

**Chinese
Intellectual
Property Law
and Practice**

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FOREWORD

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One of the most important accomplishments in legal reform since China initiated its open door policy has been the development of an effective system for the protection of intellectual property rights. Since 1979, China has joined a host of multilateral conventions and bilateral agreements, which have now formed part of China's domestic law. China has also enacted international-standard patent, trademark, and copyright legislation, and has established systems to protect those laws, involving government agencies, the judiciary, customs and law enforcement. Newer technologies, such as the internet and biotechnology, are given protection through new laws and regulations.

As the largest developing country in the world, China found that many of these steps have not been accomplished easily, nor have all the results been perfect. Foreign friends may not realize that only twenty years ago the very idea of a "contract" was a novelty in commercial relationships. In some respects, intellectual property protection has been a bellwether of China's efforts in creating a market-oriented socialist economy. These results are not only reflected in China's growing GDP, but, as this book testifies, in the attention given to Chinese laws and legal reforms by Chinese lawyers and foreigners alike.

Many newspaper headlines have been devoted to "Section 301" or "sanctions" and similar issues involving intellectual property protection. Few foreigners recognize that one of the key constituencies for protecting intellectual property rights is the Chinese people themselves. Also, many foreigners are not aware of their own countries' histories of developing a comprehensive intellectual property regime. These histories demonstrate that changes did not occur overnight. Hence, with respect to China, a balanced approach should be taken in areas that need improvement, and recognition should be given where China has had success.

China has a long and ancient tradition of invention, which was only eclipsed by the West on the eve of the industrial revolution. By protecting intellectual property, China will be able to advance to a higher value, tech-

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nologically advanced society in all fields. Chinese consumers will benefit from the knowledge that they are not buying counterfeit, dangerous or shoddy merchandise. Writers, artists, software programmers, engineers, and manufacturers will be able to use their own initiatives, or the initiatives of their enterprises, to advance China's economy and the economy of humankind. It is my hope that this book serves to showcase China's many accomplishments in the IP area.

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