

China (CN) Coverage

Patent Office Details

State Intellectual Property Office
No. 6, Xitucheng Lu
Jimenqiao Haidian District
Beijing City 100088
China

Web: www.sipo.gov.cn

Official gazette: *Faming Zhuanli Gongbao* (Gazette for Patents of Invention)

Kinds of Protection

Patents of Invention	Granted for an unextendable term of 20 years from submission date
Extensions	There are no provisions for extensions
Utility Models	Granted for an unextendable term of 10 years from submission date
Industrial Designs and Models	May be registered

Convention & Treaty Membership

Patent Cooperation Treaty	01.01.1994
Signatory of:	Paris Convention (Stockholm wording) Budapest Treaty World Intellectual Property Organization International Convention for the Protection of New Varieties of Plants

Filing for Patents

Patents are granted for inventions possessing novelty, inventiveness and a practical application.

Applications may be made, in Chinese, by the inventor or assignee. However, non-resident citizens of foreign countries may apply on the basis of reciprocity, a bilateral treaty between China and the applicant's country. Non-resident foreigners must appoint an officially designated Chinese agency to act as agent.

Under the *International Convention* applications claiming priority must be filed within 12 months of the earliest filing in a Convention country. Applicants claiming priority must make a written declaration at the time of filing. A certified copy of the patent document must be submitted within three months of the Chinese filing date. A Chinese translation may be required.

Applications are published in the patent gazette promptly after the expiration of 18 months from the filing date, although early publication is common. Once the Patent Office decides to grant the patent, and on receipt of appropriate payment, a certificate will be issued and the patent will be available for registry and published in the Patent Gazette.

Applications are examined for form, novelty, inventiveness and practical application. The applicant must request a substantive examination within three years of the filing date, otherwise the application is deemed withdrawn.

Opposition must be made within six months from the date of announcement of the grant of the patent right by the patent office. Any individual who considers the grant of a patent to be not confirming to the provisions of the patent law may request the patent office to revoke the patent.

From 1 July 2006 according to the amendments to the PRC Examination Guidelines the applicant can no longer file any divisional applications derived from another divisional application, unless it is done at the examiner's request. The applicant can only file divisional applications at any time during the prosecution of the patent application up to two months from the issue date of the notice of grant.

Under Chinese patent law, it is possible to file applications for a patent and a utility model for the same invention, provided that both filings are on the same day. The utility model is generally abandoned once the patent has been granted. From January 2018 the application number of the first of the two to be published is inserted into the record of the second to be published to create a nonconvention equivalent, thus bringing the patent and utility model into the same DWPI family. Additionally, a PCT application may be filed on the same day as a patent or utility model application. From January 2018, these are treated as nonconvention equivalents.

DWPI Coverage

Kind	DWPI Start Dates
A Unexamined application	10 January 1985
A8 Republished front page of unexamined application	4 May 2016
A9 Republished complete unexamined application	4 May 2016
B Granted patent (from 7 April 2010)	7 April 2010
B8 Republished front page of granted patent	4 May 2016
B9 Republished complete granted patent	4 May 2016
C Granted patent (to 7 April 2010)	5 January 1994
U Utility model (from 7 April 10)	7 April 2010
U8 Republished front page of utility model	4 May 2016
U9 Republished complete utility model	4 May 2016
Y Utility model (to 7 April 10)	3 January 2007

DWPI Data elements online	Notes
✓ Bibliographic data	
✓ English value-add title and abstract	
✓ Original title and abstract	Title and abstract (Human Translation) from June 2007 onwards
✓ Claims	All claims (Human Translation) from June 2007 onwards
✓ Manual Codes	Chemical (CPI) and Electrical (EPI)
✓ Chemical Indexing	DCR, Chemical Fragmentation, Polymer and Markush from 2008 onwards

Numeration

Kind Codes – A, B, C, U, Y

Publication Numbers				
Original Data	Derwent Innovation	Dialog	Questel	STN
<i>Before 1989</i>				
CN YYXNNNNN	CNYYYYXNNNNN	CN YYXNNNNN	CNYYXNNNNN	CNYYXNNNNN
CN 88100168	CN1988100168	CN 88100168	CN88100168	CN88100168
<i>From 1989 to August 2007</i>				
CN X nnnnnn	CNXnnnnnn	CN Xnnnnnn	CNXnnnnnn	CNXnnnnnn
CN 1 030337	CN1592360	CN 1592360	CN1592360	CN1592360
<i>Published from August 2007 onwards</i>				
CN XX Nnnnnnn	CNXXNnnnnnn	CN XXNnnnnnn	CNXXNnnnnnn	CNXXNnnnnnn
CN 1 01248794	CN101248794	CN 101248794	CN101248794	CN101248794

Application Numbers*				
Original Data	Derwent Innovation	Dialog	Questel	STN
<i>Before 1989</i>				
YYXNNNNN.Z	CNYYYYXNNNNNA	CN YYYYXNNNNN	YYYYCN-0XNNNNNN	CNYYYY-XNNNNN
88100168.1	CN1988100168A	CN 1988100168	1988CN-0100168	CN1988-100168
<i>From 1989 to August 2007</i>				
YYYY X nnnnnnn.Z	CNYYYYXnnnnnnA	CN YYYYXnnnnnn	YYYYCN- Xnnnnnn	CNYYYY-Xnnnnnn
200110064173.2	CN200410064173A	CN 200410064173	2004CN-10064173	CN2004-10064173
<i>Published from August 2007 onwards</i>				
YYYY XX nnnnnn.Z	CNYYYYXXnnnnnnA	CN YYYYXXnnnnnn	YYYYCN-XXnnnnnn	CNYYYY-XXnnnnnn
200710187643.1	CN200710187643A	CN 200710187643	2007CN-10187643	CN2007-10187643

YY or YYYY	2 or 4 digits representing the year of application
X	1 digit denoting the type of patent (1 = patent; 2 =utility model)
XX	2 digits denoting the type of patent (10 = patent; 20 = utility model)
NNNNN	Up to 5 digit serial number
nnnnnnn	6 digit serial number
Nnnnnnn	7 digit serial number
Z	Check digit following decimal point

*Full coverage of application numbers commenced from DWPI update 199216