The creation of an intellectual property system in the People’s Republic of China has taken place in phases, beginning with the early phase, from the late 1970s to the early 1990s, followed by the development phase of nearly ten years beginning in the 1990s, and then finally the phase of further improvement in the twenty-first century after China’s accession to the World Trade Organization (WTO). After almost thirty years of effort, China has established relatively comprehensive systems of intellectual property law, intellectual property rights administration, and enforcement. China has increased protection of intellectual property rights, and has seen progress in various areas of work related to intellectual property, which has been a driving force for the healthy development of China’s economy and society.

In thirty years’ time China has created an intellectual property system, a historical task that took Western countries a hundred years to complete. This achievement has won acclaim around the world. Looking back on the cooperation between China and the World Intellectual Property Organization (WIPO) over a twenty-year period, Dr. Árpád Bogsch, then Director-General of WIPO, noted that “the speed at which China had accomplished all this is unmatched in the history of intellectual property protection.”

However, in view of the special historical background against which China’s intellectual property system was created, the massive overhaul of intellectual property laws around the turn of the twenty-first
A. Passive Introduction: From Last Years of Qing Dynasty to the Republican Era

In terms of intellectual property (IP), China remained in a phase of passive acceptance for the fifty years, starting from the last years of the Qing Dynasty until the time of the Nationalist Government.

1. How the IP System Was Born: External Economic and Political Pressure

Around the turn of the twentieth century, developed Western countries were paying serious attention to international protection of intellectual property rights. In the 1890s, the Paris Convention for the Protection of Industrial Property, designed to protect patents and trademarks, and the Berne Convention for the Protection of Literary and Artistic Works, intended to protect copyright, were signed. After Western countries forced open China’s door with their advanced warships and cannons, these countries added intellectual property rights provisions to a series of unequal treaties made with China, thus aiding in the birth of an intellectual property system in China.

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2 In June, 1913, the U.S. Envoy to Beijing asked China to enter into a copyright alliance with the United States and to sign a mutual copyright protection treaty. Nothing came of this request due to the opposition to the idea by different ministries, such as ministries of foreign affairs, agriculture, commerce, and people from different parts of society and industry sectors. Shen Rengan and Zhong Yingke 沈仁干, 钟颖科, Banquanfa qiantan 版权法浅谈 [A Basic Discussion of Copyright] (Beijing: Fálu chubanshe, 1982), 103–104.