

Law of the PRC on Science and Technology Progress

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of promoting science and technology progress, giving full play to the role of science and technology as the primary productive force, promoting the commercialization of scientific and technological achievements, propelling scientific and technological advancement in economic and social development, and accelerating the building of an innovative country.

Article 2 — The State shall uphold the principle of placing equal emphasis on scientific discovery and technological innovation, implementing an innovation-driven development strategy, building a national innovation system, and fostering a world-leading science and technology power.

Article 3 — Science and technology progress shall serve economic and social development. The State shall guide science and technology to support the implementation of major national development strategies, encourage research and development in high-tech fields, promote the upgrading of traditional industries through high and new technologies, and drive comprehensive social progress.

Article 4 — The State shall protect the freedom of scientific research, encourage scientific exploration and technological innovation, and foster an environment in which scientists and technical personnel can fully develop their creativity. The legitimate rights and interests of science and technology personnel shall be protected by law.

Article 5 — The State shall increase its fiscal investment in science and technology, gradually raise the overall level of science and technology funding, and ensure that the growth rate of fiscal investment in science and technology exceeds the growth rate of regular fiscal revenue.

Article 6 — The State shall strengthen the intellectual property rights protection system in the field of science and technology, create a legal environment conducive to intellectual property creation and application, and encourage invention and creation.

Article 7 — The State shall formulate and implement scientific and technological development plans, determine major scientific and technological projects and key areas, and deploy the science and technology innovation chain around the industrial chain, promoting the deep integration of industry, academia and research.

Article 8 — The State shall promote open cooperation in science and technology, encourage scientific and technological exchange and cooperation with foreign countries, and support science and technology personnel in participating in international scientific programs and projects.

Chapter II — Basic Research

Article 18 — The State shall strengthen the planning and deployment of basic research, encourage free exploration and original innovation, and enhance the capacity for innovation at the source of science and technology.

Article 19 — The State shall establish a basic research funding system oriented towards the frontiers of world science and technology, the main battlefield of the economy, major national needs, and the life and health of the people, and provide stable support for basic research.

Article 20 — The State shall support higher education institutions in strengthening basic research, encourage interdisciplinary integration, promote collaborative innovation, and build high-level research platforms.

Article 21 — The State shall establish and improve the basic research evaluation system, implement a representative work system for evaluation, and encourage science and technology personnel to devote themselves to fundamental scientific problems and long-term research.

Article 22 — The State shall establish a science fund system, fund basic research and frontier exploration, and cultivate science and technology talent and teams. Enterprises, social organizations and individuals are encouraged to establish science funds.

Chapter III — Applied Research and Commercialization

Article 30 — The State shall promote the commercialization of scientific and technological achievements, and establish and improve a technological innovation service system that connects upstream research with downstream industrialization.

Article 31 — Scientific and technological achievements completed by science and technology personnel in performing the tasks of their own entities or mainly by using the material and technical conditions of their own entities are job-related scientific and technological achievements. The rights and interests of the entities and the science and technology personnel in respect of job-related scientific and technological achievements shall be protected by law.

Article 32 — The State shall encourage enterprises, higher education institutions and scientific research and development institutions to commercialize scientific and technological achievements through joint ventures, technology transfer, technology licensing, technology shareholding and other means.

Article 33 — The State shall implement a system of rewards and remuneration for the commercialization of scientific and technological achievements, protect the lawful rights and interests of the entities and individuals that complete and commercialize scientific and technological achievements, and encourage mechanisms for sharing the benefits of scientific and technological achievements.

Chapter IV — Enterprises as Main Bodies of Technological Innovation

Article 40 — The State shall establish a technological innovation system with enterprises as the main body, the market as the guide, and deep integration of industry, academia and research, guiding and supporting enterprises in playing a leading role in technological innovation.

Article 41 — The State shall encourage enterprises to increase their R&D investment, establish R&D institutions, and enhance their independent innovation capability. Enterprises' R&D expenses shall enjoy preferential tax treatment in accordance with the relevant state provisions.

Article 42 — The State shall support small and medium-sized enterprises in technology development and commercialization of achievements through science and technology enterprise incubation funds, technology innovation funds and other means.

Article 43 — Enterprises shall, in accordance with the provisions of the State, allocate and use technology development funds, carry out technology development activities, and promote technological progress.

Chapter V — Science and Technology Research and Development Institutions

Article 48 — The State shall coordinate the planning and layout of scientific research and development institutions, establish and improve a modern scientific research institute system, and support the development of new R&D institutions such as jointly established enterprises, institutions, and social service organizations.

Article 49 — Scientific research and development institutions shall enjoy autonomy in scientific research, and shall independently determine research directions and topics, decide on the internal management structure of the institution, and manage and use institutional funds in accordance with the relevant state provisions.

Article 50 — Foreign organizations or individuals may establish scientific research and development institutions within the territory of China according to law, and may establish Sino-foreign cooperative scientific research and development institutions with Chinese organizations.

Chapter VI — Science and Technology Personnel

Article 55 — The State shall create an environment and conditions conducive to scientific and technological innovation for science and technology personnel, give full play to the role of science and technology personnel, and protect their lawful rights and interests.

Article 56 — Science and technology personnel shall have the right to choose research topics and conduct scientific research independently according to law, and shall have the right to equal competition for and lawful receipt of science and technology plan projects and science and technology funds.

Article 57 — Science and technology personnel shall have the right to receive wages and remuneration in accordance with the employment contract, and shall have the right to enjoy science and technology awards, honorary titles, job titles, and welfare benefits according to law.

Article 58 — The State shall implement the strategy of strengthening the country through talent, reform and improve the talent training, introduction and use mechanisms, and increase the efforts to cultivate young science and technology talent, high-level innovative talent and urgently needed specialized talent.

Chapter VII — Measures for Guaranteeing Science and Technology Progress

Article 77 — The State shall gradually increase the proportion of total science and technology funding in gross domestic product. The growth rate of fiscal funding for science and technology shall be higher than the growth rate of regular fiscal revenue.

Article 78 — The State shall, through finance, taxation, finance, government procurement and other policy measures, guide and encourage enterprises to increase R&D investment, and encourage social capital to invest in science and technology R&D and the commercialization of achievements.

Article 79 — The State shall establish a science and technology reporting system and a science and technology resource sharing system, promote the opening and sharing of scientific research facilities, instruments and equipment, and scientific data and information, and improve the efficiency of the use of science and technology resources.

Article 80 — The State shall establish a science and technology decision-making consultation system, promote the scientization and democratization of decision-making, and ensure that science and technology development plans and major science and technology decisions undergo adequate consultation and demonstration.

Chapter VIII — Legal Liability

Article 108 — Where state organs or their functionaries abuse their powers, neglect their duties, or engage in malpractices for personal gain in the course of science and technology administration, the persons directly in charge and other persons directly responsible shall be subject to sanctions according to law; where a crime is constituted, criminal liability shall be pursued according to law.

Article 109 — Where science and technology personnel violate the provisions of this Law by plagiarizing, tampering with, or fabricating scientific and technological achievements, or by engaging in other academic misconduct, their employing entity or the relevant competent department shall handle the matter according to law, and record such conduct in the credit records.

Article 110 — Where an entity or individual obtains fiscal science and technology funds or obtains tax benefits through fraudulent means, the relevant authorities shall recover the funds or tax benefits and impose penalties according to law.

Chapter IX — Supplementary Provisions

Article 115 — The State Council may, in accordance with this Law, formulate implementing regulations for the promotion of science and technology progress in national defense.

Article 116 — This Law shall come into force on January 1, 2022.

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