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China mulls security scrutiny for patent applications

Chinese inventors who wish to apply for patents for their innovations in foreign countries must go through government scrutinies first to find out if such innovations should be made national secrets, according to a draft amendment to the country's patent law.

The Standing Committee of the National People's Congress (NPC), China's top legislature, on Monday discussed some proposed amendments to the 23 year-old Patent Law at the opening session of its bimonthly meeting.

The draft amendment says innovations that have not been subject to security scrutinies will not be granted Chinese patents, and that those who leaked national secrets by failing to apply for the scrutinies will be punished according to the law.

The amendment applies to all inventions completed in China.

Another amendment under discussion is that foreign nationals or institutions must find a patent agency to represent them in applying for patents in China and in other patent-related matters.

Another amendment says patent holders or other concerned parties may ask the court to stop acts that breach their patent rights before a lawsuit could be filed. The court must make a decision within 48 hours.

The Patent Law, which was enacted 1985, has had two major revisions in the past.

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