

ter contract; or

(5) Any other circumstances under which the right of pledge is eliminated as prescribed by law.

After receiving an application for cancellation of registration, the State Intellectual Property Office shall issue a Notice on the Cancellation of the Registration of Pledge of Patent Right to the parties concerned upon examination. The registration of the pledge shall become invalid from the day of cancellation.

Article 19 Where a patent right is declared invalid or terminated during the term of pledge, the State Intellectual Property Office shall notify the pledgee of the fact.

Article 20 Where any patentee fails to pay the

annual fee for a patent right under pledge as required, the State Intellectual Property Office shall notify the pledgee at the same time when distributing a payment notice to the patentee.

Article 21 The power to interpret these Measures shall remain with the State Intellectual Property Office.

Article 22 These Measures shall come into force on October 1, 2010. The Interim Measures for the Registration of a Contract of Pledge of Patent Rights issued by the State Patent Office of the People's Republic of China on September 19, 1996 shall be abolished simultaneously.

Order of the State Intellectual Property Office

(No. 57)

The Provisions on Patent Electronic Filing, which have been deliberated and adopted at the executive meeting of the State Intellectual Property Office, are hereby promulgated, and shall come into force on October 1, 2010.

Commissioner: Tian Lipu

August 26, 2010



Provisions on Patent Electronic Filing

Article 1 To regulate the procedures and requirements for the patent applications made by submitting electronic documents via the Internet (hereinafter referred to as electronic patent applications), make it convenient for applicants to submit patent applications, improve efficiency in examination and approval of patent applications and promote e – government administration, these Provisions are formulated pursuant to Rule 2 and Paragraph 2 of Rule 15 of the Implementing Regulations of the Patent Law of the People's Republic of China (hereinafter referred to as Implementing Regulations) .

Article 2 Any applicant intending to file an electronic patent application shall conclude an Electronic Patent Application System User Registration Agreement (hereinafter referred to as the “User Agreement”) with the State Intellectual Property Office in advance.

A patent agency which provides representation services on electronic patent application shall enter into a User Agreement with the State Intellectual Property Office in the agency's name.

An applicant who entrusts the electronic application matters to a patent agency which has entered into a User Agreement with the State Intellectual Property Office is not required to conclude such an agreement with the State Intellectual Property Office.

Article 3 Where there are two or more applicants who are not represented by any patent agency, the one who submits the electronic application shall be

the representative.

Article 4 All invention, utility model and design patent applications can be submitted in electronic form.

Patent applications which have entered the National Phase in China under Paragraph 2 of Rule 101 of the Implementing Regulations of the Patent Law can be submitted in electronic form.

International applications submitted to the State Intellectual Property Office under Paragraph 1 of Rule 101 of the Implementing Regulations of the Patent Law are not governed by these Provisions.

Article 5 If the invention concerned in a patent application involves national security or vital interests and needs to be treated as secret, the application shall be made in paper form.

If, after a patent application is submitted in electronic form, the State Intellectual Property Office believes that it needs to be kept in secret, it shall turn the electronic application into paper form for ensuing examination and notify the applicant of the fact. The applicant shall submit documents in paper form in the follow – up procedures.

For a patent application directly filed under Item 1, Paragraph 2 of Rule 8 of the Implementing Regulations of the Patent Law in a foreign country or an international application with a foreign institution, the request for secrecy review and the description of technical solutions submitted by the applicant to the State Intellectual Property Office shall be in paper form.

Article 6 When filing a patent application and the relevant application documents in electronic form, the applicant shall comply with the prescribed file format, data standard, operational standard and transmission mode. If the application form or any other document is not properly received by the Patent Electronic Filing System of the State Intellectual Property Office, it shall be deemed not to have been submitted.

Article 7 When going through the formalities for the e – filing of a patent application, the applicant shall submit the required documents in electronic form. Unless otherwise provided, the State Intellectual Property Office shall not accept any document in paper form submitted by the applicant. Any incompliance with this Paragraph, relevant documents shall be deemed not to have been submitted.

After a patent application in paper form is submitted and received, the applicant may request for transforming it into an electronic patent application, unless the patent application in question involves national security or vital interests and needs to be treated as secret.

Where, under special circumstances, it is necessary to transform an electronic patent application into one in paper form, the applicant shall make a request, obtain the approval from the State Intellectual Property Office, and complete the prescribed formalities.

Article 8 In the process of going through formalities for an electronic patent application, the applicant is permitted to submit the electronically – scanned copies of documents which are required to be submitted in originals by the Patent Law, the Implementing Regulations of the Patent Law or the Guide-

lines for Patent Examination. Where necessary, the State Intellectual Property Office may ask the applicant to submit the originals within a prescribed period of time.

Where an applicant requests for reducing or deferring the payment of fees prescribed in the Implementing Regulations of the Patent Law and for which it needs to submit the relevant evidentiary materials at the time of submitting an electronic patent application, the electronically – scanned copies of the originals of the evidentiary materials shall be submitted simultaneously. Otherwise, the evidentiary documents shall be deemed not to have submitted.

Article 9 The filing day of any document submitted in electronic form to the State Intellectual Property Office shall be the day when the document is received by the Patent Electronic Filing System of the State Intellectual Property Office.

For a patent application made in electronic form, the inferred receiving day of any notice, written decision or other document sent by the State Intellectual Property Office in electronic form to the applicant shall be the day after the lapse of 15 days after the said document is sent.

Article 10 All provisions on patent applications and the relevant documents in the Patent Law, the Implementing Regulations of the Patent Law and the Guidelines for Patent Examination shall also apply to electronic patent applications, unless it is specifically expressed that they are only applicable to patent applications and the relevant documents submitted in paper form.

Article 11 The power to interpret these Provisions shall remain with the State Intellectual Property



Office.

Article 12 These Provisions shall come into force on October 1, 2010. The Provisions on Patent

Electronic Filing issued by Order No. 35 by the State Intellectual Property Office on February 12, 2004 shall be abolished simultaneously.