

English Translation¹ of Several Provisions Regarding the Regulation of Patent Application Conduct (Amended pursuant to Administrative Order No. 75)

Article I In order to standardize conduct in applying for patents and maintain order in normal patent work, the present regulations have been formulated in accordance with the Patent Law, the Implementation Regulations of the Patent Law, and the Patent Agency Regulations.

Article II A person who submits, or serves as an agent in submitting, a patent application shall comply with the relevant provisions of laws, regulations, and rules, adhere to the principles of honesty and credibility, and not engage in improper patent application conduct.

Article III Improper patent application conduct as referred to in the present Regulations shall mean:

(I) the submission by a single work unit or individual of multiple patent applications with obviously identical contents;

(II) the submission by a single work unit or individual of multiple patent applications with obviously copied existing technology or existing designs;

(III) the submission by a single work unit or individual of multiple patent applications on the simple replacement or combination of different materials, components, ratios, parts, or the like;

(IV) the submission by a single work unit or individual of multiple applications for obviously fabricated test data or technological effects;

¹ THE USPTO IS PROVIDING THIS TRANSLATION SOLELY AS A CONVENIENCE TO THE ENGLISH-READING PUBLIC. WE HAVE ATTEMPTED TO PROVIDE AN ACCURATE ENGLISH TRANSLATION OF THE CHINESE DOCUMENT, BUT DUE TO THE NUANCES IN TRANSLATING FROM CHINESE TO ENGLISH, SLIGHT DIFFERENCES MAY EXIST. WE WILL MAKE EVERY EFFORT TO CORRECT ERRORS BROUGHT TO OUR ATTENTION.

(V) the submission by a single work unit or individual of multiple patent applications using computer technology or the like to randomly generate product forms, patterns, or colors;

(VI) the assisting of another in submitting, or a patent agency organ serving as an agent in submitting, patent applications of any of the types stated in items (I) to (IV) of this article.

Article IV For improper patent application conduct, in addition to processing a patent application that has been submitted in accordance with the provisions of the Patent Law and its implementation regulations, the following processing measures may be adopted based on the circumstances:

(I) denying reduction in the payment of patent fees; when reduced payment has been made, demanding payment of the amount by which the fees have been reduced; in severe cases, denying reduction in the payment of patent fees for five years from the current fiscal year;

(II) publication on the government website of the State Intellectual Property Office and China Intellectual Property News, and inclusion in the national credit information sharing platform;

(III) deduction of the number of improper patent applications from the statistics on patent applications of the State Intellectual Property Office;

(IV) denying of funding or incentives by Intellectual Property Offices at all levels; if funding or incentives have already been awarded, demanding reimbursement thereof in part or in full; and in serious cases, denying funding and incentives for five years from the current fiscal year;

(V) having the All-China Patent Agents Association adopt professional self-disciplinary measures against patent agencies and patent agents who engage in improper patent application conduct; when necessary, having the Patent Agency Disciplinary Committee impose corresponding penalties in accordance with the "Patent Agency Disciplinary Rules (Interim)";

(VI) in cases of engaging in improper patent application conduct to fraudulently obtain funding and incentives, when the circumstances are serious enough to constitute a crime, referring the case to the competent authorities to pursue criminal liability according to law.

Article V Prior to adopting the processing measures listed in Article IV of the present regulations, the parties shall be given an opportunity to state their opinion when necessary.

Article VI Intellectual Property Offices at all levels shall guide the public and patent agency organs in submitting patent applications in accordance with the law. In the event a patent agency shall discover improper patent application conduct, it shall report the same to the State Intellectual Property Office in a timely manner.

Article VII The present regulations shall enter into force on 1 October 2007.