

Law of the People's Republic of China on Promoting the Transformation of Scientific and Technological Achievements (2015 Amendment)

(The eighth session of the Standing Committee of the
National People's Congress, May 15, 1996, p. 3)

(Adopted at the 19th meeting, as amended by the
Decision on Amending the Law of the People's
Republic of China on Promoting the Transformation
of Scientific and Technological Achievements of the
People's Republic of China, adopted at the 16th
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catalogs

Chapter 1

GENERAL

Chapter II

Organization

and

implementation

Chapter III

Safeguards

Chapter IV

Technical rights

and interests

Chapter V

Legal Liability

Chapter 6 By-

laws

Chapter 1 GENERAL GENERAL

Article 1 In order to promote the transformation of scientific and technological achievements into real productive forces, regulate the activities of transformation of scientific and technological achievements, accelerate the progress of science and technology, and promote economic construction and social development, the enactment of this law. [javascript:void\(0\);...](#)

Article 2 The scientific and technological achievements referred to in this Law refer to the achievements of practical value produced through scientific research and technological development. Functional scientific and technological achievements refer to the work tasks of research and development organizations, institutions of higher learning and enterprises.

(b) Science and technology, or mainly utilizing the material and technical conditions of the above-mentioned units.

Results. [javascript:void\(0\).](#)

The transformation of scientific and technological achievements as referred to in this Law refers to the subsequent testing, development, application and popularization of scientific and technological achievements for the purpose of raising the level of productivity until the formation of new technologies, new processes, new materials and new products, and the development of new industries and other activities.

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Article 3 The activities of transformation of scientific and technological achievements shall be conducive to accelerating the implementation of the innovation-driven development strategy, promoting the integration of science and technology with the economy, and conducive to improving economic and social benefits and the protection of the environment and the rational use of resources, as well as to the promotion of economic construction, social development and the maintenance of national security. [javascript:void\(0\).](#)

The transformation of scientific and technological achievements should respect the laws

of the market, give full play to the main role of enterprises, follow the principles of voluntariness, mutual benefit, fairness and honesty and credit, and enjoy the rights and interests and bear the risks in accordance with the provisions of laws and regulations and contractual agreements. Intellectual property rights in the transformation of scientific and technological achievements shall be protected by law. [javascript:void\(0\);](#)

Scientific and technological achievements transformation activities should comply with laws and regulations and safeguard national interests. The State shall not jeopardize the public interests of society and the legitimate rights and interests of others. [javascript:void\(0\);](#)**Article 4** The state on the transformation of scientific and technological achievements to rationalize the arrangement of financial capital investment In addition, it will guide the investment of social capital and promote the diversification of capital investment in the transformation of scientific and technological achievements. [javascript:void\(0\);](#)

Article 5 The State Council and local people's governments at all levels shall strengthen the synergy of policies on science and technology, finance, investment, taxation, talent, industry, finance, government procurement, and military-

civilian integration, and create a favorable environment for the transformation of scientific and technological achievements.

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Local people's governments at all levels shall, in accordance with the principles set forth in this Law and in the light of local realities.

The international community can take measures that are more conducive to promoting the transformation of scientific and technological achievements.

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Article 6 The State encourages the implementation of scientific and technological achievements first within China. Where a Chinese unit or individual transfers or licenses scientific and technological achievements to an organization or individual outside China, it shall comply with the relevant laws, administrative regulations and the relevant provisions of the State. [javascript:void\(0\).](#)

Article 7 The State, in the interests of national security, national interests and major social and public interests, may, in accordance with the law, organize the implementation of or permit others to implement the relevant scientific and technological achievements. [javascript:void\(0\).](#)

Article VIII of the State Council science and technology administrative departments, comprehensive economic management departments and other relevant administrative departments in accordance with the responsibilities set out by the State Council, management, guidance

and coordination of scientific and technological achievements into work. [javascript:void\(0\).](#)

Local people's governments at all levels are responsible for managing, guiding and coordinating the transformation of scientific and technological achievements within their administrative areas.

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Chapter II Organization and implementation

Article 9 The State Council and local people's governments at all levels shall incorporate the transformation of scientific and technological achievements into national economic and social development plans, and organize and coordinate the implementation of the transformation of relevant scientific and technological achievements.

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Article 10 The use of financial funds to establish applied science and technology projects and other related science and technology projects, the relevant administrative departments, management agencies should improve and perfect the management of scientific research organization, in the development of relevant scientific and technological planning, planning and preparation of project guidelines should be listened to the views of the relevant industries and enterprises; in the

organization and implementation of applied

In the case of science and technology projects of this type, the obligation of the project undertaker to transform scientific and technological achievements should be clarified.

The Government should strengthen the management of intellectual property rights (IPRs), and should integrate the transformation of scientific and technological achievements and the creation of IPRs.

The State shall establish and improve the system of scientific and technological reports and the application of scientific and technological achievements as an important content and basis for the establishment and acceptance of projects. [javascript:void\(0\);](#) **Article 11** The state to establish and improve the scientific and technological reporting system and scientific and technological achievements

The information system shall publicize the implementation of scientific and technological projects as well as information on scientific and technological achievements and related intellectual property rights, and shall provide public welfare services such as querying and screening information on scientific and technological achievements. Publication of relevant information shall not disclose state secrets and commercial secrets. Not to publish the information, the relevant

departments shall promptly inform the relevant scientific and technological project undertakers.

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Undertakers of scientific and technological projects set up with financial resources should submit relevant scientific and technological reports in a timely manner in accordance with the regulations and submit scientific and technological achievements and relevant intellectual property information to the Scientific and Technological Achievements Information System. [javascript:void\(0\);](#)

The State encourages the bearers of scientific and technological projects set up with non-financial funds to submit relevant scientific and technological reports, and to submit scientific and technological achievements and relevant intellectual property information to the scientific and technological achievements information system, and the departments of the people's governments at or above the county level responsible for the relevant work shall provide convenience for them. [javascript:void\(0\);](#)

Article XII of the following scientific and technological achievements transformation projects, the State through government procurement, research and development funding, the release of industrial technology guidance catalog, demonstration and promotion of ways to

support: [javascript:void\(0\);](#).

(i) Those that can significantly improve the technological level and economic efficiency of the industry or can form a new industry that promotes healthy socio-economic development; [javascript:void\(0\);](#)

(ii) Those that can significantly improve national security capabilities and public security levels

; [javascript:void\(0\);](#)

(iii) The ability to rationally develop and utilize resources, conserve energy and reduce consumption.

Consumption and prevention of environmental pollution, protection of ecology, enhancement of the capacity to respond to climate change and disaster prevention and mitigation; [javascript:void\(0\).](#)

(iv) Those that can improve people's livelihoods and public health;

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(v) Those that can promote modern agriculture or rural economic development;

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(vi) Those capable of accelerating the socio-economic development of ethnic, remote and impoverished areas. [javascript:void\(0\).](#)

Article 13 The State, through the formulation of policies and measures to promote and encourage the use of advanced technologies, techniques and equipment, and continuously improve, limit the use of, or eliminate backward technologies, techniques and equipment. [javascript:void\(0\).](#)

Article 14: The State shall strengthen its standard-setting work, formulate national standards and industry standards in a timely manner in accordance with the law for new technologies, processes, materials and products,

actively participate in the formulation of international standards, and promote the promotion and application of advanced and applicable technologies.

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The State establishes an effective system for the mutual transformation of military and civilian scientific and technological achievements, and improves the system and mechanism for collaborative innovation in national defense science and technology. The scientific research and production of military products shall, in accordance with the law, give priority to the adoption of advanced and applicable civilian standards, and promote the mutual transfer and transformation of military and civilian technologies. [javascript:void\(0\);](#)

Article 15 The people's governments at all levels to organize the implementation of key scientific and technological achievements transformation projects, can be organized by the relevant departments to implement the transformation of the use of public bidding. The relevant departments shall provide the winning unit of the bidding determined at the time of the funding or other conditions. [javascript:void\(0\);](#)

Article 16 Holders of scientific and technological achievements may adopt the following ways to carry out science and technology

Transformation of technological achievements:

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(i) Self-investment to implement the conversion;

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(ii) Transfer of the scientific and technological achievements to others; [javascript:void\(0\);](#)

(c) Licensing the use of the scientific and technological achievements; [javascript:void\(0\);](#)

(d) The scientific and technological achievements as a condition of cooperation, and other people to implement the transformation; [javascript:void\(0\).](#)

(e) The scientific and technological achievements for investment, discounted shares or the proportion of capital contribution; [javascript:void\(0\);](#)

(vi) Other modalities to be determined by consultation. [javascript:void\(0\).](#)

Article 17 The State encourages research and development institutions, institutions of higher learning to take the mode of transferring, licensing or investing at a price, and transferring scientific and technological achievements to enterprises or other organizations. [javascript:void\(0\).](#)

State-established research and development

institutions and institutions of higher learning shall strengthen the management, organization and coordination of the transformation of scientific and technological achievements, promote the construction of scientific and technological achievements transformation teams, optimize the process of transformation of scientific and technological achievements, and carry out technological transfer through the institutions responsible for the work of technological transfer in their own units or by entrusting independent scientific and technological achievements transformation service agencies. [javascript:void\(0\);](#)

Article 18 The research and development institutions established by the State, institutions of higher learning on their scientific and technological achievements, may decide on their own to transfer, license or make investments.

However, the price should be determined through the agreement pricing, listed in the technology trading market, auctions and other ways to determine the price. Through the agreement pricing, should be in the unit of the name of scientific and technological achievements and the price of the proposed transaction. [javascript:void\(0\);](#)

Article 19: In the case of scientific and technological achievements obtained by research

and development institutes established by the State and institutions of higher education, the organizers and participants shall, without changing their scientific and technological achievements, not change their positions and shall not be liable for any loss or damage.

On the premise of the ownership of the fruits, the science and technology can be carried out according to the agreement with this organization.

The unit shall support the transformation of scientific and technological achievements and enjoy the rights and interests stipulated in the agreement.

The unit shall support the above activities of transformation of scientific and technological achievements. [javascript:void\(0\);](#)

The person who accomplishes the scientific and technological achievements or the person in charge of the subject matter shall not hinder the transformation of the scientific and technological achievements of the job, or take the scientific and technological achievements of the job, as well as its technical information and data for himself or herself, infringing on the lawful rights and interests of the unit. [javascript:void\(0\).](#)

Article 20 The research and development institutions, institutions of higher learning and the competent departments of finance, science and technology and other relevant administrative departments shall establish a conducive to promoting the transformation of scientific and technological achievements of the performance assessment and evaluation system, the transformation of scientific and technological

achievements of the relevant units and personnel evaluation, scientific research funding support one of the important content and basis, and the transformation of scientific and technological achievements of the performance of the relevant units and personnel to increase the financial support for scientific research. [javascript:void\(0\);](#)

Research and development institutions established by the State, institutions of higher learning shall establish a system of title evaluation, job management and assessment and evaluation in line with the characteristics of the work of scientific and technological achievements, and improve the incentive and constraint mechanism for income distribution. [javascript:void\(0\);](#)

Article 21 The research and development organizations and institutions of higher education established by the State shall submit annual reports on the transformation of scientific and technological achievements to their competent departments, stating the number of scientific and technological achievements obtained by the unit in accordance with the law, the implementation of the transformation and the distribution of the relevant revenues, and such competent departments shall report the annual reports on the transformation of scientific and technological achievements to the

financial, science and technology, and other relevant administrative departments in accordance with the regulations.

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Article 22 Enterprises may, for the purpose of adopting new technologies, new processes, new materials and producing new products, publish information on their own or commission scientific and technological intermediary service organizations to solicit the scientific and technological achievements they need, or to solicit collaborators for the transformation of scientific and technological achievements. [javascript:void\(0\).](#)

Science and technology administrative departments of local people's governments at or above the county level and other organizations The relevant departments should, according to the division of responsibilities, provide assistance and support for enterprises to obtain the required scientific and technological achievements.

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Article 23 Enterprises are authorized by law to implement the transformation of scientific and technological achievements independently or jointly with domestic and foreign enterprises, institutions and other collaborators.

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Enterprises may, through fair competition, independently or jointly with other units, undertake scientific and technological research and development and transformation of scientific and technological achievements projects organized and implemented by the government.

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Article 24 For the use of financial funds set up with market application prospects, industrial objectives clear science and technology projects, the relevant government departments, management agencies should play a leading role in the enterprise in the choice of research and development direction, project implementation and application of the

results, and to encourage enterprises, research and development institutes, institutions of higher learning and other organizations to jointly implement. [javascript:void\(0\).](#)

Article 25 The State encourages research and development organizations, institutions of higher learning and enterprises to combine and jointly implement the transformation of scientific and technological achievements. [javascript:void\(0\).](#)

Research and development institutions, institutions of higher learning can participate in the relevant government departments or enterprises to implement the transformation of scientific and technological achievements in the bidding and tender activities. [javascript:void\(0\);](#)

Article 26 The State encourages enterprises and research and development institutions, colleges and universities and other organizations to jointly establish research and development platforms, technology transfer agencies or technology innovation alliances and other modes of cooperation between industry, academia and research, and to jointly carry out research and development.

The cooperation shall be carried out in accordance with the provisions of the Convention, the application and promotion of its results, and the research and development of standards.

[javascript:void\(0\);The](#) parties to the cooperation shall sign an agreement on the organizational form of the cooperation in accordance with the law, Matters such as division of tasks, capital investment, ownership of intellectual property rights, distribution of rights and interests, sharing of risks and liability for breach of contract. [javascript:void\(0\);:](#)

Article 27 The State encourages research and development organizations, institutions of higher learning and enterprises to

The government shall carry out exchanges of scientific and technological personnel with enterprises and other organizations, hire scientific and technological personnel from enterprises and other organizations to engage in teaching and scientific research on a part-time basis in accordance with their professional characteristics and the needs of technological development in the industry fields, and support the scientific and technological personnel of the unit to engage in scientific and technological achievements transformation activities in enterprises and other organizations. [javascript:void\(0\);](#)

Article 28 The State supports enterprises and research and development institutions, colleges and universities, vocational colleges and training institutions to jointly establish student internships and practical training bases and postgraduate scientific research and practical work institutions, and to jointly train professional and technical personnel and highly skilled personnel. [javascript:void\(0\);](#)

Article 29 The State encourages agricultural research institutions, agricultural testing and demonstration units to implement the

transformation of agricultural scientific and technological achievements independently or in cooperation with other units.

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Article 30 The State fosters and develops technology markets, encourages the establishment of science and technology intermediary service organizations, and provides trading venues, information platforms, and services such as information retrieval, processing and analysis, appraisal, and brokerage, etc., for technology transactions. [javascript:void\(0\).](#)

Scientific and technological intermediary service organizations shall follow the principles of impartiality and objectivity in providing services, shall not provide false information and proof, and shall be obliged to keep confidential the state secrets and commercial secrets of the parties known to them in the course of their services.

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Article 31 The State supports the construction of public research and development platforms in accordance with the needs of industry and regional development, and provides services for the transformation of scientific and technological achievements, such as technology integration, research and development of common technologies,

intermediate and industrial tests, systematization of scientific and technological achievements and engineering development, and technology promotion and demonstration, etc. [javascript:void\(0\).](#)

Article 32 State support for science and technology business incubators, university science and technology parks

The development of science and technology business incubators, such as those in the field, provides start-up science and technology-based SMEs with incubation space, business counseling, research and development and management consulting services.

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Chapter III Safeguards

Article 33 The financial funding for the transformation of scientific and technological achievements, mainly for the transformation of scientific and technological achievements of the guiding funds, loan subsidies, subsidized funds and risk investment and other financial purposes to promote the transformation of scientific and technological achievements. [javascript:void\(0\).](#)

Article 34 The State in accordance with the relevant tax laws and administrative regulations on the transformation of scientific and technological achievements activities to implement tax incentives. [javascript:void\(0\).](#)

Article 35 The State encourages banking financial institutions to innovate in organizational forms, management mechanisms, financial

products and services, and encourages the development of loan businesses such as intellectual property pledge loans and equity pledge loans, so as to provide financial support for the transformation of scientific and technological achievements. [javascript:void\(0\).](#)

The State encourages policy financial institutions to take measures to increase financial support for the transformation of scientific and technological achievements. [javascript:void\(0\).](#)

Article 36 The State encourages insurance organizations to develop insurance varieties in line with the characteristics of the transformation of scientific and technological achievements and to provide insurance services for the transformation of scientific and technological achievements.

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Article 37 The State shall improve the multi-level capital market, and support enterprises to finance projects for the transformation of scientific and technological achievements by means of direct financing through equity trading, issuance of shares and bonds in accordance with the law. [javascript:void\(0\).](#)

Article 38 The State encourages venture capital institutions to invest in projects for the transformation of scientific and technological achievements. [javascript:void\(0\).](#)

Venture capital guidance funds established by the state shall guide and support venture capital Investment organizations invest in start-up technology-based SMEs. [javascript:void\(0\);](#)

Article 39 The State encourages the establishment of funds for the transformation of scientific and technological achievements or risk funds, the sources of which shall be provided by the State, localities, enterprises, institutions and other organizations or individuals, for the purpose of supporting the transformation of scientific and technological achievements that are high-input, high-risk and high-output, and accelerating the industrialization of major scientific and technological achievements.

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The establishment of the Fund for the Transformation of Scientific and Technological Achievements and the Venture Fund and the utilization of their funds shall be carried out in accordance with the relevant provisions of the State.

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Chapter IV Technical rights and interests

Article 40 The completion of scientific and technological achievements of the unit and other

units to cooperate in the transformation of scientific and technological achievements, shall, in accordance with the law, by the contract agreement of the scientific and technological achievements of the relevant rights and interests of the attribution. The contract does not agree, in accordance with the following principles:

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(a) If there is no new invention or creation in the cooperative transformation, the rights and interests of the scientific and technological achievements shall be vested in the unit which accomplishes the scientific and technological achievements; [javascript:void\(0\);](#)

(ii) If a new invention or creation is produced in the cooperative transformation, the rights and interests of the new invention or creation shall be shared by the cooperating parties; [javascript:void\(0\).](#)

(iii) For the scientific and technological achievements arising from the cooperative transformation, all parties have the right to implement the scientific and technological achievements, and the transfer of the scientific and technological achievements shall be agreed by the cooperative parties.

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Article 41 Scientific and technological achievements of the completion of units and other

units to cooperate in the transformation of scientific and technological achievements, cooperation between the parties shall be on the preservation of technical secrets agreement

(b) The parties may not violate the agreement or the right holder's right to keep the technical secret.

The requirements for disclosing, permitting others to use the technology. [javascript:void\(0\).](#)

Article 42 Enterprises, institutions shall establish and improve the protection of technical secrets system, the protection of technical secrets of the unit. Employees shall comply with the technical secret protection system of the unit. [javascript:void\(0\);](#)

Enterprises, institutions can participate in the transformation of scientific and technological achievements with the relevant personnel to sign in-service period or after leaving the job, leave, retirement within a certain period of time to conserve the unit's technical secrets of the agreement; the relevant personnel shall not be in violation of the agreement, divulging the unit's technical secrets and engaging in the transformation of scientific and technological achievements of the same activities as the original unit. [javascript:void\(0\);](#)

Employees shall not transfer or disguise the scientific and technological achievements of their duties without authorization.

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Article 43 The income derived from the transformation of scientific and technological

achievements by research and development organizations and institutions of higher education set up by the State shall be fully retained by these organizations, and shall be used mainly for scientific and technological research and development and the transformation of achievements, after providing rewards and remuneration to those who have made important contributions to the completion and transformation of the scientific and technological achievements of their functions.

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Article 44 After the transformation of scientific and technological achievements, the completion of scientific and technological achievements by the completion of the unit on the completion, transformation of the scientific and technological achievements to make an important contribution to the personnel to give awards and remuneration.

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The unit for the completion of scientific and technological achievements may stipulate or agree with the scientific and technological personnel on the manner, amount and time limit of rewards and remuneration. The unit shall fully listen to the opinions of the scientific and technological personnel of the unit in formulating the relevant regulations, and shall publicize the relevant

regulations in the unit.

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Article 45 The unit of completion of scientific and technological achievements has not stipulated, nor has it cooperated with the scientific and technological

Where personnel agree on the manner and amount of rewards and remuneration, the following criteria shall be used to provide rewards and remuneration to personnel who have made significant contributions to the completion and transformation of the scientific and technological achievements of their functions: [javascript:void\(0\);](#)

- (a) Transferring or licensing the scientific and technological achievements of the job to others for implementation.
- (b) The proportion of not less than fifty percent of the net income from the transfer of the scientific and technological achievements or from the net income from licensing; [javascript:void\(0\);](#)
 - (ii) the use of the function of scientific and technological achievements for investment, from the scientific and technological achievements of the formation of the shares or the proportion of capital contribution of not less than fifty percent of the proportion; [javascript:void\(0\);](#)
- (c) the function of scientific and technological achievements of their own implementation or implementation with others, should be

implemented in the implementation of the transformation of the successful commissioning of three to five consecutive years, each year from the implementation of the scientific and technological achievements of the operating profit of no less than five percent of the proportion. [javascript:void\(0\);](#)

Research and development institutions established by the State, institutions of higher education shall stipulate or agree with scientific and technological personnel on the manner and amount of incentives and remunerations that shall conform to the standards set forth in the first to the third subparagraphs of the preceding paragraph. [javascript:void\(0\).](#)

State-owned enterprises, institutions in accordance with the provisions of this Law on the completion, transformation of scientific and technological achievements to make important contributions to the completion of the staff to give awards and remuneration of the expenditure is included in the unit's total wages, but not the unit's total wages of the current year, not included in the unit's total wage base.

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Chapter V Legal Liability

Article 46 Undertakers of scientific and technological projects established with financial resources

Failure to submit scientific and technological reports, remit scientific and technological achievements and relevant intellectual property information in accordance with the provisions of this Law, the relevant government departments and management agencies organizing the implementation of the project shall be ordered to make corrections; in serious cases, they shall be notified of the criticism, and shall be prohibited from undertaking scientific and technological projects set up with financial funds for a certain period of time. [javascript:void\(0\).](#)

If a research and development institution established by the State or an institution of higher learning fails to submit an annual report on the transformation of scientific and technological achievements in accordance with the provisions of this Law, the competent department thereof shall order rectification; if the circumstances are serious, it shall be notified and criticized. [javascript:void\(0\).](#)

Article 47 violation of the provisions of this Law, in the transformation of scientific and technological achievements in the activities of falsehood, deception, fraudulent rewards and

honors, fraudulent money, illegal profit-making, by the relevant government departments in accordance with the responsibilities of the management and ordered to make corrections

In addition, the award and honorary title shall be canceled, the illegal income shall be confiscated, and a fine shall be imposed. Cause economic losses to others, according to law, bear civil liability. Constitutes a crime, shall be investigated for criminal responsibility. [javascript:void\(0\);](#)

Article 48 If a scientific and technological service organization or its practitioners violate the provisions of this Law by intentionally providing false information, experimental results or assessment opinions to deceive the parties, or collude with one of the parties to deceive the other party, the relevant government departments shall, in accordance with their management duties, order rectification, confiscate the illegal income, and impose fines; and, if the circumstances are serious, the administrative department for industry and commerce shall, in accordance with the law, revoke the business license. If economic losses are caused to others, civil liability shall be borne in accordance with the law.

; if it constitutes a crime, it shall be held criminally liable in accordance with the law. [javascript:void\(0\).](#)

Science and technology intermediary service organizations and their practitioners who violate the provisions of this Law to disclose state secrets or commercial secrets of the parties concerned shall bear the corresponding legal responsibilities in accordance with the provisions of the relevant laws and administrative regulations. [javascript:void\(0\).](#)

Article 49 The science and technology administrative departments and other relevant departments and their

Staff in the transformation of scientific and technological achievements in the abuse of power, dereliction of duty, favoritism and malpractice, by the appointment and removal organs or the supervisory organs of the directly responsible supervisors and other personnel directly responsible for the punishment given in accordance with the law; constitutes a crime, shall be held criminally liable in accordance with the law.

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Article 50 Violation of the provisions of this Law, by instigating theft, inducement and coercion and other means of appropriating the scientific and technological achievements of others, infringing on the legitimate rights and interests of others, shall be liable for civil damages in accordance with the law, and may be fined; constitutes a crime, shall be held criminally liable in accordance with the law.

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Article 51 Violation of the provisions of this Law, employees without the permission of the unit, divulging the unit's technical secrets, or unauthorized transfer, disguised transfer of the scientific and technological achievements of the job, to participate in the transformation of scientific and

technological achievements of the relevant personnel in violation of the agreement with the unit, in the separation, rest, retirement after the agreed period of time to engage in the transformation of scientific and technological achievements of the same as the original unit of the unit of the activities, to the unit of the economic losses caused by the unit, according to law to bear the responsibility for civil compensation If the violation constitutes a crime, criminal responsibility shall be investigated according to law.

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chapter vi. bylaws

Article 52 This Law shall come into force on October 1, 1996.

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