



## II. Legal Affairs

### 1. Legislative Activities

#### (1) Amendment to Implementing Regulations of the Patent Law

The Amended Implementing Regulations of the Patent Law drafted by SIPO was submitted to the State Council on February 27. The State Council shaped its own version in September and deliberated and approved in principle at an executive meeting of the State Council on December 30, 2009. The official version was effective from February 1, 2010.

#### (2) Preparation for amendment to Regulations on Patent Commissioning

Since coming into effect in 1992, the Regulations on Patent Commissioning has never been amended, which resulted in inapplicability to the current patent commissioning. In the first half of 2009, SIPO resumed its preparation of amendment to Regulations on Patent Commissioning. In late September, the draft version was sent to local IP administrations for soliciting comment.

### (3) Amendment to Office Regulations

In conjunction with the third amendment of the Patent Law, SIPO completed the amendment of the Guidelines for Examination, launched at the end of 2008. There are several features of the amendment; first, to maintain continuity of basic examination policies and standards; second, to further unify and optimize substantive standards and examination and grant procedure of patent examination, with the filing and examination procedures set to be e-system-friendly; third, based on China's own situation and development of its patent system, to take into consideration patent examination standards of other offices.

In an effort to ensure the successful implementation of the amended Patent Law, SIPO drafted *Interim Measures on Implementing the Amended Patent Law*, providing specific rules for issues occurred during transitions. The Measures were promulgated on September 27, 2008.

In addition, SIPO is amending *Measures on Patent Administrative Enforcement*, *Measures on Patent Compulsory*

*Licensing, Measures on Patent Compulsory Licensing Relating to Public Health Issues, Provisional Measures on Administration of Registration of Patent Pledging Contracts and Measures on Administration of Deposit of Patent Licensing Contracts.* The above regulations would be effective after State Council's approval of the amended Implementing Regulations.

#### **(4) Compiling the Guidance of the Third Amendment of the Patent Law, and Organizing Training Courses**

After the approval of the amended Patent Law, SIPO compiled *Guidance of the Third Amendment of the Patent Law* to enable better understanding of the Law by the public.

SIPO also organized publicity activities at home and abroad. In 7 cities including Guangzhou, Nanjing and Urumqi, there were a cumulative total of 1,700 participants. In another 30 such meetings organized by agencies under the State Council, there were over 3,000 participants. SIPO delegations also visited Germany, Japan and other countries to lecture the revised Patent Law.

## **2. Patent Commissioning**

By December, SIPO approved 59 requests for the establishment of patent agencies, rejected 26 such requests, discontinued 8 patent agencies, processed changes of 226 agencies,

designated 6 agencies to service foreign clients, and issued or changed 1,182 records of practicing patent agents. SIPO continued to operate an annual review of patent agencies, and announce the first group of 621 patent agencies passing 2009 review in November. A management database for patent agencies was established.

To enhance supervision and administration, in the first half of the year, SIPO reexamined the patent agencies nationwide and announced the reviewed information at its website for public supervision. The first meeting of the SIPO Patent Agencies Disciplinary Committee was held.

SIPO launched development of IT system for online examination management information of the Patent Bar Examination. In 2009, system testing of examinee registration was completed in Guangzhou, Jinan and Shenyang. In 2010, the system will be in service nationwide for online registration of examination and management of related information.

In 2009, 11,805 people registered for the Patent Bar Exam, with an increase of 35% compared to the previous year, 924 of them passed the qualifying scores of the two parts of the Exam.

### **3. Administrative Reconsideration**

In 2009, SIPO received 82 cases for administrative reconsideration and responded to 4 administrative complaints.