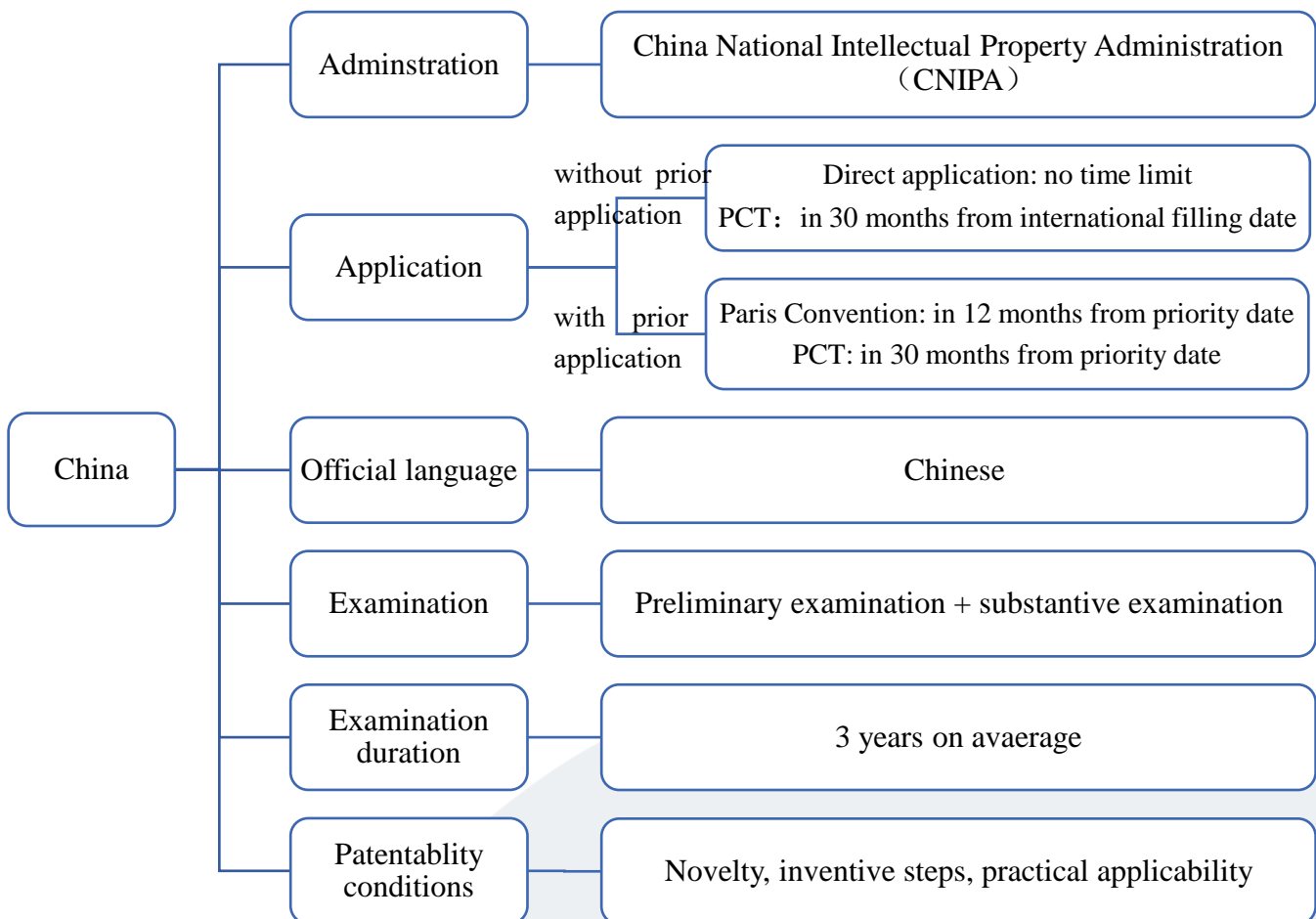


Manual of IPR Confirmation and Protection in China

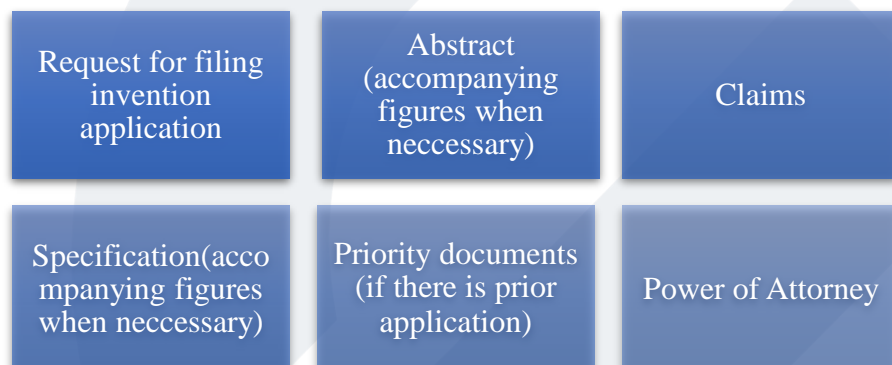
Patent

● Invention

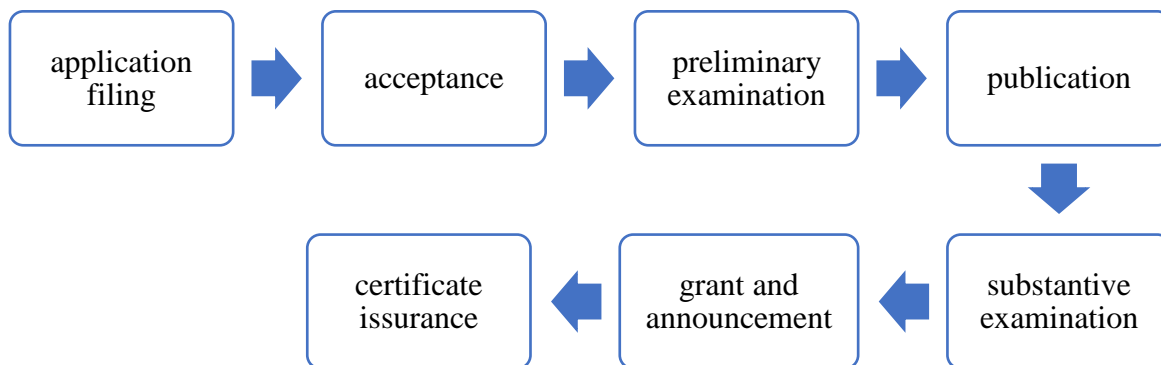
I. Overview



II. Application documents



III. Procedure



IV. Validity term

- An invention patent is **valid for 20 years** from the date of filing.
- The first annuity of a patent should be paid within two months from the date of receipt of the Notice of Allowance from the CNIPA. The due date for all subsequent renewal fees will fall on the anniversary of the filing date.

V. Note

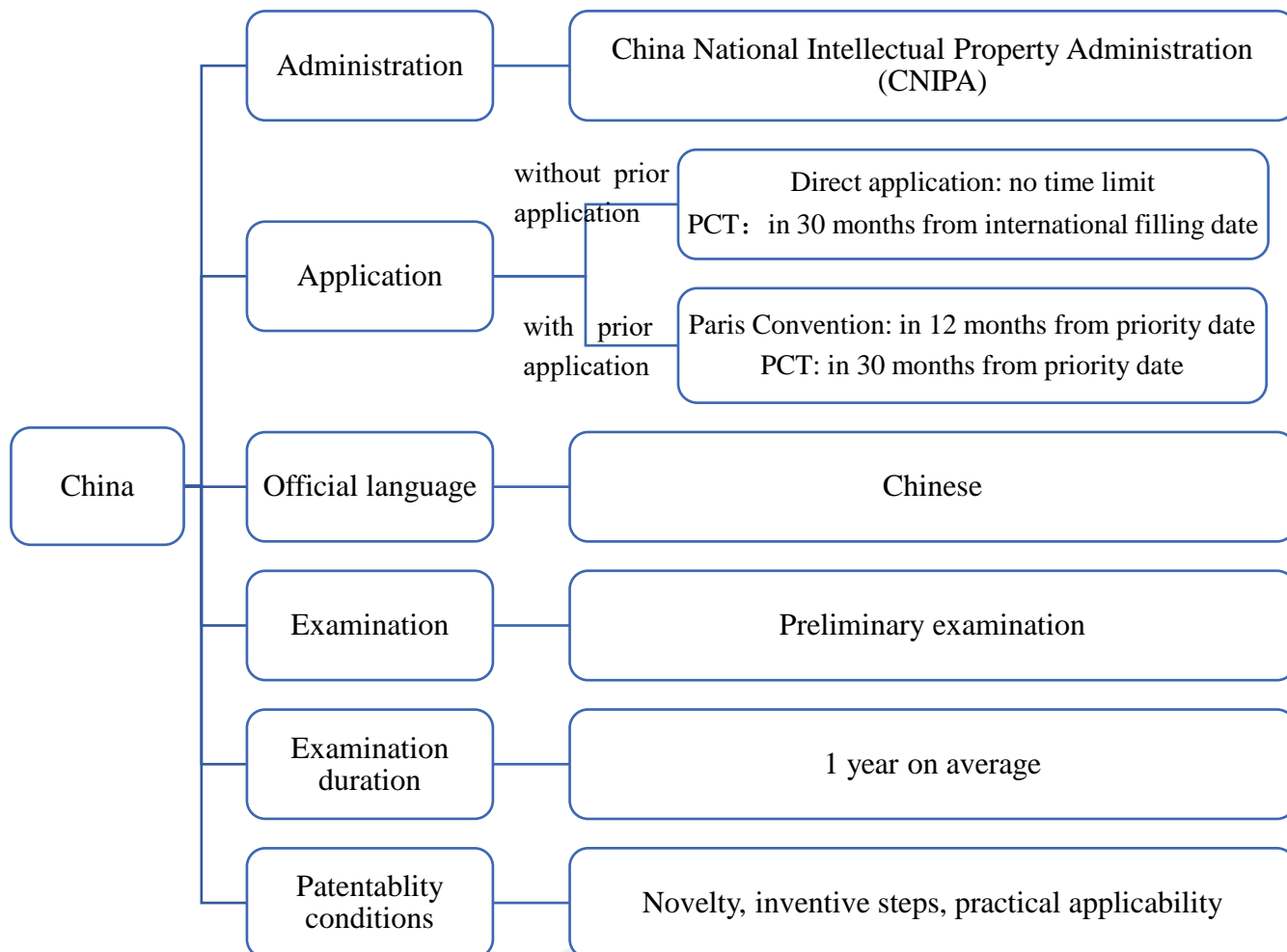
Within six months before the filing date, an invention-creation for which a patent application is filed **does not lose its novelty** under any of the following circumstances:

- (1) where it was made public for the first time for the purpose of the public interests when a state of emergency or an extraordinary situation occurred in the country.
- (2) where it was exhibited for the first time at an international exhibition sponsored or recognized by the Chinese Government;
- (3) where it was published for the first time at a prescribed academic or technological conference;
- (4) where its contents are divulged by another person without the consent of the applicant.

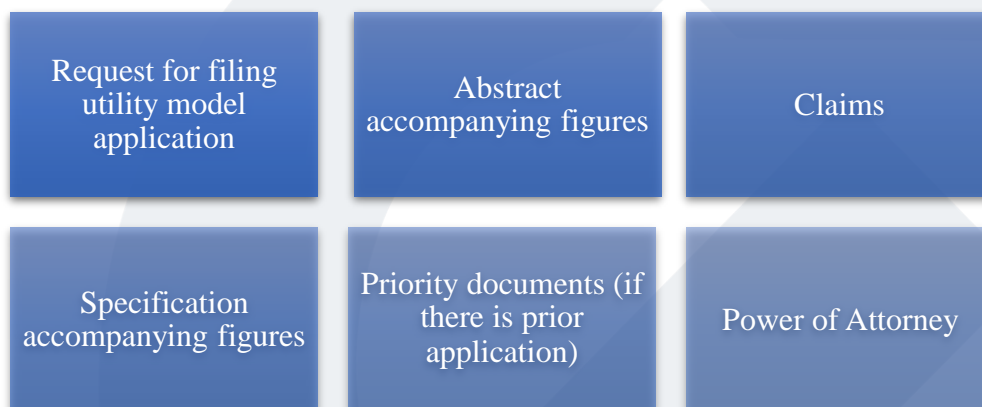


● Utility Model

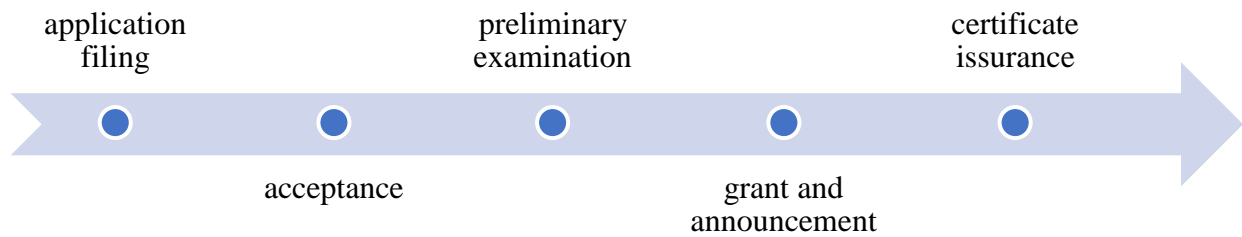
I. Overview



II. Application documents



III. Procedure



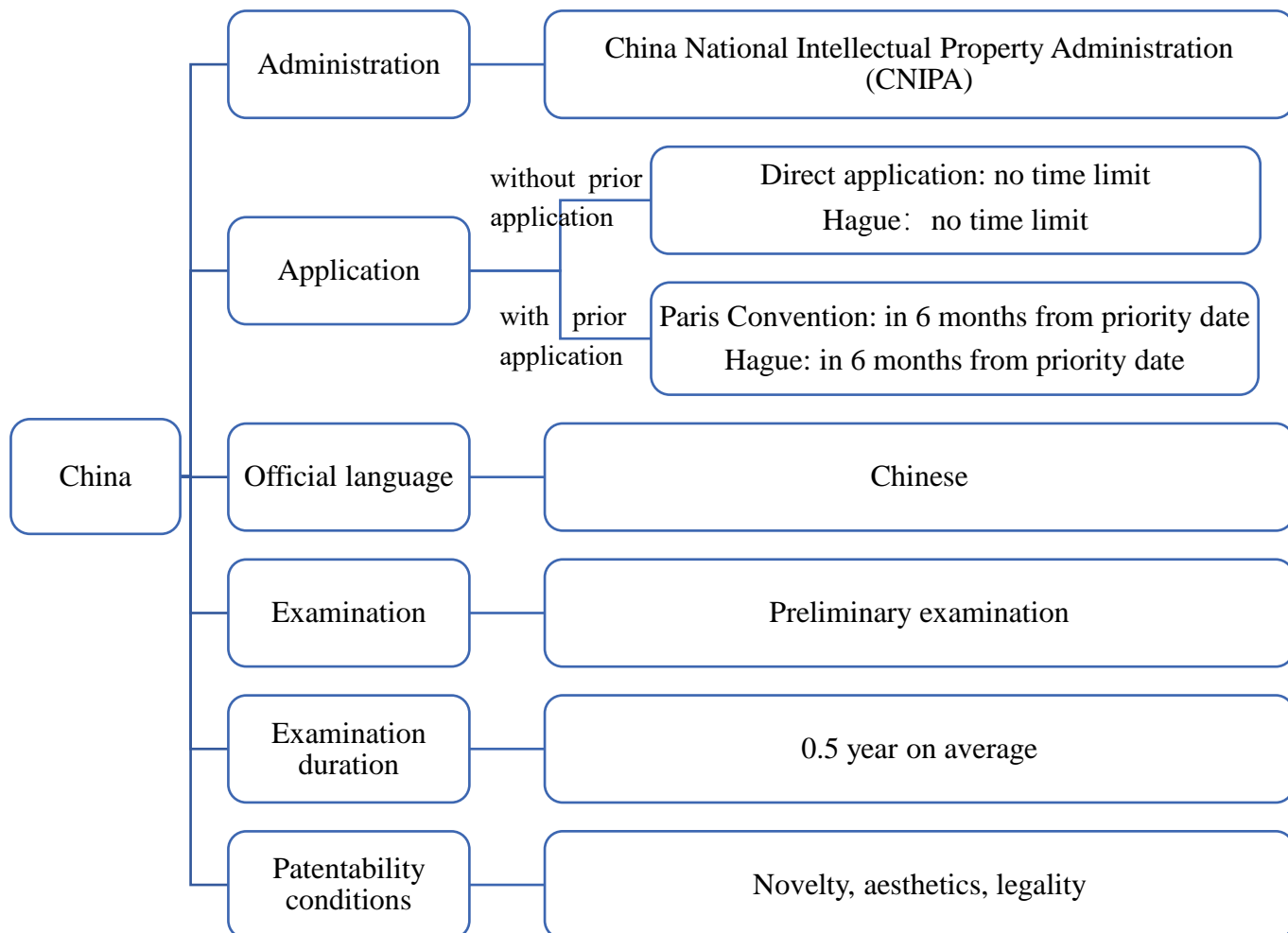
IV. Validity term

- A utility model patent is valid for 10 years from the date of filing.
- The first annuity of a patent should be paid within two months from the date of receipt of the Notice of Allowance from the CNIPA. The due date for all subsequent renewal fees will fall on the anniversary of the filing date.

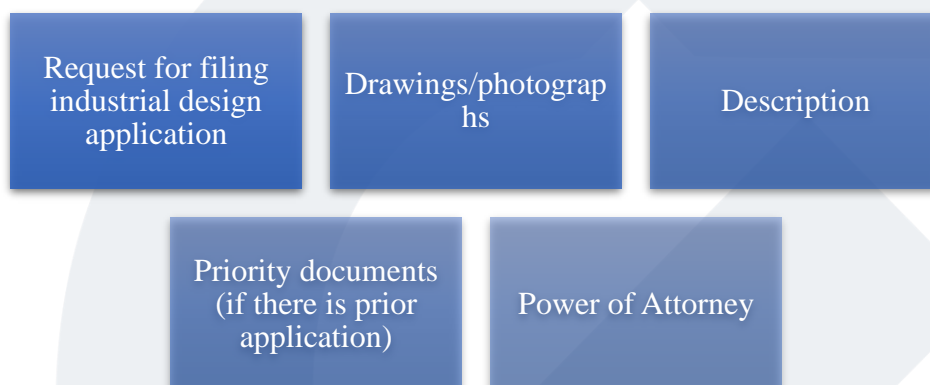


● Industrial design

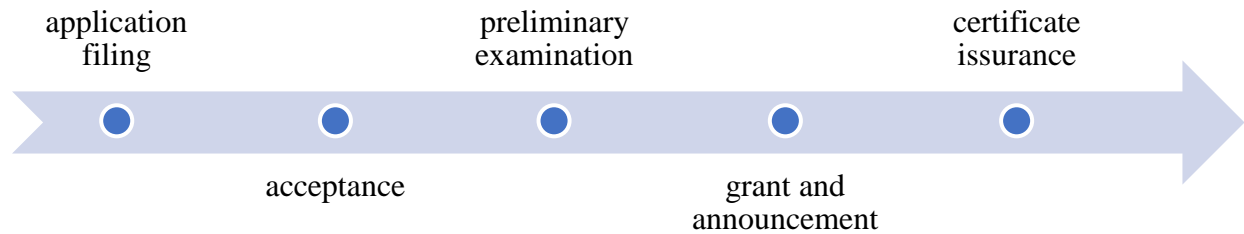
I. Overview



II. Application



III. Procedure



IV. Validity term

- A utility model patent is valid for 10 years from the date of filing.
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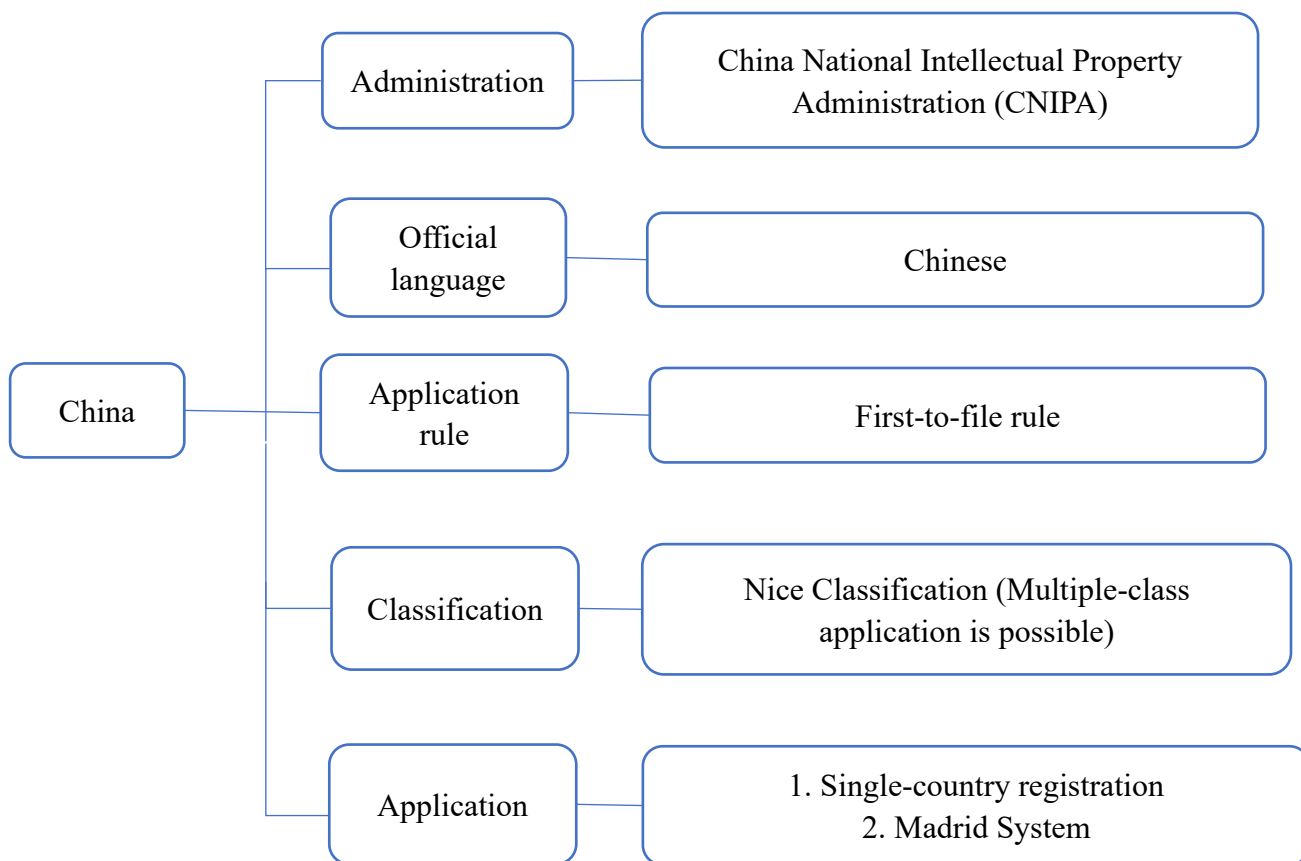
V. Note

- A patent application for a design shall be limited to one design.
- Two or more similar designs for the same product or two or more designs which are incorporated in products belonging to the same category and sold or used in sets may be filed as one application.
- A patent application for a design shall contain no more than 10 similar designs.

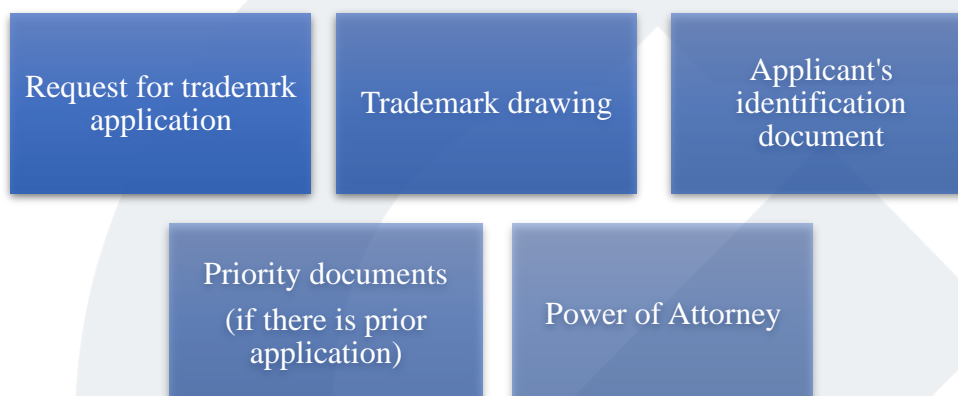


Trademark

I. Overview

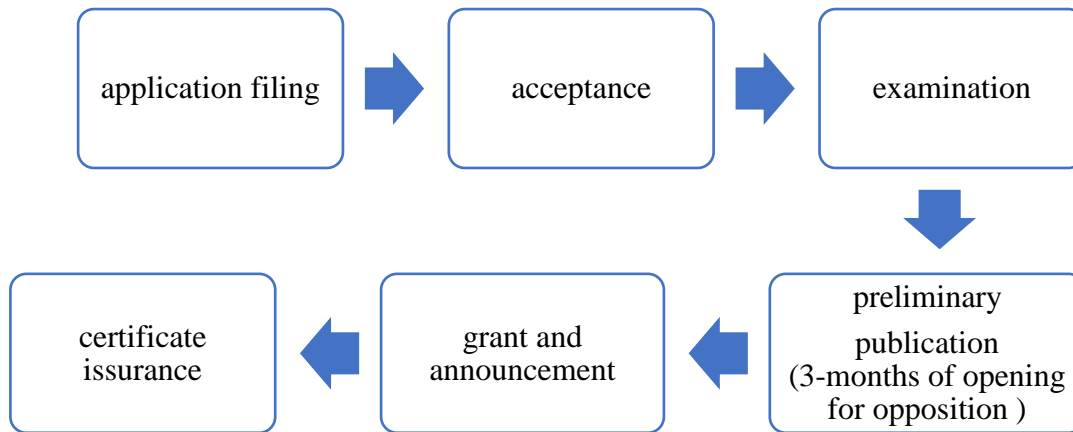


II. Application documents



III. Procedure

(The whole application lasts about 9-12 months, longer if there is refusal or opposition)



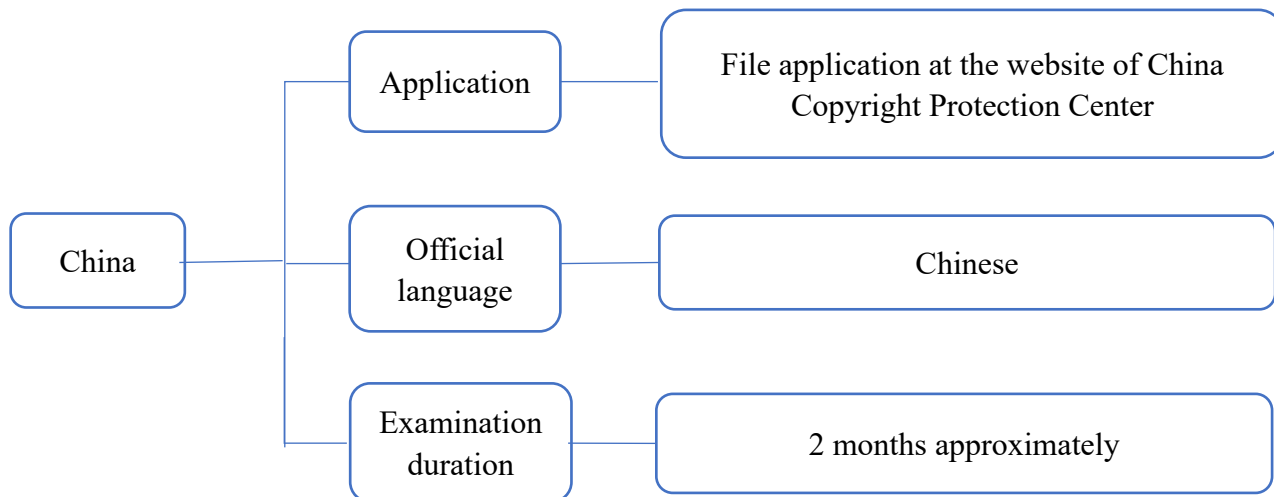
IV. Validity term

- A trademark in China is **valid for ten years** from the date of registration. A request to **renew the registration must be filed within twelve months** prior to the date of expiration. A grace period of six months is allowed by paying a corresponding surcharge. A trademark **may be renewed** each time for a period of ten years.
- A trademark registration in China may be subject to cancellation if it has not been used within a continuous period of 3 years from the registration date.

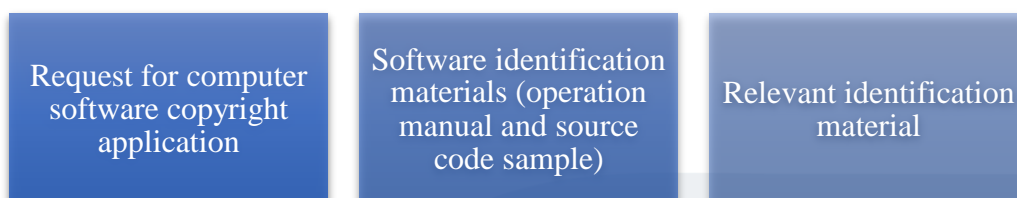


Computer Software Copyright

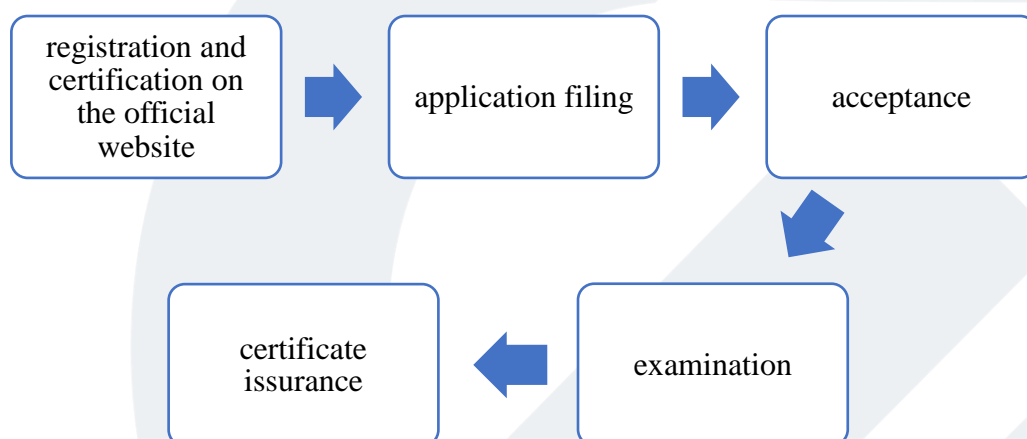
I. Overview



II. Application documents



III. Procedure



IV. Validity term

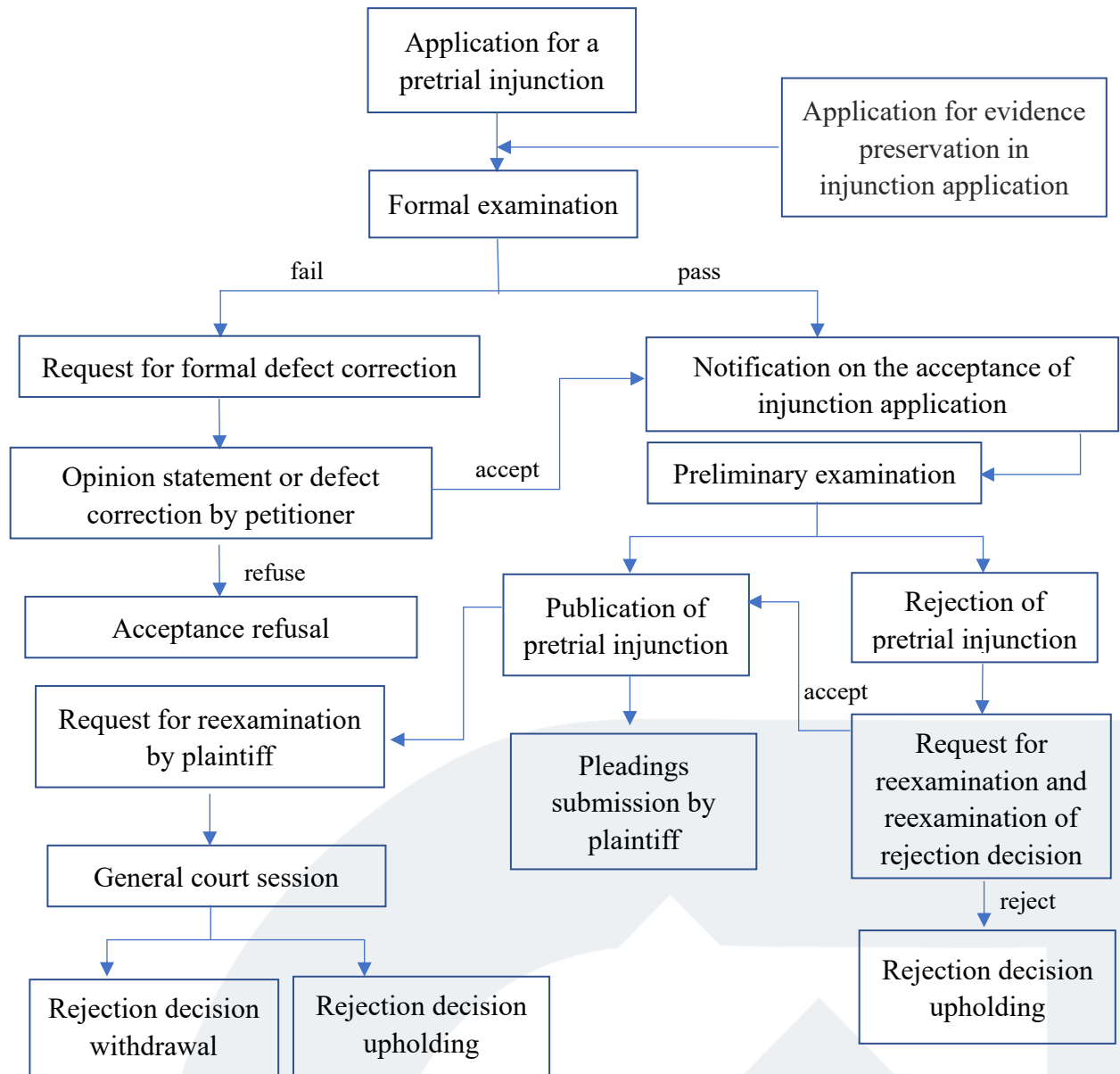
- The copyright protection period for a natural person's software is the natural person's lifetime and the 50 years following their death;
- If the software was co-developed, the protection period ends on December 31st of the 50th year after the death of the last natural person involved;
- The copyright protection period for a software developed by a legal entity or other organization is 50 years from the date of its first publication, but if it is not published within 50 years of its completion, it will no longer be protected.



Litigation

● Administrative litigation

Pretrial proceedings



Note

1. Preliminary examination: The court examines the validity of the patent, the likelihood of infringement, the situation of irreparable loss, and the guarantee fund. A court session can be arranged for examination.
2. Pretrial injunction issuance: In urgent situations, the injunction can be issued within 48 hours (from the date of acceptance). Once the injunction is granted, it takes immediate effect.
3. Sue within 15 days (if the plaintiff is a Chinese national) or 30 days (if the plaintiff is a foreign national) of the injunction.



● Infringement Litigation

I. Types of infringement

trademark infringement

patent infringement

copyright infringement

II. Time limit

- The limitation period for litigation shall be three years from the date when the patentee or interested party knows or should have known the infringement.
- If the right holder files a lawsuit more than three years later, and the infringement is still continuing at the time of the lawsuit, the people's court shall order the defendant to stop the infringement within the valid term of the patent right, and the amount of compensation for infringement damages shall be calculated for three years backward from the date when the right holder files a lawsuit with the people's court.



III. Litigation proceedings

