

(Courtesy English Translation)

Pan-PRD Intellectual Property Co-operation Agreement

To implement the Pan-Pearl River Delta (Pan-PRD) Regional Cooperation Framework Agreement, the intellectual property rights protection and administration authorities of the governments of the nine provinces/region of Fujian, Jiangxi, Hunan, Guangdong, Guangxi, Hainan, Sichuan, Guizhou and Yunnan and those of the governments of the Hong Kong and Macao Special Administrative Regions (SARs) in a resolution to strengthen cooperation among themselves, promote comprehensive collaboration and development in the Pan-PRD region, and enhance its overall strength and competitiveness, have unanimously agreed as follows:

Article 1 Objectives of Cooperation

In accordance with the objectives laid down by the Pan-PRD Regional Cooperation Framework Agreement, cooperation referred to herein shall aim to capitalise the comparative advantages and unique strength of all parties, enhance exchange and cooperation in the area of intellectual property rights, promote creation, protection, administration and application of intellectual property rights, break down local protectionism, strengthen the order of market economy, speed up business and technology transfer, foster growth of inter-regional investment, and boost the joint economic development of the Pan-PRD region.

Article 2 Guiding Principles of Cooperation

(1) Voluntary Participation: All parties shall participate in their own free will in all or part of the cooperation items under this Agreement.

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(2) Open and Fair: All parties shall enjoy equal status and rights in making development under the Cooperation Framework, hold against exclusiveness and discrimination, remove local barriers, and promote the opening up of the region.

(3) Interactive and Complementary: All parties shall promote the sharing of resources in a vigorous, proactive and innovative manner so as to achieve greater synergy and complementarity.

(4) Administration by Law: All parties shall adhere to the principles of “one country, two systems” and “administration by law”, and strive to create an ordered and structured environment for intellectual property protection.

Article 3 Cooperation Requirements

(1) All parties shall take the initiative to create conditions for cooperation, and implement measures to expand the scope as well as the benefit and effectiveness of cooperation.

(2) All parties shall strengthen communication and coordination among themselves, complement each other's strengths, and resolve through consultation major intellectual property issues of mutual concern.

(3) All parties shall make good use of government support to mobilise all sectors of their communities and organise them into concerted efforts to enhance the overall protection for intellectual property rights in the Pan-PRD region.

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Article 4 Content of Cooperation

(1) Policy Discussion: All parties shall cooperate to coordinate and align their resources and manpower strengths; to step up research studies as well as academic exchanges and cooperation; to conduct timely studies on the general problems, difficult issues, hot issues, as well as strategic problems encountered by the aforesaid governments in intellectual property protection and explore ways and measures to resolve them effectively; and to enhance the effectiveness of these governments in the administration of intellectual property rights.

(2) Publicity and Training: All parties shall cooperate to step up publicity and training efforts in intellectual property protection; to promote the sharing of resources and information on training courses and teaching materials; to train up professionals in intellectual property protection to meet regional development needs; and to promote regional awareness of intellectual property protection.

(3) Intermediary and Information Services: All parties shall cooperate to remove local barriers and enhance the order and administration; to improve work ethics and quality of service of practitioners in the field; to promote exchanges and cooperation among intermediary professionals with a view to strengthening the order and facilitating prosperous development of the intermediary services market; to initiate cooperation in the provision of intellectual property information to the public; to promote sharing of information as well as complementarity of each other's advantages; and to enhance the standard of information services and the use of information by the public.

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(4) Administration of Intellectual Property Rights of Enterprises and Institutions: All parties shall cooperate to set up a mechanism under which exchanges and study visits are to be organised on a regular basis to facilitate timely sharing of successful experiences in the administration of intellectual property rights of enterprises and institutions; to enhance the capabilities and effectiveness of enterprises and institutions in leveraging on the intellectual property protection system; and to improve technical innovation of the region.

(5) Intellectual Property Protection: The nine provinces/region shall cooperate to remove barriers of local protectionism; to enhance communication and coordination among authorities enforcing intellectual property protection within the region; to establish a uniform, effective and regulated system in intellectual property protection; and where appropriate, to step up communication and cooperation with the authorities of the SARs enforcing intellectual property protection so as to improve the overall protection of intellectual property within the region.

(6) Transfer and Commercialisation of Patented Technologies: All parties shall cooperate to establish a mechanism to facilitate the transfer of patented technologies within the region; to promote the commercialisation of patented technologies and encourage regional cooperation and transfer; to develop fully the advantages of the industries of all parties; to encourage complementarity among the industries; and to establish a development chain for industries in the region so as to enhance the overall competitiveness and innovative capability of industries in the Pan-PRD region.

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Article 5 Cooperation Mechanism

To ensure an effective launch of cooperation, all parties have agreed to establish a cooperation mechanism as follows:

(1) Setting up of Joint Conference System: Members of the Joint Conference shall comprise heads of authorities coordinating intellectual property protection and of departments administering patent, trademark and copyright matters of the provinces/region and SARs of the Agreement. The Joint Conference shall meet regularly once every year to consider and decide on important issues of cooperation. Ad hoc meetings may also be held as and when necessary. Parties to the Agreement shall take turn to serve as convenor and host of the Joint Conference and at each meeting, the host, time and venue for the next meeting shall be decided. The Joint Conference shall have a chairperson who is to be the head of the intellectual property authority of the province/region or SAR hosting the Joint Conference of the year.

(2) Setting up of Liaison Officer System: Each province/region and SAR shall assign a liaison officer to be responsible for liaison, communication and coordination. The liaison officers shall closely follow up on the cooperation items, oversee their implementation and report on the situation. They shall also work to facilitate information exchange between the various parties, enhance efficiency, and ensure successful implementation of the various cooperation items.

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(3) Setting up of Expert Group System: In respect of the cooperation items confirmed at the Annual Joint Conference, expert groups shall be formed to initiate the specific cooperation programmes. Members of the expert groups shall be designated by the parties to the Agreement. They shall work out cooperation programmes and initiatives to take forward the specific cooperation items and the related matters, and make regular reports on the progress of implementation to the Joint Conference.

Article 6 The Joint Conference may amend this Agreement subject to the development in cooperation and the consent of all the signatories.

Article 7 This Agreement shall be signed in eleven original copies on 26th July 2005 in Chengdu, and shall come into effect forthwith on the day of signature. Each signatory shall retain one of the copies of the Agreement.

Article 8 Signatures

Signed by:

The representatives of the nine Provinces/Region:

The representative of the Hong Kong Special Administrative Region:

The representative of the Macao Special Administrative Region: