

# Protect Your Patent In China

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

Filing Receipt (Online filing receipt in 1-2 working days)

Notice of application acceptance (1-2 weeks)

Preliminary examination (1-2 months), then Publication

Substantial examination (12-18 months)

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be requested within 36 months from the date of application/priority, otherwise the patent application will be deemed withdrawn.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):***

Filing Receipt (Online filing receipt in 1-2 working days)

Notice of application acceptance (1-2 weeks)

Examination (2-4 months)

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

### ***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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