

Q&A on Hague Procedures in China

1. If an international design application submitted by a foreigner designates China, is it necessary to entrust a Chinese patent agency?

Foreigners, foreign enterprises or other foreign organizations that do not have a habitual residence or business office in China, if they need to reply to notices or handle legal formalities, should entrust a legal patent agency in China.

2. Can the individual designation fee for China be reduced?

Currently, the individual designation fee for China cannot be reduced.

3. What formalities may need to be handled with CNIPA after the publication of the international registration?

After the international registration is published, the Hague international registration designating China will automatically enter the Chinese national procedure.

If the applicant has declared exception to lack of novelty in the DM/1 form, the applicant needs to submit a supporting

document within 2 months from the international publication date.

If the application has claimed priority, the applicant needs to submit priority document within 3 months from the international publication date. And if necessary, the applicant also needs to submit a document certifying the assignment of the right of priority within 3 months from the international publication date.

If the applicant wishes to file a divisional application initially, the divisional application should be filed within 2 months from the international publication date.

4. How to make a change in ownership of the Hague international registration which has designated China?

To make a change in ownership of the Hague international registration which has designated China, in addition to going through the relevant formalities with the International Bureau, the party concerned shall also submit the document certifying the change in ownership to CNIPA. If the document is in foreign language, it should also be accompanied by a Chinese translation of the summary. If the document is not submitted or unqualified, CNIPA informs the International Bureau that the

change of ownership does not take effect in China.