



Education and Culture

Erasmus Mundus

IP-Unilink



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INDEX

- The Institution
- The Higher Education Sector
- Research & Development
- Cooperation with EU
- Political Environment
- Intellectual Property Rights
 - Legislative Environment
 - IP Management in Higher Education Institutions and R&D cooperation

The Institution



Name	Kunming University of Science and Technology
Logo	
Location	Kunming, Yunnan Province, China
<u>Number of</u> • Students (graduate) • Students (post-graduate) * Academic & Research staff * Administrative staff	22,000 7,000 1,804 About 900
Main academic areas	Engineering, Science, management
Main research areas	Engineering, Science, management
Main international cooperation partner countries	U.S.A., German, France, U.K., etc.

The higher education sector in China (1)



- Name of ministry responsible for HEI AND ministry esp. For R&D: Ministry of Education of P.R.C.
- number of HEIs : about 1500
- Information regarding public and private HEIs:
In China, private HEIs is less than public HEIs, the establishment of private HEIs depends on administrative permits, some local government set up funds for the establishment of private HEIs.

The higher education sector in China (2)






- How are universities financed in general ?
 - Financial funds: 30-50% government core grants
 - Non-financial funds: 50-70%, including students fees, donations, international organisations loan
- Useful information sources on the HEIs
 - <http://gaoxiao365.com/>
 - <http://www.chinaumu.org/node/chinaumu.htm>

R&D in the higher education sector



Some facts on research within HEIs

-  education and research are two core mission of every HEI in China, more and more HEIs put research into the first place.
-  about 50% research funds comes from the core budget of HEI, which is the financial funds from government mentioned above, 50% comes from the private companies, local government, etc.
-  the government always encourage the development in the field of R&D of HEIs, which can be illustrated in some strategy policies or regulations issued by the government.

R&D cooperation



- ☆ The HEIs in China have committed to develop a wide range of partnerships in R&D, especially for cooperation with firms in the country, and also with other HEIs internationally. Most common forms of cooperation include general or long-term cooperation agreement, joint research project, exchange of staff/students.
- ☆ Main partner countries include UK ,Germany, Italy, Netherlands, France, Denmark, Austria, Sweden, Spain, etc.

Cooperation with EU (1)



General trends

- Today, the EU is China's second largest trade partner, with China being the EU's largest partner. Apart from regular political, trade and economic dialogue meetings, there are over 56 sectoral dialogues and agreements ranging from environmental protection to industrial policy to education and culture.
- The strong Chinese interest in developing co-operation with the EU in the field of higher education has been demonstrated in the context of the EU-China Higher Education Dialogue which took place in Beijing for the first time in November 2005 as well as, more recently, in the Joint Statement of the Helsinki EU–China Summit where the Chinese side expressed interest in making further progress with the EU on this topic.

Cooperation with EU (2)



- **Main cooperation partner countries** include UK ,Germany, Italy, Netherlands, France, Denmark, Austria, Sweden, Spain, etc. And there are also some main cooperation partner institutions, such as the (RS),(EPSRC),(BBSRC),(PPARC),(NERC),(MRC) from UK; the (CNRS),(CEA),(INRA), (IFREMER) from France; etc.
- **Political Framework for R&D cooperation**
 - 1985 EU-China Trade and Cooperation Agreement, negotiations to upgrade this to a Partnership and Cooperation Agreement since 2007.
 - Framework Programmes: FP6, FP7
 - Erasmus Mundus Partnerships
 - Asia-Europe Foundation (ASEF)
 - EUforAsia programme

Political Environment (1)



...for R&D cooperation:

- The EU and Chinese scientific communities have been cooperating since the 70's and have worked mainly in areas of common interest such as: environment, communication technologies, transport, food agriculture and biotechnologies, health, energy, social sciences and humanities and new materials.
- **Specific agreements concerning scientific cooperation:**
 - ☞ *the Agreement for scientific and technological cooperation between The European Community and the Government of the People's Republic of China in 1998. A renewal of this agreement was signed in December 2004 for a period of five years, and in November 2009 another five years.*
 - ☞ *In addition to the agreement above, two plans, Medium- and Long-term National Plans for Science and Technology Development 2006-2020 and the 11th Five-Year Plan 2006-2010, were launched concurrently with the FP7, which further intensified the S&T co-operative relationship between EU and China.*

Political Environment (2)



... for Intellectual Property Rights

- The Agreement for scientific and technological cooperation between The European Community and the Government of China.
- The EU-China Project on the Protection of Intellectual Property Rights (IPR2). IPR2 aims to strengthen the enforcement of intellectual property rights by targeting the reliability, efficiency and accessibility of the IP protection system in China.
- EU-China Intellectual Property Rights Cooperation Programme S2 (in Trademarks and Geographical Indications)
- Cooperation Agreement on Galileo Global Satellite Navigation Services Programme, signed in 2004.
- China-EU Co-operation Action Plan for Customs protection of intellectual property, signed in 2009.

Legislative Environment (1)



IP titles can be obtained in China

- **Copyright:** *Copyright Law* 2001, last revised in 2010
http://www.fdi.gov.cn/pub/FDI_EN/Laws/GeneralLawsandRegulations/BasicLaws/P020100310354970932477.pdf
- **Patent:** *Patent Law* 1984, last amended in 2008
http://www.sipo.gov.cn/sipo_English/laws/lawsregulations/200804/t20080416_380327.html/ ,
Amended version (unofficial translation) <http://www.grain.org/brl/?docid=833&lawid=3068>
- **Utility Model:** *Patent Law*
- **Designs:** *Patent Law*
- **Trade Mark:** *Trademark Law* (2001)
http://www.ccpit-patent.com.cn/references/Trademark_law_China.htm
- **Geographical indication:** *Article (16) of Trademark Law*
- **Plant Variety:** *Regulations on the Protection of New Varieties of Plants* (1997)
<http://www.upov.int/export/sites/upov/en/publications/npvlaws/china/china.pdf>
- **Secret know-how:** *Article (10) of Anti-unfair competition law* (1993)
<http://www.en8848.com.cn/yingyu/33/n-92533.html> (unofficial translation)
- Other Regulations on the Protection of **Layout-designs of Integrated Circuits** (2001)
http://www.sipo.gov.cn/sipo_English/laws/lawsregulations/200804/t20080416_380325.html

Legislative Environment (2)



IP in HEIs

Ownership of results

- HEI owns the IP in most of the cases, non-employees who take part in research & development can not share the ownership of IP if there is no contract.
- According to the Regulations below (see the next page), the ownership of IP generated from co-operation with non-employees and other HEIs and research institutions can be regulated by contract.

Legislative Environment (3)



Resource information

- Law of the PRC on Promoting the Transformation of Scientific and Technological Achievements, 1996)
- Regulation on IP Protection and management within HEI's (the Ministry of Education, 1999)
- Regulations on Promoting of Sci-Tech Achievements' Transformation (the Ministries of Science and Technology, Education, Personnel, Finance, People's Bank of China, State Administration of Taxation and State Administration of Industry and Commerce, 1999)
- Regulations on Management of IP Financed by National Projects Plan of Science and Technology (The Ministries of Science and Technology, Finance, 2002)
- The Law of the PRC on Progress of Science and Technology(2008)

IP in KUST (1)



Good practice 1-----specialized offices for IP management

Division of Research and Development (DRD)

(IP Office)



Technology Industry Management Ltd. KUST(TIM)

Technology Transfer

IP in KUST (2)



Good practice 2

-----Science&Technology Garden / enterprises

KUST has a science & technology garden gathered enterprises established out of R&D which managed by the Science & Technology Garden Ltd. KUST, the garden has 49 companies, promote social investment over 200 million, the output value reached about 5.9 billion by the end of 2008. KUST is establishing a national university science & technology garden from the old one which is divided into 4 bases: research (in Lianhua Campus, about 33,300 square meters), incubation (in Chengong Campus, 240,000), industry (in Songming County, 266,000) and service (in Lianhua Campus, 20,000).

IP in KUST (3)



Good practice 3

----national demonstration centre of technology transfer

KUST has a national demonstration centre of technology transfer---- one of the 35 demonstration centres in China, managed by the Technology Industry Management Ltd. KUST, has about 100 staffs including expert committee and full-time and part-time management team. The centre established 18 regulations to criterion technology transfer which come from libraries, R&D centres of KUST and other HEIs. In 2008, R&D and technology transfer projects were 846, 419 of them had been conclude a transaction, total fee was 160 million. Technology transfer progeny was 2/3 of the total progeny in Yunnan province.

Thank you for your attention!

