMB in value, doubling the number and value of cases compared with the Campaign last year. Shanghai IP Administration, China International Import Expo Bureau and other organizations jointly established the “Service Center for IP Protection and Commercial Dispute Settlement”, and set up the CIIE IP Service and Oversight Working Group, a “youth commando” and a young volunteers’ service team to carry out on-site consulting and advocacy services. Shanghai Municipal Commission of Commerce set up an “On-site Joint Supervision and Service Group”, which coordinated and solved 167 supervision matters. Shanghai Municipal Bureau of Justice selected professionals to set up an “IP Legal Service Professional Group” to provide legal services. Shanghai Customs continued to give full play to cross-border trade big-data platform to provide fast customs clearance for law-abiding enterprises.

III. Significantly Improving the Quality of IP Creation

IP Creation in Shanghai in 2021



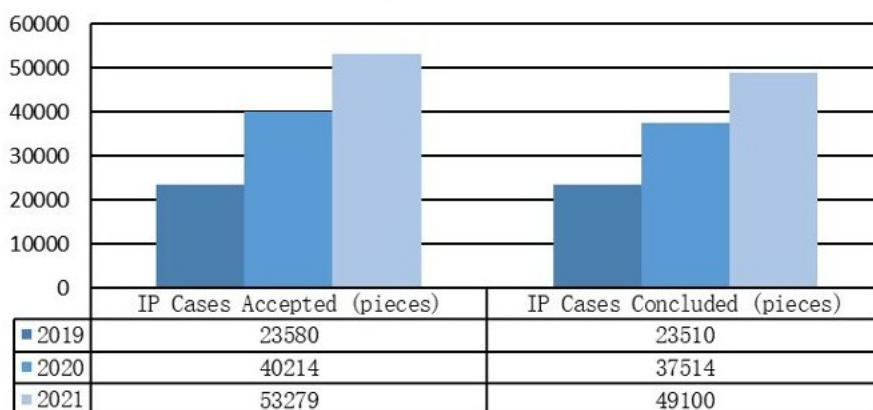
In 2021, patents granted in Shanghai reached 179,300, with a year-on-year increase of 28.29%. Among them, invention patents granted reached 32,900, with a year-on-year increase of 35.74% and PCT patent filings reached 4,830, up by 35.75% year on year. At the end of 2021, valid invention patents in Shanghai stood at 172,000, up by 18.11% year on year. There were 34.2 high-value invention patents per 10,000 people. Trademark applications in Shanghai reached 559,400, up by 10.71% year on year. Newly registered trademarks reached 421,000, up by 36.95% year on year. Valid trademark registrations in Shanghai reached 2,117,100, up by 21.86% year on year, with every 1.51 market entities owning one registered trademark. 345,600 copyrights were registered in Shanghai, up by 8.4% year on year. Shanghai obtained 65 new varieties of agricultural plants and 17 new varieties of forestry plants. Shanghai rose to the eighth place in the Top 100 Science and Technology Clusters ranking in the *Global Innovation Index 2021* from last year's ninth place.

IV. Constantly Perfecting the IP Protection System

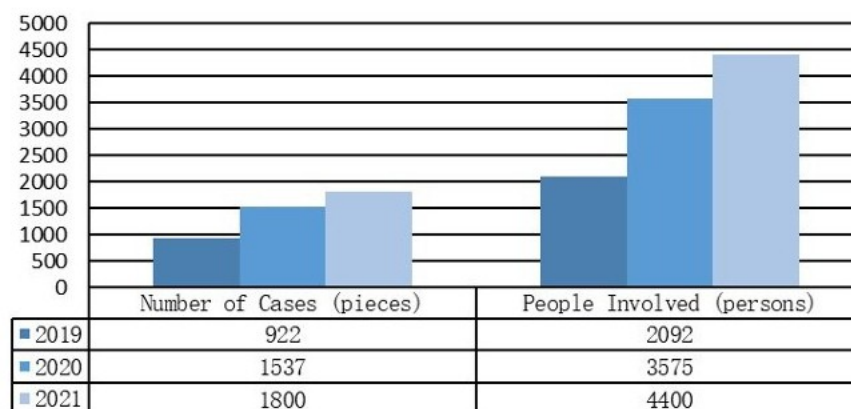
Emphasizing the Dominant Role of Judicial Protection. In 2021, the court system in Shanghai accepted total filings of 53,279 IP cases and concluded 49,100 IP cases, with a year-on-year increase of 32.49% and 30.88% respectively, and 96.93% of the first-instance judgments are final without appeal. Shanghai's procuratorial organs reviewed the indictability of more than 1800 IP crime cases involving more than 4,400 people, up by 18.8% and 23.6% respectively. Shanghai High People's Court, Shanghai People's Procuratorate and Shanghai Public Security Bureau jointly introduced *the*

Interim Measures on Transfer and Parallel Review of Criminal Clues Detected in IP Civil and Administrative Litigations from the Court to Competent Criminal Investigation Organs. Shanghai High People’s Court continued to improve the “three-in-one” trial mechanism and established an expert consultation mechanism for IP valuation. Shanghai’s procuratorial organs set up the first batch of IP procuratorial offices in China, established a specialized case handling team to centrally perform criminal, civil and administrative procuratorial functions, and led the country to establish the mechanism of substantive participation of right holders in criminal proceedings. Shanghai Intellectual Property Court made coordinated efforts to strengthen the team for expedited adjudication and establish the system of sole adjudicator in second-instance trials, so as to separate complicated cases from simple ones and prioritize serious and urgent cases.

IP Cases Accepted by Courts of Shanghai in 2021



IP Cases Processed by Shanghai Procuratorates in 2021



Strengthening Administrative Protection of IP. Shanghai led the country in the 2021 National IP Protection Inspection and Assessment and scored an “excellence” rating for two years in a row. In 2021, IP administrations at all levels of the city established and investigated 1,285 trademark infringement cases, concluded 1,297 cases involving a value of 52.1439 million RMB and imposed 15.9197 million RMB of fines and confiscations. Shanghai IP Administration established and handled 851 patent infringement disputes and concluded 862 disputes. Shanghai Public Security Bureau cracked more than 1,500 cases of IP infringement, involving a total value of more than 8 billion RMB, doubling the value last year. Shanghai Public Security Bureau solved a number of highly influential cases such as the copyright infringement case of the “Renren Film and Television Subtitling Group”, under the joint supervision of four national ministries and commissions. Shanghai Municipal Market Supervision Administration promoted the establishment of trade secret protection demonstration zones and stations (sites), and carried out the “Iron Fist” action of investigating and handling cases concerning people’s livelihood and a special action on unfair competition in 2021. Shanghai IP Administration and Shanghai Municipal Market Supervision Administration jointly carried out targeted IP protection actions such as the one to protect the assets of Beijing Winter Olympic Games.

Shanghai Copyright Administration, in collaboration with Shanghai Public Security Bureau, Shanghai Communications Administration, Office of Cyberspace Affairs Commission of Shanghai Municipal Party Committee, the law enforcement team of Shanghai Municipal Administration of Culture and Tourism, carried out the “Sword Net 2021 Action” to intensely crack down on infringement and piracy in short videos, sports events, online education and other fields. The law enforcement team of Shanghai Municipal Administration of Culture and Tourism actively implemented the Copyright Law revised in 2021. The two levels of copyright administrative law enforcement departments in urban areas established and concluded 91 cases of copyright infringement and imposed a total fine of 1.98 million RMB. Shanghai Customs carried out targeted IP protection actions such as “Long Teng”, “Blue Net” and “Clean Net” in a coordinated effort, and established China’s first Customs IP Protection Center for Science and Technology Innovation Enterprises.

Making Innovations in Applying Diversified Dispute Resolution Mechanism.

Shanghai IP Administration and Shanghai High People’s Court jointly issued *Measures for Implementing the Pilot Judicial Confirmation Procedure of Administrative Mediation Agreements for IP Disputes in Shanghai and the Implementation Opinions on Establishing the Litigation and Mediation Connection Mechanism for IP Civil Disputes*, thus taking the lead in establishing a mechanism for judicial confirmation of IP administrative mediation agreements and a mechanism for connecting litigation with mediation in IP civil disputes. Thanks to joint efforts of Shanghai IP Administration and Shanghai Municipal Bureau of Justice to deepen the construction of arbitration and mediation mechanism, 16 people’s mediation organizations for IP disputes have been set up in Shanghai, which have handled 13,850 disputes in 2021. Shanghai Arbitration Commission and Shanghai International Economic and Trade Arbitration Commission accepted 504 dispute cases involving 862 million RMB in total. In 2021, Shanghai IP Administration dispatched 296 officer-times to 20 large international exhibitions and handled 53 on-site complaints for patent disputes, thereby successfully accomplishing the service task of IP protection of the 8th China (Shanghai) International Technology Fair and the 10th China Flower EXPO. Shanghai Municipal Bureau of Justice supported Shanghai Xuhui Notary Public Office to set up a Notary Science and Technology Innovation Center, aka. an IP Notary Service Center. Notary offices across Shanghai handled 33,218 IP-related notarizations.

Enhancing Comprehensive Governance of IP. Shanghai IP Administration pioneered the combination of patent administrative confirmation, administrative hearing and administrative ruling in one hearing, explored the establishment of a technical advisory and technical investigator system for IP administrative protection, and deepened the pilot work of credit-based, tiered and category-dependent supervision and oversight on IP protection. Shanghai Municipal Market Supervision Administration, Shanghai IP Administration and seven other authorities jointly issued *the Opinions on Strengthening Coordination Between IP Administrative Law Enforcement and Criminal Justice*. In an effort to strengthen assistance for IP administrative law enforcement, Shanghai IP Administration built eight new workstations for IP enforcement and issued three batches of *Shanghai Key Trademark Protection Lists*, which involve 114 enterprises and 143 registered trademarks. Shanghai Municipal Commission of Commerce guided “Shanghai International Trade Service Base for Overseas Intellectual Property Rights

Protection” to establish a case database of Section 337 Investigations involving Shanghai enterprises since China’s accession to the WTO, guiding enterprises to respond to IP-related investigations. The districts of Jing’an, Xuhui, Changning, Putuo, Hongkou, Yangpu, Baoshan and Jiading issued policies to strengthen coordination between IP administrative enforcement and judicial justice. Hongkou District explored credit-based, tiered and category-dependent IP supervision and oversight.

V. Utilizing IP in a More Efficient Way

Promoting construction of an IP operation system. Shanghai was selected as a provincial-level municipality to receive grants and funding of the 2021 Patent Commercialization Program from the Ministry of Finance and CNIPA. Shanghai IP Administration identified two municipal comprehensive service bases for IP operation, 15 clusters and industrial parks focusing on IP operation and services and 7 IP operation promotion centers. Efforts have been made to strengthen the building of the International Operating (Shanghai) Pilot Platform of the State Intellectual Property Operation Public Service Platform (the Platform), thereby accentuating the role of Shanghai as an IP trading hub. 248 IP transactions and service projects have been completed to date on this Platform, totaling 2.43 billion RMB of transactions. Shanghai Municipal Commission of Education identified 42 Collaborative Innovation Centers and supported five universities to promote the pilot reform of commercialization and empowerment of science and technology achievements. Science and Technology Commission of Shanghai Municipality, Shanghai Municipal Human Resources and Social Security Bureau and Shanghai Municipal Finance Bureau jointly issued and implemented *the Policy on Knowledge-value-oriented Remuneration Distribution*. Science and Technology Commission of Shanghai Municipality actively undertook major national science research projects, with a view to developing cutting-edge technologies such as digital-twin cities and big data to support the digital urban transformation. Shanghai Municipal Health Commission leveraged the Shanghai Medical and Health Technology Transfer Service Platform to promote commercialization of excellent patents in the healthcare system in real time. The Municipal Administration of Science, Technology and Industry for National Defense leveraged the 2021 Yangtze River Delta Science and Technology Fair to promote mutual applications of science and technology achievements between national defense and civil applications.

Enhancing capacity building for market entities. 46 patents from Shanghai were awarded the 22nd China Patent Awards, including two Gold Prizes and two Silver Prizes under the Patent Awards and one Gold Prize in Industrial Design. Shanghai IP Administration identified 127 pilot demonstration units for patent work in Shanghai in 2021 and four municipal-level pilot IP demonstration parks. Shanghai IP Administration supported Siemens Healthineers Shanghai and four other organizations to be recognized as “2021 Patent Navigation Project Organizations”, certified the first two Shanghai Patent Navigation Service Bases, and implemented IP custody projects in two parks including the Beidou West Hongqiao Industrial Base. Shanghai Copyright Administration newly identified nine municipal copyright demonstration units and parks (bases), and cultivated 3 units to become national copyright demonstration units and parks (bases). Shanghai IP Administration and the Municipal State-owned Assets Supervision and Administration Commission signed a strategic cooperation agreement to promote high-quality IP development of state-owned assets and state-owned enterprises. Shanghai Municipal Commission of Economy and Informatization strengthened the weight of IP output indicator in the evaluation system of enterprise technology centers, and compiled *the Recommended Catalogue of Shanghai Innovative Products* to support market-entry of innovative products. Minhang District gave the green light to IP pilot projects of local enterprises based on their standardized IP management and commercialization system.

Innovating IP Financial Services. Shanghai IP Administration joined hands with the People’s Bank of China Shanghai Branch, Shanghai Banking and Insurance Regulatory Bureau and Shanghai Local Financial Supervision and Administration to strengthen IP financial work. In 2021, the amount of financing with patents and trademarks as the pledge reached 7.634 billion RMB, up by 98.75% year on year. The amount of patent and trademark insurance coverage reached 151 million RMB. Shanghai’s experience on financing with IP-as-a-pledge was selected into the Exhibition on “13th Five-Year Plan” Development Achievements in China’s Trade-in-services, and the experience of developing IP insurance was selected as a best-practice case of Shanghai’s service-trade innovation pilot projects. With the strong support of Shanghai IP Administration, the country’s first insurance on IP transaction, Shanghai’s first batch of projects for debt-equity combination financing for IP

commercialization, insurance for overseas infringement liabilities, and insurance for geographical indication trademarks have been successfully introduced in Shanghai, and a risk compensation fund for financing with IP-as-a-pledge was established in Shanghai.

Integrating IP with brand development. Shanghai IP Administration intensified support and guidance to trademark and brand cultivation, set up two new trademark and brand innovation and entrepreneurship bases and 24 new trademark and brand guidance stations, adding up to 77 in total. Shanghai IP Administration and Shanghai Municipal Commission of Economy and Informatization jointly held the Seventh China Brand Economy (Shanghai) Forum. Shanghai Copyright Administration set up China's first "Han Chinese Costume" Comprehensive Copyright Service Platform in Donghua University, implemented the Shanghai Translation Work Publishing Promotional Program, and organized Shanghai's publishing units and copyright service platforms to participate in the International Book Fair and China International Copyright Expo. Shanghai Municipal Commission of Economy and Informatization promoted the creation of "Made in Shanghai" brand matrix, collected and selected "Shanghai Brand 100+" (in the fashion & consumer goods category) for the first time, and promoted the release of brand innovation results. Shanghai Municipal Commission of Commerce drafted *Several Provisions on Recognition and Management of Shanghai Time-honored Brands (a draft)* and compiled *the Local Standards for Shanghai Time-honored Brands*. Two cases from Shanghai were selected into the *Annual 100 Model Cases of Brand Building by State-owned Enterprises* by the State-owned Assets Supervision and Administration Commission of the State Council.

Implementing projects to promote the use of geographical indications (GIs). Shanghai IP Administration convened the Meeting on Promoting the Use of Geographical Indications to promote the building of GI brands and support Shanghai's urban agricultural development. Shanghai IP Administration also guided the construction of Chongming Modern Agricultural Park as a pilot zone for GI applications and the set-up of a trademark and brand guidance station within the park. "Chongming Rice" and "Nanhui Peach" were selected into the first edition of *National Key Contact and Guidance List for Promoting GI-Use*. "Nanhui Peach" was included in the first batch of National GI Product Protection Demonstration Area Preparation List.

VI. Constantly Perfecting IP Service System

Strengthening the supply of IP public services. Shanghai IP Administration completed the upgrade of Shanghai IP Information Service Platform, and migrated data securely to the “Municipal Government Affairs Cloud Platform”. Shanghai IP Administration also carried out an IP information-service capacity-building project, an IP risk early-warning and analysis project, and special activities to promote IP information public-service institutions. Shanghai IP Administration also recognized six municipal IP information public-service stations, supported three stations to be selected as the National IP Information Public-Service Stations, and two cases to be selected as National Model Cases of IP Information Public-Service.

Deepening Reform on “Administrative Streamlining, Power Delegation, Innovative Supervision and Public Service Enhancement” in IP. Shanghai IP Administration boosted the functions of the “One-Stop E-Government Service” Platform and realized complete electronic handling of patent general funding, waiving the trouble of sending paper materials and making trips to IP administrations. Shanghai IP Administration also enhanced the functions of administrative service windows and introduced China’s first “One-stop Window” for IP matters, which provides new services of registration acceptance for integrated circuit layout design and patent open licensing, etc. The “Omnipotent” IP Protection Platform was listed as a 2021 National Comprehensive Innovation-oriented Reform Task. Shanghai Municipal Commission of Economy and Informatization provided extensive IP policy consultation and services through “Shanghai Enterprise Service Cloud”.

Promoting sound development of IP service industry. Shanghai IP Administration cracked down on irregular patent applications, organized the compilation of the first annual report for patent agencies, organized a “double-random and result-sharing” inspection of the IP service industry following the mode of “randomly choosing inspection targets, randomly dispatching inspection officers and publicizing the inspection result to the society in a timely manner”, and completed the inspection over 180 trademark agencies and 20 patent agencies in 2021. A total of 33 violations committed by patent and trademark application agencies were punished and concluded in Shanghai, resulting in a total fine of 3,832,300 RMB. Shanghai IP Administration also guided Shanghai IP Service Industry Association to complete the general election

for a new leadership committee and activated Shanghai IP Research Association. By the end of 2021, there have been 266 patent agencies and 1,778 licensed patent attorneys in Shanghai, up by 23.7% and 17.3% respectively. The number of trademark agencies registered at CNIPA reached 2,926, up by 13.2 %.

VII. Constantly Improving IP Development Ecosystem

Strengthening international cooperation on IP protection. The 18th Shanghai International Intellectual Property Forum (the Forum) was successfully held under the theme “Intellectual Property Protection and International Cooperation in the Era of Digital Economy”. LI Qiang, Secretary of Shanghai Municipal Party Committee, Dr. SHEN Changyu, Commissioner of CNIPA and other leaders attended the opening ceremony of the Forum and delivered opening speeches. The video conference between Shanghai Municipal People’s Government and WIPO was successfully held. Shanghai Mayor GONG Zheng and Mr. Daren TANG, Director General of WIPO attended and addressed the video conference. Shanghai Municipal People’s Government and WIPO jointly awarded the 3rd WIPO-SMPG IP Innovation Awards (the Awards) to 9 organizations including Shanghai Huahong Grace Semiconductor Manufacturing Corporation. Shanghai IP Administration and the Foreign Affairs Office of Shanghai Municipal Government jointly held the 2021 Briefing on the Intellectual Property Development in Shanghai. Shanghai IP Administration and Changning District Government jointly convened the 11th Business IP Asia Forum: Special Forum on Shanghai-HK Cooperation. Shanghai IP Administration, Shanghai Municipal Bureau of Justice, Foreign Affairs Office of Shanghai Municipal Government and Shanghai High People’s Court jointly promoted the construction of WIPO Arbitration and Mediation Shanghai Service, which has accepted 41 cases and concluded 29 cases to date, including 14 successfully mediated cases. Shanghai High People’s Court and WIPO signed a *Memorandum of Understanding (MoU) Concerning Cooperation on Alternative Dispute Resolution in the Area of Intellectual Property*. Shanghai High People's Court and WIPO signed *the Memorandum of Understanding on Strengthening Exchanges and Cooperation in Alternative Dispute Resolution in the Field of IP*.

Strengthening IP cultural construction. The General Office of Shanghai Intellectual Property Joint Committee organized the 2021 Shanghai IP Publicity Week

under the theme of “Enhancing Intellectual Property Protection Comprehensively, Striving to Build the New Development Paradigm”, released *the 2020 White Paper on Intellectual Property Development in Shanghai and Ten Typical Cases of IP Protection in Shanghai in 2020*, continued to enhance the quality and impact of *Shanghai Intellectual Property Magazine*, and established the Shanghai IP Youth Volunteers’ Service Team. Shanghai IP Administration opened the first comprehensive English website of a local IP administration in China —— “Shanghai Intellectual Property Administration English Website”, and worked with Shanghai Municipal Commission of Education to identify six schools as the 5th batch of Shanghai IP education demonstration primary and secondary schools. Shanghai Copyright Administration released *Top Ten Typical Copyright Protection Cases in 2021*, and compiled *the Film and Television Copyright Manual*. Shanghai Municipal Commission of Commerce compiled *the White Paper on Protection of Rights and Interests of Foreign-invested Enterprises in Shanghai and A Guide to a Catalogue of Issues of Intellectual Property Protection and Enforcement Under RCEP*. Shanghai High People’s Court released the annual *the White Paper on the Intellectual Property Trials by Courts of Shanghai in 2020* and Shanghai People’s Procuratorate published the annual *Shanghai White Paper on Prosecution of Intellectual Property Crimes (2020)*. Shanghai High People’s Court and Shanghai Intellectual Property Court jointly released *Top Ten Cases of IP Judicial Protection in Shanghai Courts in 2020*. Shanghai Agriculture and Rural Affairs Commission and Fengxian District held the Press Conference on New Achievements in Agricultural Science and Technology themed “Enabling the Development of Oriental Beauty Valley and Assisting the Construction of Fengxian New City”. Shanghai Municipal Service Center for Small and Medium-sized Enterprise Development compiled the *Report on IP Development of Small and medium-sized Enterprises in Shanghai in 2021*. Qingpu District established the Yangtze River Delta Integration Demonstration Area “Hui Jing Li” IP youth volunteers’ service team. Fengxian District released *Typical Cases of Intellectual Property Protection in 2020* after case selection and evaluation.

Strengthening IP talent training. Shanghai IP Administration, together with Shanghai Municipal Human Resources and Social Security Bureau, formulated the assessment standards and procedures for the title of “Senior Intellectual Property Professional”, built the first batch of eight municipal IP training bases, and held a

senior training course for Building a Strong IP City. Shanghai IP Administration organized the National Patent Agent Qualification Examination in Shanghai and received more than 3,400 applicants. Shanghai IP Administration and Shanghai Municipal Commission of Education jointly supported Shanghai International College of Intellectual Property and WIPO to sign *the second phase of the Memorandum of Understanding for the Joint Training Program of Master's Degree in Intellectual Property Law*. Shanghai Agriculture and Rural Affairs Commission organized a basic training course on IP for professional and technical personnel of public institutions. Shanghai Municipal Health Commission held a training course on commercialization management and development of medical science and technology achievements. The Municipal Administration of Science, Technology and Industry for National Defense organized training on management and application of national defense IPs.



Intellectual Property Development in Shanghai in the Year 2021