

# Protect Your Patent In China

## ***Procedures (Invention):***

- (a) Filing Receipt (Online filing receipt in 1-2 working days)
- (b) Notice of application acceptance (1-2 weeks)
- (c) Preliminary examination (1-2 months), then Publication
- (d) Substantial examination (12-18 months)
- (e) Registration and issuance (2 months)

\* Substantive examination shall be requested within 36 months from the date of application/priority, otherwise the patent application will be deemed withdrawn.

## ***Procedures (Utility Model and Industrial Design):***

- (a) Filing Receipt (Online filing receipt in 1-2 working days)
- (b) Notice of application acceptance (1-2 weeks)
- (c) Examination (2-4 months)
- (d) Registration and issuance (2 months)

## ***Filing Requirements (Invention and Utility Model):***

1. Power of attorney executed by the applicant. No notarization or legalization is required
2. Specifications, claims, abstract and drawings in Chinese language
3. Details of the applicant(s) and inventor(s)
4. A Certified copy of the priority document if priority is claimed; for national phase entry of PCT application, only priority data is sufficient.

## ***Filing Requirements (Industrial Design):***

1. Power of attorney executed by the applicant. No notarization or legalization is required
2. A Brief introduction, including Industrial Design's name, what it is used for, main features
3. Images of six views (Front, Back, Left, Right, Top, Bottom)
4. A Certified copy of the priority document if priority is claimed

## **Tips:**

### ***1. Type of patent***

Invention, Utility Model and Industrial Design - national filing

Invention and Utility - PCT route

### ***2. Translation is a must***

The application shall be filed in Chinese, and thus a translation is a must before filing. Keep in mind to spare an adequate time to conduct the translation work.

### ***3. Time limit for PCT national phase application***

The normal time limit is 30 months from the earliest priority date or the international application date, which can be extended for an extra 2 months by paying additional fee for late entry.

### ***4. Not patentable categories***

- (1) any invention-creation that is contrary to the laws of the state or social morality or that is detrimental to public interest
- (2) scientific discoveries
- (3) rules and methods for mental activities
- (4) methods for the diagnosis or for the treatment of diseases
- (5) animal and plant varieties
- (6) substances obtained by means of nuclear transformation

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