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# 中华人民共和国科学技术进步法(2007修订)

# Law of the People's Republic of China on Science and Technology Advancement (2007 Revision)

中华人民共和国主席令第八十二号

Order of the President of the People's Republic of China No. 82

《中华人民共和国科学技术进步法》已由中华人民共和国第十届全国人民代表大会常务委员会第三十一次会议于2007年12月29日修订通过，现将修订后的《中华人民共和国科学技术进步法》公布，自2008年7月1日起施行。

The Law of the People's Republic of China on Science and Technology Advancement, amended and adopted at the 31st Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on December 29, 2007, is hereby promulgated and shall go into effect as of July 1, 2008.

中华人民共和国主席 胡锦涛

President Hu Jintao

二零零七年十二月二十九日

29 December 2007

中华人民共和国科学技术进步法

Law of the People’s Republic of China on Science and Technology Advancement

（1993年7月2日第八届全国人民代表大会常务委员会第二次会议通过2007年12月29日第十届全国人民代表大会常务委员会第三十一次会议修订）

(Adopted at the Second Meeting of the Standing Committee of the Eighth National People's Congress on July 2, 1993 and amended at the 31st Meeting of the Standing Committee of the Tenth National People's Congress on December 29, 2007)

目 录

Contents

　　第一章 总 则

Chapter 1 General Provisions

　　第二章 科学研究、技术开发与科学技术应用

Chapter 2 Scientific Research, Technological Development and Application of Science and Technology

　　第三章 企业技术进步

Chapter 3 Technological Progress of Enterprises

　　第四章 科学技术研究开发机构

Chapter 4 Scientific and Technological Research and Development Organizations

　　第五章 科学技术人员

Chapter 5 Workers in Science and Technology

　　第六章 保障措施

Chapter 6 Guarantee Measures

　　第七章 法律责任

Chapter 7 Legal Liabilities

　　第八章 附 则

Chapter 8 Supplementary Provisions

第一章 总 则

Chapter 1 General Provisions

第一条   为了促进科学技术进步，发挥科学技术第一生产力的作用，促进科学技术成果向现实生产力转化，推动科学技术为经济建设和社会发展服务，根据宪法，制定本法。

Article 1 This Law is formulated in accordance with the Constitution with a view to promoting progress of science and technology, bringing into play the role of science and technology as the primary productive forces, and promoting the transformation of scientific and technological achievements into real productive forces, in order that science and technology shall serve economic and social development.

第二条   国家坚持科学发展观，实施科教兴国战略，实行自主创新、重点跨越、支撑发展、引领未来的科学技术工作指导方针，构建国家创新体系，建设创新型国家。

Article 2 The State upholds the scientific outlook on development, implements the strategy of invigorating the country through science and education, and applies to scientific and technological work the guidelines of encouraging independent innovation, making giant strides in major fields, supporting development and taking the lead in future fields, in order to establish a national innovation system and build an innovation-oriented country.

第三条   国家保障科学技术研究开发的自由，鼓励科学探索和技术创新，保护科学技术人员的合法权益。

Article 3 The State shall protect the freedom of scientific and technological research and development, encourage scientific exploration and technological innovation, and protect the lawful rights and interests of scientists and technicians.

全社会都应当尊重劳动、尊重知识、尊重人才、尊重创造。

The whole society shall respect work, knowledge, talent and creation.

学校及其他教育机构应当坚持理论联系实际，注重培养受教育者的独立思考能力、实践能力、创新能力，以及追求真理、崇尚创新、实事求是的科学精神。

Schools and other institutions of education shall adhere to the principle of integrating theory with practice, pay attention to helping the educated develop the ability to think independently, to practice and innovate, and follow the scientific spirit of pursuing truth, advocating innovation and seeking truth from facts.

第四条   经济建设和社会发展应当依靠科学技术，科学技术进步工作应当为经济建设和社会发展服务。

Article 4 Economic construction and social development shall rely on science and technology, and scientific and technological progress shall serve economic construction and social development.

国家鼓励科学技术研究开发，推动应用科学技术改造传统产业、发展高新技术产业和社会事业。

The State shall encourage scientific and technological research and development, promote the application of science and technology to transform traditional industries and develop high and new technology industries and social undertakings.

第五条   国家发展科学技术普及事业，普及科学技术知识，提高全体公民的科学文化素质。

Article 5 The State develops undertakings for popularization of science and technology, in order to disseminate scientific and technological knowledge and raise the scientific and cultural qualifications of all its citizens.

国家鼓励机关、企业事业组织、社会团体和公民参与和支持科学技术进步活动。

The State shall encourage government organs, enterprises, institutions, social organizations and citizens to participate in and support activities aimed at progress of science and technology.

第六条   国家鼓励科学技术研究开发与高等教育、产业发展相结合，鼓励自然科学与人文社会科学交叉融合和相互促进。

Article 6 The State shall encourage the integration of scientific and technological research and development with higher education and industrial development and the cross integration and mutual promotion of the natural sciences and the humanities and social sciences.

国家加强跨地区、跨行业和跨领域的科学技术合作，扶持民族地区、边远地区、贫困地区的科学技术进步。

The State strengthens the scientific and technological cooperation between different regions, trades and domains, and assists and supports the ethnic autonomous regions, and outlying or poverty-stricken areas in their efforts to make progress in science and technology.

国家加强军用与民用科学技术计划的衔接与协调，促进军用与民用科学技术资源、技术开发需求的互通交流和技术双向转移，发展军民两用技术。

The State strengthens the connection and coordination of military and civilian scientific and technological plans, promotes the mutual exchange and two-way transfer of military and civilian scientific and technological resources and of demands for technological development in order to develop the technologies for military and civilian purposes.

第七条   国家制定和实施知识产权战略，建立和完善知识产权制度，营造尊重知识产权的社会环境，依法保护知识产权，激励自主创新。

Article 7 The State shall formulate and implement intellectual property strategies, establish and improve upon an intellectual property system, create a social environment which respects intellectual property, protect intellectual property pursuant to the law, and incentivise independent innovation.

企业事业组织和科学技术人员应当增强知识产权意识，增强自主创新能力，提高运用、保护和管理知识产权的能力。

Enterprises, and institutions, and scientists and technicians shall enhance their awareness of the importance of intellectual property rights, increase their ability to innovate independently, and increase their ability to use, protect and manage intellectual property rights.

第八条   国家建立和完善有利于自主创新的科学技术评价制度。

Article 8 The State establishes and improves an appraisal system for science and technology conducive to independent innovation.

科学技术评价制度应当根据不同科学技术活动的特点，按照公平、公正、公开的原则，实行分类评价。

The appraisal system for science and technology shall be applied through classified appraisal on the basis of the characteristics of different scientific and technological activities and in adherence to the principles of fairness, impartiality and openness.

第九条   国家加大财政性资金投入，并制定产业、税收、金融、政府采购等政策，鼓励、引导社会资金投入，推动全社会科学技术研究开发经费持续稳定增长。

Article 9 The State shall increase its input of fiscal funds and formulate industrial, taxation, financial and government procurement policies to encourage and guide the input of social funds, and promote the sustained and stable growth of funds for scientific research and technological development by all sectors of society.

第十条   国务院领导全国科学技术进步工作，制定科学技术发展规划，确定国家科学技术重大项目、与科学技术密切相关的重大项目，保障科学技术进步与经济建设和社会发展相协调。

Article 10 The State Council shall lead the national work for scientific and technological progress, formulate a program for scientific and technological development and determine the major scientific and technological projects of the country and other major projects closely related to science and technology, in order to guarantee coordination between scientific and technological progress and economic and social development.

地方各级人民政府应当采取有效措施，推进科学技术进步。

Local people's governments at various levels shall take effective measures to promote progress of science and technology.

第十一条   国务院科学技术行政部门负责全国科学技术进步工作的宏观管理和统筹协调；国务院其他有关部门在各自的职责范围内，负责有关的科学技术进步工作。

Article 11 The administrative department in charge of science and technology under the State Council shall be responsible for the macro-management and overall coordination of the work for scientific and technological progress nationwide; and the relevant departments under the State Council shall, within the scope of their respective duties, be responsible for the work related to scientific and technological progress.

县级以上地方人民政府科学技术行政部门负责本行政区域的科学技术进步工作；县级以上地方人民政府其他有关部门在各自的职责范围内，负责有关的科学技术进步工作。

The administrative departments for science and technology under the local people's governments at or above the county level shall be responsible for the work related to progress of science and technology within their own administrative regions; and the relevant departments under the said people's governments shall, within the scope of their respective duties, be responsible for the work related to progress of science and technology.

第十二条   国家建立科学技术进步工作协调机制，研究科学技术进步工作中的重大问题，协调国家科学技术基金和国家科学技术计划项目的设立及相互衔接，协调军用与民用科学技术资源配置、科学技术研究开发机构的整合以及科学技术研究开发与高等教育、产业发展相结合等重大事项。

Article 12 The State shall set up a coordinating mechanism for scientific and technological progress, which shall serve the study of major issues in the work for scientific and technological progress, coordinate the establishment of and connection between the national scientific and technological fund and the planned national scientific and technological projects, and coordinate such important matters as the allocation of scientific and technological resources for military and civilian use, the integration of the scientific research and technological development institutions, as well as the combination of scientific research and technological development with higher education and industrial development.

第十三条   国家完善科学技术决策的规则和程序，建立规范的咨询和决策机制，推进决策的科学化、民主化。

Article 13 The State shall improve the rules and procedures for policy-making with respect to science and technology, set up standardized consultation and policy-making mechanisms, in order that the policy-making process is more scientific and democratic.

制定科学技术发展规划和重大政策，确定科学技术的重大项目、与科学技术密切相关的重大项目，应当充分听取科学技术人员的意见，实行科学决策。

Opinions from scientists and technicians shall be fully solicited in the course of formulating scientific and technological development programmes and important policies and determining major scientific and technological projects and major projects closely related to science and technology, in order that scientific policy-making is conducted.

第十四条   中华人民共和国政府发展同外国政府、国际组织之间的科学技术合作与交流，鼓励科学技术研究开发机构、高等学校、科学技术人员、科学技术社会团体和企业事业组织依法开展国际科学技术合作与交流。

Article 14 The Government of the People's Republic of China shall develop scientific and technological cooperation and exchange with the governments of other countries as well as international organizations, encouraging institutions that engage in scientific and technological research and development, institutions of higher education, workers in the fields of science and technology, nongovernmental organizations involved in science and technology, and enterprises and public institutions to carry out international scientific and technological cooperation and exchange according to law.

第十五条   国家建立科学技术奖励制度，对在科学技术进步活动中做出重要贡献的组织和个人给予奖励。具体办法由国务院规定。

Article 15 The State shall set up an awarding system for science and technology to reward organizations and individuals that have made important contributions in their activities in relation to scientific and technological progress. The specific measures shall be formulated by the State Council.

国家鼓励国内外的组织或者个人设立科学技术奖项，对科学技术进步给予奖励。

The State shall encourage organizations and individuals at home or abroad to establish scientific and technological awards to reward scientific and technological progress.

第二章 科学研究、技术开发与科学技术应用

Chapter 2 Scientific Research, Technological Development and Application of Science and Technology

第十六条   国家设立自然科学基金，资助基础研究和科学前沿探索，培养科学技术人才。

Article 16 The State shall establish an endowment for the natural science, in order to finance basic research and frontier scientific exploration and train scientists and technicians.

国家设立科技型中小企业创新基金，资助中小企业开展技术创新。

The State shall establish an innovation fund for the small and medium-sized scientific and technological enterprises to finance their technological innovation.

国家在必要时可以设立其他基金，资助科学技术进步活动。

The State may, when necessary, establish other funds to finance activities for scientific and technological progress.

第十七条   从事下列活动的，按照国家有关规定享受税收优惠：

Article 17 Those that engage in the following activities may enjoy preferential tax treatment in accordance with the relevant provisions of the State:

（一）从事技术开发、技术转让、技术咨询、技术服务；

(I) To engage in technology development, transfer, consultancy and service.

（二）进口国内不能生产或者性能不能满足需要的科学研究或者技术开发用品；

2. the importation of items for scientific research or technological development that cannot be produced domestically or whose domestic equivalent does not meet performance requirements;

（三）为实施国家重大科学技术专项、国家科学技术计划重大项目，进口国内不能生产的关键设备、原材料或者零部件；

(III) The importation of equipment, raw materials, or components that cannot be produced domestically for major national science and technology projects included in the national science and technology program;

（四）法律、国家有关规定规定的其他科学研究、技术开发与科学技术应用活动。

(IV) Other activities of scientific research, technological development, and application of science and technology as provided for by laws and regulations of the State.

第十八条   国家鼓励金融机构开展知识产权质押业务，鼓励和引导金融机构在信贷等方面支持科学技术应用和高新技术产业发展，鼓励保险机构根据高新技术产业发展的需要开发保险品种。

Article 18 The State shall encourage financial institutions to provide pledge services for intellectual property rights, encourage and guide financial institutions to support the application of science and technology and the development of the high-tech industry by means such as loans, and encourage insurance institutions to develop insurance products in light of the development needs of the high-tech industry.

政策性金融机构应当在其业务范围内，为科学技术应用和高新技术产业发展优先提供金融服务。

Policy-oriented financial institutions shall, within the scope of their business, give priority to the application of science and technology and the development of the high-tech industry in providing financial services.

第十九条   国家遵循科学技术活动服务国家目标与鼓励自由探索相结合的原则，超前部署和发展基础研究、前沿技术研究和社会公益性技术研究，支持基础研究、前沿技术研究和社会公益性技术研究持续、稳定发展。

Article 19 The State shall abide by the principle of combining service rendered by scientific and technological activities to national goals with encouragement of free exploration, arrange and develop in advance basic research, cutting-edge technology research and public-interest technology research, support sustained and steady development of basic research, cutting-edge technology research and public-interest technology research.

科学技术研究开发机构、高等学校、企业事业组织和公民有权依法自主选择课题，从事基础研究、前沿技术研究和社会公益性技术研究。

Scientific research and technological development institutions, institutions of higher learning, enterprises and institutions as well as citizens shall, in accordance with law, have the right to independently select subjects for basic research, cutting-edge technology research, and public-interest technology research.

第二十条   利用财政性资金设立的科学技术基金项目或者科学技术计划项目所形成的发明专利权、计算机软件著作权、集成电路布图设计专有权和植物新品种权，除涉及国家安全、国家利益和重大社会公共利益的外，授权项目承担者依法取得。

Article 20 Patents of inventions, copyrights of computer software, proprietary rights of layout-designs of integrated circuits and rights of new plant varieties formed in science and technology endowment projects or science and technology program projects established using government funds shall be obtained by the authorized undertakers of the projects in accordance with the law, except for those involving national security, national interests or major public interests.

项目承担者应当依法实施前款规定的知识产权，同时采取保护措施，并就实施和保护情况向项目管理机构提交年度报告；在合理期限内没有实施的，国家可以无偿实施，也可以许可他人有偿实施或者无偿实施。

Project undertakers shall, according to law, exercise the intellectual property rights provided for in the preceding paragraph and, at the same time, take protective measures, and shall submit annual reports on such exercise and protection to project administration authorities; if they fail to exercise their rights within the reasonable time limit, the State may do it without compensation, or may permit another person to do it with or without compensation.

项目承担者依法取得的本条第一款规定的知识产权，国家为了国家安全、国家利益和重大社会公共利益的需要，可以无偿实施，也可以许可他人有偿实施或者无偿实施。

For intellectual property rights lawfully acquired by undertakers of projects as stipulated in Paragraph 1 of this Article, the State may, for the sake of national security, national interests, or major public interests, exercise them without providing compensation, or may permit others to exercise them while providing compensation, or exercise them without providing compensation.

项目承担者因实施本条第一款规定的知识产权所产生的利益分配，依照有关法律、行政法规的规定执行；法律、行政法规没有规定的，按照约定执行。

The benefits arising from the exercise of the intellectual property rights, provided for in the first paragraph of this Article, shall be distributed among the project undertakers in accordance with the provisions of the relevant laws and administrative regulations; and where such provisions are lacking in laws and administrative regulations, the benefits shall be distributed as agreed upon.

第二十一条   国家鼓励利用财政性资金设立的科学技术基金项目或者科学技术计划项目所形成的知识产权首先在境内使用。

Article 21 The State shall encourage the domestic use of the intellectual property rights formed in projects covered by the scientific and technological fund established with the government funds, or by scientific and technological plans.

前款规定的知识产权向境外的组织或者个人转让或者许可境外的组织或者个人独占实施的，应当经项目管理机构批准；法律、行政法规对批准机构另有规定的，依照其规定。

If the intellectual property rights provided for in the preceding paragraph are to be transferred to a foreign organization or individual, or if a foreign organization or individual is to be permitted to exercise them exclusively, the matter shall be subject to approval by the project management authority. If the approval authority is otherwise provided for in laws or administrative regulations, the matter shall be handled in accordance with such provisions.

第二十二条   国家鼓励根据国家的产业政策和技术政策引进国外先进技术、装备。

Article 22 The State encourages the introduction of advanced technology and equipment from abroad in accordance with the industrial and technological policies of the State.

利用财政性资金和国有资本引进重大技术、装备的，应当进行技术消化、吸收和再创新。

Key technologies and equipment introduced with government funds or State-owned capital shall be digested, absorbed and recreated.

第二十三条   国家鼓励和支持农业科学技术的基础研究和应用研究，传播和普及农业科学技术知识，加快农业科学技术成果转化和产业化，促进农业科学技术进步。

Article 23 The State shall encourage and support basic and applied research of agricultural science and technology, disseminate and popularize knowledge of agricultural science and technology, speed up the transformation and industrialization of scientific and technological achievements in agriculture, and promote progress of agricultural science and technology.

县级以上人民政府应当采取措施，支持公益性农业科学技术研究开发机构和农业技术推广机构进行农业新品种、新技术的研究开发和应用。

People's governments at or above the county level shall take measures to support agricultural scientific and technological research and development institutions for public welfare and institutions for popularization of agricultural technology to research, develop and apply new agricultural varieties and technologies.

地方各级人民政府应当鼓励和引导农村群众性科学技术组织为种植业、林业、畜牧业、渔业等的发展提供科学技术服务，对农民进行科学技术培训。

Local people's governments at various levels shall encourage and guide scientific and technological organizations of a mass character in rural areas in their provision of scientific and technological services to the development of crop cultivation, forestry, animal husbandry, fishery, etc., and conduct training in science and technology among farmers.

第二十四条   国务院可以根据需要批准建立国家高新技术产业开发区，并对国家高新技术产业开发区的建设、发展给予引导和扶持，使其形成特色和优势，发挥集聚效应。

Article 24 The State Council may, in light of need, grant approval for establishment of national high and new technology industry development zones, and give guidance and support for the construction and development of such zones to give them special features and advantages and give play to the effect of agglomeration.

第二十五条   对境内公民、法人或者其他组织自主创新的产品、服务或者国家需要重点扶持的产品、服务，在性能、技术等指标能够满足政府采购需求的条件下，政府采购应当购买；首次投放市场的，政府采购应当率先购买。

Article 25 With regard to the products and services that are created independently by citizens, legal persons or other organizations within the territory, or the products and services to which the State needs to give special support and assistance, provided that they satisfy the requirements of government procurement in terms of their performance and technology indexes, the government shall purchase them for procurement; and where they are put on the market for the first time, the government shall take the lead in purchasing them.

政府采购的产品尚待研究开发的，采购人应当运用招标方式确定科学技术研究开发机构、高等学校或者企业进行研究开发，并予以订购。

Where a product that the government intends to procure is yet to be researched and developed, the purchaser shall, through invitation for bid, decide on the scientific and technological research and development institution, the institution of higher education or the enterprise for research and development, and shall place orders for the product.

第二十六条   国家推动科学技术研究开发与产品、服务标准制定相结合，科学技术研究开发与产品设计、制造相结合；引导科学技术研究开发机构、高等学校、企业共同推进国家重大技术创新产品、服务标准的研究、制定和依法采用。

Article 26 The State shall promote the combination of scientific research and technological development with the establishment of the standards for products and services, and the combination of scientific research and technological development with the design and manufacture of products; and the State shall guide scientific research and technological development institutions, institutions of higher learning and enterprises in jointly pushing forward the research, establishment and lawful use of the standards for major national technological products and services.

第二十七条   国家培育和发展技术市场，鼓励创办从事技术评估、技术经纪等活动的中介服务机构，引导建立社会化、专业化和网络化的技术交易服务体系，推动科学技术成果的推广和应用。

Article 27 The State shall cultivate and develop technology markets, encourage the establishment of intermediary service agencies engaged in technological assessment, technology brokerage and other activities, guide the establishment of a socialized, specialized and networked service system for technology transactions, and promote the popularization and application of scientific and technological achievements.

技术交易活动应当遵循自愿、平等、互利有偿和诚实信用的原则。

Technology transaction activities shall comply with the principles of voluntary participation, equality, mutual benefit, compensation, honesty and trustworthiness.

第二十八条   国家实行科学技术保密制度，保护涉及国家安全和利益的科学技术秘密。

Article 28 The State shall institute a security system with respect to science and technology to guard scientific and technological secrets involving national security and interests.

国家实行珍贵、稀有、濒危的生物种质资源、遗传资源等科学技术资源出境管理制度。

The State shall apply a system governing the export of such scientific and technological resources as precious, rare, and endangered biological resources and genetic resources.

第二十九条   国家禁止危害国家安全、损害社会公共利益、危害人体健康、违反伦理道德的科学技术研究开发活动。

Article 29 The State prohibits scientific research and technological development which endanger national security, harm public interests, endanger human health or violate ethics.

第三章 企业技术进步

Chapter 3 Technological Progress of Enterprises

第三十条   国家建立以企业为主体，以市场为导向，企业同科学技术研究开发机构、高等学校相结合的技术创新体系，引导和扶持企业技术创新活动，发挥企业在技术创新中的主体作用。

Article 30 The State shall establish a market-oriented system for technological innovation, in which enterprises play the leading role and which combines the efforts of enterprises with the efforts of scientific and technological research and development institutions and of the higher education institutions, guide and support enterprises in their technological innovation, and bring into play the leading role of enterprises in technological innovation.

第三十一条   县级以上人民政府及其有关部门制定的与产业发展相关的科学技术计划，应当体现产业发展的需求。

Article 31 Scientific and technological plans related to industrial development formulated by people's governments at or above the county level and the relevant departments under them shall embody the need of industrial development.

县级以上人民政府及其有关部门确定科学技术计划项目，应当鼓励企业参与实施和平等竞争；对具有明确市场应用前景的项目，应当鼓励企业联合科学技术研究开发机构、高等学校共同实施。

When deciding on projects to be covered by scientific and technological plans, people's governments at or above the county level and the relevant departments under them shall encourage enterprises to participate in such projects and compete on an equal footing; and with respect to projects that have a definite prospect of market application, they shall encourage enterprises to join efforts with scientific research and technological development institutions and institutions of higher education in undertaking such projects.

第三十二条   国家鼓励企业开展下列活动：

Article 32 The State shall encourage enterprises to carry out the following activities:

（一）设立内部科学技术研究开发机构；

1. Establishing an internal organization for scientific and technological research and development;

（二）同其他企业或者科学技术研究开发机构、高等学校联合建立科学技术研究开发机构，或者以委托等方式开展科学技术研究开发；

(II) Join forces with other enterprises, scientific and technological research and development organizations, and institutions of higher learning to establish scientific and technological research and development organizations, or carry out scientific and technological research and development through entrustment or by other means;

（三）培养、吸引和使用科学技术人员；

(III) Train, attract, and utilize workers in the field of science and technology;

（四）同科学技术研究开发机构、高等学校、职业院校或者培训机构联合培养专业技术人才和高技能人才，吸引高等学校毕业生到企业工作；

(IV) Join forces with scientific and technological research and development organizations, institutions of higher learning, vocational schools, or training organizations in cultivating specialized and highly skilled personnel and attract graduates of institutions of higher learning to work in enterprises;

（五）依法设立博士后工作站；

(V) Establish post-doctoral workstations according to the law; and

（六）结合技术创新和职工技能培训，开展科学技术普及活动，设立向公众开放的普及科学技术的场馆或者设施。

(VI) Carry out science and technology popularization activities and set up science and technology popularization venues or facilities open to the public in combination with technical innovation and skill training.

第三十三条   国家鼓励企业增加研究开发和技术创新的投入，自主确立研究开发课题，开展技术创新活动。

Article 33 The State shall encourage enterprises to increase their input in research and development and in technological innovation, to determine the subjects of research and development independently and to carry out the activities of technological innovation.

国家鼓励企业对引进技术进行消化、吸收和再创新。

The State shall encourage enterprises to digest, absorb and recreate the technologies introduced.

企业开发新技术、新产品、新工艺发生的研究开发费用可以按照国家有关规定，税前列支并加计扣除，企业科学技术研究开发仪器、设备可以加速折旧。

Research and development expenses incurred by an enterprise for development of new technologies, new products and new processes may, pursuant to the relevant provisions of the State, be listed as pre-tax expenditure and allowed for additional deduction, and the depreciation of instruments and equipment of an enterprise for scientific and technological research and development may be accelerated.

第三十四条   国家利用财政性资金设立基金，为企业自主创新与成果产业化贷款提供贴息、担保。

Article 34 The State shall establish a fund with government funds to provide interest subsidies and guarantees for loans granted by enterprises for independent innovation and for application of the achievements in production.

政策性金融机构应当在其业务范围内对国家鼓励的企业自主创新项目给予重点支持。

Policy financial institutions shall, within their operational scope, provide special support to the independent innovation projects of enterprises that are encouraged by the state.

第三十五条   国家完善资本市场，建立健全促进自主创新的机制，支持符合条件的高新技术企业利用资本市场推动自身发展。

Article 35 The State shall improve the capital market, establish a sound mechanism for promoting independent innovation and support the high and new technology enterprises that meet the conditions to push forward their own development by taking advantage of the capital market.

国家鼓励设立创业投资引导基金，引导社会资金流向创业投资企业，对企业的创业发展给予支持。

The State shall encourage the establishment of the fund for guiding investment in pioneering projects to guide the flow of non-government funds towards the enterprises undertaking pioneering projects by way of supporting their development in that direction.

第三十六条   下列企业按照国家有关规定享受税收优惠：

Article 36 The following enterprises shall enjoy tax preference in accordance with relevant provisions of the State:

（一）从事高新技术产品研究开发、生产的企业；

1. being an enterprise engaged in research, development and production of high-tech products;

（二）投资于中小型高新技术企业的创业投资企业；

2. Venture capital enterprises which invest in small and medium -sized high-tech enterprises;

（三）法律、行政法规规定的与科学技术进步有关的其他企业。

(III) Other enterprises relating to the progress of science and technology as stipulated by laws and administrative regulations.

第三十七条   国家对公共研究开发平台和科学技术中介服务机构的建设给予支持。

Article 37 The State shall give support to the establishment of platforms for public research and development and intermediaries for science and technology.

公共研究开发平台和科学技术中介服务机构应当为中小企业的技术创新提供服务。

The public platforms for research and development and the intermediaries for science and technology shall provide services to small and medium-sized enterprises for their technological innovation.

第三十八条   国家依法保护企业研究开发所取得的知识产权。

Article 38 The State shall protect the intellectual property rights obtained by enterprises from research and development.

企业应当不断提高运用、保护和管理知识产权的能力，增强自主创新能力和市场竞争能力。

Enterprises shall ceaselessly increase their ability to apply, protect and manage their intellectual property rights and their ability to innovate independently and to compete in the market.

第三十九条   国有企业应当建立健全有利于技术创新的分配制度，完善激励约束机制。

Article 39 State-owned enterprises shall establish a sound distribution system conducive to technological innovation and improve their mechanisms of incentives and restrictions.

国有企业负责人对企业的技术进步负责。对国有企业负责人的业绩考核，应当将企业的创新投入、创新能力建设、创新成效等情况纳入考核的范围。

Leading persons of State-owned enterprises shall be responsible for technological progress of the enterprises. The input of State-owned enterprises into innovation, the improvement of their ability to innovate and the results of their innovation shall be included in the performance appraisal of the leading persons of the enterprises.

第四十条   县级以上地方人民政府及其有关部门应当创造公平竞争的市场环境，推动企业技术进步。

Article 40 Local People's Governments of county level and above and their relevant departments shall create a market environment for fair competition, and promote technological advancement of enterprises.

国务院有关部门和省、自治区、直辖市人民政府应当通过制定产业、财政、能源、环境保护等政策，引导、促使企业研究开发新技术、新产品、新工艺，进行技术改造和设备更新，淘汰技术落后的设备、工艺，停止生产技术落后的产品。

The relevant departments under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, by adopting such policies as the industrial, financial, energy and environmental protection policies, give guidance to enterprises and urge them to make research and develop new technologies, products and techniques, to conduct technological transformation and equipment updating, to eliminate outdated equipment and techniques, and to stop manufacturing products with outdated techniques.

第四章 科学技术研究开发机构

Chapter 4 Scientific and Technological Research and Development Organizations

第四十一条   国家统筹规划科学技术研究开发机构的布局，建立和完善科学技术研究开发体系。

Article 41 The State shall plan the distribution of scientific and technological research and development organizations, establish and improve the system for scientific and technological research and development.

第四十二条   公民、法人或者其他组织有权依法设立科学技术研究开发机构。国外的组织或者个人可以在中国境内依法独立设立科学技术研究开发机构，也可以与中国境内的组织或者个人依法联合设立科学技术研究开发机构。

Article 42 Citizens, legal persons or other organizations shall have the right to establish scientific and technological research and development organizations pursuant to law. Foreign organizations or individuals may independently establish scientific research and technological development institutions within the territory of China according to law, or may establish such institutions jointly with organizations or individuals within the territory of China according to law.

从事基础研究、前沿技术研究、社会公益性技术研究的科学技术研究开发机构，可以利用财政性资金设立。利用财政性资金设立科学技术研究开发机构，应当优化配置，防止重复设置；对重复设置的科学技术研究开发机构，应当予以整合。

Scientific research and technological development institutions engaged in basic research, in research of cutting-edge technologies, or in technological research for public welfare may be established with government funds. Scientific and technological research and development organizations established using government funds shall optimize their organizational structure, avoiding duplicate setups; those scientific and technological research and development organizations which have duplicate setups shall be integrated.

科学技术研究开发机构、高等学校可以依法设立博士后工作站。科学技术研究开发机构可以依法在国外设立分支机构。

Scientific and technological research and development organizations as well as institutions of higher learning may lawfully establish post-doctoral working stations. Scientific and technological research and development organizations may lawfully establish branch organizations overseas.

第四十三条   科学技术研究开发机构享有下列权利：

Article 43 Scientific and technological research and development organizations enjoy the following rights:

（一）依法组织或者参加学术活动；

1. to organize or participate in academic activities in accordance with the law;

（二）按照国家有关规定，自主确定科学技术研究开发方向和项目，自主决定经费使用、机构设置和人员聘用及合理流动等内部管理事务；

(II) Determine, of their own accord and according to national regulations, the direction of scientific and technological research and development and relevant projects, deciding on the use of funds, organizational setup, personnel recruitment, rational mobility, and other internal management matters;

（三）与其他科学技术研究开发机构、高等学校和企业联合开展科学技术研究开发；

(III) Conduct joint scientific and technological research and development with other scientific and technological research and development organizations, institutions of higher learning, and enterprises;

（四）获得社会捐赠和资助；

(IV) Obtaining social donations and financial aid;

（五）法律、行政法规规定的其他权利。

(V) Other rights provided for by laws and administrative regulations.

第四十四条   科学技术研究开发机构应当按照章程的规定开展科学技术研究开发活动；不得在科学技术活动中弄虚作假，不得参加、支持迷信活动。

Article 44 Scientific and technological research and development organizations shall, pursuant to the provisions of their articles of association, engage in activities relevant to scientific and technological research and development; they shall not commit fraud in scientific and technological activities or participate in or support superstition.

利用财政性资金设立的科学技术研究开发机构开展科学技术研究开发活动，应当为国家目标和社会公共利益服务；有条件的，应当向公众开放普及科学技术的场馆或者设施，开展科学技术普及活动。

Scientific research and technological development conducted by scientific research and technological development institutions set up with government funds shall serve the objectives of the State and serve the public interest; and where conditions permit, the centers or facilities for popularization of science and technology shall be open to the general public and popularization of science and technology shall be conducted.

第四十五条   利用财政性资金设立的科学技术研究开发机构应当建立职责明确、评价科学、开放有序、管理规范的现代院所制度，实行院长或者所长负责制，建立科学技术委员会咨询制和职工代表大会监督制等制度，并吸收外部专家参与管理、接受社会监督；院长或者所长的聘用引入竞争机制。

Article 45 Scientific and technological research and development organizations which are established using government funds shall establish a system for modern institutes characterized by defined duties, scientific assessments, openness and orderliness, and standardized management. They shall implement a system whereby the presidents or heads of the institutes assume overall responsibility. They shall also establish a science and technology commission consultation system and a staff representative assembly supervision system, as well as attract external experts to participate in management, accepting public supervision. Competition shall be introduced in the recruitment of presidents or heads of institutes.

第四十六条   利用财政性资金设立的科学技术研究开发机构，应当建立有利于科学技术资源共享的机制，促进科学技术资源的有效利用。

Article 46 Scientific and technological research and development organizations which are established using government funds shall establish a mechanism that facilitates the sharing of scientific and technological resources, promoting the effective use of scientific and technological resources.

第四十七条   国家鼓励社会力量自行创办科学技术研究开发机构，保障其合法权益不受侵犯。

Article 47 The State shall encourage non-government entities to set up scientific research and technological development institutions independently and shall protect their legitimate rights and interests from infringement.

社会力量设立的科学技术研究开发机构有权按照国家有关规定，参与实施和平等竞争利用财政性资金设立的科学技术基金项目、科学技术计划项目。

Scientific research and technological development institutions established by non-government entities shall, in accordance with relevant regulations of the State, have the right to participate in implementing the projects covered by the scientific and technological fund set up with government funds and the projects covered by scientific and technological plans and to compete in this respect on an equal footing.

社会力量设立的非营利性科学技术研究开发机构按照国家有关规定享受税收优惠。

Non-profit scientific and technological research and development organizations established by public forces shall receive preferential tax treatment pursuant to relevant national regulations.

第五章 科学技术人员

Chapter 5 Workers in Science and Technology

第四十八条   科学技术人员是社会主义现代化建设事业的重要力量。国家采取各种措施，提高科学技术人员的社会地位，通过各种途径，培养和造就各种专门的科学技术人才，创造有利的环境和条件，充分发挥科学技术人员的作用。

Article 48 Scientists and technicians constitute an important force in the socialist modernization drive. The State shall take various measures to raise the social status of scientists and technicians, and through various channels, provide training to people so that they become specialists in science and technology and create favourable environment and conditions for scientists and technicians to play their role fully.

第四十九条   各级人民政府和企业事业组织应当采取措施，提高科学技术人员的工资和福利待遇；对有突出贡献的科学技术人员给予优厚待遇。

Article 49 People's governments at the various levels as well as enterprises and institutions shall take measures to increase the salaries and welfare benefits of scientists and technicians; and they shall give substantial benefits to the scientists and technicians who have made outstanding contributions.

第五十条   各级人民政府和企业事业组织应当保障科学技术人员接受继续教育的权利，并为科学技术人员的合理流动创造环境和条件，发挥其专长。

Article 50 People's governments at various levels, enterprises and institutions shall guarantee the right of scientists and technicians to receive continuing education and create the environment and conditions for their rational mobility so as to give full play of their specialties.

第五十一条   科学技术人员可以根据其学术水平和业务能力依法选择工作单位、竞聘相应的岗位，取得相应的职务或者职称。

Article 51 Scientists and technicians may, on the basis of their academic ability and professional competence and in accordance with law, select their own workplaces, compete for appropriate jobs and obtain the appropriate positions or professional titles.

第五十二条   科学技术人员在艰苦、边远地区或者恶劣、危险环境中工作，所在单位应当按照国家规定给予补贴，提供其岗位或者工作场所应有的职业健康卫生保护。

Article 52 Where scientists and technicians work in arduous or remote areas or under adverse and dangerous conditions, the units which they belong to shall, in accordance with the regulations of the State, give subsidies to them and provide them with occupational health protection necessary for their posts or working places.

第五十三条   青年科学技术人员、少数民族科学技术人员、女性科学技术人员等在竞聘专业技术职务、参与科学技术评价、承担科学技术研究开发项目、接受继续教育等方面享有平等权利。

Article 53 Young scientists and technicians, scientists and technicians from among ethnic groups and female scientists and technicians, among others, shall enjoy equal rights in competing for specialized technical posts, participating in scientific and technological appraisals, undertaking scientific and technological research and development projects, and receiving continued education, among others.

发现、培养和使用青年科学技术人员的情况，应当作为评价科学技术进步工作的重要内容。

Discovering, training, and employing young scientists and technicians constitute an important part of the work for advancement of science and technology.

第五十四条   国家鼓励在国外工作的科学技术人员回国从事科学技术研究开发工作。利用财政性资金设立的科学技术研究开发机构、高等学校聘用在国外工作的杰出科学技术人员回国从事科学技术研究开发工作的，应当为其工作和生活提供方便。

Article 54 The State shall encourage scientists and technicians working abroad to come back and engage in scientific research and technological development. Scientific research and technological development institutions set up with government funds and institutions of higher education that recruit outstanding scientists and technicians who work abroad to come back and engage in scientific research and technological development shall provide conveniences for their work and daily life.

外国的杰出科学技术人员到中国从事科学技术研究开发工作的，按照国家有关规定，可以依法优先获得在华永久居留权。

Outstanding scientists and technicians of other countries who come to China to engage in scientific research and technological development may, in accordance with the relevant regulations of the State, have priority in obtaining the right of permanent residence in China according to law.

第五十五条   科学技术人员应当弘扬科学精神，遵守学术规范，恪守职业道德，诚实守信；不得在科学技术活动中弄虚作假，不得参加、支持迷信活动。

Article 55 Scientists and technicians shall carry forward scientific spirits, observe academic norms, abide by professional ethics, and be honest and trustworthy; and they shall not practice fraud in scientific and technological activities, or participate in or support superstition.

第五十六条   国家鼓励科学技术人员自由探索、勇于承担风险。原始记录能够证明承担探索性强、风险高的科学技术研究开发项目的科学技术人员已经履行了勤勉尽责义务仍不能完成该项目的，给予宽容。

Article 56 The State shall encourage free exploration and risk taking by scientists and technicians. Leniency shall be given to those workers who have carried out their duties to the best of their abilities but have been unable to complete scientific and technological research and development projects when original records prove the project to be highly exploratory and risky.

第五十七条   利用财政性资金设立的科学技术基金项目、科学技术计划项目的管理机构，应当为参与项目的科学技术人员建立学术诚信档案，作为对科学技术人员聘任专业技术职务或者职称、审批科学技术人员申请科学技术研究开发项目等的依据。

Article 57 Administration authorities for projects covered by the scientific and technological fund set up with government funds and projects covered by scientific and technological plans shall establish academic integrity files for the scientists and technicians involved in the projects, which shall serve as the basis for appointing scientists and technicians to professional and technical posts or conferring on them academic titles, or for examining their applications for scientific research and technological development projects, etc.

第五十八条   科学技术人员有依法创办或者参加科学技术社会团体的权利。

Article 58 Scientists and technicians shall have the right to establish or join, according to law, public scientific and technological organizations.

科学技术协会和其他科学技术社会团体按照章程在促进学术交流、推进学科建设、发展科学技术普及事业、培养专门人才、开展咨询服务、加强科学技术人员自律和维护科学技术人员合法权益等方面发挥作用。

Science and technology associations and other science and technology organizations shall, pursuant to their articles of association, promote scientific exchanges, the building of disciplines, the popularization of science and technology, the training for specialists, the development of consulting services, the enhancement of the self-discipline of science and technology workers and the protection of their lawful rights and interests.

科学技术协会和其他科学技术社会团体的合法权益受法律保护。

The legitimate rights and interests of science and technology associations and other science and technology organizations are protected by law.

第六章 保障措施

Chapter 6 Guarantee Measures

第五十九条   国家逐步提高科学技术经费投入的总体水平；国家财政用于科学技术经费的增长幅度，应当高于国家财政经常性收入的增长幅度。全社会科学技术研究开发经费应当占国内生产总值适当的比例，并逐步提高。

Article 59 The State shall gradually increase the total input in funds for science and technology; and the rate of increase in funds for science and technology allocated from the State's financial budget shall exceed the rate of increase in regular financial revenues. The funds of the entire society for scientific research and technological development shall constitute an appropriate proportion of the gross domestic product and shall gradually be increased.

第六十条   财政性科学技术资金应当主要用于下列事项的投入：

Article 60 Government science and technology endowments shall be primarily used in the following types of investments:

（一）科学技术基础条件与设施建设；

1. The construction of basic conditions and facilities for science and technology;

（二）基础研究；

2. basic research;

（三）对经济建设和社会发展具有战略性、基础性、前瞻性作用的前沿技术研究、社会公益性技术研究和重大共性关键技术研究；

(III) Cutting-edge research, public-interest research, or major key technology research that is strategic, fundamental, or forward-looking for economic construction or social development;

（四）重大共性关键技术应用和高新技术产业化示范；

(IV) the application of major key generic technologies and the industrialization of high and new technologies;

（五）农业新品种、新技术的研究开发和农业科学技术成果的应用、推广；

(V) The research and development of new agricultural products and new technologies, and the application and popularization of agricultural scientific and technological achievements;

（六）科学技术普及。

(VI) Popularization of science and technology.

对利用财政性资金设立的科学技术研究开发机构，国家在经费、实验手段等方面给予支持。

The State shall give support in such aspects as financial expenses and experimental means to scientific and technological research and development organizations which are established using government funds.

第六十一条   审计机关、财政部门应当依法对财政性科学技术资金的管理和使用情况进行监督检查。

Article 61 Audit agencies and financial departments shall, according to law, supervise and inspect the management and use of government funds earmarked for scientific and technological endeavors.

任何组织或者个人不得虚报、冒领、贪污、挪用、截留财政性科学技术资金。

No organization or individual shall make fraudulent applications or claims for, embezzle, misappropriate or withhold government funds earmarked for scientific and technological endeavors.

第六十二条   确定利用财政性资金设立的科学技术基金项目，应当坚持宏观引导、自主申请、平等竞争、同行评审、择优支持的原则；确定利用财政性资金设立的科学技术计划项目的项目承担者，应当按照国家有关规定择优确定。

Article 62 Projects which are covered by the scientific and technological fund established with government funds shall be decided on in adherence to the principles of macro-guidance, independent application, equal competition, peer appraisal and support for the best; and undertakers of the said projects shall, in accordance with the relevant regulations of the State, be determined on a selective basis.

利用财政性资金设立的科学技术基金项目、科学技术计划项目的管理机构，应当建立评审专家库，建立健全科学技术基金项目、科学技术计划项目的专家评审制度和评审专家的遴选、回避、问责制度。

The administrative organ for projects covered by the scientific and technological fund set up with government funds or by scientific and technological plans shall set up a panel of appraisal experts, establish and improve an expert appraisal system for projects covered by the scientific and technological fund or by scientific and technological plans and a system for the selection, challenge and accountability of appraisal experts.

第六十三条   国家遵循统筹规划、优化配置的原则，整合和设置国家科学技术研究实验基地。

Article 63 The State shall, in adherence to the principles of overall planning and optimized allocation of resources, reorganize and set up national research and experiment bases for science and technology.

国家鼓励设置综合性科学技术实验服务单位，为科学技术研究开发机构、高等学校、企业和科学技术人员提供或者委托他人提供科学技术实验服务。

The State shall encourage the establishment of units in the service of comprehensive scientific and technological experiments, which shall provide, or entrust another unit to provide, such services to scientific research and technological development institutions, institutions of higher education, and enterprises, as well as to scientists and technicians.

第六十四条   国家根据科学技术进步的需要，按照统筹规划、突出共享、优化配置、综合集成、政府主导、多方共建的原则，制定购置大型科学仪器、设备的规划，并开展对以财政性资金为主购置的大型科学仪器、设备的联合评议工作。

Article 64 The State shall, in light of the need for progress of science and technology, make plans for the purchase of large scientific instruments and equipment in adherence to the principles of overall planning, stress on sharing, optimized allocation of resources, comprehensive integration, leading by the government and concerted efforts made by all entities concerned, and shall conduct joint appraisal of the large scientific instruments and equipment purchased mainly with government funds.

第六十五条   国务院科学技术行政部门应当会同国务院有关主管部门，建立科学技术研究基地、科学仪器设备和科学技术文献、科学技术数据、科学技术自然资源、科学技术普及资源等科学技术资源的信息系统，及时向社会公布科学技术资源的分布、使用情况。

Article 65 The administrative department for science and technology under the State Council shall, in conjunction with the relevant competent departments under the State Council, establish an information system for scientific and technological resources, including scientific and technological research bases, scientific instruments, equipment, scientific and technological literature, data and resources, and resources for scientific and technological popularization, in order to make public without delay the distribution and use of such resources.

科学技术资源的管理单位应当向社会公布所管理的科学技术资源的共享使用制度和使用情况，并根据使用制度安排使用；但是，法律、行政法规规定应当保密的，依照其规定。

Administrative entities responsible for scientific and technological resources shall make known to the general public the system for general usage of scientific and technological resources and how they are used, and shall arrange for their use in accordance with the said system; however, where laws or administrative regulations provide that such resources shall be kept confidential, that provision shall apply.

科学技术资源的管理单位不得侵犯科学技术资源使用者的知识产权，并应当按照国家有关规定确定收费标准。管理单位和使用者之间的其他权利义务关系由双方约定。

Administrative entities responsible for scientific and technological resources shall not infringe upon the intellectual property rights of scientific and technological resources users, and shall determine charging standards pursuant to relevant national regulations. The rights and obligations existing between administrative entities and users shall be determined by mutual agreement of the two parties.

第六十六条   国家鼓励国内外的组织或者个人捐赠财产、设立科学技术基金，资助科学技术研究开发和科学技术普及。

Article 66 The State shall encourage organizations or individuals at home or abroad to donate their property or set up scientific and technological fund in support of scientific and technological research and development as well as popularization of scientific and technological knowledge.

第七章 法律责任

Chapter 7 Legal Liabilities

第六十七条   违反本法规定，虚报、冒领、贪污、挪用、截留用于科学技术进步的财政性资金，依照有关财政违法行为处罚处分的规定责令改正，追回有关财政性资金和违法所得，依法给予行政处罚；对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 67 Where an entity, in violation of the provisions of this Law, makes a fraudulent application or claim for, embezzles, misappropriates or withholds government funds earmarked for scientific and technological progress, it shall be ordered to make rectification in accordance with the provisions on punishments and sanctions against violations of financial laws, the government funds involved and the illegal gains shall be recovered, and it shall be given an administrative sanction according to law; and the leading person directly in charge and the other persons directly responsible shall be given sanctions according to law.

第六十八条   违反本法规定，利用财政性资金和国有资本购置大型科学仪器、设备后，不履行大型科学仪器、设备等科学技术资源共享使用义务的，由有关主管部门责令改正，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 68 Where any entity or individual fails to perform the obligation of sharing such scientific and technological resources as large scientific instruments and equipment after the purchase of large scientific instruments and equipment with government funds and state-owned capital in violation of the provisions of this Law, the relevant competent department shall order the entity or individual to take remedial action and punish the persons directly in charge and the other persons directly responsible in accordance with the law.

第六十九条   违反本法规定，滥用职权，限制、压制科学技术研究开发活动的，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 69 Where an entity, in violation of the provisions of this Law, restricts or suppresses scientific research and technological development, by abusing its power, the leading person directly in charge and the other persons directly responsible shall be given sanctions according to law.

第七十条   违反本法规定，抄袭、剽窃他人科学技术成果，或者在科学技术活动中弄虚作假的，由科学技术人员所在单位或者单位主管机关责令改正，对直接负责的主管人员和其他直接责任人员依法给予处分；获得用于科学技术进步的财政性资金或者有违法所得的，由有关主管部门追回财政性资金和违法所得；情节严重的，由所在单位或者单位主管机关向社会公布其违法行为，禁止其在一定期限内申请国家科学技术基金项目和国家科学技术计划项目。

Article 70 Where there is plagiarism of the scientific or technological achievements of others or fraud committed in the course of scientific and technological activities in violation of the provisions of this Law, the unit to which the scientists and technicians belong or the department in charge of that unit shall order rectification, and the persons who are directly in charge and the other persons who are directly responsible shall be disciplined according to law; where there are government funds earmarked for scientific and technological progress or illegal gains, the competent department shall recover those funds; where the circumstances are serious, the unit to which the scientists and technicians belong or the department in charge of that unit shall publish the illegal act to the public, and shall be prohibited for a certain period of time from applying for any project covered by the national scientific and technological endowment or by national scientific and technological plans.

第七十一条   违反本法规定，骗取国家科学技术奖励的，由主管部门依法撤销奖励，追回奖金，并依法给予处分。

Article 71 Where a person, in violation of the provisions of this Law, obtains a national scientific and technological award by fraud, the department in charge shall revoke the award according to law, recover the money award, and give him a sanction according to law.

违反本法规定，推荐的单位或者个人提供虚假数据、材料，协助他人骗取国家科学技术奖励的，由主管部门给予通报批评；情节严重的，暂停或者取消其推荐资格，并依法给予处分。

Where any recommending entity or individual, in violation of the provisions of this Law, provides false data or materials to assist another person in getting a national scientific and technological award by fraudulent means, the department in charge shall criticize it or him in a circular; and if the circumstances are serious, its qualification for recommendation shall be suspended or revoked, and it shall be given a sanction according to law.

第七十二条   违反本法规定，科学技术行政等有关部门及其工作人员滥用职权、玩忽职守、徇私舞弊的，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 72 Where, in violation of the provisions of this Law, the science and technology administration departments or other relevant departments as well as their functionaries abuse their powers, neglect their duties, or engage in malpractices for personal gain, the leading persons directly in charge and the other persons directly responsible shall be given sanctions according to law.

第七十三条   违反本法规定，其他法律、法规规定行政处罚的，依照其规定；造成财产损失或者其他损害的，依法承担民事责任；构成犯罪的，依法追究刑事责任。

Article 73 Where other laws or regulations provide for administrative penalties against the provisions of this Law, the provisions there shall prevail; where losses of property or other damages are caused, civil liability shall be borne according to law, and if a crime is constituted, criminal liability shall be investigated for according to law.

第八章 附 则

Chapter 8 Supplementary Provisions

第七十四条   涉及国防科学技术的其他有关事项，由国务院、中央军事委员会规定。

Article 74 Regulations on other matters related to science and technology of national defense shall be formulated by the State Council and the Central Military Commission.

第七十五条   本法自2008年7月1日起施行。

Article 75 This Law shall go into effect as of July 1, 2008.