One Picture to Understand Examination Procedures of Patent Application

Acceptance → Preliminary Examination → Publication → Substantive Examination → Grant and Announcement

- Obvious Substantive Defects
- Unqualified

Publication and substantive examination apply only to patent application for invention.

Where the applicant is not satisfied with the specific administrative action (except rejection) of CNIPA, the applicant may request for administrative reconsideration.

Rejection → Reexamination

Invalidation Announcement → Administrative Litigation
One Picture to Understand Patent Acceptance

Forms of Submission
- E-filing
- Mailing
- Hand-delivery

Elements Required
- Invention: request, claim(s) and description
- Utility Model: request, claim(s), description and drawing(s)
- Design: request, drawing(s) or photograph(s) and brief description

Circumstances of Non-acceptance
- Not in Chinese
- Handwritten, vague or altered, or easy to erase
- Mailed directly from somewhere outside Mainland China
- The type of patent is not clear
  Divisional application changing the type of patent
One Picture to Understand Registration of Electronic Filing Users

Register on China Patent Electronic Filing Website

cponline.cnipa.gov.cn

Individuals
- Provide identify number

Entities
- Provide unified social credit number

Patent agencies
- Provide registration number of patent agency

Successful Registration
- Registration result, user ID and password, if registered successfully, will be indicated in the receipt automatically.
- A new formal user created.
- No approval notice in paper form will be issued.

If other valid identity documents are submitted, only temporary electronic user account will be created, and relevant documents (indicate temporary electronic filing user account) shall be mailed to the patent office to finish the formal registration procedure.

Mailing Address: Receiving Division, China National Intellectual Property Administration, No.6, Xitucheng Road, Jimenqiao, Haidian District, Beijing, 100088
One Picture to Understand Payment

1. CNIPA Patent Office Bank Account Information:
   Bank: China CITIC Bank, H.O. General Banking, Beijing, China
   Name: Patent Office, China National Intellectual Property Administration
   Account: 7111710182600166032

2. 34 Local Patent Receiving Agencies Bank Account Information:
   http://www.cnipa.gov.cn/zldbc
   The date on which the transfer is conducted shall be the date of payment.

   Name: Cashier management of CNIPA
   Address: No. 6, Xitucheng Road, Haidian District, Beijing, 100088
   Fax: 010-62084312
   The date of remittance issued by the post office shall be the date of payment.

On-site handling
- Patent Office or local patent receiving agencies
- Cash, check, debit or credit card, WeChat Pay, Alipay

Online
- Visit cponline.cnipa.gov.cn

The payment date is the day that CNIPA gets complete payment information.

1. Please ensure that the application Number (or patent number) and the name of fees are indicated correctly.
2. Online supplement and management system for patent payment information
   http://fee.cnipa.gov.cn
One Picture to Understand Preliminary Examination of Invention Patent Application

Scope
- Formal examination of application documents and other documents
- Examination on obvious substantive defects
- Fees checking
- Time limits checking

After receiving a Notification:
- Notification to Correct Formalities
  - Submit the correction request + corrected documents
- Notification to Make Correction or Office Action
  - Submit the correction or observations, with corrected documents

Subsequent Results
- Makes no response within time limit
  - Request deemed not to be submitted
- Defects are not overcome
  - Application deemed to be withdrawn
- Defects have been overcome
  - Request approved
  - Pass the preliminary examination
One Picture to Understand PCT International Phase

**PCT = PATENT COOPERATION TREATY**

<table>
<thead>
<tr>
<th>Time (months)</th>
<th>Event</th>
<th>Language: Chinese or English</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>PCT filing</td>
<td></td>
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<tr>
<td>12</td>
<td>Transmittal of international search report (ISR) and written opinion</td>
<td></td>
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<tr>
<td>16</td>
<td>International publication</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Applicant requests supplementary international search (optional)</td>
<td></td>
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<tr>
<td>22</td>
<td>Applicant files a demand for international preliminary examination (optional)</td>
<td></td>
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<tr>
<td>28</td>
<td>Transmittal of supplementary international search report (SISR) or international preliminary report on patentability (IPRP II)</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>PCT national phase entry</td>
<td></td>
</tr>
</tbody>
</table>

**Applicable type of patent application:** Invention or utility model

**How to file a PCT application with CNIPA?**

- **Filing methods:** E-filing (CEPCT Website or Client Tool), Hand delivery, Mailing and Fax

**How to pay fees of international phase?**

- **Time limit:** Within 1 month from filing date
- **Fees:** Search fee (CNY2100), International filing fee (CHF1330), Additional fee (CHF15 per sheet), Priority document fee (CNY150/doc)
- **Reduction:** E-filing: PDF(-200 CHF) / XML(-300 CHF); Chinese individual applicant: 90% reduction in international filing fee and additional fees.
- **Mode of Payment:** Online payment, Counter payment, Bank transfer, Authorization to charge current account

**CNY:** Yuan renminbi  
**CHF:** Swiss francs
The application shall:
- Be in conformity with the PCT Article 11
- Be accorded a filing date
- Designate China

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**Effective**

**Ineffective**

No designation of China

**Loss of effect**

International Phase: The international application has been withdrawn or deemed to be withdrawn, or the designation of China has been withdrawn

No request for entering the national phase within the time limit

Failure to meet the minimum requirements for entering the national phase even after 32 months from the priority date

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**The Importance of Effect**

Where an international application has no effect in China or the effect has been lost in China, the international application cannot enter the national phase in China.
The patent application for invention which passes the preliminary examination shall be published promptly after the expiration of 18 months from the filling date (or priority date where applicable).

Where the request for earlier publication is approved, the preparation of publication shall be started promptly after the patent application passes the preliminary examination.

The request for earlier publication cannot be withdrawn after entering the preparation of publication, and the preparation of publication process proceeds regardless of the request of withdrawal or suspension of the patent application.

Checking “please publish as soon as possible” in the request or submitting a request for earlier publication which shall not subject to any condition.
One Picture to Understand Registration of Patent Right

1. The Patent Office issues the Notification to grant patent right and the Notification to go through formalities of registration.

2. The applicant goes through formalities of registration and pays related fees within the prescribed time limit.

3. Preparation of announcement of the grant.


Fees
- The annual fee of the year in which the patent right is granted, and the stamp tax (indicated in the notification to go through formalities of registration).

Time limit
- Within 2 months from the date of receipt of the Notification of go through formalities of registration, and the time limit cannot be extended.

Failure to do so
- Entitlement to Patent Deemed Abandoned
- Request for reinstatement within the prescribed time limit
One Picture to Understand Registration of Layout-designs of Integrated Circuits

Subject matter

Submission

Documents required

 Fees

Protection duration

After receiving the Notification Concerning Payment of Prescribed fees:
Registration fee: CNY 2000; Stamp tax: CNY 5.
No reduction or postponement. No annual fee.

10 years starting from the date of filing or from the date of putting it into commercial exploitation, whichever is the earlier.
Whether or not it is registered or put into commercial exploitation, it is not protected after 15 years of the completion of design.