

## 2009 Guangdong Patent Award Implementation Proposal

### I. Organization

( 1 ) The 2009 Guangdong Patent Award Appraising and Electing Committee should be established by Guangdong Province Department of Intellectual Property and Department of Personnel; following is the list :

Director : Kaiyuan Tao

Vice Director: Kuantuan Chen

Liangsheng Zheng

Officer : Zhihong Lao

Hua Li

Guanghua Huang

Zaidong Liu

Hong Xie

Youlou Yuan

Huakun Zhuang

Weining Lan

( 1 ) The 2009 Guangdong Patent Award Appraising and Electing Committee should be established by Guangdong Province Department of Intellectual Property and Department of Personnel; The Appraising and Electing Offices and Expert Committee should be established under the Guangdong Patent Award Appraising and Electing Committee, the Office should be located at Guangdong Province Department of Intellectual Property; the Expert Committee should including technical, economic, legal and management experts.

## II. Type of Awards

( I ) Guangdong Patent Award includes Golden Award and Excellent Award

( II ) Guangdong Patent Award includes invention and utility model patent award and industry design award. Invention and utility model patent award includes less than 10 Golden Awards and 40 Excellent Awards; industry design includes less than 5 Golden Awards and 15 Excellent Awards.

## III. Election Criteria

(I). The election criteria for innovations and utility models patent

i. The technical proposal of innovations and utility models should be skillfully constructed and innovative with high creation and technical level; it should contribute to technical improvement and creation.

ii. The patent brought significant economic or social benefit, or can bring benefit potentially.

iii. The patent holder positively protects the patent, and has achieved those protections significantly.

(II). The election criteria of industrial design

i. The industrial design has reached high level at shape, pattern and color.

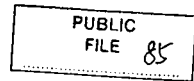
ii. Application of this industrial design brought significant economic or social benefit, or can bring benefit potentially.

iii. The patent holder positively protects the patent, and has achieved those protections significantly.

## IV. Application requirement and materials

( I ) Application Requirement

1. The applicant who is the patent holder or the patent application institute, must



registered in Guangdong province, and independent legal personality ;

2. The applied program must obtained invention patent, utility model patent or the industry design patent by the State Department of Intellectual Property before August 31 2008. (Not including National Defense Patent and Confidential Patent) ;

3. The patent is effective, upon which there is no ownership dispute, innovators' dispute or designers' dispute;

4. The patent and products fulfill the state and province industry and environment policy ;

5. The patent brought significant economic or social benefit, or can bring benefit potentially.

6 . The patent has not been granted Guangdong Patent Award before.

( II ) Application Material

1. Guangdong Patent Award Application ;

2. Patent Certificate and its instruction;

3. If the applicant is not patent holder, material proving legitimate use of the patent should be submitted ;

4. Economic benefit certificate of patent application ( provided by financial department of the application institutes ) . explain of the social benefit ;

5. Market enter certificate of special product (as drug, food, pesticide, etc)

6. Other materials ( Obtain donation, award, prestige etc )

7. If the applied program is industry design, patent sample or model should be

submitted.

#### V. Application and Election Process

##### ( I ) Application Process

i. Applicant should submit the application to the Department of Intellectual Property Bureau, Department of Personal, and province related institutes or the "211 project" universities;

ii. The recommended institutes should elected primary according to application standard and requirements, and report to Guangdong Patent Award Appraising and Electing Committee based on pointed recommendation;

iii. The academicians of Chinese Academy of Science and Chinese Academy of Engineering recommend one program belong to their ;the applicant institute should fill the Guangdong Patent Award Application Form and submit to Guangdong Patent Award Appraising and Electing Office after approved by the academicians.

##### ( II ) Election Process

i. The Electing Office will primary examine the recommended programs, keep the programs anonymity and submit to Expert Committee;

ii. Expert Committee will appraise the programs based on appraise standard, and make comments.

iii. The Guangdong Patent Award Appraising and Electing Committee will decide the programs granted award, and will publish that information for 15 days.

iv. Guangdong Patent Award Appraising and Electing Committee will approve those programs if there is no dissent during the 15 days or the dissent does not reasonable.

#### VI. Grant Measures

(I). Guangdong Province Department of Intellectual Property and Department of

Personnel will grant "Guangdong Patent Golden Award" and "Guangdong Patent Excellence Award" after appraising and electing

(II). Guangdong Province Department of Intellectual Property and Department of Personnel will grant Award Certificate and Bonus to the patent holder or operation institute.

(III). Guangdong Province Department of Intellectual Property and Department of Personnel will publish the award items and institutes granted the awards on Nanfang Daily; also will offer broad propaganda.

(IV). Guangdong Province Department of Intellectual Property will in priority recommend these institutes who have been granted the Province Patent Award and fulfill the requirement of application to participate in China Patent Award competition.

#### VII. Supervision and Management

( I ) If the applicant institutes plagiarize, counterfeit, violate others' patent, provide fake material, data, or obtain Guangdong Patent Award illegally, Guangdong Patent Award Appraising and Electing Committee has right to cancel the award, certificate and grand shall be returned.

( II ) If the recommendation institute or recommender provide faked data, material, help to obtain Guangdong Patent Award illegally, Guangdong Patent Award Appraising and Electing Committee will issue circulate a notice of criticism; if serious, the recommendation qualification will be canceled.

( III ) The staff working for the activity must follow the principles and keep information confidential. The election qualification will be canceled if the person abuse authority, malpractice and commit illegalities for personal gain; Guangdong Patent Award Appraising and Electing Committee will provide administration punishment opinion to his supervisor.

## 2009年广东专利奖评选活动组织方案

为贯彻落实国家和省知识产权战略纲要，鼓励和调动我省发明创造的积极性，提高我省自主创新能力和专利运用水平，推动我省产业结构优化升级，省知识产权局会同省人事厅在全省开展2009年广东专利奖的评选和表彰活动。活动方案如下：

### 一、组织领导

(一)省知识产权局、省人事厅联合组成2009年广东专利奖评选委员会，成员名单如下：

组 长：陶凯元（省知识产权局局长）

副组长：陈康团（省人事厅副厅长）

郑良生（省知识产权局副局长）

成 员：劳帜红（省人事厅公务员管理处处长）

李 华（省人事厅公务员管理处科长）

黄光华（省知识产权局办公室主任）

刘在东（省知识产权局法制处处长）

谢 红（省知识产权局协调管理处处长）

袁有楼（省知识产权局规划发展处处长）

庄华坤（省知识产权局机关党委副书记）

蓝伟宁（广州专利代办处主任）

（二）评选委员会下设评选办公室和专业评审组，评选办公室设在省知识产权局；专业评审组由技术、经济、法律、管理专家组成。

## 二、奖项种类

（一）广东专利奖设金奖和优秀奖。

（二）广东专利奖设发明、实用新型专利奖项和外观设计专利奖项。其中发明、实用新型专利金奖 10 项以内、优秀奖 40 项以内，外观设计专利金奖 5 项以内、优秀奖 15 项以内。

## 三、评选标准

（一）发明、实用新型专利评选标准

1. 发明、实用新型专利所提供的技术方案构思巧妙、新颖，原创性强，技术水平高，对促进本领域的技术进步与创新有突出的作用。
2. 实施该发明、实用新型专利后取得了突出的经济效益或社会效益，或具有潜在的较大经济效益或社会效益。
3. 该发明、实用新型专利的专利权人对于该项专利权的保护措施积极主动，取得了显著成效。

（二）外观设计专利评选标准

1. 外观设计专利在形状、图案、色彩或其结合上具有较高水平；
2. 实施该外观设计专利后取得了突出的经济效益或社会效益，或具有潜在

的较大经济效益或社会效益。

3.该外观设计专利的专利权人对于该项专利权的保护措施积极主动，取得了显著成效。

#### 四、申报条件和材料

##### (一) 申报条件

1.申报单位必须是在广东省行政区域内登记注册、具备独立法人资格的专利权人或专利实施单位；

2.申报项目必须是于2008年8月31日之前，已获得国家知识产权局授予专利权的发明、实用新型和外观设计专利（不含国防专利和保密专利）；

3.该专利权有效且不存在专利权属纠纷、发明人或设计人纠纷和专利权无效纠纷；

4.该专利技术及其产品符合国家和省的产业和环保政策；

5.该专利项目发明创造水平高，已经实施并取得了显著经济效益和社会效益或已经实施并具有较强的潜在经济效益和社会效益；

6.该专利未曾获得过广东专利奖。

##### (二) 申报材料

1.《广东专利奖申报书》；

2.专利证书及专利说明书（不含扉页）；

3.申报单位不是专利权人的，需要提供对该专利享有合法实施权的文件；



4. 专利实施的经济效益证明( 实施单位财务部门出具 )、社会效益情况说明；
5. 特殊产品( 如药品、食品、农药等 )的市场准入证明。
6. 其他需要提供的材料( 获得资助、获奖、商誉情况等 )。
7. 申报项目是外观设计专利的，提交该外观设计专利产品样品或模型。

## 五、申报和评选程序

### (一) 申报程序

1. 申报单位按所在地或所属系统，向地级以上市知识产权局、人事局或省直有关单位或我省“211工程”高校申报；
2. 推荐单位根据申报条件和评选标准对申报评选的项目进行遴选，并按照指定的推荐指标报广东专利奖评选办公室；
3. 在粤的中国科学院和中国工程院院士每人可以推荐一项所属研究领域的项目报奖；由申报单位填写《广东专利奖申报书》，经院士签署推荐意见后，申报单位直接报广东专利奖评选办公室。

### (二) 评审程序

本届广东专利奖按匿名的评审方式进行，程序如下：

1. 评选办公室对推荐的项目进行初步审查，符合申报条件项目申报材料进行匿名处理，提交专业评审组。
2. 专业评审组根据评审标准对项目进行评审，提出评审意见。
3. 评选委员会根据专业评审组的评审意见，确定拟奖项目及等级，并将拟

奖项目及等级情况进行为期 15 天的公示。

4. 评选委员会对在公示期内无异议或异议不成立的项目批准获奖。

#### 六、奖励办法

(一) 省知识产权局、省人事厅对评选出的金奖和优秀奖项目, 分别授予“广东专利金奖”和“广东专利优秀奖”。

(二) 省知识产权局、省人事厅对获得广东专利奖的专利权人或实施单位颁发证书和奖金, 对获奖项目的发明人或设计人颁发证书。

(三) 省知识产权局、省人事厅在《南方日报》上公布获奖项目和单位, 并对获奖项目和单位进行广泛宣传。

(四) 对获得广东专利金奖且符合中国专利奖申报条件的, 省知识产权局将优先推荐参加中国专利奖的评选。

#### 七、监督管理

(一) 申报单位窃取、假冒、侵犯他人专利权, 弄虚作假提供虚假材料、数据或者以其他不正当手段骗取广东专利奖的, 由广东省专利奖评选委员会撤销其奖项, 并追回证书和奖金。

(二) 推荐单位或推荐人提供虚假数据、材料, 协助他人骗取广东省专利奖的, 由广东省专利奖评选委员会通报批评, 情节严重的给予暂停或者取消其推荐资格。

(三) 参与广东省专利奖评选活动的有关人员要严守工作纪律、公正廉洁、保守秘密。对在评选活动中滥用职权、玩忽职守、徇私舞弊的人员, 取消其评审

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资格，并由广东省专利奖评选委员向其主管部门或所在单位提出行政处分建议。