



Most Recent Developments of IP Practice in China

Patent Reexamination Board
State Intellectual Property Office, China
June 2015



1、The Development of IP Laws (2014-2015)

知的財産に関する法律の発展（2014-2015）

2014.5.1

Trademark Law
Implementing Regulations of the Trademark Law
Entered into force

.....●

2014.6.9

Copyright Law
draft amendment sought for review

.....●

2014.8.3

The provisions of the recognition and protection of
the well-known trademarks
Entered into force

.....●

2014.9.2

The protection of the copyright of the works of
folklore and art
Sought for public opinions

.....●

1、The Development of IP Laws (2014-2015)

知的財産に関する法律の発展（2014-2015） cont.

2015.2.1

Decision of the Supreme People's Court on Modifying Several Provisions of the Supreme People's court on Issurs concerning Applicable laws to the Trial of Patent Controversies (2015).....●

2015.2.6

Interpretation of the Supreme People's Court on reviewing the application of law to the preservation of IP and competition disputes
Sought for public opinions.....●

2015.4.1

Patent law
Draft amendment sought for public opinions.....●

2015.4.2

Draft Regulations on Service Invention
Sought for review.....●

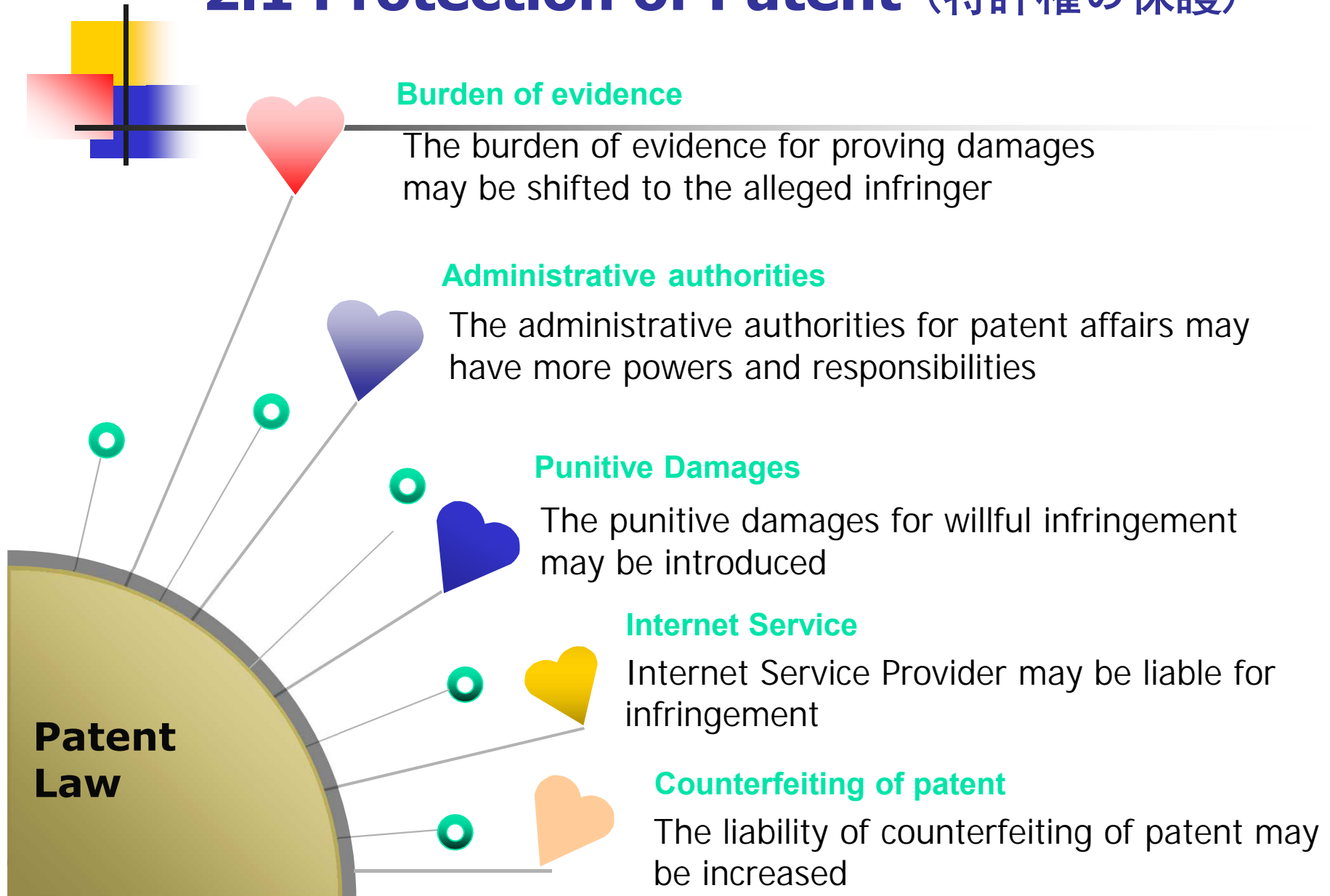


2、Proposed Amendment of Patent Law

特許法改正案

- Involving approximately 30 articles
- 5 aspects
 - Protection of patent
 - Exploitation of patent
 - Administrative functions of SIPO
 - Patent examination system
 - Patent agency

2.1 Protection of Patent (特許権の保護)



2.2 Exploitation of Patent (特許の実施と運用)

1

Service invention

In the absence of an agreement, an invention made mainly by using the material and technical means of the employer, the right to apply for a patent shall belong to the inventor or the designer.

2

A voluntary license mechanism is introduced

Any patentee could make a statement before the administrative agency to show his voluntariness to grant a non-exclusive license.

The administrative agency shall make an announcement thereof.

Any potential licensee may take the license by notifying the patentee in written form and paying the royalty.

2.3 Administrative functions of SIPO

SIPOの行政機能



Authorize SIPO more power in enforcing IP against patent infringement or counterfeiting that may have significant impact.

2.4 Patent Examination System

特許審査制度

Unpatentable Subject Matter

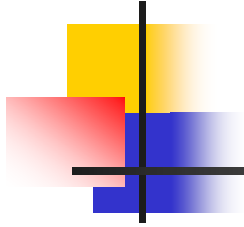
Excludes **farmed animals** from the scope of unpatentable subject matter according to Art. 25.

Design Patent

- (1) Partial design will be patentable;
- (2) The term of design patent will be extended to 15 years
- (3) The right of priority for domestic application will be available

Fuctions of PRB

If necessary, PRB may conducts examination on whether an application or a patent is in conformity with relevant provisions of the Patent Law in the reexamination or invalidation procedures.



Thank you for your attention!
ご清聴ありがとうございました！

