

ABSTRACT

Traditional Chinese Medicines (TCM) are great treasures of china. TCM industry is also one of the competitive and preponderant industries of china in the world. Nowadays, pharmacy industry, all over the world, depends on intellectual property (IP) greatly. So how to strengthen the IP protection of TCM is the safeguard to the internationalization of TCM in legal. It is also one of the core missions of the modernization of TCM and the key measure in prompting the development of TCM as well.

Now in china, though the IP protection of medicine is normative. But refer to TCM, no matter in aspect of technology or its character, there are always some things incompatible with the modern IP rules. In general, neglecting the importance of IP protection, lacking of official and high-tech inventions, weak protection power to the right, unsuitable rules and regulations, etc., are the main problems in the IP protection of TCM. So it is necessary to do some researches on this topic, especially after china entering the WTO and facing so many rivals.

In this paper, there are 5 chapters as follows:

Chapter 1: Overall summary chapter. Briefly introduce the topic and paper, such as research background and meanings, paper structure, methodologies and objectives.

Chapter 2: Explain some related definitions.

Chapter 3: Secondly important chapter of this paper. From the aspects of laws and regulations, the situation of china, influence after entering the WTO and the status of domestic TCM industry, this chapter gives a through and detailed analysis of the status of IP protection on TCM.

Chapter 4: The most important chapter in this paper. On the basis of last chapter's analysis, face up to the difficulties and problems in the IP protection of TCM, some strategies are advised. In this chapter, it is suggested that we should fully use all legal means of IP protection on TCM firstly. And then integrate the standardization with the IP protection of TCM together to make some strategies. These strategies involve many contents. They are mainly about the TCM patent examining standards, the data or information which needed in TCM patent examine and prove, how to strengthen the IP protection power, some problems related in applying for overseas patent and so on.

Chapter 5: Conclusion and expectation chapter.

In this paper, not only quantitative analysis method is applied, for example, the comparison of the status of IP protection on TCM between US and China, bus also qualitative analysis method is applied, for example, SWOT analysis of domestic TCM industry. Furthermore, methods such as case study and key information interview are

used as well, for example, the analysis of the successful internationalized path of Guangzhou BaiYunShan pharmaceutical factory.

Surely, legal protection is the safeguard in course of internationalization of TCM. But how the law is will greatly influence the course. Only suitable, reasonable and special IP protection law can do good to TCM. So we should fully take our advantages as the original country of TCM, not only enact our own IP laws, but also influence overseas legislating. Try our best to provide a good legal surrounding to TCM. In a word, finding good IP protection methods of TCM is the main aim of this paper.

Basing on the principle that “Inherit and carry forward the theoretic of TCM, respect and protect the IP of TCM reasonably”, this paper gives more attention to the technology and law about TCM. According to the requirements of WTO and modernization of TCM, some strategies on the TCM IP protection are advised, both internationalized and characteristic. Expect that they can be helpful to the modernization and internationalization of TCM.

**Keywords: Tradition Chinese Medicine; Intellectual Property Protection;
Modernization; · Standardization**