

Name of Document (English)	Name of Document (Chinese)	Date of Publication (from Jan. 1 2019)	Type of IP law (patents or patent linkage, trademarks, geographical indications, and trade secrets, etc.)	Likely Category (law, regulation, rule, normative document, local administrative)	Drafting / Issuing Agency	Publishing Agency	Comments Received By	Action Plan (4/20/2020)	Phase I Agreement (1/15/2020)	SAMR 2020 Legislative Plan (3/17/2020)	Qishi Article "comprehensively strengthening the protection of intellectual property rights" (2/1/2021)	SAMR 2021 Legislative Plan (4/1/2021)	"Opinions on Strengthening the Protection of Intellectual Property Rights"	Blog Post	Publication By Other Agencies	Commentary
Measures for Administrative Adjudication on Major Intellectual Property Infringement Disputes (Draft for Comment)	《重大专利侵权纠纷行政裁决办法(征求意见稿)》	3/2/2021	Patent	Normative Document	CNIPA	CNIPA	zhifa@cnipa.gov.cn	N/A	N/A	N/A	N/A	N/A	Article 2.1 (加大侵权假冒行为惩戒力度) (Increase penalties for infringement and counterfeit behaviours)	A Season of CNIPA Rulemaking	N/A	It appears to be promulgated by CNIPA, not SAMR; nor is it docketed by SAMR. As such, it's a normative document. The problem is that as a normative document, it will be inferior to local administrative regulations. Although this document is directed towards major litigation, it is published at a low legislative level.
Measures on Standardizing Patent Application Conducts	《关于规范申请专利行为的办法》	2/10/2021	Patent	Normative Document	CNIPA	CNIPA	tiaofasi@cnipa.gov.cn (legal division)	65. 规制商标恶意注册, 开展非正常专利申请排查监控。(2021年12月底前完成并持续推进) (Restrict bad faith registration of trademark and start supervising abnormal patent application, to complete before end of December 2021 and continue to implement)	N/A	N/A	知识产权整体质量效益还不够高, 高质量高价值知识产权偏少 (the general quality efficacy of IP is not high, and high quality high value IP is not enough.)	N/A	Article 2.1 (规制商标恶意注册、非正常专利申请以及恶意诉讼等行为) (Regulate abusive trademark registration, abnormal patent application, and malicious prosecution behaviours)	A Season of CNIPA Rulemaking	Reprinted by State Council and Declared Effective by State Council on 3/12/21	Although there are high level policy pronouncement addressing the issue of abnormal patent applications, CNIPA decided to promulgate this as a normative document.
Measures for Administrative Adjudication on the Early Resolution Mechanism for Drug Patent Disputes (Draft for Comment)	《药品专利纠纷早期解决机制行政裁决办法(征求意见稿)》	2/9/2021	Patent Linkage	Normative Document	CNIPA	CNIPA	zhifa@cnipa.gov.cn	8. 建立药品专利纠纷早期解决机制。(2020年10月底前完成) (establish drug patent dispute early resolution mechanism before end of October 2020)	Section C	N/A	N/A	N/A	Article 2.4 (探索建立药品专利链接制度、药品专利期限补偿制度) (Attempt to establish drug patent linkage system and drug patent term compensation system)	A Season of CNIPA Rulemaking	N/A	The authority to promulgate this normative document appears to be derived from Patent Law Article 76. This provides a higher level stamp of approval, even though it is a low ranking legislative enactment. Given its low rank, how courts will view this rule as a regulation, because of its nexus to the Patent law, or as a normative document with little persuasive effect is ambiguous.
CNIPA Notice on Further Strictly Regulating Patent Application Conducts	《国家知识产权局关于进一步严格规范专利申请行为的通告》	1/27/2021	Patent	Normative Document	CNIPA	Issued by SC	N/A	65. 规制商标恶意注册, 开展非正常专利申请排查监控。(2021年12月底前完成并持续推进) (Restrict bad faith registration of trademark and start supervising abnormal patent application, to complete before end of December 2021 and continue to implement)	N/A	N/A	要在严格执行民法典相关规定的同时, 加快完善相关法律法规, 统筹推进专利法、商标法、著作权法、反垄断法、科学技术进步法等修订工作, 增强法律之间的一致性。While strictly enforcing the regulations in the Civil Code, expedite improving relevant laws and regulations, collectively promote amending patent law, trademark law, copyright law, antitrust law, and scientific technology improvement law, and increase their consistency)	N/A	N/A	A Season of CNIPA Rulemaking	N/A	The issue of "abnormal" patent applications was not in the Phase 1 Trade Agreement. It might reflect the Xi Jinping speech or the USPTO report (1/13/2021) https://www.uspto.gov/about-us/news-updates/breaking-news-uspto-report-examines-impact-chinese-government-subsidies-and .
Suggestions on Modifying Patent Law Implementation Measures (Draft for Comment)	《专利法实施细则修改建议(征求意见稿)》	11/27/2020	Patent	Regulation	CNIPA	CNIPA	tiaofasi@cnipa.gov.cn	1. 推进专利法修订审议工作 (Advance promoting patent law modification)	N/A		7	N/A	Article 2.1 (加快专利法、商标法、著作权法等修改完善) (Expedite amending patent law, trademark law, and copyright law)	N/A	N/A	

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Guidelines on Antitrust in Platform Economy Area (Draft for Comment)		11/10/2020	Antitrust	Likely a rule or a normative document, comparable to other guidelines on antitrust enforcement promulgated prior to the establishment of SAMR.	Antitrust Bureau of SAMR	SAMR	fidj@samr.gov.cn (反垄断局 antitrust division)	N/A	N/A	N/A	要完善知识产权反垄断、公平竞争相关法律法规和政策措施, 形成正当有力的制约手段。(Improve relevant laws, policies, and regulations on intellectual property antitrust and fair competition, form justifiable and competent constraints)	N/A	N/A	NPC Passes Revised Copyright Law — Concluding a Robust IP Legislative Agenda For the Past Two Years	N/A	It was drafted in early January 2019 but was released late in September 2020. It was released along with other guidelines in a book titled Collection of Antitrust Regulations and Guidelines 2019, authored by the Anti-Monopoly Bureau ("AMB") of China's State Administration for Market Regulation ("SAMR"), was published by China Industry and Commerce Press. This book officially makes public the following four long-anticipated antitrust guidelines: (1) Antitrust Guidelines for the Automobile Industry ("Auto Industry Guidelines"), (2) Antitrust Guidelines for the Intellectual Property Rights Sector ("IPR Guidelines"), (3) Guidelines on the Application of Leniency Mechanism in Horizontal Monopoly Agreement Cases ("Leniency Guidelines"), and (4) Guidelines on the Undertakings' Commitments in Antitrust Cases ("Commitment Guidelines").
Patent Examination Directory Modification Draft (First Draft for Comment)	《专利审查指南修改草案(第一批征求意见稿)》	10/4/2020	Patent	Normative Document	CNIPA	CNIPA	CNIPA	1. 做好专利审查指南配套修改工作 (Do the modifying Patent Examination Directory job well.)	N/A	N/A	N/A	N/A	Article 4.8(加强专利、商标、植物新品种等审查能力建设, 进一步压缩审查周期) (Strengthen establishing the examination capacity for patent, trademark, and new plant variety, further shorten examination cycle)	SIPO Publishes Proposed Revisions to Patent Examination Guidelines	Reprinted by State Council	Declared Effective by CNIPA and reprinted by SC on 12/11/20 and will be effective starting 1/15/21
Measures on Official Signs Protection (Draft for Comment)	《官方标志保护办法(征求意见稿)》	9/28/2020	Trademark	Regulation	SAMR	SAMR, MOJ	fgs@samr.gov.cn; http://www.moj.gov.cn	N/A	N/A	38	N/A	34	N/A	SAMR Releases Legislative Work Plan for 2020	reprinted by CNIPA	N/A
Measures on Trademark Agency (Draft for Comment)	《商标代理管理办法(征求意见稿)》	9/24/2020	Trademark	Regulation	CNIPA	CNIPA, MOJ	tiaofasi@cnipa.gov.cn	N/A	N/A	36	N/A	35	N/A	SAMR Releases Legislative Work Plan for 2020	N/A	The document says this is inferior to laws and regulations. May be authorized by PRC Trademark Law Implementing Regulations 中华人民共和国商标法实施条例.
Implementation Measures for the Early Resolution Mechanism for Drug Patent Disputes (Trial) (Draft for Comment)	《药品专利纠纷早期解决机制实施办法(试行)(征求意见稿)》	9/14/2020	Patent	Joint Normative Document	NMPA, CNIPA	NMPA, CNIPA	swzpc@nmpa.gov.cn	8. 建立药品专利纠纷早期解决机制。(2020年10月底前完成) (establish drug patent dispute early resolution mechanism before end of October 2020)	N/A	N/A	N/A	N/A	Article 2.4 (探索建立药品专利链接制度、药品专利期限补偿制度) (Attempt to establish drug patent linkage system and drug patent term compensation system)	A Season of CNIPA Rulemaking	N/A	Article 76 of the amended Patent Law authorizes the two agencies to issue the joint normative documents.
Regulations on Trade Secret Protection (Draft for Comment)	《商业秘密保护规定(征求意见稿)》	9/4/2020	Trade Secret	Regulation	SAMR	MOJ	http://www.moj.gov.cn; http://www.samr.gov.cn	30. 出台政策文件, 强化行政许可过程中的商业秘密和保密商务信息保护。(2020年10月底前完成)	Section B	N/A	要加强地理标志、商业秘密等领域立法。(Strengthen legislation in geographical signs and trade secret areas.)	N/A	Article 2.1 (探索加强对商业秘密、保密商务信息及其源代码等的有效保护) (Attempt to strengthen effective protection for trade secret, confidential business information and its original code)	IPO Comments on the Trade Secret Rules	N/A	This is a regulation that replaces the 1998 "SAIC Regulation on Prohibiting Conducts that Infringes Trade Secrets."

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Guidelines on Patent Enforcement Administrative Appeal and Response to Lawsuits (Draft for Comment)	《专利行政执法复议和应诉指引(征求意见稿)》	5/12/2020	Patent	Normative Document	CNIPA	CNIPA	zhifa@cnipa.gov	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Guidelines on Patent Dispute Administrative Arbitration (Draft for Comment)	《专利纠纷行政调解指南(征求意见稿)》	5/11/2020	Patent	Normative Document	CNIPA	CNIPA	zhifa@cnipa.gov	N/A	N/A	N/A	N/A	N/A	Article 3.6 (完善知识产权仲裁、调解、公证工作机制) (Improve intellectual property adjudication, arbitration, and notarization mechanism)	N/A	N/A	N/A	
Measures on Trademark Record Management (Draft for Comment)	《商标档案管理办法(征求意见稿)》	4/10/2020	Trademark	Normative Document	CNIPA	CNIPA	tiaofasi@cnipa.gov	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	This appears to be a normative document, contrary to the trade secret regulation, which is published by MOJ.	
Guiding Opinions for Patent Examination on Chinese Medicine Inventions (Draft for Comment)	《中药领域发明专利审查指导意见(征求意见稿)》	4/8/2020	Patent	Normative Document	CNIPA	CNIPA	zhinan@cnipa.gov	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Typically, examination guidelines are normative documents.	
Adjudication Standard for Trademark Infringement (Draft for Comment)	《商标侵权判断标准(征求意见稿)》	12/18/2019	Trademark	Normative Document	CNIPA	CNIPA	zhifa@cnipa.gov	35. 制定出台商标侵权判断标准。(2020年6月底前完成) (Draft and pulics trademark infringement adjudication criteria before end of June 2020)	Section H	N/A	要深化知识产权审判领域改革创新,健全知识产权诉讼制度,完善技术类知识产权审判,抓紧落实知识产权侵权惩罚性赔偿制度。(Deepen reform and innovation in intellectual property adjudication, complete intellectual property litigation mechanism, improve technological intellectual property adjudication, and implement punitive damage system for intellectual property infringement.)	N/A	N/A	N/A	Reprinted by State Council	《关于强化知识产权保护的意见》Article 2.2 requires. See http://www.gov.cn/xinwen/2019-11/24/content_5455070.htm .	
Anti-Monopoly Compliance Guidelines for Undertakings (Draft for Public Comment)	《经营者反垄断合规指南(公开征求意见稿)》	11/28/2019	Antitrust	Likely a rule or a normative document, comparable to other guidelines on antitrust enforcement promulgated prior to the establishment of SAMR.	SAMR Antitrust Division	SAMR Antitrust Division	xietiaochu@samr.gov.cn	N/A	N/A	N/A	要完善知识产权反垄断、公平竞争相关法律法规和政策措施,形成正当有力的制约手段。(Improve relevant laws, policies, and regulations on intellectual property antitrust and fair competition, form justifiable and competent constraints)	N/A	N/A	Impact of Recent AML Legislation on the IPR/Antitrust Interface	N/A	N/A	
Measures on Special Signs for Geographical Indications Management (Draft for Comment)	《地理标志专用标志使用管理办法(征求意见稿)》	11/15/2019	Geographical Indication	Rule	CNIPA	CNIPA	pgi@cnipa.gov	11. 推进地理标志保护立法研究,开展立法项目评估论证。(2021年12月底前完成) (Advance research on geographical signs protection legislation and start legislation and analysis before end of December 2021)	Section F	N/A	要加强地理标志、商业秘密等领域立法。(Strengthen legislation in geographical signs and trade secret areas.)	N/A	37	Article 2.1 (完善地理标志保护相关立法) (Improve legislation on protecting geographical signs)	SAMR Releases Legislative Work Plan for 2020	Reprinted by State Council	In the 2020 legislative plan, it's called a rule (部门规章). However, this is enacted by CNIPA, not SAMR. Therefore, it may be a normative document.

