

中国打击侵权假冒工作 年度报告

Annual Report on China's Combating of
IPR Infringement and Counterfeiting
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国家质量强国建设协调推进领导小组办公室

Office of the National Leading Group on Coordinated
Implementation of Building a Quality-powered Nation

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前 言

创新是引领发展的第一动力，保护知识产权就是保护创新。打击侵权假冒工作对全面加强知识产权保护、激发创新活力、加快发展新质生产力，发挥着重要作用。中国政府高度重视打击侵权假冒工作，将其作为建设质量强国和知识产权创造大国、推动高质量发展的重要内容，一以贯之、持续推进。

2023年是全面贯彻党的二十大精神开局之年，是三年新冠疫情防控转段后经济恢复发展的一年。面对复杂的国际国内形势，中国政府全面深化改革开放，加大宏观调控力度，高质量发展扎实推进，为知识产权创造、运用奠定了新基石，对打击侵权假冒工作提出了新要求。

2023年，中国加快推进质量强国和知识产权强国建设，严厉打击侵权假冒违法犯罪，在顶层设计、法律法规等方面统筹部署，在行政执法、司法保护等方面务实推进，在监管服务、宣传引导等方面持续发力，在国际合作、全球共治等方面不断深化，为创新驱动发展提供有力支撑，为世界经济增长提供强劲动力。

一、国际国内经济形势

2023年，后疫情时代世界经济复苏缓慢，全球性挑战影响持续扩大。虽然外部环境的复杂性、严峻性、不确定性上升，但中国经济回升向好、长期向好的基本趋势没有改变，高质量发展扎实推进，科技创新实现新突破。

（一）世界经济复苏乏力，发展障碍仍未消除。

全球性挑战层出不穷，对立加剧、信任缺失已经成为当今世界发展的重要障碍，经济复苏脆弱乏力，面临高度不确定性。世界贸易组织发布的《2023年世界贸易报告》显示，多边贸易体系受到质疑，贸易紧张局势开始影响贸易流动。联合国贸易和发展会议发布的《2023年贸易和发展报告》显示，2023年是疫情之后全球复苏的转折点，但其既脆弱又不均衡，全年经济增长率约2.4%，世界以“失速”状态走向2024年。

（二）全球创新投资下降，科技转化力度减弱。

世界经济负债不断增加，全球创新投资增速大幅下降，科技成果在一定程度上成为限制、遏制他国发展的手段。世界知识产权组织发布的《2023年全球创新指数》显示，尽管研发等投入继续增加，技术应用呈现积极态势，但推动新产品、新服务转化的风险资本大

幅降低。联合国发布的《2024年世界经济形势与展望》显示，利率持续高企，冲突进一步升级，国际贸易疲软等，给全球增长带来巨大挑战；需要更多投资以恢复增长、加速实现可持续发展目标。

（三）中国经济回升向好，知识产权实现突破。

2023年，中国国内生产总值超过126万亿元，同比增长5.2%，经济增速在世界主要经济体中名列前茅，对世界经济增长贡献率继续超过30%，成为全球经济增长的最大引擎。全年共授权发明专利92.1万件、实用新型专利209万件、外观设计专利63.8万件，登记集成电路布图设计1.13万件。注册商标438.3万件，认定地理标志产品13件，核准使用地理标志专用标志经营主体5842家，核准以地理标志注册集体商标和证明商标201件。全国著作权登记总量达892.39万件，同比增长40.46%，其中软件著作权登记量249.52万件，同比增长35.95%。世界知识产权组织发布的《2023年全球创新指数》显示，中国拥有的全球百强科技集群数量首次跃居全球第一。

二、顶层设计持续优化

2023年，中国政府强化政策引领、加大改革力度、强化沟通合作，自上而下稳步推进质量强国和知识产权强国建设，持续深化打击侵权假冒工作。

（一）强化政策引领，大力推进两个强国建设步伐。

中共中央、国务院印发《质量强国建设纲要》，要求“加强专利、商标、版权、地理标志、植物新品种、集成电路布图设计等知识产权保护”“依法严厉打击品牌仿冒、商标侵权等违法行为”“依法依规严厉打击制售假冒伪劣商品、侵犯知识产权、工程质量违法违规等行为”。印发《关于促进民营经济发展壮大的意见》，要求“持续完善知识产权保护体系”。

国务院印发《关于进一步优化外商投资环境加大吸引外商投资力度的意见》，要求“强化知识产权行政保护”“加大知识产权行政执法力度。坚决打击侵犯外商投资企业知识产权行为，针对跨区域、链条化侵权违法行为开展专项执法行动”。国务院办公厅印发《专利转化运用专项行动方案（2023—2025年）》，大力推动专利产业化，加快创新成果向现实生产力转化。

（二）加大改革力度，着力优化打击侵权假冒体制。

国家知识产权局调整为国务院直属机构，商标、专利等领域执法职责继续由市场监管综合执法队伍承担，相关执法工作接受国家知识产权局专业指导。国务院办公厅印发《知识产权领域中央与地方财政事权和支出责任划分改革方案》，从知识产权宏观管理、授权确权、运用促进、保护、公共服务、涉外工作、其他事项等7方面划分责任，健全充分发挥中央和地方两个积极性的体制机制。

调整国家质量强国建设协调推进领导小组职能，将打击侵权假冒工作纳入质量强国建设总体规划，统筹协调力度进一步加大。领导小组办公室印发年度质量强国建设工作要点，将打击侵权假冒工作纳入中央质量督查考核，推进属地责任落实。

党中央、国务院批准设立国家知识产权强国建设工作部际联席会议制度，知识产权强国建设宏观统筹不断加强。印发并组织实施《2023年知识产权强国建设纲要和“十四五”规划实施推进计划》《2023年知识产权强国建设纲要和“十四五”规划实施地方工作要点》，完成知识产权强国建设纲要和“十四五”规划实施年度监测评估，以及知识产权“十四五”规划中期评估。

（三）深化沟通合作，有力促进部门地区协同联动。

国家药监局、市场监管总局、公安部、最高人民法院、最高人民检察院联合印发《药品行政执法与刑事司法衔接工作办法》，对药品行刑衔接工作加强规范和指导，强化大案要案多部门联合查处。

商务部、文化和旅游部、市场监管总局、国家知识产权局等部门联合印发《中华老字号示范创建管理办法》，促进老字号创新发展。

市场监管总局、国家林草局联合开展网售种苗治理。农业农村部与最高人民法院联合开展全国种业知识产权保护专题培训。国家知识产权局、中央宣传部、市场监管总局联合开展全国知识产权保护工作实地检查考核，督促各地落实属地责任。国家版权局会同工业和信息化部、国资委等相关部门持续推进使用正版软件督查，聘用第三方机构对200家单位7.91万台计算机进行核查。国家知识产权局与相关地方开展共建知识产权强省推进工作，打造知识产权强国建设战略支点。

三、法律法规更加健全

2023年，中国政府在建规立制方面，进一步加强行政管理，加大保护力度，优化工作机制，持续完善打击侵权假冒法律法规与政策体系。

（一）进一步加强行政管理。

国务院发布《关于修改〈中华人民共和国专利法实施细则〉的决定》，进一步完善专利申请、审查制度，加强专利保护、公共服务，加强同国际规则的衔接。国家网信办、国家发展改革委、工业和信息化部、公安部、广电总局等部门联合印发《生成式人工智能服务管理暂行办法》，对涉及的知识产权问题作出规定。国家版权局会同相关部门印发《军用计算机软件著作权登记工作暂行办法》。国家知识产权局发布施行《地理标志产品保护办法》，进一步完善地理标志产品保护审查标准和流程，强化申请人管理职责和生产者义务；发布施行《集体商标、证明商标注册和管理规定》，规范集体商标、证明商标的注册和使用管理，促进商标运用。适应新形势、新变化，将商标法修改列入全国人大常委会立法规划。

（二）进一步加大保护力度。

新修改的《农产品质量安全法》正式实施，按照“四个最严”要求，

进一步明确、压实各有关主体的农产品质量安全责任。市场监管总局发布施行《药品经营和使用质量监督管理办法》，规范药品经营和药品使用质量管理活动；发布《关于新时代加强知识产权执法的意见》，针对商标、专利等领域侵权假冒违法行为加大知识产权执法力度。国家知识产权局发布《2023年全国知识产权行政保护工作方案》，持续推进保护工作。

（三）进一步优化工作机制。

市场监管总局修订施行《禁止滥用知识产权排除、限制竞争行为规定》，中国知识产权领域反垄断制度规则更加完善。国家知识产权局修改发布《专利审查指南》，发布《规范申请专利行为的规定》，维护专利工作正常秩序。最高人民法院发布《关于修改〈最高人民法院关于知识产权法庭若干问题的规定〉的决定》，进一步统一知识产权案件裁判标准，依法平等保护各类经营主体合法权益。最高人民检察院发布《人民检察院办理知识产权案件工作指引》，切实保障和规范人民检察院依法综合履行知识产权检察职责。

四、行政执法不断强化

2023年，中国政府聚焦重点领域、重点产品、重点环节整治，有序推进、接续发力，权利人、消费者权益得到更好维护，市场秩序进一步规范。

（一）聚焦重点领域整治。

一是深化互联网领域整治。国家版权局、工业和信息化部、公安部、中央网信办联合开展打击网络侵权盗版“剑网2023”专项行动，共删除侵权盗版链接244万条，关闭侵权盗版网站（APP）2390个，查处网络侵权案件1513件。市场监管总局牵头开展2023网络市场监管促发展保安全专项行动，查办网络违法违规案件2.7

专栏一：网络版权行政执法典型案例

2023年5月，广东省深圳市版权行政执法部门收到群众举报，称深圳市懒人在线科技有限公司未经金庸、梁羽生等权利人许可，将《鹿鼎记》《萍踪侠影》等文学作品制作成有声书上传至其运营的“懒人听书”APP供免费收听。经查，相关违法行为侵犯了权利人的信息网络传播权，深圳市版权行政执法部门对其作出罚款十万元的行政处罚。打击网络侵权盗版“剑网2023”专项行动重点领域包括有声读物，该案查办体现了版权行政执法快捷高效优势，也是版权执法部门加强新业态版权监管的典型案列。

万件；组织开展优化平台协议规则专项行动，督促平台企业严格落实法律法规规定，854家平台企业累计修改优化协议规则3680项，切实保障消费者、平台内经营者和平台企业合法权益；清理各类平台违法违规信息30万条，网络直播乱象等问题得到及时处置，网络交易环境进一步净化；发布《互联网广告管理办法》，切实维护广告市场秩序，推动互联网广告业持续健康发展。

二是深化重点民生领域整治。市场监管总局组织开展“铁拳”行动，共查办各类案件56.5万件，涉案金额28.1亿元，严厉打击假冒知名品牌、恶意申请商标注册、违规代理等行为，累计查办商标、专利违法案件4.41万件，涉案金额8.39亿元；组织开展反不正当竞争“守护”专项执法行动，以规范民生领域营销行为为重点，查处各类不正当竞争案件12496件，罚没金额5.8亿元；开展重点工业产品质量安全隐患排查治理专项行动，挂牌督办制售假冒伪劣农资、燃气安全、食品安全等重点案件128件，交办转办重要案件线索68件；对143种产品组织开展国家监督抽查，抽查检验26472家企业生产经营的28265批次产品，发现并处理3302家企业的3476批次不合格产品，不合格产品中有172批次产品涉嫌假冒，已移送属地市场监管部门依法查处。国家药监局组织开展医疗器械质量安全专项整治工作，强化医疗器械上市后监管。国家版权局会同相关部门开展院线电影版权保护专项行动、青少年版权保护季行动，对广大人民群众反应强烈的侵权盗版重点领域重拳出击。

专栏二：商标行政执法典型案例

2023年2月，广东省佛山市市场监管局接香奈儿股份有限公司投诉，反映周某涉嫌生产经营侵犯“CHANEL”注册商标专用权的假鞋。执法人员赴当事人经营场所检查，发现涉嫌侵犯注册商标专用权鞋175双、鞋垫2000双、鞋底1870双、鞋面1440个、商标标识3000个，以及缝纫机9台、喷胶机1台。经查，上述产品均为侵犯注册商标专用权产品，货值125.5万元；其出货记录涉案物品货值约700万元。当事人的行为违反了《中华人民共和国商标法》第五十七条的规定，侵犯了权利人的注册商标专用权，已涉嫌构成犯罪，佛山市市场监管局依法将该案移送公安机关处理。

三是深化体育赛事领域整治。中央网信办、国家版权局联合开展“清朗·杭州亚运会和亚残运会网络环境整治”专项行动，围绕赛事举办突出问题开展集中整治，删除涉亚运侵权链接19.16万条，处置侵权账号3.7万个。国家知识产权局、中央网信办、公安部、海关总署、市场监管总局等5部门联合开展杭州亚运会和亚残运会知识产权保护专项行动，国家知识产权局组织开展成都大运会知识产权保护专项行动，加强快速立体保护，严打侵权违法行为。

（二）聚焦重点产品整治。

一是开展假冒伪劣农资治理。农业农村部开展农资打假“净网”行动，并联合最高人民法院、最高人民检察院、工业和信息化部、公安部、市场监管总局、中华全国供销合作总社等部门联合开展2023年全国农资打假专项治理行动，指导各地加强隐患排查、产

品抽检和执法办案。国家林草局加强植物新品种保护，2023年授予植物新品种权915个，全国共查处各类林草种苗违法案件211起。

专栏三：农资打假典型案件

2023年2月，江西省抚州市农业综合行政执法支队开展春季农资质量专项执法检查时，发现该市金溪县某农资经营部正在销售的5种农药标签标注不规范，疑似假农药。经依法抽样送检，该5种农药有效成分种类与标签标注的有效成分不符，属假农药。经立案查明，当事人经营涉案5种农药215件，货值金额45.47万元，至案发时已售出54件另2466瓶，销售金额9.71万元。因当事人的行为涉嫌构成犯罪，抚州市农业农村局依法将该案移送金溪县公安局，公安机关以涉嫌构成销售伪劣产品罪对该农资经营部负责人曾某某进行立案侦查。2023年9月，金溪县人民法院依法判处曾某某有期徒刑7个月，缓刑1年零1个月，并处罚金7.7万元。

二是开展假冒伪劣食品药品治理。聚焦线上线下食品安全，市场监管总局开展经营主体严重违法失信行为专项治理行动，发布《网络销售特殊食品安全合规指南》，保障网络销售特殊食品安全；组织开展涉疫药品和医疗用品稳价保质专项行动，震慑经营主体违法行为，整肃规范市场秩序。国家药监局组织开展药品安全巩固提升行动，全方位筑牢药品安全底线。

三是开展侵权假冒伪劣商品销毁行动。国家质量强国建设协调推进领导小组办公室、市场监管总局联合组织开展2023年侵权假冒伪劣商品全国统一销毁行动，22省（区、市）同步销毁侵权假冒伪劣防疫物资、食品药品、服装鞋帽、烟酒、化妆品和盗版出版物

等 200 多个品种、重量 4734.2 吨，货值达 8.3 亿元。生态环境部加强无害化销毁指导工作，在“3·15”国际消费者权益日、“4·26”世界知识产权日，多地开展假冒伪劣消防产品、盗版出版物等销毁行动，形成强大声势。

（三）聚焦重点环节整治。

一是规范进出口环节秩序。海关总署开展全面加强知识产权保护“龙腾”行动、寄递渠道知识产权保护“蓝网”行动、出口转运货物知识产权保护“净网”行动，高压打击进出口侵权违法行为，全年累计查扣进出口侵权嫌疑货物 6.2 万批次、8288.9 万件。推动知识产权海关保护备案系统与“互联网+海关”政务服务平台融合，知识产权保护备案与其他海关业务通办，2023 年海关总署核准知识产权海关保护备案 1.9 万件。

专栏四：进出口环节知识产权保护典型案例

2023 年 3 月，某公司向黄埔海关申报进口一批电源适配器。黄埔海关通过风险分析对该批货物进行布控查验，发现成色较旧、包装简陋的 2 万余个电源适配器，经权利人确认为侵犯商标专用权的产品。随后黄埔海关通过风险分析研判，对同类型、同路径的进口货物进行跟踪布控，精确命中 3 批进口货物，扣留涉嫌侵权的电源适配器约 4.5 万个，涉及多个国内外知名品牌，涉案价值约 31 万元人民币。经调查，黄埔海关对上述货物作出侵权认定，对当事人作出予以没收侵权货物并处罚款的决定。

二是规范寄递环节秩序。国家邮政局督促寄递企业严格执行实名收寄、收寄验视、过机安检“三项制度”，严防侵权假冒物品进入寄递渠道。2023年，各级邮政管理部门共开展行政执法检查3.4万人次，办理行政处罚案件6606件。

三是规范申请、代理环节秩序。国家知识产权局严格规范专利和商标申请行为，严厉打击非正常专利申请和恶意商标注册行为。加强专利和商标代理行业行风建设和信用评价，开展商标代理机构重新备案，发布《专利代理信用评价管理办法（试行）》，强化专利代理信用评价结果运用，有力促进专利代理行业健康发展。

专栏五：驳回商标恶意注册申请典型案例

2023年7月，湖南省知识产权局向国家知识产权局反映猴福齐天数字科技有限公司、长高电新国际贸易有限公司涉嫌恶意抢注长高电新科技股份公司使用在先的商标。经查，前述申请人及其关联公司商标注册申请类别跨度大，累计申请近700件，并申请注册“雪融融”“琮琮”等重大赛事吉祥物名称，商标恶意注册情节严重。经研究决定，国家知识产权局就违反《中华人民共和国商标法》第四条规定申请注册的72件商标依职权宣告无效，并对处于实审流程的14件商标予以驳回，另将商标代理机构违法违规商标代理行为线索及相关商标代理从业人员信息一并移送至相关部门。

五、司法保护高效推进

2023年，中国司法机关统筹推进刑事打击、检察监督、司法审判，对侵权假冒犯罪保持高压态势，知识产权综合司法保护能力和水平不断提高。

（一）强化刑事打击。

公安机关深入推进夏季治安打击整治和“昆仑2023”等专项行动，依法严打各类侵权假冒犯罪，共立案侦办侵犯知识产权和制售伪劣商品犯罪案件4万起。各地公安机关聚焦创新驱动，严打侵害科技创新成果的假冒专利、侵犯商业秘密等犯罪，破获一批大要案件；聚焦民生安全，严打制售假冒伪劣食品、药品、农资、燃气具、电气产品等犯罪活动，积极推动源头治理；聚焦文化繁荣，严打侵

专栏六：侦破重特大知识产权刑事案件

2023年1月，按照公安部部署要求，浙江、辽宁、山东等省公安机关紧密协作，在版权管理部门大力支持下破获“1·25”盗录传播春节档院线电影案，抓获犯罪嫌疑人28名，打掉捣毁涉案非法网站、APP、网店32个，查获盗版《流浪地球2》《满江红》《熊出没·伴我“熊芯”》《深海》等电影45万余部，深挖打掉院线电影盗录源头和非法传播网络，及时遏制春节档院线电影盗录传播风险，切实维护良好版权秩序。

犯著作权犯罪，切实维护版权市场秩序；聚焦营商环境，严打涉企侵犯知识产权犯罪，规范涉企执法行为，依法平等保护国企民企、内资外资、大中小微等各类经营主体合法权益。

（二）强化检察监督。

最高人民检察院制定 45 项检察举措，持续推进知识产权刑事、民事、行政、公益诉讼检察综合履职，加强知识产权综合司法保护。2023 年，全国检察机关共受理审查起诉侵犯知识产权犯罪案件 30684 人，同比上升 52%；受理知识产权民事行政诉讼监督案件 2508 件，同比增长 1.7 倍；办理知识产权公益诉讼案件 873 件。持续加大对信息技术、生物医药、新能源等高科技领域知识产权保护力度，

专栏七：发挥检察职能保护知识产权典型案例

2015 年 7 月至 2021 年 4 月，许某甲、许某乙、庄某某等人未经“ROLEX”（劳力士）注册商标所有人许可，采购未打标识的手表机芯，委托侯某某等人拆解机芯并刻印“ROLEX”标识，向蔡某某等人采购刻有“ROLEX”标识的手表表带、表壳等零配件，雇佣曾某某等人组装，并进行质检和封包后，销售给汪某某、余某某等代理商。上述人员的非法经营数额为人民币 23 万余元至 3.32 亿余元不等，违法所得为人民币 5 万元至 2075 万余元不等。经江苏省镇江市经济开发区人民检察院依法提起公诉，2023 年 6 月至 7 月，法院分别以假冒注册商标罪、销售假冒注册商标的商品罪判处被告人许某甲等 26 人有期徒刑一年至六年不等，并处罚金人民币六万元至五十万元不等，部分人员适用缓刑。

针对涉知识产权恶意诉讼、恶意侵权多发问题，持续组织开展专项监督，促进营造良好创新生态和营商环境。始终保持打击生产、销售伪劣商品犯罪的高压态势，2023年全国检察机关共起诉21208人。持续开展“治违禁 控药残 促提升”专项行动和农资打假工作，起诉危害食用农产品安全犯罪案件570人。联合相关部门开展医美专项治理工作，有效推动医疗美容行业常态化、规范化、法治化监管。

（三）强化司法审判。

人民法院坚持严格保护，不断深化知识产权审判理念变革，依法从严惩治侵权假冒，用足用好惩罚性赔偿，依照法律应当受刑罚处罚的，坚决依法从严追究刑事责任。深化知识产权审判领域改革创新，加强知识产权纠纷诉源治理，努力提升知识产权审判质效。2023年，人民法院新收第一审知识产权案件49万件，审结48.96万件（含旧存），比2022年分别增长5.5%、1.8%。

专栏八：知识产权审判典型案例

周某某早年与盼盼公司有业务往来，明知盼盼公司的“盼盼”字号及“盼盼”系列商标的知名度和影响力，仍然积极寻求受让“鑫盼盼”商标，大量使用与盼盼公司商标近似的商标，开展与盼盼公司相同的业务，明显具有混淆商标来源、攀附盼盼公司知名度的故意。鑫盼盼公司、顾阳门厂、周某某侵权规模大、销售区域广、侵权获利巨大，侵权行为情节严重。人民法院依法适用惩罚性赔偿规则，根据查明的事实确定赔偿基数，并适用5倍判罚即1倍赔偿基数加4倍惩罚性赔偿，判赔盼盼公司损失1亿元及合理开支。

六、监管服务全面提升

2023年，中国政府提高信用监管水平，丰富纠纷化解方式，提升指导服务效能，治理方式更加多元，监管服务更加优质。

（一）提高信用监管水平。

市场监管总局全面推进企业信用风险分类管理，建立通用型企业信用风险分类指标体系；开展全国企业信用监管数据质量全面提升行动，开展个体工商户信用监管数据质量提升试点，推动精准监管、精准帮扶、精准服务；部署开展经营主体严重违法失信行为专项治理，6890户列入严重违法失信名单；完善国家企业信用信息公示系统，上线“信誉信息”板块，加大对守信企业正向激励；上线信用修复功能，助力经营主体高效便捷办理信用修复业务。国家发展改革委、中国人民银行联合印发《全国公共信用信息基础目录（2022年版）》《全国失信惩戒措施基础清单（2022年版）》，进一步推动社会信用体系高质量发展。

（二）丰富纠纷化解方式。

国家知识产权局新建快速维权中心7家，新设海外知识产权纠纷应对指导地方分中心21家、海外分中心2家，总数达到45家，累计指导企业海外维权1300多起。持续加强知识产权纠纷案件办理

与调解，2023年全国各级知识产权管理部门办理专利侵权纠纷行政案件6.8万件，知识产权纠纷在线诉调对接实现省级层面全覆盖，人民法院、各级知识产权管理部门诉前成功调解知识产权纠纷7.8万余件，努力实现案结事了人和。

（三）提升指导服务效能。

市场监管总局组织开展第二批全国商业秘密保护创新试点，进一步提升商业秘密保护工作水平。国家版权局发布新一批全国版权示范单位（含软件正版化）和园区（基地）。国家知识产权局确定第二批国家知识产权保护示范区建设名单，打造知识产权保护高地；发布《知识产权政务服务事项办事指南》，深入开展“知识产权服务万里行”活动；上线知识产权数据资源公共服务系统，开放数据总量达59种、专题数据库达18个；上线运行专利智能审查和检索系统，优化升级商标审查管理系统。国家药监局开展药品网络销售平台企业行政指导，督促企业严格履行责任，以高水平安全保障药品网络销售高质量发展。

七、宣传引导日益深入

2023年，中国政府加大宣传引导力度，结合社会热点召开系列新闻发布会，结合重要时点举办系列宣传活动，打击侵权假冒社会影响力、品牌影响力进一步提升。

（一）全面解读政策措施。

国家版权局发布《关于2023年全国著作权登记情况的通报》《2022年度中国网络版权保护报告》，海关总署发布《2022年中国海关知识产权保护状况》，市场监管总局发布《中国反不正当竞争执法年度报告（2022）》，国家知识产权局发布《全国知识产权代理行业发展状况（2022年）》，国家林草局发布《2022中国林业和草原知识产权年度报告》，最高人民法院发布《知识产权案件年度报告（2022）》，国家质量强国建设协调推进领导小组办公室发布《中国打击侵权假冒工作年度报告（2022）》《中国反侵权假冒年度报告（2023）》，国家知识产权强国建设工作部际联席会议办公室发布《知识产权强国建设发展报告（2023年）》，全方位、多角度展示中国保护知识产权、打击侵权假冒有效举措和亮点工作。

（二）大力加强案例警示。

国家版权局发布《2022年度全国打击侵权盗版十大案件》，公

安部发布公安机关加强知识产权刑事保护、支持全面创新十起典型案例和四起典型事例，农业农村部发布《2022年农产品质量安全监管执法典型案例》《2023年农业植物新品种保护十大典型案例》，市场监管总局发布《反不正当竞争优秀案例》、2022年知识产权执法典型案例，国家知识产权局评选发布知识产权行政保护典型案例，国家林草局发布《优良林草植物新品种惠农典型案例》《林草种苗行政处罚典型案例分析》，最高人民法院发布第39批指导性案例，发布2022年中国法院十大知识产权案件和50件典型知识产权案例以及种业知识产权司法保护、电影知识产权司法保护、反垄断和反不正当竞争、农资打假、危害食品药品安全犯罪等典型案例40余件，最高人民检察院发布知识产权检察综合保护主题指导性案例、《检察机关依法惩治侵犯著作权犯罪典型案例》《检察机关知识产权保护典型案例》《检察机关依法惩治制售伪劣商品犯罪典型案例》《检察机关依法惩治制售伪劣农资犯罪典型案例》，大力营造不敢侵权、不愿侵权的行业风气。

（三）注重培育社会意识。

中国质量大会发出《成都质量倡议》，深化质量交流合作，共同推动全球质量进步。市场监管总局指导成立企业信用同盟，推进经营主体信用体系建设，健全完善信用激励机制。国家知识产权局、文化和旅游部联合举办“知识产权文化在身边”主题活动。相关部门举办全国知识产权宣传周、全国食品安全宣传周、国家网络安全宣传周、全国质量月、全国安全用药月、中国公平竞争政策宣传周、

知识产权服务万里行等活动，开展首届企业商业秘密保护能力提升服务月，营造共同保护知识产权的良好环境氛围。

八、国际合作务实开展

2023年，中国政府坚持人类命运共同体理念，持续深化全球治理、持续参与联合行动、持续拓宽合作渠道，国际参与度、全球影响力进一步加大。

（一）持续深化全球治理。

深度参与世界知识产权组织框架下的全球知识产权治理，成功举办2场中国与世界知识产权组织合作五十周年纪念活动，参加第64届成员国大会及各专业委员会磋商，联合举办地理标志、技术与创新支持中心等国际交流会，联合发布《知识产权金融中国报告》，中国被授权实体加入无障碍图书联合会全球图书服务、更新签署版权领域双边合作谅解备忘录。同时，积极参与世界贸易组织框架下的知识产权国际交流合作和相关国际规则制定，推动全球知识产权治理体系向着更加公正合理方向发展。

（二）持续参与联合行动。

公安部与各国执法部门加强沟通协调，积极构建互利共赢的新型执法合作关系，深度参与全球知识产权治理，大力加强知识产权刑事执法国际交流，持续参与国际刑警组织框架下打击假药犯罪“盘古”行动、打击食品犯罪“奥普森”行动等联合行动，有效应对跨

国侵权假冒犯罪问题。海关总署积极参加世界海关组织打击非法、假冒、不符合标准药品和医疗物资进出口国际联合执法行动及“阻止”联合执法行动，对侵权假冒防疫物资跨境流通实施有效打击，强化知识产权全链条保护。

（三）持续拓宽合作渠道。

成功举办第六届虹桥国际经济论坛“保护知识产权 打击侵权假冒国际合作”分论坛、中国国际服务贸易交易会打击侵权假冒高峰论坛、中国—东盟博览会打击侵权假冒合作发展论坛、中国国际版权博览会暨国际版权论坛、中非版权合作论坛、2023年金砖国家知识产权论坛，为交流互鉴、增进共识搭建重要多边平台。建立“中国—中亚五国”海关署长会晤机制，举办首届中国—中亚知识产权局局长会，持续深化亚太经合组织、中美欧日韩、金砖国家、“一带一路”、中日韩、中欧、中瑞（士）、中俄、中日等专利、商标、版权等知识产权领域机制性交流。推进第二批350个中欧地理标志产品技术规范审查工作，与越南签署版权及相关权领域合作谅解备忘录，知识产权保护多双边合作日益深化。

结束语

中国政府始终坚定不移打击侵权假冒、保护知识产权，部署推动了一系列改革，出台了一系列重大政策、行动、规划，走出一条中国特色知识产权发展之路，同时为世界知识产权治理提出了中国主张、贡献了中国方案。

孤举者难起，众行者易趋。新一轮科技革命和产业变革带来国与国间新的竞合关系，只有加强创新合作，才能形成良性竞争，激发最大活力。中国政府将继续坚持开放包容、平衡普惠的原则，与世界各国一道，充分信任、团结协作、携手共进，严厉打击侵权假冒违法犯罪行为，为世界经济复苏、共创美好未来贡献力量。

Preface

Innovation is the primary driving force leading development, and the protection of intellectual property rights (IPR) is the protection of innovation. Efforts against infringement and counterfeiting play a significant role in comprehensively strengthening IPR protection, invigorating innovation, and expediting the development of new quality productive forces. The Chinese government prioritizes the work to combat infringement and counterfeiting and has been continuously delivering this mission as indispensable to enhancing China's efforts in building a quality-powered nation and a major country in IPR creation and promoting high-quality development.

The year 2023 marks the beginning of the all-around implementation of the guiding principles of the 20th National Congress of the Communist Party of China (CPC) and a year of economic recovery and development following a response measure transition after three years of COVID-19. In the face of complex international and domestic situations, the Chinese government has deepened all-around reform and opening up, intensified macro-control, and ensured tangible results in advancing high-quality development. These moves are ballasts for IPR creation and utilization and raise new requirements for combating infringement and counterfeiting.

In 2023, China accelerated its building of a quality-powered nation and an IPR powerhouse nation and cracked down on infringement and counterfeiting crimes. The country made overall deployment in top-level design, laws, and regulations, pragmatic advancement in administrative enforcement and judicial

protection, sustained efforts in supervision service, publicity and guidance, and extensive engagement in international cooperation and shared global governance. The purpose is to robustly support innovation-driven development and inject a strong impetus for world economic growth.

I. International and domestic economic situations

In 2023, the world economy recovered slowly in the post-COVID-19 era, and the impact of global challenges continued to expand. Despite the rising complexity, severity and uncertainty of the external environment, the fundamental trend of China's economic rebounding and improvements remains unchanged in the long term. High-quality development is making tangible progress, and science and technology (S&T) innovation is realizing new breakthroughs.

i. The world economy is recovering sluggishly, and obstacles to development have yet to be eliminated.

Global challenges have emerged one after another, and intensified confrontation and lack of trust have become the main obstacles to development in today's world. The economic recovery is fragile and weak and facing a high degree of uncertainty. The *World Trade Report 2023* released by the World Trade Organization shows that the multilateral trading system has been called into question and that trade tensions have begun to affect trade flows. According to the *Trade and Development Report 2023* released by the United Nations Conference on Trade and Development, "the year 2023 is likely to be seen as an inflection point in a fragile and uneven global recovery, post-pandemic. With projected growth in 2023 of 2.4 per cent, the world enters 2024 at 'stall speed'."

ii. Global investment in innovation is declining, and S&T commercialization is weakening.

The world economic liabilities continue to increase, and the global innovation investment growth rate has fallen sharply. S&T achievements to a certain extent have become a means of restricting and curbing the development of other countries. The *Global Innovation Index 2023* released by the World Intellectual Property Organization (WIPO) indicates that despite increasing R&D investment and other inputs and the positive trend of technological application, the risk capital to promote the commercialization of new products and services has decreased significantly. The *World Economic Situation and Prospects 2024* released by the UN shows that persistently high interest rates, further escalation of conflicts, and weak international trade have posed great challenges to global growth. More investment is needed to restore growth and accelerate the realization of sustainable development goals.

iii. China's economy is picking up, and its IPR practices have achieved breakthroughs.

In 2023, China's GDP exceeded 126 trillion yuan, up 5.2% year-on-year, with an economic growth rate ranking in the first tier among the world's major economies. Its contribution to world economic growth continued to exceed 30%, making it the biggest engine of global economic growth. Throughout the year, a total of 921,000 invention patents, 2.09 million utility model patents, 638,000 design patents were granted, and 11,300 integrated circuit (IC) layout designs were registered. There were 4.383 million registered trademarks, 13 recognized geographical indication (GI) products, 5,842 business entities approved to use the GI signs, and 201 collective marks and certification marks approved to

be registered with GI. The total number of copyright registrations nationwide amounted to 8,923,900, a year-on-year increase of 40.46%, including 2,495,200 software copyright registrations, up 35.95% year-on-year. According to *WIPO's Global Innovation Index 2023*, China jumped to the first place for the first time regarding the number of the world's top 100 S&T clusters.

II. Further refined top-level design

In 2023, the Chinese government strengthened policy leadership, intensified reform efforts, enhanced communication and cooperation, steadily promoted China's building of a quality-powered nation and an IPR powerhouse nation from top to bottom, and kept combating infringement and counterfeiting.

i. Policy guidance was enhanced to boost China's building of a quality-powered nation and an IPR powerhouse nation.

The CPC Central Committee and the State Council issued the *National Outline of Building a Quality-powered Nation*. It requires “strengthening IPR protection in patents, trademarks, copyrights, GIs, new plant varieties, IC layout designs, etc.”, “severely cracking down on brand counterfeiting, trademark infringement, and other violations per the law”, and “severely cracking down on the production and sale of counterfeit and shoddy goods, IPR infringement, and violations of engineering quality per the law”. The *Opinions on Promoting the Development of the Private Economy* was issued, calling for “continuous improvement of the IPR protection system”.

The State Council issued the *Opinions on Further Optimizing the Foreign Investment Environment and Increasing Efforts to Attract Foreign Investments*. It requires “strengthening the IPR administrative protection”, “intensifying the IPR administrative enforcement, resolutely cracking down on IPR infringement on foreign-invested enterprises, and launching special enforcement actions against cross-regional and chain-based infringement”. The General Office of

the State Council issued *Special Action Plan for Patent Commercialization and Utilization (2023-2025)*, promoting patent industrialization and expediting the transformation of innovative achievements into real-life productivity.

ii. Reform efforts were increased, with a focus on optimizing the system for combating infringement and counterfeiting.

China National Intellectual Property Administration (CNIPA) was restructured into an organization directly under the State Council. Law enforcement duties in the fields of trademarks and patents continued to be performed by the Comprehensive Law Enforcement Team of Market Supervision, with the relevant law enforcement work under CNIPA's professional guidance. The General Office of the State Council issued the *Reform Plan for the Division of Financial Authority and Expenditure Responsibilities between the Central Government and Local Governments in Intellectual Property Rights*. It divides responsibilities into seven aspects, namely macro-management of IPRs, authorization of rights, application promotion, protection, public services, foreign-related work, and other matters. This Plan improves the mechanism to leverage the initiative of both the central government and local governments.

The functions of the National Leading Group on Coordinated Implementation of Building a Quality-powered Nation was adjusted and incorporated combating infringement and counterfeiting into the overall planning of building China into a quality-powered nation. The coordination efforts were further enhanced. The Office of the National Leading Group issued annual key points for building a quality-powered nation, incorporated combating infringement and counterfeiting into the central quality supervision and assessment scheme, and promoted the performance of local responsibilities.

The CPC Central Committee and the State Council approved the

establishment of the inter-ministerial joint conference mechanism for building an IPR powerhouse nation. The macroscopic coordination in this regard kept being strengthened. The office of the inter-ministerial joint conference mechanism issued and organized the implementation of the *Promotion Plan for the Implementation of the Outline for Building an IPR Powerhouse Nation and the 14th Five-Year Plan in 2023* and the *Main Tasks of Local Work on the Implementation of the Outline for Building an IPR Powerhouse Nation and the 14th Five-Year Plan in 2023*. The annual monitoring and assessment were completed for the implementation of the Outline for Building an IPR Powerhouse Nation and the 14th Five-Year Plan, and the mid-term assessment of the 14th Five-Year Plan on IPR was finished.

iii. Communication and cooperation were deepened, vigorously promoting departmental and regional synergies.

The *Measures for Matching Administrative Law Enforcement and Criminal Justice of Pharmaceuticals* were issued by the National Medical Products Administration, the State Administration for Market Regulation (SAMR), the Ministry of Public Security (MPS), the Supreme People's Court, and the Supreme People's Procuratorate. It further regulates and guides the work of matching administrative law enforcement and criminal justice of pharmaceuticals and strengthens the multi-departmental investigation and handling of major cases. The Ministry of Commerce, the Ministry of Culture and Tourism, SAMR, and CNIPA jointly issued the *Administrative Measures for the Demonstration Creation of Time-honored Chinese Brands* to support their innovative development.

SAMR and the State Forestry and Grassland Administration jointly rectified online seedling sales. The Ministry of Agriculture and Rural Affairs and the

Supreme People's Court jointly conducted themed national training on IPR protection in the seed industry. CNIPA, the Central Publicity Department and SAMR jointly launched field inspection and assessment of national IPR protection and urged local governments to implement their responsibilities. The National Copyright Administration of China (NCAC), together with the Ministry of Industry and Information Technology (MIIT), the State-owned Assets Supervision and Administration Commission and other relevant departments, continued to promote supervision and inspection on the use of authorized software, and hired third-party institutions to verify 79,100 computers in 200 units. CNIPA and relevant local governments worked to promote building IPR powerhouse provinces as strategic pivots for national endeavors.

III. More sound laws and regulations

In 2023, regarding the formulation of rules and regulations, the Chinese government further strengthened administrative management, increased protection, optimized the working mechanism, and continued to improve the system of laws, regulations and policies on combating infringement and counterfeiting.

i. Administrative management was further strengthened.

The State Council issued the *Decision on Amending the Rules for the Implementation of the Patent Law of the People's Republic of China*. It seeks to further improve the patent application and examination system, strengthen patent protection and public services, and enhance the alignment with international rules. The *Interim Measures for the Administration of Generative Artificial Intelligence Services* which contains related IPR articles was issued by the Cyberspace Administration of China, the National Development and Reform Commission (NDRC), MIIT, MPS, and the National Radio and Television Administration. NCAC issued the *Interim Measures on Copyright Registration of Military Computer Software* with relevant departments. CNIPA issued and implemented the *Measures for the Protection of Products with Geographical Indications* to further improve the examination standards and processes for the protection of products with geographical indications and strengthen the management responsibilities of applicants and the obligations of producers. CNIPA also issued and implemented the *Provisions on the Registration and*

Management of Collective Marks and Certification Marks to regulate the registration and management of using collective marks and certification marks and facilitate the utilization of trademarks. In order to adapt to new situation and changes, Trademark Law revision was included in the legislative plan of the Standing Committee of the National People's Congress.

ii. Protection was further enhanced.

The newly amended *Law on Quality and Safety of Agricultural Products* was formally implemented, further clarifying and defining the responsibilities for the quality and safety of agricultural products of all relevant entities in accordance with the four most stringent requirements. SAMR issued and implemented the *Measures for Supervision and Administration of the Quality of Medicine Marketing and Use* to standardize the quality management of medicine marketing and use. SAMR also issued the *Opinions on Strengthening Law Enforcement of Intellectual Property Rights in the New Era* which sought to intensify IPR enforcement in response to violations including infringement and counterfeiting in areas of trademarks, patents, etc. Moreover, CNIPA issued the *National Work Program for the Administrative Protection of Intellectual Property Rights in 2023* to promote administrative IPR protection.

iii. Work mechanism was further optimized.

SAMR revised and implemented the *Provisions on Prohibiting the Abuse of Intellectual Property Rights to Exclude or Restrict Competition*, further improving China's IPR-related anti-monopoly system and rules. CNIPA revised and issued the *Guidelines for Patent Examination* and issued the *Provisions on Regulating Patent Applications* to maintain order of patenting activities. The Supreme People's Court issued the *Decision on Amending the Provisions of the*

Supreme People's Court on Several Issues Concerning Intellectual Property Courts. It seek to further unify the adjudication standards for IPR-related cases and protect the legitimate rights and interests of all business entities equally per the law. The Supreme People's Procuratorate issued the *Guidelines for Processing Intellectual Property Cases by the People's Procuratorates.* It seeks to effectively safeguard and standardize the comprehensive performance of IPR-related prosecution duties of the people's procuratorates per the law.

IV. Increasingly efficient administrative law enforcement

In 2023, the Chinese government focusing on key areas, products, and processes, made orderly progress with sustained efforts in terms of law enforcement. The rights and interests of rights holders and consumers were better safeguarded, and the market order was further standardized.

i. Rectification in key areas.

First, rectification on the Internet was deepened. NCAC, MIIT, MPS, and the Office of the Central Cyberspace Affairs Commission jointly launched the special action coded “Jianwang 2023” to combat online IPR infringement and piracy. This campaign took down 2.44 million links of IPR infringing and pirating content, shut down 2,390 infringing and pirating websites (APPs), and dealt with 1,513 cases of online infringement. SAMR took the lead in conduct the 2023 Special Action on Supervising the Online Market to Promote Development and Ensure Safety during which SAMR dealt with 27,000 cases of online violations. Special Action on Optimizing the Rules of Platform Agreements was organized and launched to urge platforms to strictly implement laws and regulations and with 854 platforms revising and optimizing 3,680 rules of agreements, the Action helped effectively safeguard the legitimate rights and interests of consumers, operators on platforms and platforms themselves. SAMR cleaned up 300,000 pieces of illegal and irregular information on various platforms and timely addressed problems such as unregulated live streaming, in order to further purified the environment of online transactions. Moreover,

SAMR issued *Measures for the Administration of Online Advertising* to effectively maintain the order of the advertising market and ensure the sustained and sound development of the online advertising industry.

Column 1: A typical case of online copyright administrative law enforcement

In May 2023, Shenzhen's copyright administrative law enforcement department of Guangdong Province received a tip-off from the public. It was claimed that Shenzhen Lanren Online Technology Co., Ltd. had uploaded audiobooks of literary works such as *The Deer and the Cauldron* and *Pingzong Xiaying* to its APP named Lanren Tingshu for free listening without the authorization of the right holders, namely Jin Yong and Liang Yusheng. Upon investigation, it was revealed that the illegal behavior infringed the right of the right holders to disseminate information online, and Shenzhen's copyright administrative law enforcement department imposed a fine of 100,000 yuan. Illegal audiobook is one of the targets of the "Jianwang 2023" special action against online infringement and piracy. The investigation and handling of this case reflect the advantages of administrative law enforcement of copyright, namely, quick response and high efficiency. The case is also a typical one of copyright enforcement authorities strengthening the supervision of copyright in new forms of industries.

Second, rectification in key livelihood areas was promoted. SAMR organized the "Tiequan Action" during which SAMR handled 565,000 cases of various types, involving 2.81 billion yuan. This action cracked down on the counterfeiting of famous brands, malicious applications for trademark registration, and illegal agents, etc. and handled 44,100 cases of trademark and patent violations, involving 839 million yuan. The "Shouhu Action" against

unfair competition was carried out, focusing on regulating marketing practices related to people’s livelihood. During Shouhu Action, SAMR handled 12,496 cases of various unfair competitions, with fines and confiscations amounting to 580 million yuan. A special action was also conducted to investigate and avert hidden quality dangers in the key industrial products. SAMR supervised the disposing of 128 major cases related to the production and marketing of counterfeit and shoddy agricultural materials, gas safety, food safety, etc., and referred 68 important leads to relevant departments. SAMR also organized national supervision and sampling inspections on 143 kinds of products and

Column 2: A typical case of trademark administrative law enforcement

In February 2023, Foshan Administration for Market Regulation, Guangdong Province, received a complaint from Chanel Co., Ltd. It claimed that an individual surnamed Zhou was suspected of producing and marketing fake shoes, infringing on its exclusive right to use the registered trademark “CHANEL”. Law enforcement officers went to the reported entity’s business premise for inspection and found it suspected of practices infringing such right, including 175 pairs of shoes, 2,000 pairs of insoles, 1,870 pairs of soles, 1,440 uppers, 3,000 trademarks, as well as 9 sewing machines and 1 glue spraying machine. Upon investigation, all the above products infringed on the exclusive right to use registered trademarks, with a value of 1.255 million yuan. The value of the goods involved in their shipment records was about 7 million yuan. The acts of the accused violated the provisions of Article 57 of the *Trademark Law of the People’s Republic of China*, infringing the exclusive right of the right holder to use the registered trademark, and was suspected of constituting a crime. Foshan Administration for Market Regulation referred the case to the public security department for handling per the law.

sampled and inspected 28,265 batches of products produced and marketed by 26,472 enterprises. It identified and addressed 3,476 batches of substandard products from 3,302 enterprises, and 172 batches of which were suspected of being counterfeit products, which had been referred to the local market supervision departments for investigation per the law. The National Medical Products Administration organized special rectification action for the quality safety of medical devices to strengthen the post-market supervision of medical devices. NCAC, in conjunction with relevant departments, has launched a special action on theatrical film copyright protection and a campaign of youth copyright protection season, and has struck hard at infringement and piracy in the most complained-about key areas.

Third, rectification of sports-related practices was deepened. The Office of the Central Cyberspace Affairs Commission and NCAC launched the campaign of “Qinglang Hangzhou Asian Games and Asian Para Games Network Environment Rectification Action” which focused on the outstanding IPR problems related to the Games. During the Action, authorities removed 191,600 infringing links related to the Games and rectified 37,000 infringing Internet accounts. CNIPA, the Office of the Central Cyberspace Affairs Commission, MPS, the General Administration of Customs (GACC), and SAMR jointly carried out a special IPR protection action for Hangzhou Asian Games and Asian Para Games. CNIPA launched a special IPR protection action for Chengdu Universiade to strengthen the rapid all-around protection and crack down on infringement and illegal acts.

ii. Rectification focused on key products.

First, actions were taken to combat counterfeit and shoddy agricultural materials. The Ministry of Agriculture and Rural Affairs launched the

Jingwang campaign to combat counterfeiting of agricultural materials. The Ministry, together with the Supreme People's Court, the Supreme People's Procuratorate, MIIT, MPS, SAMR, and All-China Federation of Supply and Marketing Cooperatives, conducted a special nationwide campaign for combating counterfeiting of agricultural materials in 2023. They provided local governments with guidance on strengthening hidden danger detection, product

Column 3: A typical case of cracking down on counterfeiting of agricultural materials

In February 2023, the comprehensive agricultural administrative law enforcement department of Fuzhou City in Jiangxi Province launched special spring law enforcement inspection focusing on the quality of agricultural materials. An agricultural store in Jinxi County was found selling 5 kinds of pesticide with labeling irregularities, which were suspected of being fake pesticides. After sampling inspection in accordance with the law, it was revealed that active ingredients of these 5 kinds of pesticide did not match the labeled active ingredients, and they were fake pesticide. An investigation indicated that the store had 215 bags of such pesticide in 5 kinds, with the value of 454,700 yuan. By the time the behavior was found, the store had sold 2,466 bottles of such pesticide in 54 bags with the sales value of 97,100 yuan. Since the person's behavior was suspected of constituting a crime, Fuzhou Municipal Agricultural and Rural Affairs Bureau referred the case to Jinxi County Public Security Bureau per the law. For allegedly constituting the crime of selling shoddy products, the public security bureau filed a case of investigation against Zeng, the accused and head of the agricultural store. In September 2023, Jinxi County People's Court sentenced Zeng to a term of imprisonment of 7 months, suspended for one year and one month, and a fine of 77,000 yuan per the law.

sampling inspection, and law enforcement. The State Forestry and Grassland Administration strengthened the protection of new plant varieties. It granted 915 new plant variety rights in 2023 and handled 211 cases of various forestry and grass seedling violations nationwide.

Second, rectification of counterfeit and shoddy food and drugs was launched. Focusing on online and offline food safety, SAMR has launched a special action to manage serious violations of law and breaking of promises by business entities. The *Safety Compliance Guide for Online Sales of Special Food* which seeks to safeguard the safety of special food sold online was issued. SAMR also organized a special operation to stabilize the price and maintain the quality of epidemic-related medicines and medical supplies. This action deterred business entities from violating laws and rectified and improved the market order. The National Medical Products Administration organized an action to consolidate and improve drug safety, so as to build a firm medicine safety bottom line in all aspects.

Third, infringing, counterfeit and shoddy goods were destroyed. The Office of the National Leading Group on Coordinated Implementation of Building a Quality-powered Nation and SAMR organized the 2023 National Destruction of Infringing, Counterfeit and Shoddy Commodities. Twenty-two provinces (autonomous regions and municipalities) participated in the destruction of more than 200 varieties of infringing, counterfeit, and shoddy products including epidemic-prevention materials, food and drugs, clothing, shoes and hats, cigarettes, alcohol, cosmetics and pirated publications, weighing 4,734.2 tons, with a value of 830 million yuan. The Ministry of Ecology and the Environment strengthened the guidance on harmless destruction. On International Consumer Rights Day (March 15) and World Intellectual Property Day (April 26), counterfeit and shoddy fire-fighting products and pirated

publications were destroyed in different places, creating a strong momentum.

iii. Rectification focused on key processes.

First, import and export processes were regulated. GACC has launched the Longteng campaign to comprehensively strengthen IPR protection, the Blue Net campaign for IPR protection in delivery and shipment, and the Jingwang campaign for IPR protection in export transshipment goods. In the past year, GACC cracked down on infringement and illegal acts during import and export and seized 62,000 batches of suspected infringing import and export goods, totaling 82.889 million pieces. GACC promoted the integration of the custom IPR protection filing system with the Internet plus Customs administrative service platform and supported the filing of IPR protection filings with other Customs services. It approved 19,000 IPR protection filings in 2023.

Column 4: A typical case of IPR protection in import and export

In March 2023, a company declared to Huangpu Customs that it would import a batch of power adapters. Huangpu Customs inspected the goods after risk analysis and found more than 20,000 power adapters of used color and simple packaging, which were confirmed to be products infringing the exclusive right to use the trademark by the right holder. Subsequently, through risk analysis, Huangpu Customs tracked and the imported goods of the same type and the same route and accurately identified three batches of imported goods, seizing about 45,000 suspected infringing power adapters. These products involved a number of famous domestic and foreign brands, with a value of about 310,000 yuan. After investigation, Huangpu Customs determined that the above goods constituted infringement and decided to confiscate the infringing goods and impose a fine on the parties concerned.

Second, the order of delivery and shipment was regulated. The State Post Bureau urged delivery and shipment enterprises to strictly implement the three systems of real-name mailing and acceptance, acceptance inspection, and machine security inspection. The purpose was to strictly prevent infringing and counterfeit goods from entering the postal channel. In 2023, postal administrations at all levels carried out 34,000 administrative law enforcement inspections and handled 6,606 cases of administrative penalties.

Third, the order of the application and agency process was regulated. CNIPA strictly regulated patenting and trademark applications and cracked down on irregular patent applications and malicious trademark registrations. It

Column 5: A typical case of rejecting malicious trademark registration applications

In July 2023, Hunan Intellectual Property Office reported to CNIPA that Houfu Qitian Digital Technology Co., Ltd. and Changgao Dianxin International Trade Co., Ltd. were suspected of maliciously registering the trademarks used by Changgao Dianxin Technology Co., Ltd. After investigation, it was revealed that the aforementioned applicants and their affiliates applied for trademark in various categories, totaling nearly 700, and applied for the registration of the names of mascots of major events such as Xuerongrong and Congcong, representing a serious case of trademark registration in bad faith. After research, CNIPA decided to declare invalid ex officio 72 registered trademarks, the applications of which were in violation of the provisions of Article 4 of the *Trademark Law of the People's Republic of China* and rejected 14 trademarks in the process of examination. The clues of illegal and irregular behaviors of trademark agencies and information of relevant agents were referred to the relevant departments.

strengthened the code and credit evaluation of the patent and trademark agency industry and launched the re-filing of trademark agencies. It also issued the *Administrative Measures for Credit Evaluation of Patent Agents (Trial)* and strengthen the utilization of credit evaluation results of patent agents to robustly drive the healthy development of the patent agency industry.

V. Significantly enhanced judicial protection

In 2023, China's judicial departments comprehensively promoted criminal crackdowns, procuratorial supervision, and judicial trials, maintaining a tough attitude towards infringement and counterfeiting crimes. The capacity and level of comprehensive judicial IPR protection kept improving.

i. Criminal crackdowns were intensified.

The public security departments pushed forward the summer crackdown, Kunlun 2023, and other special operations, cracked down on all kinds of infringement and counterfeiting crimes per the law, and filed 40,000 cases of crimes of IPR infringement and production and selling of fake and shoddy commodities. Focusing on innovation, local public security departments cracked down on crimes infringing on the achievements of S&T innovation such as counterfeiting patents and infringing on trade secrets, and solved a number of major cases. With a focus on people's livelihood and safety, they cracked down on the production and sale of counterfeit and shoddy food, medicines, agricultural materials, gas appliances, electrical products, and other criminal activities and promoted rectification at the source. With a focus on cultural prosperity, they cracked down on crimes of infringing on copyrights and earnestly safeguarded the order of the copyright market. With a focus on the business environment, they cracked down on enterprise-related crimes involving IPR infringement, regulated law enforcement behaviors involving enterprises, and equally protected the legitimate rights and interests of various types of

business entities such as state-owned and private, domestic and foreign, and small, medium and micro enterprises per the law.

Column 6: A case on investigating major IPR-related crimes

In January 2023, according to the deployment of MPS, the public security organs of Zhejiang, Liaoning, and Shandong, in close collaboration and with the strong support of the copyright administration departments, solved the “25/01” case of illegal recording and dissemination of Chinese New Year movies. This action captured 28 criminal suspects, closed 32 illegal websites, APPs and webstores involved, and seized more than 450,000 copies of pirated movies such as *Wandering Earth II*, *Full River Red*, *Boonie Bears: Guardian Code*, and *Deep Sea*. The sources of movie camrecording in cinemas and illegal distribution networks were uncovered, thus timely curbing the risk of Chinese New Year movie piracy and distribution and effectively safeguarding a sound copyright order.

ii. Procuratorial supervision was strengthened.

The Supreme People’s Procuratorate has formulated 45 procuratorial initiatives to continuously promote the integrated IPR-related duty performance of criminal, civil, administrative, and public interest litigation services. The purpose was to strengthen the comprehensive judicial IPR protection. In 2023, procuratorial departments nationwide accepted for examination and prosecution of IPR-related criminal cases involving 30,684 individuals, a year-on-year rise of 52%; accepted 2,508 supervision cases of IPR-related civil and administrative litigation, a year-on-year growth of 1.7 times; and handled 873 cases of IPR-related public interest litigation. Sustained efforts have been made to strengthen

IPR protection in high-tech fields such as information technology, biomedicine, and new energy. Special supervisions were organized to address the problem of high incidence of malicious litigation and IPR infringement, aiming to promote the creation of a favorable innovation ecosystem and business environment. A tough attitude was maintained towards the production and sale of counterfeit and shoddy goods. Prosecutors nationwide prosecuted 21,208 people in 2023. The procuratorial departments continued the special action of combating prohibited substances, controlling drug residues and promoting enhancement, combating counterfeiting of agricultural materials, and prosecuting 570 people for crimes

Column 7: A typical case of leveraging the procuratorial function for IPR protection

From July 2015 to April 2021, two suspects surnamed Xu and one surnamed Zhuang, among others, procured unmarked watch movements, without the permission of the owner of the registered trademark ROLEX. They entrusted Hou and others to dismantle the movements and engrave the ROLEX logo and procured from Cai and others watch straps, cases, and other parts engraved with the ROLEX logo. They hired Zeng and others to assemble them and sold the watches to agents such as Wang and She after quality checks and packaging. The illegal business amount of the above persons ranged from 230,000 to 332 million yuan, and the illegal income ranged from 50,000 to over 20.75 million yuan. From June to July 2023, after the People's Procuratorate of Zhenjiang Economic Development Zone of Jiangsu Province filed a public prosecution per the law, the court sentenced 26 defendants, including Xu, to fixed-term imprisonment ranging from one year to six years, as well as penalties ranging from 60,000 to 50 million yuan, on the basis of the crime of counterfeiting a registered trademark and the crime of selling products with counterfeit registered trademarks. Probation was applied to some.

against the safety of edible agricultural products. The procuratorial departments worked with relevant departments to launch special governance of the medical cosmetics industry, effectively promoting the normalization, standardization, and supervision of the medical cosmetics industry per the law.

iii. Judicial trials were intensified.

The people's courts were committed to strict protection, deepened the conceptual change of IPR-related adjudication, severely combated infringement and counterfeiting per the law, utilized punitive damages to the fullest extent possible, and resolutely pursued criminal liability per the law for those who should be liable to criminal penalties. For IPR-related adjudication, efforts were also made to deepen reform and innovation, strengthen the source management

Column 8: A typical IPR trial case

Zhou had business dealings with Panpan Company in earlier years. Knowing the popularity and influence of the “盼盼” trademark and its series of trademarks, he sought to transfer the “鑫盼盼” trademark, using trademarks similar to those of Panpan and conducting the same business as Panpan. His acts have the obvious intention of confusing the source of the trademark and leveraging the popularity of Panpan. Xinpanpan Company, Guyang Menchang, and Zhou infringed the trademark on a large scale, sold in a wide range of areas, profited greatly from the which was serious. The people's court applied the rules of punitive damages per the law, determined the base amount of damages based on the ascertained facts, and applied a 5-fold penalty, i.e., 1-fold of the base amount of damages plus 4-fold of the punitive damages, and awarded Panpan 100 million yuan of damages and reasonable expenses.

of IPR disputes, and improve the quality and efficiency. In 2023, the people's courts received 490,000 new IPR cases of the first instance and concluded 489,600 (including the old ones), representing an increase of 5.5% and 1.8%, respectively, over the figures in 2022.

VI. Further improved regulatory service

In 2023, the Chinese government improved its capacity of credit supervision, enriched dispute resolution, enhanced the effectiveness of guidance services, diversified governance, and offered more high-quality supervision services.

i. Credit supervision was improved.

SAMR comprehensively promoted enterprise credit risk classification and management and established a generalized enterprise credit risk classification index system. It conducted the action of comprehensively improving the quality of national enterprise credit supervision data and the pilot project of improving the quality of credit supervision data of individual industrial and commercial businesses. The purpose was to promote precise supervision, assistance, and services. It deployed special governance for serious violations and breach of trust of business subjects, and 6,890 businesses were included on the list of serious violations and breach of trust. Efforts were made to improve the national enterprise credit information disclosure system, launch the “credit information” section, and increase the positive incentives for trustworthy enterprises. SAMR also launched the credit repair function to help business entities efficiently and conveniently handle credit repair applications. NDRC and the People’s Bank of China improved the national enterprise credit information disclosure system by issuing the *National Basic Catalogue of Public Credit Information (2022)* and the *National Basic List of Disciplinary Measures for Dishonesty (2022)* to further promote the high-quality development of the social credit system.

ii. Dispute resolution methods were enriched.

CNIPA established seven new rapid rights defense centers and set up 21 new local sub-centers and two new overseas sub-centers for guiding the response to overseas IPR disputes, bringing the total number of such centers to 45. It has cumulatively guided enterprises in defending their rights overseas in more than 1,300 cases. CNIPA continuously strengthened the processing and mediation of IPR disputes. In 2023, IPR management departments at all levels nationwide handled 68,000 administrative cases of patent infringement disputes. Online matching between litigation and mediation of IPR disputes realized full coverage at the provincial level. The people's courts and IPR management departments at all levels successfully mediated more than 78,000 IPR disputes prior to litigation and endeavored to achieve the conclusion of the cases and the settlement of the disputes.

iii. The effectiveness of guidance and services was enhanced.

SAMR organized the second batch of national trade secret protection innovation pilot projects to further enhance trade secret protection. NCAC issued a new batch of national copyright demonstration entities (including licensed software) and parks (bases). CNIPA determined the list of the second batch of national IPR protection demonstration zones, creating a hub for IPR protection. It issued the *Guide to Governmental Services on Intellectual Property* and carried out a large-scale IPR service program. The public service system of IPR data was launched, with a total of 59 types of open data and 18 thematic databases. CNIPA also launched the smart patent examination and research system, optimizing and upgrading the trademark examination management system. The National Medical Products Administration offered administrative

guidance for online medicine sale platforms, urging them to strictly fulfill their responsibilities and guaranteeing the high-quality development of online medicine sales with a high level of safety.

VII. Increasingly in-depth publicity and guidance

In 2023, the Chinese government stepped up publicity and guidance, held a slew of press conferences on trending social topics, and organized a series of publicity activities at important times, aiming to further enhance the social impact and brand influence of the fight against infringement and counterfeiting.

i. Policies and measures were comprehensively interpreted.

NCAC issued the *Circular on the National Copyright Registration in 2023* and the *Annual Report on China's Online Copyright Protection in 2022*. GACC issued the *Status of China's Customs Intellectual Property Protection in 2022*. SAMR issued the *Annual Report on China's Law Enforcement Against Unfair Competition (2022)*. CNIPA issued the *Status of Development of the National Intellectual Property Agency Industry (2022)*. The State Forestry and Grassland Administration issued the *2022 Annual Report on China's Forestry and Grassland Intellectual Property*. The Supreme People's Court issued the *Annual Report on Intellectual Property Cases (2022)*. The Office of the National Leading Group on Coordinated Implementation of Building a Quality-powered Nation issued the *Annual Report on China's Combating of Infringement and Counterfeiting (2022)* and the *Annual Report on China's Anti-Infringement and Counterfeiting Practices (2023)*. The Office of the Inter-ministerial Joint Conference on Building an IPR Powerhouse Nation issued the *Report on Developing and Building an IPR Powerhouse Nation (2023)*. These documents provide an all-around and multi-angle observation of China's effective initiatives

and highlight its work in protecting IPR and combating infringement and counterfeiting.

ii. Case warnings were strengthened.

NCAC issued the *Top Ten Cases of National Crackdown on Infringement and Piracy in 2022*. MPS issued ten typical cases and four typical examples of public security departments strengthening criminal IPR protection and supporting comprehensive innovation. The Ministry of Agriculture and Rural Affairs issued the *Typical Cases of Agricultural Product Quality and Safety Supervision and Law Enforcement in 2022* and the *Top Ten Typical Cases of Protecting New Varieties of Agricultural Plants in 2023*. SAMR issued the *Excellent Cases of Anti-Unfair Competition* and typical cases of IPR law enforcement in 2022. CNIPA selected and released typical cases of administrative IPR protection. The State Forestry and Grassland Administration released the *Typical Cases of New Varieties of Fine Forest and Grassland Plants Benefiting Farmers* and the *Analysis on the Typical Cases of Administrative Punishment for Forest and Grassland Seedlings*. The Supreme People's Court released the 39th batch of guiding cases, top ten IPR cases of China's courts in 2022, 50 typical IPR cases, and more than 40 typical cases of judicial IPR protection in the seed industry, judicial IPR protection in movies, anti-monopoly and anti-unfair competition, counterfeiting of agricultural materials, crimes against food and drug safety, etc. The Supreme People's Procuratorate issued the guiding procuratorate cases for comprehensive IPR protection, the *Typical Cases of Procuratorial Departments Punishing Crimes of Infringing on Copyrights in Accordance with the Law*, the *Typical Cases of Procuratorial Departments on Intellectual Property Protection*, the *Typical Cases of Procuratorial Departments in Punishing Crimes of Making and Selling Counterfeit and Shoddy Goods in Accordance with the Law*, and the

Typical Cases of Procuratorial Departments in Punishing Crimes of Making and Selling Counterfeit and Shoddy Agricultural Materials in Accordance with the Law. These efforts vigorously created an industry culture of not daring to infringe and not wanting to infringe.

iii. Attention was paid to foster social IPR awareness.

The China Quality Conference issued the Chengdu Quality Initiative to deepen quality exchanges and cooperation and jointly advance global quality progress. SAMR guided the establishment of an enterprise credit alliance to promote the establishment of a credit system for business entities and improve the credit incentive mechanism. CNIPA and the Ministry of Culture and Tourism organized the “Intellectual Property Culture Around Us” thematic activity. Relevant departments organized the National Intellectual Property Awareness Week, National Food Safety Awareness Week, National Cyber Security Awareness Week, National Quality Month, National Safe Use of Medicines Month, China Fair Competition Policy Publicity Week, large-scale intellectual property services, etc. The first Service Month for Upgrading the Ability of Enterprises to Protect Trade Secrets was hosted. These programs created a favorable environmental climate for joint IPR protection.

VIII. Pragmatic international cooperation

In 2023, the Chinese government remained committed to the concept of a community with a shared future for mankind and continued to deepen global governance, participate in joint actions, and broaden collaboration channels. Its international participation and global influence further increased.

i. Global governance was continuously deepened.

China engaged in global IPR governance under the WIPO framework. It successfully held two events to commemorate the 50th anniversary of the partnership between China and WIPO, participated in the 64th General Assembly of Member States and consultations of various professional committees, and organized international exchanges on GIs and technology and innovation support centers with WIPO. In addition, China jointly released the *China Report on Intellectual Property Finance*, was authorized to physically join the Global Book Service of the Accessible Books Consortium, and updated and signed a memorandum of understanding on bilateral copyright cooperation. At the same time, China actively participated in international exchanges and collaboration on IPR under the WIPO framework and the formulation of relevant international rules to promote the development of the global IPR governance system toward a more just and reasonable direction.

ii. Continuous efforts were made to participate in joint operations.

MPS strengthened communication and coordination with the law

enforcement departments of various countries, actively constructed a new type of mutually beneficial law enforcement cooperation relationship, and engaged in global IPR governance. It vigorously strengthened international exchanges in criminal law enforcement of IPR and continued to participate in the Operation Pangea to combat the crime of counterfeit medicines and the Operation Opson to combat the crime of foodstuffs. These efforts help effectively solve the problem of transnational infringement and counterfeiting crimes. GACC actively participated in the World Customs Organization's international joint law enforcement "Operation STOP" against the import and export of illegal, counterfeit and substandard drugs and medical materials, to effectively crack down on the cross-border circulation of infringing and counterfeit Covid-19 prevention materials, and to strengthen IPR protection throughout the chain.

iii. Cooperation channels kept expanding.

China successfully organized the sub-forum on IPR Protection and International Cooperation on Combating Infringement and Counterfeiting of the 6th Hongqiao International Economic Forum, the Summit Forum on Combating Infringement and Counterfeiting during the China International Fair for Trade in Services, the Forum on Combating Infringement and Counterfeiting during the China-ASEAN Expo, the China International Copyright Expo and the International Copyright Forum, China-Africa Copyright Cooperation Forum, and BRICS Intellectual Property Forum 2023. These activities created key multilateral platforms for exchanging, learning from each other, and enhancing consensus. China established a meeting mechanism between the heads of customs administrations of the five countries of China and Central Asia and organized the first China-Central Asia Intellectual Property Administration Directors' Meeting. China continued to deepen the IPR-related institutional

exchanges in terms of patent, trademark, and copyright in APEC and with the US, Europe, Japan and ROK, BRICS countries, Belt and Road countries, Japan and ROK, Europe, Sweden, Russia, and Japan. It pushed forward the review of the technical specifications of the second batch of 350 Chinese and European GI products, signed a memorandum of understanding on copyright and related rights with Vietnam, and deepened the multi-bilateral collaboration in IPR protection.

Conclusion

The Chinese government has been unwaveringly combating infringement and counterfeiting and protecting IPR, initiated a series of reforms, and introduced a slew of major policies, actions, and plans. It has developed an IPR development path with Chinese characteristics and, at the same time, offered its ideas and contributed its proposals to the global IPR governance.

It is difficult for a lone person to get started, but tasks get easier when people work in unity. The new round of S&T revolution and industrial changes have brought about a new competitive-cooperative relationship between countries. Only by strengthening innovation and cooperation can healthy competition be formed and maximum vitality be stimulated. The Chinese government will remain committed to the principles of openness, inclusiveness, balance, and universality. China will work with all countries in the world with full trust and unity and cooperation to crack down on infringement, counterfeiting, and illegal and criminal behaviors and contribute to the recovery of the world economy and the creation of a better future together.