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# China amends rules over domestic inventions for foreign patents

(Xinhua)

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An amendment to the implementation rules of the Patent Law, made public Monday, detailed the procedure of government scrutiny over domestic inventions before they are submitted for foreign patent application.

The rules were amended to be in line with the latest amendment to the Patent Law, said a statement from the State Council Legislative Affairs Office.

The law amendment, adopted in December, 2008 and taking effect in last October, allows inventors to apply for foreign patents before obtaining a domestic one but asks them to go through government scrutiny to find out if such innovations should be made national secrets.

The amendment was considered a move to encourage innovations and improve international competitiveness as, previously, the Patent Law stipulated that people, whose inventions were completed in China, must apply for domestic patents first before applying for a foreign one.

According to the newly amended rules, the inventions, produced in the Chinese mainland, are considered domestic inventions. And inventors should submit them to the Chinese patent authorities for scrutiny before applying for a foreign patent.

The authorities are required to inform inventors, within four months after they apply for scrutiny, if the inventions are related to state security and should be put in a special scrutiny procedure.

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The special procedure should finish within another two months and the authorities would inform the inventors whether their inventions are kept secret for national interests or not.

The inventions, related to the defense sector, will be handed over by the government patent authorities to the military patent authorities, the rules said.

But the rules did not include definitions of state security or national interests.

The new rules also added an item to regulate the patent application of inventions that are based on genetic resources of human, animal, plant and microbe. Inventors are asked to elaborate the genetic resources in the application papers.

China's Patent Law, enacted in 1985, have been revised for three times.