Chapter 10

Development of Intellectual Property of Communications Enterprise and Analysis of Current Situation of Patents in Emerging Technology Field

Wenjia Ding
State Intellectual Property Office, China

ABSTRACT

In the process of promoting the national intellectual property strategy, domestic enterprises should seize the opportunity to develop their own intellectual property system according to their actual situations. The communication industry as an example of statistical data and specific analysis of patent applications in emerging technology field in recent years are supplied in the article.

INTRODUCTION OF NATIONAL INTELLECTUAL PROPERTY STRATEGY

The last decade, it is an important period for the rapid development of China’s intellectual property. From central to local government, intellectual property is attracted unprecedented attention at all levels from corporate, with which the inputs associated are increasing continuously. Especially, intellectual property is first referred to the strategic level, as the National Intellectual Property Strategy is promulgated in 2008.

In early 2005, the State Council sets up the National Intellectual Property Strategy Formulation Leading Group, and launches the strategy development. The State Intellectual Property Office, State Administration for Industry & commerce, National Copyright Administration, Development and Reform Commission, Ministry of Science, Ministry of Commerce and other 33 units co-promote the strategy development.

April 9, 2008, the State Council executive meeting examined and approved in principle the “National Intellectual Property Strategy Outline.”
“National Intellectual Property Strategy Outline” is a programmatic document of important national strategy for the use of the IP system for comprehensive development of economic and social, and guides the development of IP in China in a long period on the future, which made it clear that IP system is a basic system for development and use of knowledge resources, and will thereby promote transformation of economic development, ease constraints of resource and environment, and enhance the country’s core competitiveness. Strategy Outline to establish and implement, will play inevitably an active role in the protection and promotion for long-term and healthy development of the national economy in the future.

THE CURRENT DEVELOPMENT STATUS OF INTELLECTUAL PROPERTY OF ENTERPRISES

The promulgation of intellectual property outline supplies an ambitious development plan and a bright future for intellectual property work. In the modern business world, intellectual property as a national important strategic resource and the company’s core asset, its value can only be reflected through the commercial application. Therefore, the ultimate goal of intellectual property is in enterprise itself. This means enterprise must implement and improve its intellectual property strategy, convert innovation into tangible economic benefits, in order to truly reflect the value and significance of intellectual property.

As the saying goes “Rome was not built in a day.” The current domestic enterprises, especially large and medium enterprises, as well as parts of the core backbone role in the field of private enterprise, the establishment of its own intellectual property system and use of intellectual property are basically in infancy.

Currently, the situations of intellectual property development in levels of business are broadly divided into the following categories.

The first category, intellectual property begun early, large investment, enterprise intellectual property system been initially established. The representatives are Huawei and ZTE as the leaders of domestic telecommunications industry.

Such enterprises pay more attention on building enterprises intellectual property strategy, because of their access to foreign markets early, and facing directly competition with the same types of world-class enterprises. Products are in direct competition with similar foreign products in the international market, and are often encountered intellectual property disputes, such as patent infringement disputes and litigation. High entrance fee at the initial stage is paid through the lessons, and then the enterprises increase the importance of intellectual property and investment. An early start, there is now a relatively robust enterprise intellectual property system, master of a considerable number of valid patents, and training a group of experienced intellectual property teams.

Up to now, Huawei has accumulatively patent applications in the global reached 40,148, of which China’s total patent applications reached 31,869, 14,705 have been, 3,060 foreign applications have been authorized in total of 8,279, 85% of foreign patents are granted by developed countries in Europe and America.

In the 2009 Top list of invention patent applications of domestic enterprises announced by SIPO, ZTE and Huawei of two domestic companies are ranked first and second with 5,427 and 2,813 patent applications, and in the 2010 Top list of amount of invention patents Huawei is still on top depending on granted invention with 2,776.

The origination of intellectual property strategy in the enterprises of this type is for protecting the products and markets. Products where we go, also, the relevant patent are applied at there.