

## **Document of the Administration for Market Regulation of Haizhu District of Guangzhou Municipality**

Hai Shi Jian Gui Zi [2024] No. 1

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### **Notice of the Administration for Market Regulation of Haizhu District of Guangzhou Municipality on Issuing *Measures for the Management of Special Funds for Intellectual Property Work in Haizhu District of Guangzhou Municipality***

To: All entities concerned

This is an issuance of *Measures for the Management of Special Funds for Intellectual Property Work in Haizhu District of Guangzhou Municipality* for the sake of accelerating the building of powerful counties with intellectual property rights and promoting the high-quality development of intellectual property in our District, which has been approved by the Haizhu District People's Government. Please act accordingly and report any problems found in the implementation process directly to the Administration for Market Regulation (Intellectual Property Administration) of Haizhu District.

Administration for Market Regulation of Haizhu District of Guangzhou Municipality  
April 26, 2024

Seal: Administration for Market Regulation of Haizhu District of Guangzhou Municipality

# Measures for the Management of Special Funds for Intellectual Property Work in Haizhu District of Guangzhou Municipality

## Chapter I General Provisions

**Article 1** These Measures are formulated in accordance with *Guidelines for Building a Powerful Country with Intellectual Property Rights (2021-2035)* jointly issued by the Central Committee of the Communist Party of China and the State Council, *Guidelines on Strengthening Protection for Intellectual Property Rights* jointly issued by the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council, *Notice of the China National Intellectual Property Administration (CNIPA) on Issuing the Implementation Guidelines on Deepening the Reform of “Streamline Administration to Delegate Power; Improve Regulation and Upgrade Services” in the Field of Intellectual Property to Create a Good Business Environment* (Guo Zhi Fa Fu Zi [2020] No. 1), *Regulations of Guangzhou Municipality on Technological Innovation* and *Notice of Guangzhou Municipal Administration for Intellectual Property on Issuing Measures for the Management of Special Funds for Intellectual Property Work in Guangzhou* (Sui Zhi Gui Zi [2023] No. 1), on the basis of the actual conditions of this District and with a view to comprehensively implementing the National Intellectual Property Strategy (NIPS) and promoting the building of a national pilot district strong in intellectual property (IP) development.

**Article 2** The term “intellectual property special funds (hereinafter referred to as “IP special funds”)” herein refers to the funds arranged by the district financial budget for the main purpose of boosting the IP creation, utilization, protection, management and services in our district, promoting the implementation of IP strategies and ensuring the high-quality development of IP. IP special funds shall be included into the budget management of the Administration for Market Regulation (Intellectual Property Administration) of Haizhu District (hereinafter referred to as the “District Administration for Market Regulation”).

**Article 3** These Measures shall apply to the budgeting, application and review, fund allocation, supervision and management of IP special funds.

**Article 4** The use and management of IP special funds shall adhere to the principles of “compliance with laws and regulations, openness and fairness, scientific distribution, standardized management, focus on practical outcomes and strengthened supervision”, so as to fully leverage the guiding and driving role of financial funds.

**Article 5** The performance goals of IP special funds are to deeply implement the national IP strategy, promote innovation-driven development, build a district strong in IP protection and achieve high-quality development of IP as well as to comprehensively strengthen the creation, utilization, protection, management, and service of IP across this District, and optimize the business environment.

**Article 6** Enterprises and public institutions, agencies, social organizations, other organizations and individuals that meet one of the following conditions may apply for IP special funds:

(1) Duly established enterprises and IP service agencies that engage in business activities in this District.

(2) Universities and colleges, research institutions and other public institutions with registered address located in this District.

(3) Social organizations and other organizations whose registered addresses are located this

District, whose aim is to promote the development of IP industry, and whose operation is subject to the direct supervision of the district intellectual property authority.

(4) Any natural person whose registered permanent residence or residence address indicated on the Guangdong Province Residence Certificate is located in this District.

Where there are other requirements for applicants for specific subsidy projects, the District Administration for Market Regulation will clarify such requirements in the project application guide.

**Article 7** The IPs involved in the application for reward funds under these Measures shall be those having been granted valid intellectual property rights (IPRs), and are not subject to any ownership disputes or claim against the validity of the IPRs.

## **Chapter II Subsidy Scope and Standard**

**Article 8** This District encourages enterprises, universities and colleges, research institutions and IP service agencies to carry out high-value patent and trademark cultivation and implementation work. Subsidies are applicable to enterprises, public institutions and individuals that meet the following conditions during the application period:

(1) For those that have won the Chinese Patent Gold Award, Silver Award or Excellence Award, a one-time reward of not more than 200,000 yuan, 150,000 yuan and 100,000 yuan will be granted respectively; for those that have won the Guangdong Province Patent Gold Award, Silver Award or Excellence Award, a one-time reward of not more than 100,000 yuan, 80,000 yuan and 50,000 yuan will be granted respectively. Where the same patent has received the subsidy as per the Guangdong Province Patent Award, the difference between the above subsidy standards for the Chinese Patent Award and Guangdong Province Patent Award shall be provided to the applicant.

(2) For those newly recognized as well-known trademarks by the China National Intellectual Property Administration, a one-time reward of 100,000 yuan will be granted.

(3) For those included in the Guangdong Province Key Trademark Protection List for the first time, a one-time reward of 10,000 yuan will be granted for each item, provided that the maximum subsidy amount received by the same applicant within the year shall not exceed 30,000 yuan.

**Article 9** For enterprises selected as national intellectual property demonstration enterprises and national intellectual property advantageous enterprises within the application period, a reward of not more than 200,000 yuan and 150,000 yuan will be granted respectively; for those rated as provincial intellectual property demonstration enterprises, a reward of not more than 100,000 yuan will be granted. Where the same enterprise that has already received the rewards for provincial intellectual property demonstration enterprise and national intellectual property advantageous enterprise applies for higher-level rewards, the difference between the above subsidy standards shall be provided to the applicant.

**Article 10** For those that have newly obtained “geographic indication product protection” or have been granted geographic indications to prove that trademarks or collective trademarks have been approved and successfully registered, a one-time subsidy of 100,000 yuan will be given.

**Article 11** This District supports IP transfer and licensing by granting subsidies to universities and colleges, research institutions, enterprises, and service agencies that meet the following conditions:

(1) For universities and colleges, research institutions and enterprises that actively implement open licensing of patents during the application period and have successfully licensed more than 10 patents with actual payment of licensing fees of less than 100,000 yuan, a one-time subsidy of 10,000 yuan will be given; for those that have successfully licensed more than 10 patents with

actual payment of licensing fees of more than 100,000 yuan, a subsidy will be given based on the standard of 10% of the actual payment of license fees for each patent, provided that the maximum reward received by the same institution shall not exceed 50,000 yuan.

(2) For universities, colleges and research institutions that have transferred or licensed 15 (the threshold quantity) or more patent achievements during the application period, a base subsidy of 50,000 yuan will be given plus additional 10,000 yuan for each 10 patent achievements above the threshold quantity, provided that the maximum subsidy received by the same institution shall not exceed 300,000 yuan.

(3) For IP service agencies that enable the transfer and license of 50 or more patents by enterprises and public institutions in this District within the application period, a one-time subsidy of 50,000 yuan will be given.

**Article 12** This District supports the development of IP finance industry and provide subsidies according to the following standards:

(1) Subsidies for enterprises and public institutions engaging in IP pledge financing as per the standard of 1.5% of the actual loan amount for pledged IPRs such as patents, trademarks, geographic indications and integrated circuit layout designs, provided that the subsidy given to the same enterprise or public institution shall not exceed 500,000 yuan.

(2) Subsidies for enterprises, public institutions and insurance institutions in the IP insurance industry. For enterprises and public institutions that purchase IP insurance, a subsidy of not more than 30% of the actual insurance premium will be given, provided that the subsidy given to the same enterprise or public institution shall not exceed 100,000 yuan; for insurance institutions that provide overseas IP infringement liability insurance services or develop new types of IP insurance with the sum insured reaching 500,000 yuan, a subsidy equal to 10% of the premium of each policy will be given, with a maximum subsidy of 100,000 yuan for each policy. The total amount of subsidies given as per this Article shall not exceed 1 million yuan per year. The types of insurance qualified for subsidies application shall be specified by the District Administration for Market Regulation.

(3) Subsidies for IP securitization. For IP securitization products already issued within this District, a subsidy of not more than 0.5% of the issuance amount will be given to the issuing entity and the enterprise that has obtained the financing respectively, provided that the maximum subsidy for the same securitization product shall not exceed 1.5 million yuan.

(4) Subsidies for industrial parks engaging in IP pledge financing. For industrial parks engaging in IP pledge financing, subsidy will be granted to the park management committee as per the IP pledge financing amount for enterprises settled in the park in the previous year. If the IP pledge financing amount reaches 50 million yuan, a subsidy of 100,000 yuan will be given. For every additional 20 million yuan of the IP pledge financing amount, an additional subsidy of 10,000 yuan will be given, provided that the subsidy given to the same industrial park shall not exceed 200,000 yuan.

**Article 13** For relevant organizations and incorporated associations that meet the following conditions simultaneously, a subsidy of not more than 200,000 yuan will be given per year:

(1) Having established mature internal management systems, having developed documented management procedures and mechanisms for handling IP-related disputes and complaints, and having not less than 5 full-time staff members in place.

(2) Having submitted report on the work and work plan for the next year to the competent IP authority on time.

(3) Having organized not less than 5 IP events (including cross-industry exchange, policy

interpretation, and knowledge training conducted by serving as the organizer, co-organizer or in conjunction with relevant authorities), with each event attracting not less than 10 enterprise participants; or having held not less than one large-scale event such as IP protection forum within this District, with each event attracting not less than 300 participants.

(4) Having cooperated with the competent IP authority in resolving IP disputes or conducting special actions for not less than 5 times.

**Article 14** Subsidies will be provided for organizations engaging in organizing national and international IP events in this District. For the organizer that has successfully hosted a national or international IP forum or other national or international IP event in this District, which has exerted a good social impact, a one-time subsidy of not more than 300,000 yuan will be given per year, provided that the total amount of subsidies given as per this Article shall not exceed 600,000 yuan per year.

**Article 15** This District supports enterprises and public institutions, industry associations, service agencies, and industrial parks to carry out industrial planning or R&D activities for patent navigation. For each industrial planning project, a subsidy of not more than 200,000 yuan will be granted, and for each R&D project, a subsidy of not more than 50,000 yuan will be given.

**Article 16** This District shall strengthen the efforts to develop IP talent cultivation projects, and support patent agencies in this District to enhance cultivation of patent agency talents. For those that have completed the practice filing of professional patent agents for the first time, subsidies will be given to the patent agency at the rate of not more than 5,000 yuan per person, and the patent agency shall distribute not less than 50% of the received subsidies to such professional patent agents as rewards.

**Article 17** This District supports IPR protection by local enterprises and institutions and provide subsidies according to the following standards:

(1) Domestic IPR protection. For any entity winning the lawsuit in the last instance concerning the protection of invention patents, a subsidy of not more than 100,000 yuan will be given; for any entity winning the lawsuit in the last instance concerning the protection of utility model patents, design patents, trademarks, geographic indications or trade secrets, a subsidy of not more than 50,000 yuan will be given.

(2) Overseas IPR protection. For any entity winning the lawsuit in the last instance concerning the protection of invention patents, a subsidy of not more than 200,000 yuan will be given; for any entity winning the lawsuit in the last instance concerning the protection of utility model patents, design patents, trademarks, geographic indications or trade secrets, a subsidy of not more than 100,000 yuan will be given. For those winning the lawsuit in response to investigation of IP infringement disputes conducted by foreign authorities, a subsidy of not more than 300,000 yuan will be given.

**Article 18** Repeated application for one-time subsidy specified in this Chapter is prohibited.

For the application for subsidies as per Article 12 and Article 17 of this Chapter by entities that have received the highest amount of subsidies for the same subject matter at the municipal level, this District will no longer give subsidies.

### **Chapter III Intellectual Property Special Funds and Project Management**

**Article 19** The District Administration for Market Regulation shall take full charge of the preparation and implementation of budgets for IP special funds, including budget management, formulation of plans for the use of IP special funds, fund allocation, issuance of application guidelines and review of projects financed by IP special funds.

**Article 20** The District Finance Bureau will approve the budgets for IP special funds upon deliberation, submit them for approval and release the approved budgets for IP special funds in accordance with the provisions of relevant regulations on budget management, and supervise and inspect the use of the IP special funds.

**Article 21** This District implements centralized application once a year. The District Administration for Market Regulation shall be responsible for formulating project application guidelines and issuing application notices. The application guidelines shall specify such contents as the application qualifications, required materials and application deadlines.

**Article 22** During the management of IP special fund-financed projects, if it is necessary to organize expert reviews, a third-party organization entrusted by the District Administration for Market Regulation shall form a group of experts in an odd number equal to or larger than 5 according to the principle of random selection. The experts shall then review relevant materials of the project through centralized or online review methods, and the expert review results and comments shall serve as important basis for project initiation.

**Article 23** The review results of special fund projects shall be announced to the public by the District Administration for Market Regulation on its portal website, and the publicity period shall be not less than 5 working days. Any entity or individual having objections to the publicized review results of IP special funds and financed projects may raise an opposition in writing during the publicity period. The District Administration for Market Regulation shall, within 15 working days from the date of accepting the written opposition, make decisions on opposition handling. If the opposition is justified, the qualification to enjoy the subsidy shall be cancelled; if there is no opposition or if the opposition is not justified, subsidy shall be allocated in accordance with relevant provisions herein.

**Article 24** Where any applicant falls under any of the following circumstances, subsidies shall not be given:

- (1) Failing to comply with relevant laws and regulations, these Measures or corresponding application guidelines;
- (2) Having been included in the list of illegal use of IP special funds allocated by municipal and district finance;
- (3) Having been listed as serious dishonest entities in accordance with the law and regulations;
- (4) Having entered bankruptcy or liquidation proceedings;
- (5) Having committed other serious illegal acts.

#### **Chapter IV Supervision and Management**

**Article 25** The entity or individual applying for IP special funds in accordance with these Measures shall sign a commitment letter as required, undertaking that it/he/her has been aware of the relevant subsidy policies and agreed provisions, will comply with the provisions of the relevant subsidy policies, and agrees to refund the subsidies received in the event of violating the commitment. The applicant shall submit the application in an honest and trustworthy way. For those that engage in fraud and obtain IP special funds through improper means, the fund allocation authority shall have the right to demand that the recipients return the received funds. If a crime is constituted, criminal liabilities shall be investigated and affixed according to law.

#### **Chapter V Supplementary Provisions**

**Article 26** The District Administration for Market Regulation shall be responsible for organizing the implementation of these Measures. The District Administration for Market

Regulation shall formulate application guidelines on an annual basis in accordance with these Measures, and the detailed materials required shall be subject to the application notice. Entities, once qualified for applying IP special funds, shall submit applications promptly according to the requirements of the application notice. Failure to make application within the prescribed time limit will be deemed as voluntary abandonment.

**Article 27** These Measures shall come into force on the date of issuance and shall be valid for three years. Upon the expiration of the validity period or in case of any changes in relevant legal and policy basis, evaluation and amendment shall be conducted on the basis of the implementation situation. Where these Measures become unenforceable due to force majeure, actions of superior governments or authorities, or the introduction of relevant laws, regulations, rules and policies, relevant subsidies shall be terminated. In case of any inconsistency between the provisions of these Measures and the provisions of the superior governments or authorities due to change in laws, regulations, and policies of the superior governments or authorities, the provisions of the superior governments or authorities shall prevail, and the corresponding provisions of these Measures shall no longer be implemented. Where there is any subsidies payable that have not been fully paid upon the expiration of the validity period of these Measures, these Measures shall be implemented until such subsidies are paid in full. The interpretation of these Measures shall be vested in the District Administration for Market Regulation.

**Disclosure method: Active disclosure**

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Issued by the General Office of the Administration for Market Regulation of Haizhu District of Guangzhou Municipality on April 30, 2024

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