

Acceleration Practice in China

Joanna He
YUHONG IP LAW FIRM

AIPLA
Serving the
Creative and Legal Communities

AIPLA Disclaimer

The purpose of this presentation is to provide educational and informational content and is not intended to provide legal services or advice. The opinions, views and other statements expressed by the presenter are solely those of the presenter and do not necessarily represent those of AIPLA.

AIPLA Acceleration Practice in China

Examination Cycle in China(2018)

Category	Value
Patent	22
Trademark	6

AIPLA Acceleration Practice in China

- Patent Priority Examination Regulations
- PPH
- Disclosure In Advance

AIPLA Acceleration Practice in China

Type of cases that can be applied for priority examination

- invention application at the substantive examination stage
- utility model and design application
- invention, utility model and design at the reexamination stage
- invalidation of invention, utility model and design

AIPLA Acceleration Practice in China

application or reexamination in one of the following situations may request a priority examination:

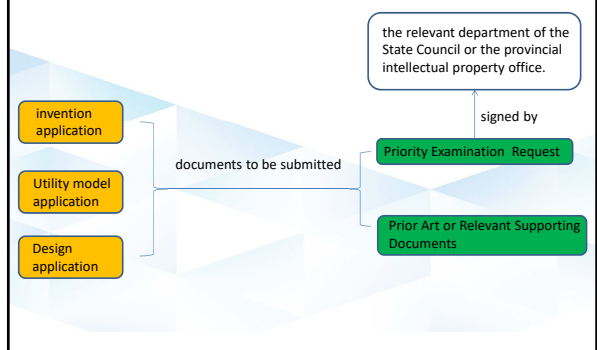
- energy conservation and environmental protection
- new generation information technology
- biology
- high-end equipment manufacturing
- new energy resources
- new materials
- new energy vehicles
- intelligent manufacturing
- other national focused development industries

AIPLA Acceleration Practice in China

Patent Priority Examination Regulations

- industry highly encouraged by the municipal people's government
- technology or product updates fast in the Internet, big data, cloud computing, etc.
- the application could be verified to be ready to implement or has already begin to implement
- the first Chinese application
- Other significant importance to national interests or public interests requires priority examination

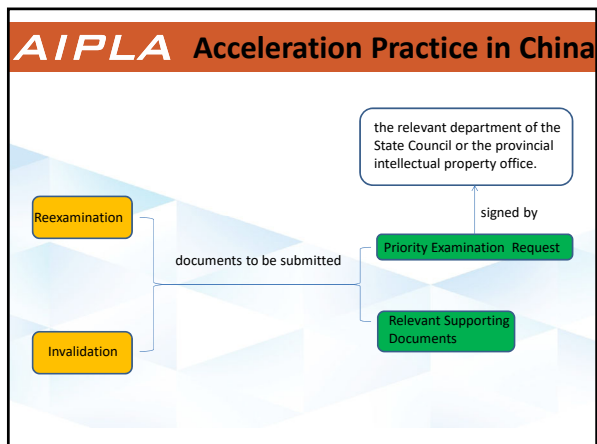
AIPLA Acceleration Practice in China



AIPLA Acceleration Practice in China

Patent Priority Examination Regulations

- industry highly encouraged by the municipal people's government
- technology or product updates fast in the Internet, big data, cloud computing, etc.
- the application could be verified to be ready to implement or has already begin to implement
- **the first Chinese application**
- Other significant importance to national interests or public interests requires priority examination



AIPLA Acceleration Practice in China

If the CNIPA approves to conduct a priority examination, it shall close the case within the following period from the date of approval:

Case types	period of approval (months)
Invention application	12
Utility model and design application	2
Reexamination	7
Invalidation of Invention and utility model	5
Invalidation of design	4

AIPLA Acceleration Practice in China

Deadline for the each response

Invention application	Utility model and design application
2 months	15 days

AIPLA Acceleration Practice in China

Termination of Priority Examination (application)

- Voluntary Amendment after the approval of priority examination
- The response was overdue
- False documents
- Abnormal application

AIPLA Acceleration Practice in China

Termination of Priority Examination (reexamination and invalidation)

- The response was overdue
- The invalidation request petitioner supplements evidence
- The patentee modifies claims in a manner other than deletion
- Reexamination or invalidation procedure was suspended
- The trial of the case relies on the conclusion of the examination of other cases
- Complicated cases and approved by the Director of the Patent Reexamination Board

AIPLA Acceleration Practice in China



AIPLA Acceleration Practice in China

Disclosure in advance

Rules for the Implementation of the Patent Law of the People's Republic of China

Article 46

Where the applicant requests an earlier publication of his/its application for a patent for invention, a declaration shall be made to the administrative department for patent under the State Council.

AIPLA Acceleration Practice in China

Thank you !

YUHONG IP LAW FIRM
