

## Detailed Rules for the Implementation of the Patent Law

### 专利法实施细则

Current	Draft (November 27, 2020)
<p><b>Article 6</b> Where a party concerned has delayed past the time limit provided in the Patent Law or these Rules or that specified by the administrative department for patent under the State Council due to force majeure, thus resulting the loss of his/its rights, he/it may, within 2 months as of the removal of the impediment, or at the latest within 2 years as of the expiry of that time limit, request the administrative department for patent under the State Council to recover his/its rights by stating the reasons and affixing relevant supporting documents.</p> <p>Where a party concerned has delayed past the time limit provided in the Patent Law or these Rules or that specified by the administrative department for patent under the State Council due to a justified reason, thus resulting in the loss of his/its rights, he/it may, within 2 months as of the receipt of the notice from the administrative department for patent under the State Council, request the administrative department for patent under the State Council to recover his/its rights by stating the reason.</p> <p>Where a party concerned petitions for recovering his/her right under Paragraph 1 or 2 of this Article, he/she shall submit a petition for the recovery of right, state the reason, attach the supporting documents when necessary, and handle the formalities that should be handled before the loss of right; where a party concerned petitions for</p>	<p><b>Article 6</b> Where a time limit prescribed in the Patent Law or these Rules or specified by the patent administrative department of the State Council is not observed by a party concerned because of force majeure, resulting in loss of his or its rights, he or it may, within two months from the date on which the impediment is removed, at the latest within two years immediately following the date of expiration of that time limit, request the patent administrative department of the State Council to recover his or her rights.</p> <p>Except for circumstances prescribed in the preceding paragraph, where a time limit prescribed in the Patent Law or these Rules or specified by the patent administrative department of the State Council is not observed by a party concerned because of any other justified reason, resulting in loss of his or its rights, he or it may within two months from the date of receipt of a notification from the patent administrative department under the State Council <b>or from the date of expiration of the time limit of requesting the re-examination</b>, request the patent administration department of the State Council to recover his or its rights.</p> <p>Where any party concerned requests recovering of his or its rights in accordance with the provisions of the first or second paragraph of this Article, he or it shall submit a request for recovery of rights, stating the reasons and attaching, if necessary, the relevant supporting documents, and go through the relevant formalities which should have been performed before the loss of his or its rights; where the party concerned requests recovery of his or its rights in accordance with the provisions of the second paragraph of this Article, he or it shall pay the fee for requesting recovery of rights.</p> <p>Where the party concerned makes a request for an extension of a time limit specified by the patent administrative department of the State Council, he or it shall, before the time limit expires, state the reasons to the patent administrative department of the State Council and go through the relevant formalities.</p>

recovering his/her right under Paragraph 2 of this Article, he/she shall also pay a petition fee for the recovery of right.

Where a party concerned requests extension of the time limit specified by the administrative department for patent under the State Council, he/it shall, before the expiry of the said time limit, state the reason to the administrative department for patent under the State Council and fulfill relevant formalities.

The provisions in Paragraph 1 and 2 of this Article shall not apply to the time limit provided in Article 24, Article 29, Article 42, or Article 68 of the Patent Law.

#### 第六条

当事人因不可抗拒的事由而延误专利法或者本细则规定的期限或者国务院专利行政部门指定的期限，导致其权利丧失的，自障碍消除之日起2个月内，最迟自期限届满之日起2年内，可以向国务院专利行政部门请求恢复权利。

除前款规定的情形外，当事人因其他正当理由延误专利法或者本细则规定的期限或者国务院专利行政部门指定的期限，导致其权利丧失的，可以自收到国务院专利行政部门的通知之日起2个月内向国务院专利行政部门请求恢复权利。

当事人依照本条第一款或者第二款的规定请求恢复权利的，应当提交恢复权利请求书，说明理由，必要时附具有关证明文件，并办理权利丧失前应当办

Where a state of emergency or an extraordinary circumstances occurs, the patent administrative department of the State Council may extend the time limit prescribed in the Rules and the time limit designated by the patent administrative department of the State Council, or simplify the relevant formalities.

The provisions of the first and second paragraphs of this Article shall not be applicable to the time limit provided in Articles 24, 29, 42 and 74 of the Patent Law.

#### 第六条

当事人因不可抗拒的事由而延误专利法或者本细则规定的期限或者国务院专利行政部门指定的期限，导致其权利丧失的，自障碍消除之日起2个月内，最迟自期限届满之日起2年内，可以向国务院专利行政部门请求恢复权利。

除前款规定的情形外，当事人因其他正当理由延误专利法或者本细则规定的期限或者国务院专利行政部门指定的期限，导致其权利丧失的，可以自收到国务院专利行政部门的通知之日起或复审请求期限届满之日起2个月内，向国务院专利行政部门请求恢复权利。

当事人依照本条第一款或者第二款的规定请求恢复权利的，应当提交恢复权利请求书，说明理由，必要时附具有关证明文件，并办理权利丧失前应当办理的相应手续；依照本条第二款的规定请求恢复权利的，还应当缴纳恢复权利请求费。

当事人请求延长国务院专利行政部门指定的期限的，应当在期限届满前，向国务院专利行政部门说明理由并办理有关手续。

<p>理的相应手续；依照本条第二款的规定请求恢复权利的，还应当缴纳恢复权利请求费。</p> <p>当事人请求延长国务院专利行政部门指定的期限的，应当在期限届满前，向国务院专利行政部门说明理由并办理有关手续。</p> <p>本条第一款和第二款的规定不适用专利法第二十四条、第二十九条、第四十二条、第六十八条规定的期限。</p>	<p>国家出现紧急状态或者非常情况时，国务院专利行政部门可以延长本细则规定的期限和国务院专利行政部门指定的期限或者简化相关手续。</p> <p>本条第一款和第二款的规定不适用专利法第二十四条、第二十九条、第四十二条、第七十四条规定的期限。</p>
<p><b>Article 27</b> Where an application for a patent for design seeking concurrent protection of colors is filed, the drawing or photograph in color shall be submitted in duplicate.</p> <p>The applicant shall submit, with respect to the contents of each design product which is in need of protection, relevant views or photographs, so as to clearly show the object for which protection is sought.</p> <p><b>第二十七条</b>          申请人请求保护色彩的，应当提交彩色图片或者照片。</p> <p>申请人应当就每件外观设计产品所需要保护的内容提交有关图片或者照片。</p>	<p><b>Article 27</b> The applicant shall, with respect to the contents of each design product which is in need of protection, submit the relevant drawings or photographs conforming to the provisions.</p> <p>Where an application for a patent for a partial design is filed, the view of the whole product shall be submitted, and the contents to be protected shall be indicated by a combination of dotted lines and solid lines or by other means.</p> <p>Where an applicant seeks the protection of colors, drawings or photographs in color shall be submitted.</p> <p><b>第二十七条</b>          申请人应当就每件外观设计产品所需要保护的内容提交符合规定的图片或者照片。</p> <p>申请局部外观设计专利的，应当提交整体产品的视图，并用虚线与实线相结合或者其他方式表明所需要保护的内容。</p> <p>申请人请求保护色彩的，应当提交彩色图片或者照片。</p>
<p><b>Article 28</b> The summary of a design shall contain the name and uses of the design and the design essentials and specify a drawing or photograph which best demonstrates the design essentials. The omission of the view and the colors</p>	<p><b>Article 28</b> The brief explanation of a design shall contain the name and use of the product incorporating the design and the essential feature of the design, and designate a drawing or photograph which best shows the essential feature of the design. Where the view of the product incorporating the design is omitted or where</p>

<p>for which protection is sought shall be specified in the summary.</p> <p>A patent application for multiple similar designs of a same product shall designate in the summary one of the designs as the basic one.</p> <p>The summary shall not contain any commercial advertising element or be used to indicate the functions of the product.</p> <p><b>第二十八条</b> 外观设计的简要说明应当写明外观设计产品的名称、用途，外观设计的设计要点，并指定一幅最能表明设计要点的图片或者照片。省略视图或者请求保护色彩的，应当在简要说明中写明。</p> <p>对同一产品的多项相似外观设计提出一件外观设计专利申请的，应当在简要说明中指定其中一项作为基本设计。</p> <p>简要说明不得使用商业性宣传用语，也不能用来说明产品的性能。</p>	<p>concurrent protection of colors is sought, this shall be indicated in the brief explanation.</p> <p>Where an application for patent for design is filed for two or more similar designs incorporated in the same product, one of these designs shall be indicated as the basic design in the brief explanation.</p> <p><b>Where an application for a patent for a partial design is filed, the part for which protection is requested shall be indicated in the brief explanation if necessary.</b></p> <p>The brief explanation shall not contain any commercial advertising and shall not be used to indicate functions of the product.</p> <p><b>第二十八条</b> 外观设计的简要说明应当写明外观设计产品的名称、用途，外观设计的设计要点，并指定一幅最能表明设计要点的图片或者照片。省略视图或者请求保护色彩的，应当在简要说明中写明。</p> <p>对同一产品的多项相似外观设计提出一件外观设计专利申请的，应当在简要说明中指定其中一项作为基本设计。</p> <p><b>申请局部外观设计专利的，必要时在简要说明中写明请求保护的局部。</b></p> <p>简要说明不得使用商业性宣传用语，也不能用来说明产品的性能。</p>
	<p><b>New Paragraph (2) to Article 85</b></p> <p><b>Where a request for compensation for the duration of the patent right for an invention is made in accordance with paragraph 2 of Article 42 of the Patent Law, the patentee shall, within three months after the announcement of the patent grant, make a request to the patent administrative department of the State Council.</b></p> <p><b>新增第八十五条之二</b> 根据专利法第四十二条第二款请求补偿发明专利权期限的，专利权人应当在专利授权公告后3个月内向国务院专利行政部门提出。</p>
	<p><b>New Paragraph (3) to Article 85</b></p>

	<p>Where a compensation is granted for the duration of the patent grant, the compensation shall be made according to the actual number of deferred days.</p> <p>The unreasonable delay caused by the applicant under paragraph 2 of Article 42 of the Patent Law includes the following circumstances:</p> <ol style="list-style-type: none"><li>(1) Failure in reply, within a specified time limit, to a notice issued by the patent administrative department of the State Council;</li><li>(2) Application for a deferred examination;</li><li>(3) Incorporation by reference;</li><li>(4) Other circumstances.</li></ol> <p>The circumstances of Article 86 and Article 87 of the Rules shall not be deemed to be unreasonable delay.</p> <p><b>新增第八十五条之三</b> 给予专利授权期限补偿的，按照实际延迟的天数予以补偿。</p> <p>专利法第四十二条第二款规定的由申请人引起的不合理延迟包括以下情形： （一）未在指定期限内答复国务院专利行政部门发出的通知； （二）申请延迟审查； （三）援引加入； （四）其它情形。</p> <p>本细则第八十六条、第八十七条的情形不属于不合理延迟。</p>
	<p><b>New Paragraph (4) to Article 85</b></p> <p>The compensation for the duration of the drug patent may be granted to any patents related to new drug patents, preparation method patents or pharmaceutical use patents for chemical drugs, biological products and new traditional Chinese medicine that have been approved for marketing in China and meet the conditions for the compensation for the duration of a drug patent.</p>

	<p>The “patents related to new drugs” mentioned in the preceding paragraph refers to the patents related to active ingredients of new drugs approved for marketing by the medical product administration of the State Council for the first time. The patent for new traditional Chinese medicine includes the patent related to innovative Chinese medicine and the patent related to improved new traditional Chinese medicine with added efficacy.</p> <p><b>新增第八十五条之四</b>  对在中国获得上市许可的化学药、生物制品和中药新药产品专利、制备方法专利或者医药用途相关专利，符合药品专利期限补偿条件的，可以给予药品专利期限补偿。</p> <p>前款所称新药相关专利，是指国务院药品监督管理部门首次批准上市的新药活性成分相关专利。中药新药专利包括中药创新药相关专利和增加功能主治的中药改良型新药相关专利。</p>
	<p><b>New Paragraph (5) to Article 85</b></p> <p>The compensation period for the duration of the drug patent is calculated by subtracting the date of filing and another 5 years from the date when a new drug applied for registration is approved for marketing in China.</p> <p><b>新增第八十五条之五</b>  药品专利期限补偿时间的计算方式为申请注册的新药在中国获得上市许可之日减去专利申请日，再减去5年。</p>
	<p><b>New Paragraph (6) to Article 85</b></p> <p>During the compensation period for the duration of the drug patent, the protection scope of the patent shall be limited to the new drug approved for marketing by the medical drug administration of the State Council and to the approved indications for the new drugs.</p> <p>The patent during the compensation period for the duration of the drug patent has the same rights and obligations as before the compensation for the duration of the drug patent.</p> <p><b>新增第八十五条之六</b></p>

	<p>药品专利期限补偿期间，该专利的保护范围限于国务院药品监督管理部门批准上市的新药，且限于该新药经批准的适应症。</p> <p>药品专利期限补偿期间的专利权与药品专利期限补偿前具有相同的权利和义务。</p>
	<p><b>New Paragraph (7) to Article 85</b></p> <p>Where the patentee requests compensation for the duration of the drug patent, it shall, within three months from the date of approval of marketing authorization application for the drug, submit a request for compensation for the duration of the drug patent to the patent administrative department of the State Council, and attach relevant supporting documents. At the time of making the request, the drug and its patent shall satisfy the following conditions:</p> <p>(1) Where more than one patent exists for a drug at the same time, the patentee may only request compensation for the duration of the drug patent for one of the patents;</p> <p>(2) Where a patent involves more than one drugs at the same time, the patentee may only request compensation for the duration of the drug patent for one of the drugs;</p> <p>(3) The patent has not been compensated for the duration of the drug patent;</p> <p>(4) The residual protection duration of the patent for which the compensation is requested shall not be less than 6 months.</p> <p><b>新增第八十五条之七</b></p> <p>专利权人请求给予药品专利期限补偿的，应当自药品上市许可申请获得批准之日起3个月内向国务院专利行政部门提出药品专利期限补偿请求，并附具有关证明文件，提出请求时药品及其专利应当满足以下条件：</p> <p>（一）一个药品同时存在多项专利的，专利权人只能请求对其中一项专利给予药品专利期限补偿；</p> <p>（二）一项专利同时涉及多个药品的，只能对一个药品就该专利提出药品专利期限补偿请求；</p> <p>（三）该专利尚未获得过药品专利期限补偿；</p> <p>（四）请求给予药品专利期限补偿的专利剩余保护期限不少于6个月。</p>

### **New paragraph (8) to Article 85**

Where the patent administrative department of the State Council, after examining the request for compensation for the duration of the patent grant or the duration of the drug patent, considers that the conditions for compensation for the duration are not satisfied, it shall reject the request. If no reason for rejection is found after the examination, a decision shall be made to compensate for the duration, and the decision shall be registered and announced.

Where, from the date when the patent administrative department of the State Council announces the decision on the compensation for the duration, any entity or individual considers that the decision on the compensation for the duration does not satisfy the conditions for compensation, may request the patent administrative department of the State Council to declare the decision on the compensation for the duration invalid. Where the claimant or the patentee is not satisfied with the decision to uphold the validity of the compensation for the duration granted or to declare the decision on the compensation for the duration granted invalid, may, within three months from the date of receipt of the notification, institute legal proceedings in the people's court. The people's court shall notify the opposite party in the invalidation request procedure to attend as a third party in the legal proceedings.

### **新增第八十五条之八**

国务院专利行政部门对专利授权期限补偿和药品专利期限补偿请求审查后，认为不符合期限补偿条件的，应当予以驳回。经审查没有发现驳回理由的，作出给予期限补偿的决定，予以登记和公告。

自国务院专利行政部门公告给予期限补偿之日起，任何单位或者个人认为给予期限补偿的决定不符合补偿条件的，可以请求国务院专利行政部门宣告该期限补偿决定无效。请求人或者专利权人对维持给予期限补偿有效或者宣告给予期限补偿无效的决定不服的，可以自收到通知之日起3个月内向人民法院起诉。人民法院应当通知该无效宣告请求程序的对方当事人作为第三人参加诉讼。



**Article 89** The administrative department for patent under the State Council shall maintain a Patent Register in which the following matters relating to a patent application and patent right shall be registered:

- (1) grant of the patent right;
- (2) devolution of the right of patent application or the patent right;
- (3) pledge, preservation and cancellation of the patent right;
- (4) record of contracts on the license for exploitation of a patent;
- (5) invalidation of the patent right;
- (6) termination of the patent right;
- (7) recovery of the patent right;
- (8) compulsory license for exploitation of the patent;
- (9) changes on the name, nationality or address of the patent holder.

#### 第八十九条

国务院专利行政部门设置专利登记簿，登记下列与专利申请和专利权有关的事项：

- (一) 专利权的授予；
- (二) 专利申请权、专利权的转移；
- (三) 专利权的质押、保全及其解除；
- (四) 专利实施许可合同的备案；
- (五) 专利权的无效宣告；
- (六) 专利权的终止；

Article 89 The patent administrative department of the State Council shall maintain a Patent Register in which the registration of the following matters relating to patent applications or patent rights shall be made:

- (1) any grant of the patent right;
- (2) any transfer of the right to patent application or the patent right;
- (3) any pledge and preservation of the patent right and their discharge;
- (4) any license contract for exploitation of a patent submitted for the record;
- (5) any declassification of a national defense patent and a secret patent;
- (6) any invalidation of the patent right;
- (7) any termination of the patent right;
- (8) any recovery of the patent right;
- (9) compensation for the duration of the patent right;
- (10) any open license for the exploitation of a patent;
- (11) any compulsory license for exploitation of a patent; and
- (12) any change in the name or title, nationality and address of a patentee.

#### 第八十九条

国务院专利行政部门设置专利登记簿，登记下列与专利申请和专利权有关的事项：

- (一) 专利权的授予；
- (二) 专利申请权、专利权的转移；
- (三) 专利权的质押、保全及其解除；
- (四) 专利实施许可合同的备案；
- (五) 国防专利、保密专利的解密；
- (六) 专利权的无效宣告；
- (七) 专利权的终止；

<p>(七) 专利权的恢复;  (八) 专利实施的强制许可;  (九) 专利权人的姓名或者名称、国籍和地址的变更。</p>	<p>(八) 专利权的恢复;  (九) 专利权期限的补偿;  (十) 专利实施的开放许可;  (十一) 专利实施的强制许可;  (十二) 专利权人的姓名或者名称、国籍和地址的变更。</p>
<p><b>Article 90</b> The administrative department for patent under the State Council shall publish a Patent Gazette at regular intervals for publishing or announcing the following:</p> <ol style="list-style-type: none"> <li>1. the bibliographic data contained in patent applications for invention and the abstracts of product specifications;</li> <li>2. the request for substantive examination of a patent application for invention and any decision made by the administrative department for patent under the State Council to proceed at its own discretion to examine as to substance patent application for invention;</li> <li>3. rejection, withdrawal, deemed withdrawal, deemed abandonment, recovery and transfer of a patent application for invention after its publication;</li> <li>4. granting of patent right and the bibliographic data contained in the patent right;</li> <li>5. abstract of the specifications of an invention or utility model, and a drawing or photograph of a design;</li> <li>6. declassification of national defense patents and secret patents;</li> <li>7. invalidation of patent right;</li> </ol>	<p><b>Article 90</b> The patent administrative department of the State Council shall publish the Patent Gazette at regular intervals, publishing or announcing the following:</p> <ol style="list-style-type: none"> <li>(1) the bibliographic data and the abstract of the description of an application for a patent for invention;</li> <li>(2) any request for substantive examination of an application for a patent for invention and any decision made by the patent administrative department of the State Council to proceed on its own initiative to examine as to substance an application for a patent for invention;</li> <li>(3) any rejection, withdrawal, deemed withdrawal, deemed abandonment, recovery and transfer of an application for a patent for invention after its publication;</li> <li>(4) any grant of the patent right and the bibliographic data of the patent right;</li> <li>(5) the abstract of the description of a patent for utility model, one drawing or photograph of a patent for design;</li> <li>(6) any declassification of a national defense patent or a secret patent;</li> <li>(7) any invalidation of the patent right;</li> <li>(8) any determination or recovery of the patent right;</li> <li>(9) compensation for the duration of the patent right;</li> <li>(10) any transfer of the patent right;</li> <li>(11) any license contract for exploitation of a patent submitted for the record;</li> <li>(12) any pledge or preservation of the patent right and their discharge;</li> <li>(13) <del>Effective</del> events of an open license for the exploitation of a patent;</li> </ol>

8. termination and recovery of patent right;
9. transfer of patent right;
10. archiving of contracts for licensing the exploitation of patent;
11. pledge and preservation of patent right and the cancellation thereof;
12. granting of compulsory license for the exploitation of patent;
13. changes on the name and address of the patentees;
14. announcement and service of documents;
15. rectifications made by the administrative department for patent under the State Council; and
16. other relevant matters.

#### 第九十条

国务院专利行政部门定期出版专利公报，公布或者公告下列内容：

- (一) 发明专利申请的著录事项和说明书摘要；
- (二) 发明专利申请的实质审查请求和国务院专利行政部门对发明专利申请自行进行实质审查的决定；
- (三) 发明专利申请公布后的驳回、撤回、视为撤回、视为放弃、恢复和转移；
- (四) 专利权的授予以及专利权的著录事项；
- (五) 发明或者实用新型专利的说明书摘要，外观设计专利的一幅图片或者照片；

- (14) any grant of a compulsory license for exploitation of a patent;
- (15) any change in the name or title and address of a patentee;
- (16) any service of documents by way of making an announcement;
- (17) any correction made by the patent administration department of the State Council; and
- (18) any other related matters.

#### 第九十条

国务院专利行政部门定期出版专利公报，公布或者公告下列内容：

- (一) 发明专利申请的著录事项和说明书摘要；
- (二) 发明专利申请的实质审查请求和国务院专利行政部门对发明专利申请自行进行实质审查的决定；
- (三) 发明专利申请公布后的驳回、撤回、视为撤回、视为放弃、恢复和转移；
- (四) 专利权的授予以及专利权的著录事项；
- (五) 实用新型专利的说明书摘要，外观设计专利的一幅图片或者照片；
- (六) 国防专利、保密专利的解密；
- (七) 专利权的无效宣告；
- (八) 专利权的终止、恢复；

<p>(六) 国防专利、保密专利的解密；  (七) 专利权的无效宣告；  (八) 专利权的终止、恢复；  (九) 专利权的转移；  (十) 专利实施许可合同的备案；  (十一) 专利权的质押、保全及其解除；  (十二) 专利实施的强制许可的给予；  (十三) 专利权人的姓名或者名称、地址的变更；  (十四) 文件的公告送达；  (十五) 国务院专利行政部门作出的更正；  (十六) 其他有关事项。</p>	<p>(九) 专利权期限的补偿；  (十) 专利权的转移；  (十一) 专利实施许可合同的备案；  (十二) 专利权的质押、保全及其解除；  (十三) 专利实施的开放许可的生效事项；  (十四) 专利实施的强制许可的给予；  (十五) 专利权人的姓名或者名称、地址的变更；  (十六) 文件的公告送达；  (十七) 国务院专利行政部门作出的更正；  (十八) 其他有关事项。</p>
	<p><b>New Paragraph (1) to Article 100</b></p> <p>In the procedures of the compensation for the duration of the patent grant and duration of the drug patent, the patentee shall pay the relevant fees in accordance with the provisions.</p> <p><b>新增第一百条之一</b>  在专利授权期限补偿和药品专利期限补偿程序中，专利权人应当按照规定缴纳相关费用。</p>
	<p><b>Chapter XI Special Provisions Concerning International Application for Design</b></p> <p><b>新增第十一章 关于外观设计国际申请的特别规定</b></p>
	<p><b>Article 1 to new special chapter about the Hague Agreement</b></p> <p>The patent administrative department of the State Council shall, in accordance with the provisions of paragraphs 2 and 3 of Article 19 of the Patent Law, handle the international applications for designs which are registered in accordance with the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs (hereinafter referred to as the Hague Agreement) and for which China has been designated (hereinafter referred to as the international application for designs).</p>

	<p>The conditions and procedures for handling the international application for designs by the patent administrative department of the State Council shall be applicable to the provisions of this Chapter. Where there are no provisions in this Chapter, the relevant provisions of the Patent Law and other chapters of the Rules shall apply.</p> <p><b>新增海牙专章之一</b> 国务院专利行政部门根据专利法第十九条第二款、第三款规定，处理按照工业品外观设计国际注册海牙协定日内瓦文本（以下简称海牙协定）注册并指定中国的外观设计国际申请（以下简称外观设计国际申请）。</p> <p>国务院专利行政部门对外观设计国际申请进行处理的条件和程序适用于本章的规定；本章没有规定的，适用专利法及本细则其他各章的有关规定。</p>
	<p><b>Article 2 to new special chapter about the Hague Agreement</b></p> <p>The international application for designs may be filed by an applicant either with the International Bureau or through the patent administrative department of the State Council.</p> <p>The international application for designs submitted through the patent administrative department of the State Council shall meet the provided conditions. The application containing information that violates the laws and social molarity or is detrimental to public interests shall not be submitted.</p> <p><b>新增海牙专章之二</b> 申请人可以向国际局提交外观设计国际申请，也可以通过国务院专利行政部门提交外观设计国际申请。 通过国务院专利行政部门提交外观设计国际申请，应当符合规定的条件。包含有违反法律、社会公德或者妨害公共利益信息的，不予提交。</p>
	<p><b>Article 3 to new special chapter about the Hague Agreement</b></p> <p>Where the international application for designs for which an date for the international registration has been determined in accordance with the Hague Agreement and China has been designated, it shall be deemed to be an application for an design patent filed with the patent administrative department of</p>

	<p>the State Council, and the date of the international registration shall be deemed to be the date of filing referred to in Article 28 of the Patent Law.</p> <p><b>新增海牙专章之三</b> 按照海牙协定已确定国际注册日并指定中国的外观设计国际申请，视为向国务院专利行政部门提出的外观设计专利申请，该国际注册日视为专利法第二十八条所称的申请日。</p>
	<p><b>Article 4 to new special chapter about the Hague Agreement</b></p> <p>After the International Bureau publishes the international application for designs, the patent administrative department of the State Council shall examine the international application for designs and notify the International Bureau of the examination results.</p> <p>The applicant of the international application for designs shall, when going through the relevant formalities with the patent administrative department of the State Council, submit the relevant documents conforming to the provisions in Chinese and go through the entrustment formalities in accordance with Article 18 of the Patent Law.</p> <p><b>新增海牙专章之四</b> 国际局对外观设计国际申请公布后，国务院专利行政部门对外观设计国际申请进行审查，并将审查结果通知国际局。</p> <p>外观设计国际申请的申请人向国务院专利行政部门办理相关手续时，应当使用中文提交符合规定的相关文件，并根据专利法第十八条的规定办理委托手续。</p>
	<p><b>Article 5 to new special chapter about the Hague Agreement</b></p> <p>Where the publication of the international application for designs by the International Bureau includes one or multiple priorities, it shall be deemed that a written declaration has been made in accordance with Article 30 of the Patent Law.</p> <p>Where the applicant of the international application for designs claims the priority, a copy of the patent application first filed shall be submitted within 2 months from the date of publication of the international application. Where the applicant recorded in</p>

	<p>the copy of the earlier application document is inconsistent with the applicant in the later application, the applicant shall submit relevant supporting documents. Where the applicant fails to file the application at the expiry of the time limit, the applicant shall be deemed not to have claimed the priority.</p> <p><b>新增海牙专章之五</b> 外观设计国际申请的国际局公布中包括一项或多项优先权的，视为已经依照专利法第三十条的规定提出了书面声明。</p> <p>外观设计国际申请的申请人要求优先权的，应当在国际申请公布之日起2个月内提交第一次提出的专利申请的副本。在先申请文件副本中记载的申请人与在后申请的申请人不一致的，申请人应当提交相关的证明文件。申请人期满未提交的，视为未要求优先权。</p>
	<p><b>Article 6 to new special chapter about the Hague Agreement</b></p> <p>Where an applicant claims that any of the circumstances listed in paragraph (2) or (3) of Article 24 of the Patent Law exists, it shall make a declaration at the time of filing the international application for designs, and submit relevant supporting documents conforming to the provisions within two months from the date of publication of the international application.</p> <p>Where an applicant claims that any of the circumstances listed in paragraph (1) and (4) of Article 24 of the Patent Law exists, the patent administrative department of the State Council may, when it deems necessary, require the applicant to submit supporting documents within a specified time limit.</p> <p><b>新增海牙专章之六</b> 申请人主张存在专利法第二十四条第（二）项或者第（三）项所列情形的，应当在提出外观设计国际申请时声明，并在自国际申请公布之日起2个月内提交有关符合规定的证明文件。</p> <p>申请人主张存在专利法第二十四条第（一）、（四）项所列情形的，国务院专利行政部门认为必要时，可以要求申请人在指定期限内提交证明文件。</p>
	<p><b>Article 7 to new special chapter about the Hague Agreement</b></p>

	<p>Where an international application for design consists of two or more designs, the applicant may, within two months from the date of publication of the international application by the International Bureau, file a divisional application with the patent administrative department of the State Council, and pay the fees.</p> <p><b>新增海牙专章之七</b> 一件外观设计国际申请包括两项以上外观设计的，申请人可以自该国际申请在国际局公布之日起 2 个月内，向国务院专利行政部门提出分案申请，并缴纳费用。</p>
	<p><b>Article 8 to new special chapter about the Hague Agreement</b></p> <p>Where the publication of the international application for designs by the International Bureau includes a specification containing the key points of design, a brief explanation shall be deemed to have been submitted in accordance with the provisions of Article 28 of the Rules.</p> <p><b>新增海牙专章之八</b> 外观设计国际申请的国际局公布中包括包含设计要点的说明书的，视为已经依照本细则第二十八条的规定提交了简要说明。</p>
	<p><b>Article 9 to new special chapter about the Hague Agreement</b></p> <p>Where, after the examination by the patent administrative department of the State Council, no grounds for refusal are found for the international application for designs, the patent administrative department of the State Council shall make a decision on granting protection and notify the International Bureau.</p> <p><b>新增海牙专章之九</b> 外观设计国际申请经国务院专利行政部门审查后没有发现驳回理由的，由国务院专利行政部门作出给予保护的決定，通知国际局。</p>
	<p><b>Article 10 to new special chapter about the Hague Agreement</b></p> <p>After making the decision to grant protection, the patent administrative department of the State Council shall publish the decision, and the patent right for the design shall take effect as of the date of publication.</p> <p><b>新增海牙专章之十</b></p>



	<p>国务院专利行政部门作出给予保护的决定后，予以公告，该外观设计专利权自公告之日起生效。</p>
	<p><b>Article 11 to new special chapter about the Hague Agreement</b></p> <p>Where the formalities for the change of rights have been completed at the International Bureau, the applicant shall provide the patent administrative department of the State Council with relevant supporting documents.</p> <p><b>新增海牙专章之十一</b></p> <p>已在国际局办理权利变更手续的，申请人应向国务院专利行政部门提供有关证明材料。</p>