The Chinese Legal System ----A General Perspective

Wu Wei

Wuhan University of the People's Republic of China

Content

1. Lead-in
2. Chinese Government and Legal System
3. IPR protection (Intellectual Property Rights)
4. Our future
Lead-in

- Some pictures of China
- My city
- My school
- Our famous food
The Chinese Government and Law
**Supreme People’s Court**

Original jurisdiction over cases that have been assigned to it by law, or over cases that it decides it should try. It has jurisdiction over appeals or protests from the higher people’s court and special people’s courts.

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**Higher People’s Court**

Jurisdiction in the first instance in cases assigned by law, or transferred from lower courts, major criminal cases which impact the entire province. Courts also hear cases of appeals or protests against judgments and orders of lower courts.
Intermediate People’s Court
First instance jurisdiction in some cases, including those transferred to it from basic people’s court, major cases dealing with foreign parties, counterrevolutionary cases, criminal cases subject to sentence of life imprisonment or death, cases where foreigners committed crimes. Also hears appeals and protests.

Basic People’s Courts
Local level courts adjudicate criminal and civil cases of first instance. Excluded from jurisdiction are criminal cases carrying penalty of death or life imprisonment, as well as certain foreign civil cases. The courts can request that more important cases be transferred to a higher court.
• In China, legal interpretations are commonly grouped into three categories: Legislative, Administrative, and Judicial.

The State Council is empowered to enact administrative regulations in accordance with national laws. Government agencies, ministries and commissions, which are under the State Council, are vested with the power to issue orders, measures, and directives in conformity with the State Council's regulations.
Local congressional and government bodies enact local laws and administrative measures. The People's Congress of National Autonomous Regions is empowered to enact autonomous regulations. However, they cannot be in conflict with national statutes.
Main Laws

- CONSTITUTION LAW
- CIVIL LAW SYSTEM
  --Civil Law
  --Civil Procedure
- CRIMINAL LAW SYSTEM
  --Criminal Law
  --Criminal Procedure
- ADMINISTRATIVE LAW
  --Administrative law
  --Administrative procedure

- The present legal framework, which was officially established in 1949, was based on Marxism and Leninism.
- After the Chinese government adopted the Open Door Policy in 1978 to promote economic development within the country, massive legislation from the late 1980s.
HK, MACAO Exceptions

- One country, two systems
- HK AND MACAO
- This was done for the purpose of maintaining state dominion over the special economic positions of these two regions.

- Manage state affairs according to law

- The two legal systems of the Hong Kong Special Administrative Region (HKSAR) and the Macao Special Administrative Region (Macao SAR), however, are the exceptions from the legal framework of the PRC.
• The HKSAR and the Macao SAR were set up directly under Deng Xiaoping's (the former President of the PRC and a giant of the Party) theory of "one country, two systems."

• The National People's Congress (NPC) enacted both the Basic Law of the HKSAR (adopted on April 1990) and the Basic Law of the Macao SAR (adopted on March 1993) before the PRC resumed its exercise of sovereignty over both areas.
3. Intellectual property

- Legislation
  China, however, for a variety of historical reasons, began work on its intellectual property rights protection at a comparatively late date.

History

2. The Trademark Law of PRC was adopted on August 23, 1982, effective March 1, 1983, significantly marking the beginning of the systematic establishment of China’s modern legal system for the protection of intellectual property rights.


• 5. On April, 1985, the first day the Patent law came into effect, 3,455 applications for patent rights were submitted. By the end of 1993, the Patent office of China had handled over 360,000 applications for patent rights.

• 6. On April 12,1986, intellectual property rights as a whole were clearly defined in China’s basic civil law for the first time as the civil right of citizens and legal persons. This law for the first time affirmed citizens’ and legal persons’ right of authorship (copyright).
7. The World Intellectual property organization adopted the Treaty on Intellectual Property in Respect of Integrated circuit at a diplomatic conference held in Washington D.C. In 1989; China was among the first joint states.

• 9. The Copyright Law of the PRC was adopted on September 7, 1990, effective June 1, 1991.

• 10. On July 10, 1992, the China becomes a member state of Berne Convention and UNESCO convention for copyright protection.

• 11. On April 30, 1993, the Chinese government became a member state of the protection of producers of Phonograms Against Unauthorized Duplication of Their phonograms to the WIPO.
• 12. The law of the PRC on combating unfair competition was adopted on September 2, 1993, and became effective on December 1 of the same year.
• 13. On September 15, 1993, the Chinese government submitted its instrument of accession to the patent cooperation treaty to the WIPO, becoming a member state as of January 1, 1994.

• The above are only part of the records of China’s intellectual property legislation and its participation in the activities organized by related international organizations, demonstrating the importance China has attached to intellectual property protection.
We work hard on it every day

• 1. National Intellectual-property Strategy

China learn from Germany
• 2. Intellectual Property Protection education
  
  • Legal Education in China
保护知识产权
举报投诉
12330

武汉市保护知识产权举报投诉服务中心

中国（武汉）知识产权维权援助中心
3. The Enforcement
   A Real Case happened recently
Conclusion

1. China has a high-grade legal system for intellectual property protection.

2. China has a complete law enforcement system for intellectual property protection.

3. China manages state affairs according to law.

FUTURE

• 1. China, WTO, World family

• 2. China must have Chinese characteristics and that Marxism–Leninism must be integrated with Chinese realism.---Deng Xiaoping

• 3. The dedication of the entire nation, will accelerated economic growth and the absorption of foreign capital, science and technology, will lead to a capitalistic revival.
• The End
• Thank you !
• Welcome to China~~

• Back-up Pictures for questions
GDP IN CHINA

2009年我国GDP增长8.7%

2009年GDP
184937
216314
265810
314045
335353

2005年
2006年
2007年
2008年
2009年
世界第二强国？
这是我么？

欧洲民意调查

世界GDP排名（前十位）

国际货币基金组织近期公布的2006年按汇率法计算的世界GDP统计结果显示：

GDP排名前十位

1. 美国
2. 日本
3. 德国
4. 中国
5. 英国
6. 法国
7. 意大利
8. 加拿大
9. 西班牙
10. 荷兰

人均GDP排名前十位

1. 卢森堡
2. 瑞典
3. 卡塔尔
4. 水岛
5. 爱尔兰
6. 挪威
7. 瑞典
8. 美国
9. 荷兰
10. 澳大利亚
SAN BRUNO, Calif.—Last month, a YouTube user, TomR35, uploaded a clip from the AMC series “Mad Men” in which Don Draper makes a heartfelt speech about the importance of  nostalgia in advertising.

Viewers wouldn’t notice, but that clip also makes an important point about modern advertising—YouTube is an increasingly fluid medium.

In the past, Lions Gate, which produces “Mad Men,”