

**Announcement of the China National Intellectual Property Administration concerning
the "*Interim Measures on Disposition of Examination-Related Matters in Implementing
the Revised Patent Law*"**

No. 423

The 22nd session of the Standing Committee of the 13th National People's Congress has voted on 17 October 2020 to adopt the "*Decision of the Standing Committee of the National People's Congress on Amending the Patent Law of the People's Republic of China*". The Revised Patent Law will come into effect as of 1 June 2021. Given that the "*Rules for the Implementation of the Patent Law*" are still under revision, with a view to ensuring the implementation of the revised Patent Law, the "*Interim Measures on Disposition of Examination-Related Matters in Implementing the Revised Patent Law*", which are formulated by the China National Intellectual Property Administration, are hereby promulgated and shall come into force as of 1 June 2021. Patent applicants, patentees or concerned parties may refer to the provisions of these Measures in disposing relevant matters.

It is hereby announced.

China National Intellectual Property Administration
24 May 2021

**Interim Measures on Disposition of Examination-Related Matters in Implementing the
Revised Patent Law**

Article 1 As of 1 June 2021 (inclusive, similarly hereinafter), a patent applicant may submit a design application for the protection of a partial product in accordance with Article 2 Paragraph 4 of the Revised Patent Law by filing paper or offline electronic forms. The China National Intellectual Property Administration (CNIPA) shall examine the aforesaid applications after the newly revised "*Rules for the Implementation of the Patent Law*" goes into effect.

Article 2 For patent applications filed with an application date later than 1 June 2021, the applicant may request in the form of a paper application [that the invention does not lose its novelty], provided that it/he believes that the invention for which patent is applied for falls under the circumstances as prescribed in Article 24, Paragraph 1 of the Revised Patent Law. The CNIPA shall examine the aforesaid applications after the newly revised "*Rules for the Implementation of the Patent Law*" goes into effect.

Article 3 For design applications filed with an application date later than 1 June 2021, the applicant may submit a written statement claiming priority of the design patent in

accordance with Article 29, Paragraph 2 of the Revised Patent Law. The CNIPA shall examine the aforesaid applications and the prior design application, which underlies the priority claim, after the newly revised "*Rules for the Implementation of the Patent Law*" goes into effect.

Article 4 For patent applications filed with an application date later than 1 June 1 2021, the applicant may submit a copy of the patent application documents filed for the first time in accordance with Article 30 of the Revised Patent Law.

Article 5 For invention patents published and granted after 1 June 2021, the patentee may, in accordance with Article 42, Paragraph 2 of the Revised Patent Law, request in writing compensation for patent term within three months from the date of the grant of the patent right and pay the relevant fees as per the notice of payment subsequently issued by the CNIPA. The CNIPA shall examine the aforesaid requirements after the newly revised "*Rules for the Implementation of the Patent Law*" goes into effect.

Article 6 As of 1 June 2021, the patentee may, in accordance with Article 42, Paragraph 3 of the Revised Patent Law, request in writing compensation for patent term within three months from the date of approval of the new drug marketing license and pay the relevant fees as per the notice of payment subsequently issued by the CNIPA. The CNIPA shall examine the aforesaid requirements after the newly revised "*Rules for the Implementation of the Patent Law*" goes into effect.

Article 7 As of 1 June 2021, the patentee may, in accordance with Article 50, Paragraph 1 of the Revised Patent Law, voluntarily declare in paper form to implement an open license for his/its patent. The CNIPA shall examine the aforesaid declarations after the newly revised "*Rules for the Implementation of the Patent Law*" goes into effect.

Article 8 As of 1 June 2021, the accused infringer may, in accordance with Article 66 of the Revised Patent Law, request in paper form that the CNIPA issue a patent evaluation report.

Article 9 As of 1 June 2021, the CNIPA shall examine the patent applications that are in the procedures of preliminary examination, substantive examination and reexamination in accordance with Article 20, Paragraph 1, and Article 25, Paragraph 1, Item 5 of the Revised Patent Law.

Article 10 The term of protection of the design patent filed before 31 May 2021 (inclusive) is ten years, counting from the date of application.

Article 11 These measures shall come into effect as of 1 June 2021.