



Development of National IP Service Sector; and those found to be unqualified will lose the title of experimental areas.

**Article 9** The power to interpret these Meas-

ures shall remain with the State Intellectual Property Office.

**Article 10** These Measures shall be tried out upon promulgation.

## **Circular Concerning the Printing and Distribution of Regulations on the Application for Specific Fund for Sponsoring Overseas Patent Applications (Provisional)**

G. ZH. F. G. Z. [2012] No. 67

The intellectual property offices of all provinces, autonomous regions, municipalities directly under the Central Government and cities under separate state planning,

In accordance with the provisions in Circular of the Ministry of Finance on the Printing and Distribution of Management Measures on Specific Fund for Sponsoring Overseas Patent Applications (C. J. [2012] No. 147), to guide the application for special funds and regulate the application behavior, the Regulations on the Applications for Specific Fund for Sponsoring overseas Patent Applications (Provisional) is hereby issued for your implementation.

This Circular is hereby given.

June 14, 2012

### **Regulations on the Application for Specific Fund for Sponsoring overseas Patent Applications (Provisional)**

In order to well complete the work of application for specific fund for sponsoring overseas patent applications, these application regulations are developed

in accordance with Management Measures on Specific Fund for Sponsoring Overseas Patent Applications (Provisional) (C. J. [2012] No. 147).

## I . Scope of application

### 1.1 Project scope

1.1.1 The applications shall be overseas patent applications filed in the ways set forth in Patent Cooperation Treaty (PCT) and Paris Convention and by the commissioned domestic patent agencies.

Overseas patent applications that have been announced in the foreign country (region) shall be in normal examination process, and enjoys novelty, inventive-steps and industrial applicability, those that have been officially approved shall be in the state of maintaining the patent right and clear of patent disputes.

Those that have not been announced in the foreign country (region) are not eligible for specific fund for sponsoring overseas patent applications.

1.1.2 This specific fund shall be firstly provided to technical fields that conform to the requirement and orientation of the national IP strategy and conduce to improving independent innovation capability and supporting the development of hi-tech and strategic emerging industries in China. Priority will be given to sponsoring overseas patent applications that are conducive to the building of the patent pool, access to core patent technologies and participation in the development of international technical standards, and cover the same categories of patents as those of the invention patents in China.

### 1.2 Range of application fees

1.2.1 The officially prescribed fees for the stage of application examination and approval and the first three years after the year of patent grant that are paid to the patent examination body when the overseas patent application is made. Specifically, the fees of a

PCT application include the international application fees, search fees, delivery fees, preliminary examination fees, administrative charges, *etc.* paid in the international phase; PCT application fees and the fees for applications made in the ways set forth in Paris Convention include the foreign examination fees, the patent grant registration fees, and the annual fees for the three years after the grant (subject to the domestic laws of different countries) paid in the foreign country (region).

### 1.2.2 Service fees paid to the patent agency

1.2.3 Search costs arising from the issuance of the novelty search report and legal status search report by SIPO Patent Search Information Center (hereinafter referred to the “Search Center”).

### 1.3 Scope of the applicants

The applicants shall be domestic SMEs, government-sponsored organizations and institutions and research institutions that conform to national laws and regulations. Domestic SMEs shall be enterprises that are qualified as legal persons and meet Provisions on SMEs Classification Standards (G. X. B. L. Q. Y. [2011] No. 300); government-sponsored organizations and institutions shall be public institutions holding Certificates of Public Institution with Legal Person Status issued by the personnel department; and research institutions shall be independent legal person units registered at the personnel, industry and commerce and civil administration departments.

Where a overseas patent application involves more than one applicant, one of the eligible applicants shall be determined to make the application through consultation. Where a overseas patent application is made by an eligible unit via its legal repre-



sentative, the application may be made in the name of the unit.

#### 1.4 Requirements on the application time

A overseas patent applicant may apply for financial aid twice, namely upon the completion of national announcement in the foreign country (region) and upon the official grant of patent, or apply for financial aid once and for all after the official grant of patent.

Where a overseas patent application has been announced by the foreign country (region), the applicant may apply for financial aid in the year of announcement by the foreign country (region) or the following year; where a overseas patent application has been approved and the patent has been officially granted, it may apply for financial aid within 3 years after the date of patent grant by the foreign country (region).

#### 1.5 Requirements on the subsidy limit

The overseas application for a patent can be made in up to five countries (regions), and the total financial aid shall not exceed RMB 100,000 in each country (region), and must not exceed the actual expenses.

Overseas patent applicants that have received research and development fund from the central government or financial support from local governments must not apply for financial aid repeatedly.

## II. Application materials

Application materials mainly include:

2.1 Summary of the Projects Applying for Specific Fund for Sponsoring Overseas Patent Applications (See Appendix 1)

2.2 Application Form for the Specific Fund for Sponsoring Overseas Patent Applications (See Appen-

dix 2)

2.3 Documents of proof of the applicant's qualifications

Business License for Enterprise as a Legal Person or duplicates of the Certificate of Public Institution and Research Institution with Legal Person Status stamped with the applicant's official seal. Where the applicant submits an overseas patent application via its legal representative, it shall submit the Certificate of Identity of the Legal Representative at the same time (See Appendix 3).

Where a overseas patent application involves more than one applicant and one of the eligible applicants is determined to make the application upon consultation, the statement made by the co-applicants on their agreement on the final applicant shall be submitted.

#### 2.4 Documents of proof of the project

2.4.1 Duplicate of the agency contract signed with the domestic patent agency, stamped with the applicant's official seal.

2.4.2 Where a overseas patent application has passed the stage of national announcement in the foreign country (region), the following materials shall be submitted:

(1) Proof of its legal status.

Duplicate of the first page of the national announcement text issued by the foreign patent examination agency, stamped with the applicant's official seal.

The original search report on its legal status issued by the Search Center within 3 months before the date of application and stamped with the official seal of the Search Center.

## (2) Proof of the prospects of patent grant.

If it is a PCT application, the first page of the international announcement text of the PCT application, the international search report and written opinions (Table 210 and Table 237) shall be submitted, and the international preliminary examination report (if any) may be submitted at the same time.

If the overseas patent application is made in the ways set forth in Paris Convention, the novelty search report issued by the Search Center according to the patent application made in China shall be submitted.

Duplicates of the above materials shall be submitted, and stamped with the applicant's official seal.

2.4.3 Where a patent is granted in the foreign country (region), the following materials shall be submitted.

## (1) Proof of its legal status.

The original search report on its legal status issued by the Search Center within 3 months before the date of application and stamped with the official seal of the Search Center.

## (2) Proof of its grant.

Duplicates of the first page of the patent grant announcement and the certificate of patent grant issued by the foreign patent examination agency. If it is a PCT application, the duplicate of the first page of the international announcement text of the PCT application shall be submitted at the same time. The above material shall be stamped with the applicant's official seal.

## 2.5 Documents of proof of fees

2.5.1 Duplicates of the bills issued by the domestic patent agency, including those on the fees it

has collected, and the list of the fees stamped with the official seal of the domestic patent agency. If it is a PCT application, the duplicates of the bills issued by the State Intellectual Property Office may be submitted to prove the official fees incurred in the international phase.

2.5.2 Duplicates of the bills of the retrieval fees issued by the Search Center.

The duplicates of the above bills shall be stamped with the applicant's official seal on each page.

## 2.6 Other proof materials

Other materials deemed by the intellectual property offices of all provinces (autonomous regions, municipalities directly under the Central Government) as necessary to be submitted, such as the evaluation report on the project, project-related agreements or contracts, *etc.*

**III. Application requirements**

## 3.1 Submission of the application materials

The central applicants and local applicants shall submit the application materials within the prescribed time limit following the requirements of the intellectual property offices of their provinces (autonomous regions and municipalities directly under the Central Government).

## 3.2 Requirements on the applicant

Where a patent application involves more than one applicant and is submitted to a number of countries (regions), it shall be submitted by one of the applicants to the intellectual property office of its province (autonomous region or municipality directly under the Central Government).

Appendix: 1. Summary of the Projects Apply-



ing for Specific Fund for Sponsoring Overseas Patent Applications (Omitted)      Sponsoring Overseas Patent Applications (Omitted)

2. Application Form for the Specific Fund for      3. Certificate of Identity of the Legal Representative (Omitted)

**Circular of SIPO, the National Development and Reform Commission, The Ministry of Science and Technology, The Ministry of Agriculture, The Ministry of Commerce, The State Administration for Industry and Commerce, The General Administration of Quality Supervision, Inspection and Quarantine, The National Copyright Administration and The State Forestry Administration Concerning the Printing and Distribution of Guidance on Accelerating the Cultivation and Development of IP Service**

G. ZH. F. G. Z. [2012] No. 110

The intellectual property offices, development and reform commissions, science and technology departments (commissions or bureaus), agriculture departments (commissions or bureaus), departments in charge of commerce, administrations for industry and commerce and administrations of quality and technology supervision of all provinces, autonomous regions, municipalities directly under the Central Government, cities under separate state planning and the Xinjiang Production and Construction Corps, Market Supervision Administration of Shenzhen Municipality, and all entry-exit inspection and quarantine bureaus directly under the General Administration of Quality Supervision, Inspection and Quarantine, copyright offices directly under the National Copyright Administration and forestry bureaus directly under the State Forestry Administration,

In order to thoroughly implement the Outline of the National Intellectual Property Strategy (G. F. [2008] No. 18) and Guidelines of the General Office of the State Council on Accelerating the Development of Hi-tech Service Sector (G. B. F. [2011] No. 58) and accelerate the cultivation and development of IP service sector,