

China Invention Patent

A Chinese unit or individual might file directly an application for invention, utility model or design patent with SIPO in China, while a foreigner, foreign enterprise, or other foreign organization without a regular residence or business site in China shall entrust a legally established patent agency with the application and such matters.

In China, an invention patent application needs to undergo a two-step examination process, the “formality examination” for examining the formality of the patent application, and the “substantive examination” for examining the substance and patentability thereof. If the patent application has satisfied all formality requirements, the SIPO will publish the application within 18 full months from the filing date of the application. The applicant shall file a request for substantive examination within 3 years from the filing date or else the application will be deemed to be withdrawn. [\(Click here for flowchart for filing, examining, and granting of patent applications in China\)](#)

It will generally take about 3 to 5 years to obtain an invention patent in China.

The duration of protection of an invention patent is 20 years commencing from the filing date, and the patentee shall pay annual fees commencing from the year when the patent right is granted.

China Utility Model Patent

In China, a utility model patent application needs to undergo merely the “formality examination” or “preliminary examination” for examining the formality of the patent application. The application will be granted if the application has satisfied all formality requirements

It will generally take about 9 to 12 months to obtain a utility model patent in China.

The duration of protection of a utility model patent is 10 years commencing from the filing date, and the patentee shall pay annual fees commencing from the year when the patent right is granted.

China Design

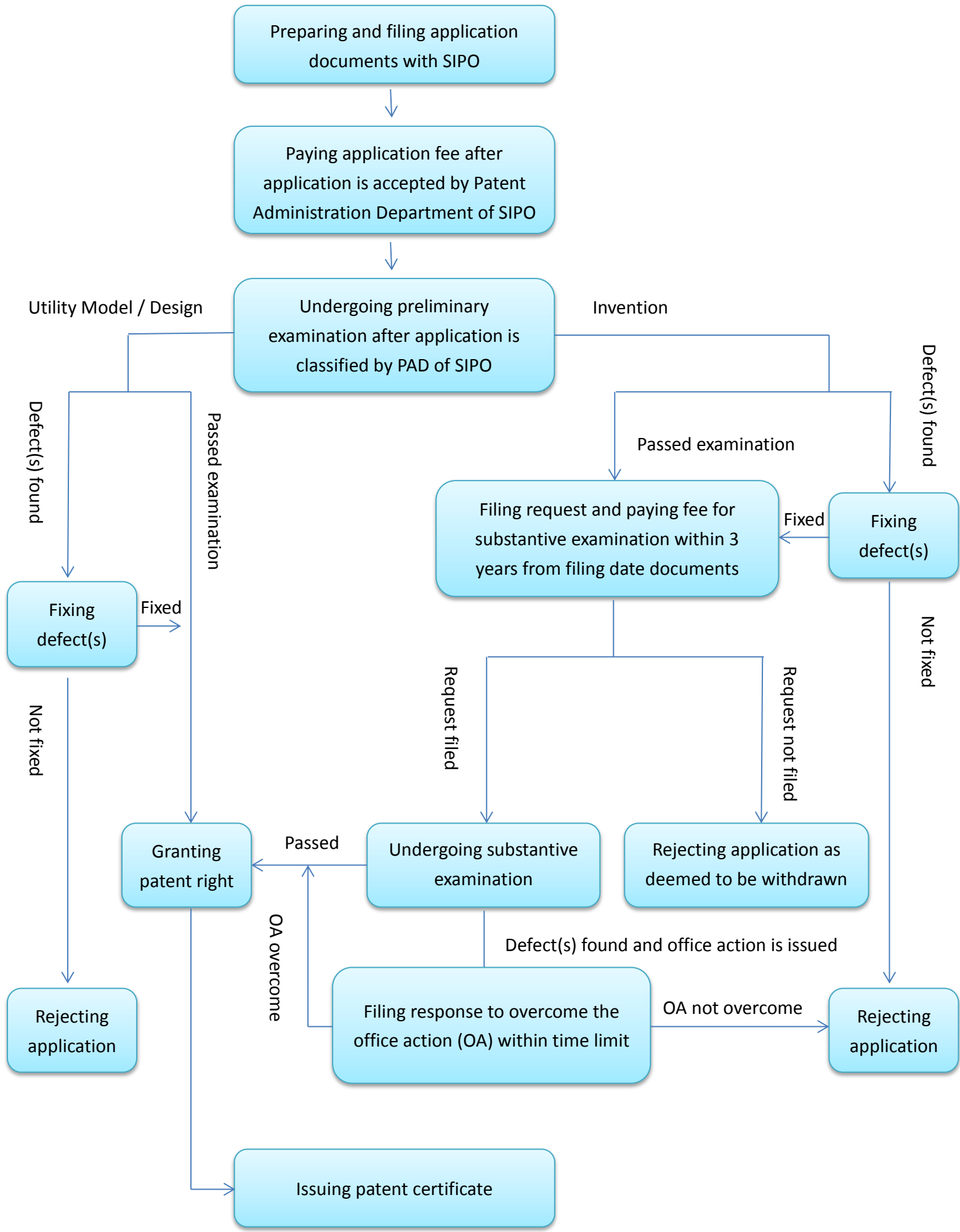
An application for protection of design can be filed directly in China by submitting a proper Application Form containing Applicant's name and address, as well as a set of clear representations (drawings or photos) plus a brief description of the design and other relevant documents.

More than one similar design of one and the same product, or more than one design of products of the same kind that are sold or used in sets, can be included in one application.

In China, a design patent application needs to undergo merely the "preliminary examination" for examining the formality of the patent application. The application will be granted if the application has satisfied all formality requirements

It will generally take about 9 to 12 months to obtain a design patent in China.

The duration of protection of a design patent is 10 years commencing from the filing date, and the patentee shall pay annual fees commencing from the year when the patent right is granted.



Flow chart for filing, examining, and granting of patent applications in China