



国家知识产权局

NATIONAL INTELLECTUAL PROPERTY ADMINISTRATION, PRC

Patent Invalidation System in China

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CNIPA

The background of the lower half of the slide is a grayscale photograph of an open notebook with lined pages. A silver pen lies across the pages. The notebook is resting on a dark surface.

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1

About PRB





1、 About PRB

Main responsibility

Reexamination

- To examine requests for reviewing SIPO's decision rejecting patent application or registration application of layout-designs of integrated circuits.

Invalidation

- To examine requests for invalidating patent right or revoking exclusive right of layout-designs of integrated circuits.

Litigation

- To appeal in court where PRB is sued against its decisions.

Research

- To research on right validation and infringement determination of patents and layout-designs of integrated circuits.

Consultation

- To provide consultation on right validation and infringement determination of patent, upon the commission of the People's Court or the Patent Administration departments.

1、About PRB

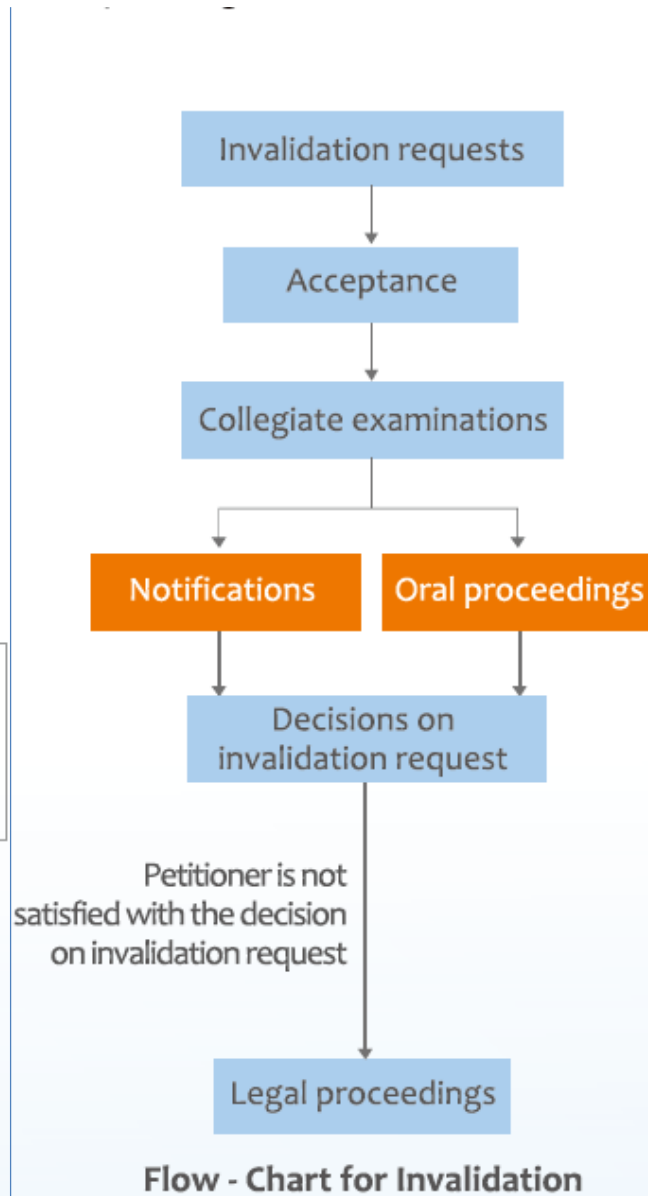
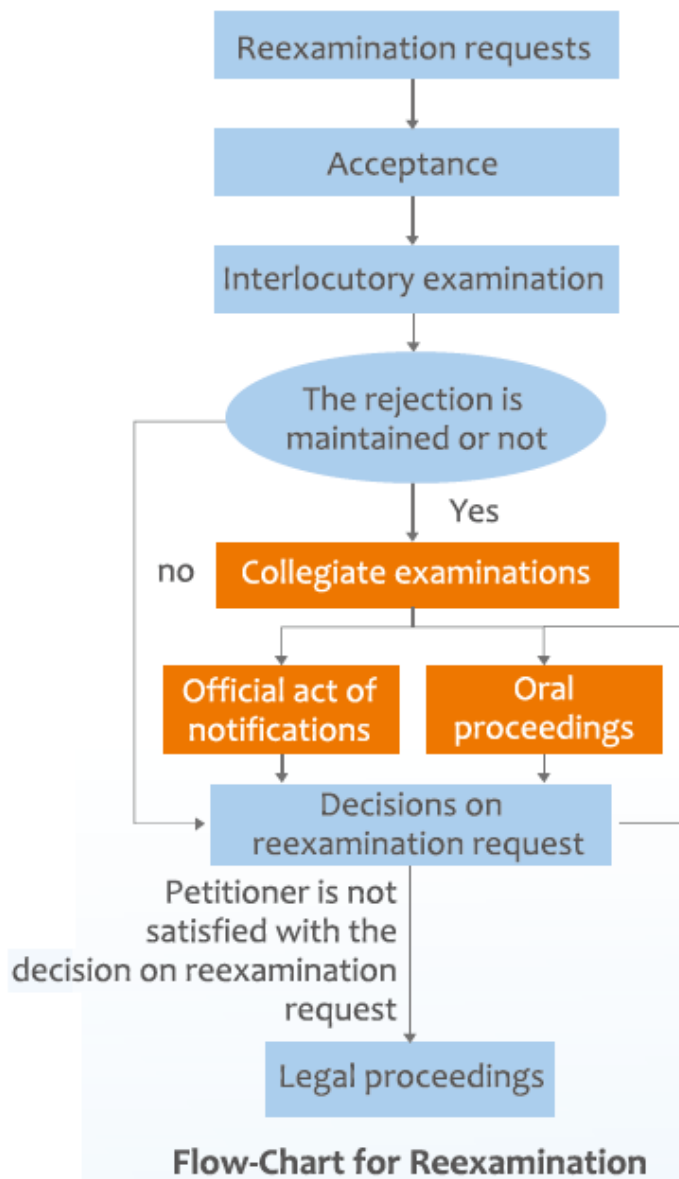


Organization & Staff



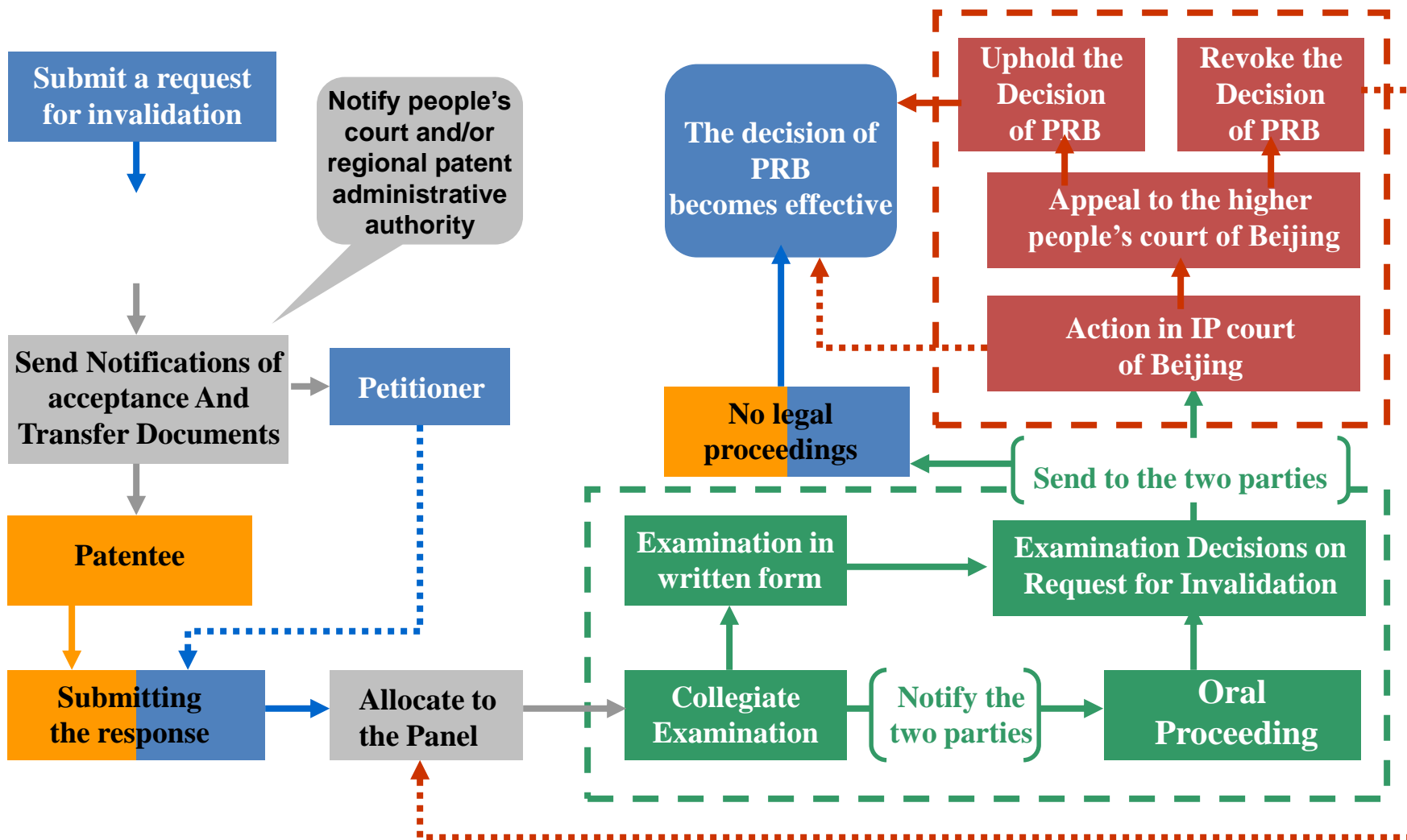


1、 About PRB

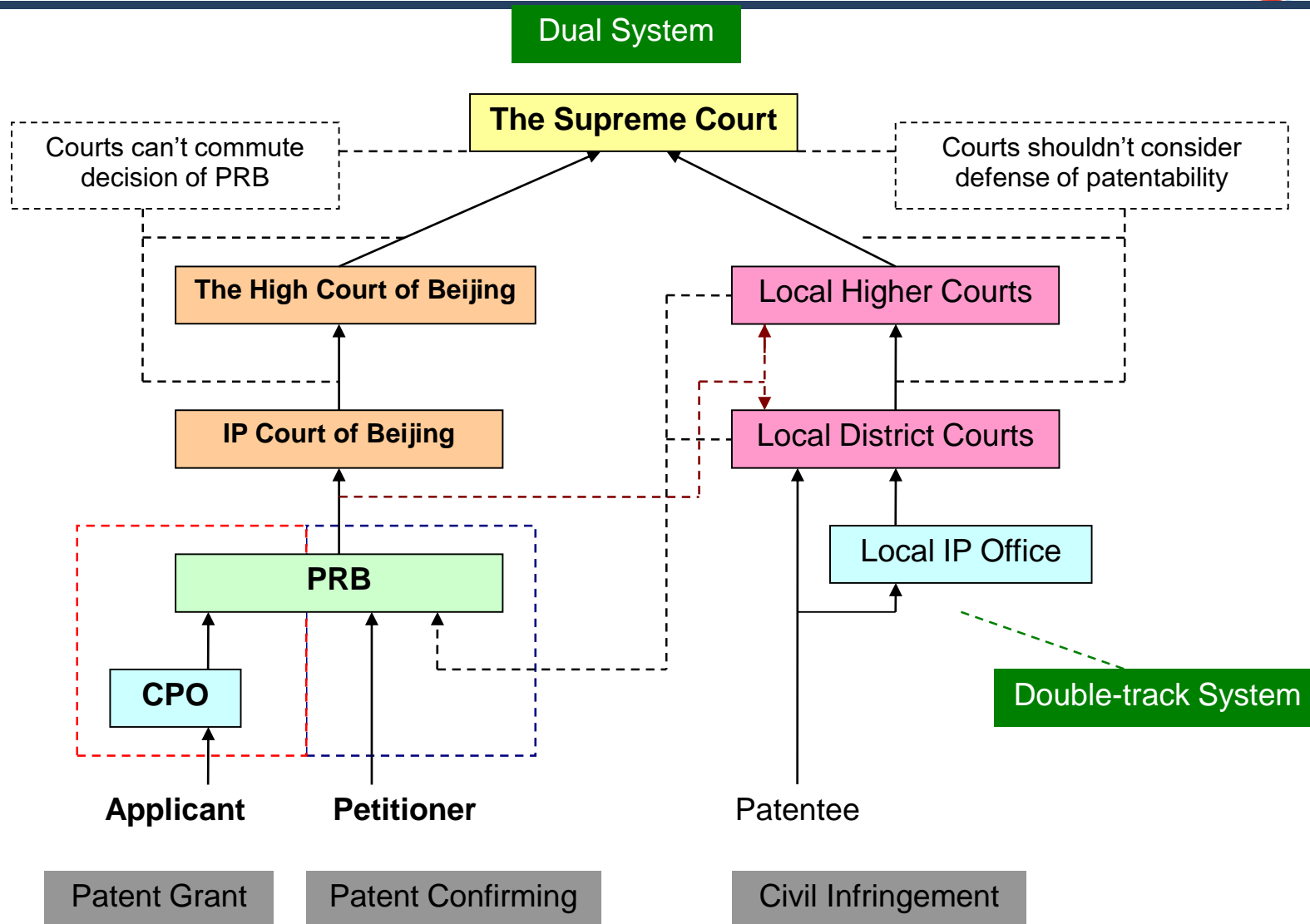




1、 About PRB



1、About PRB





2

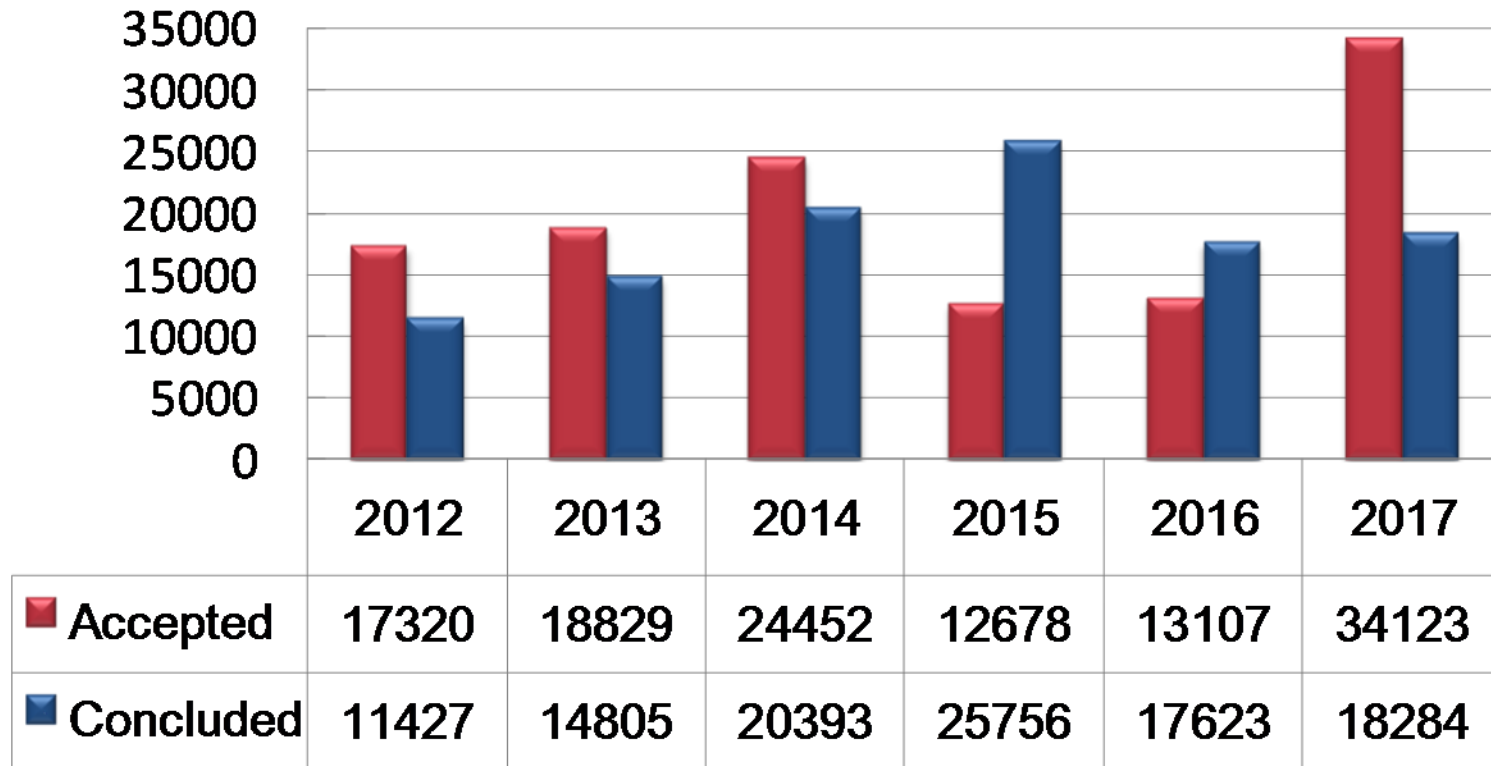
Examination Performance



2、 Examination Performance



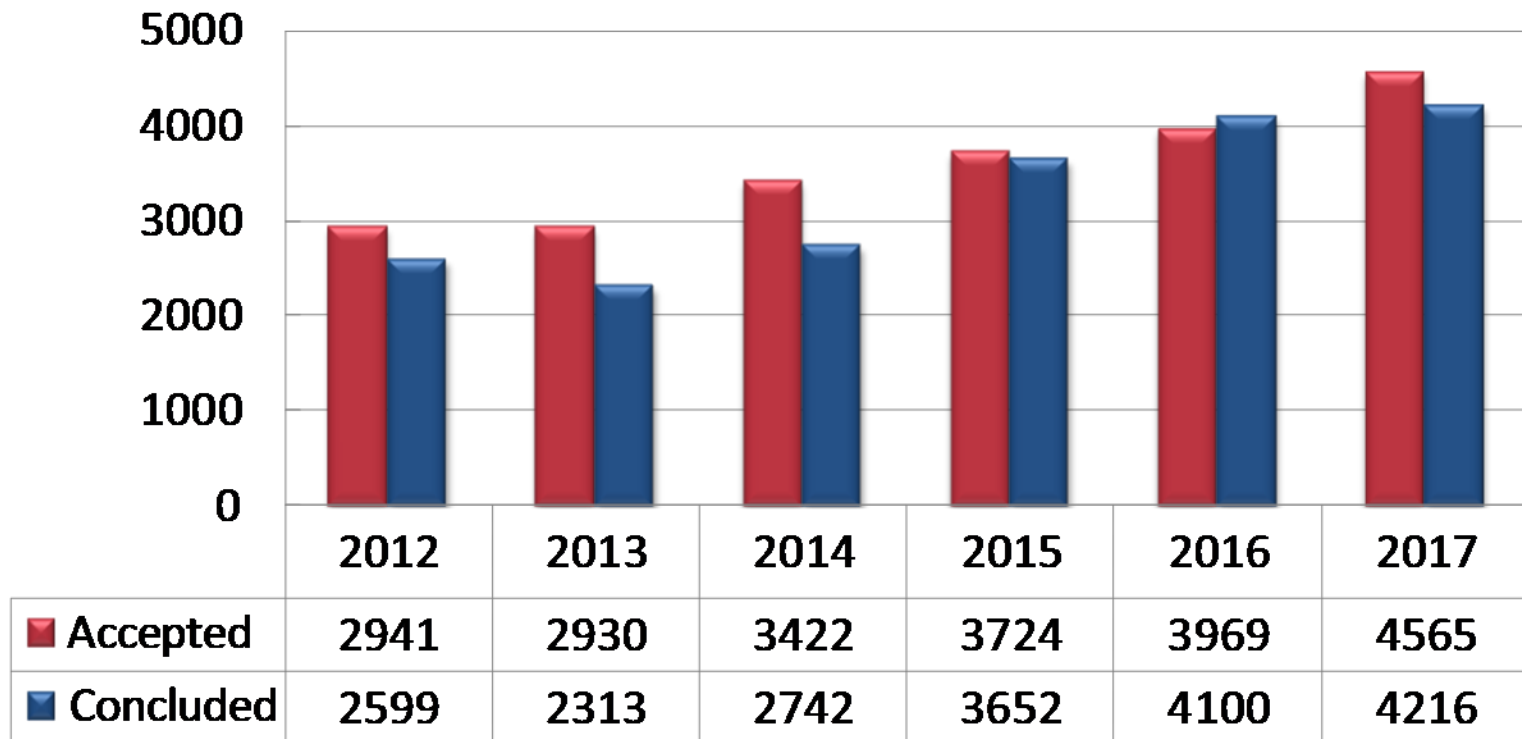
Reexamination Requests Accepted & Concluded



2、 Examination Performance



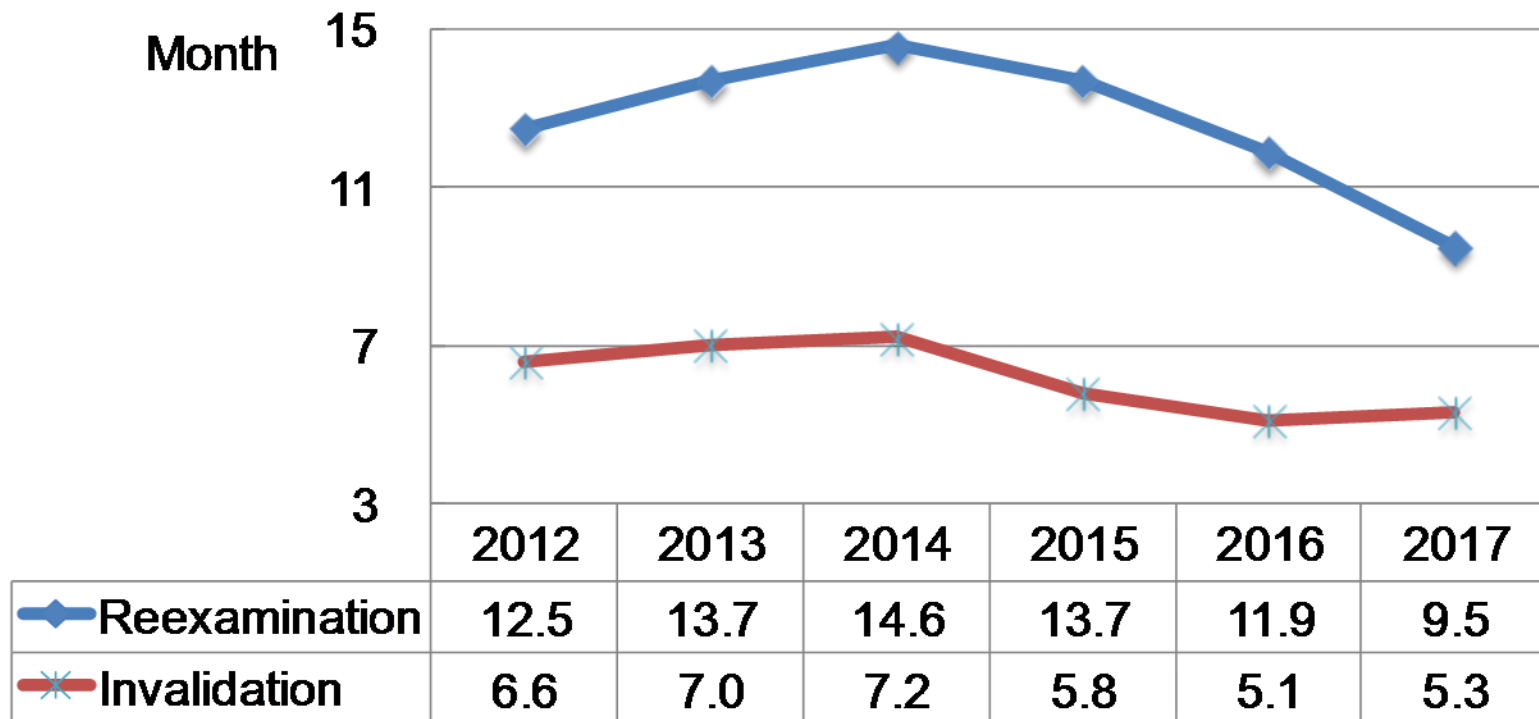
Invalidation Requests Accepted & Concluded



2、 Examination Performance



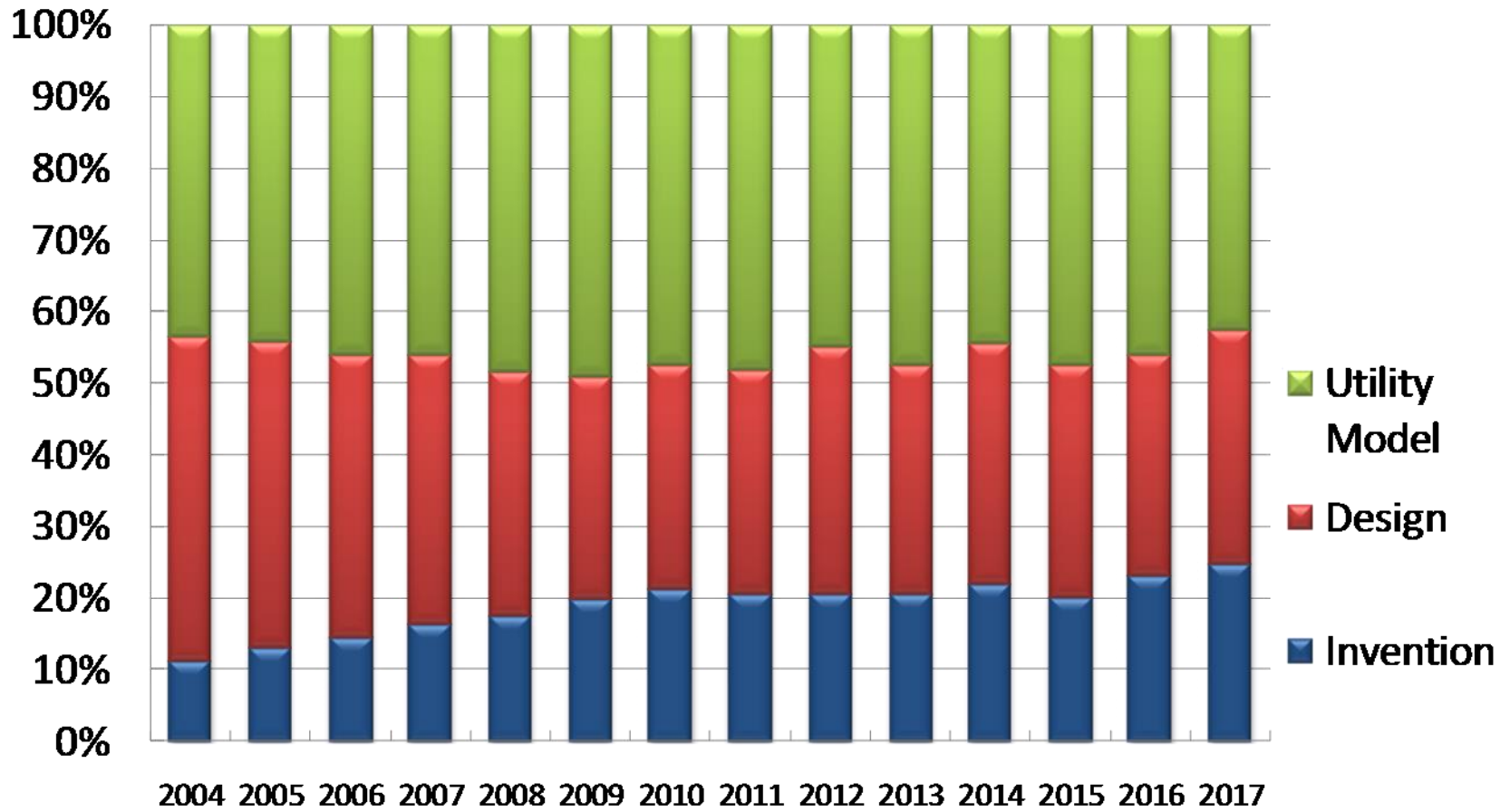
Trends of Average Pending Period



2、 Examination Performance



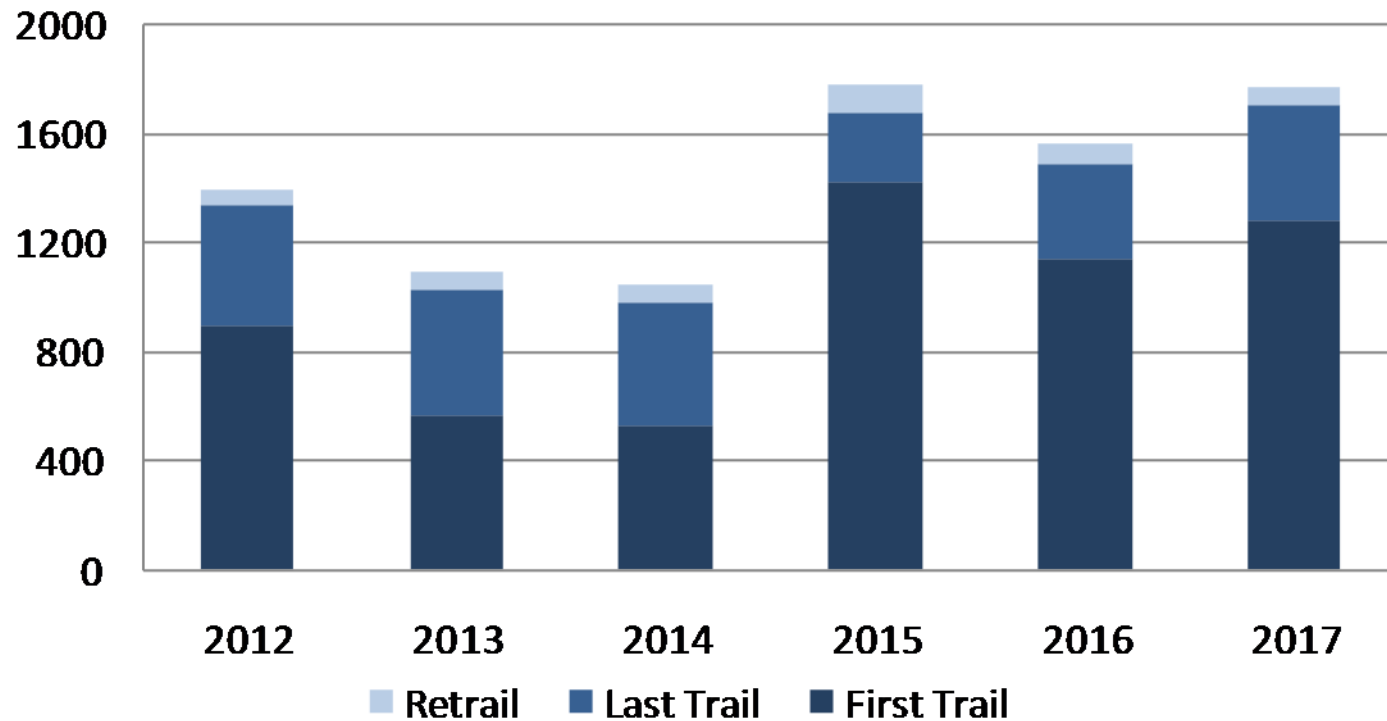
Proportion of Invention , Utility Model and Design of Invalidation Cases



2、 Examination Performance



Amount of Lawsuits against
Reexamination/Invalidation Decisions





3

Policy Trends





3、 Policy Trends

Modifications to Patent law, Regulation and Guidelines for Examination

01

Modification to the authorized patent

02

Reasonably determining the scope of examination ex officio

3、 Policy Trends



Improving Examination Quality

Establish guidance system of typical cases, publishing the book of Case-based Interpretation of China' s Patent Law: Guidelines from Typical Cases of Patent Reexamination and Invalidation.

Pay more attention to external feedback to improve examination quality.

Concentrate delivery of related cases to guarantee the unification of examination standards.



Promoting Examination Efficiency

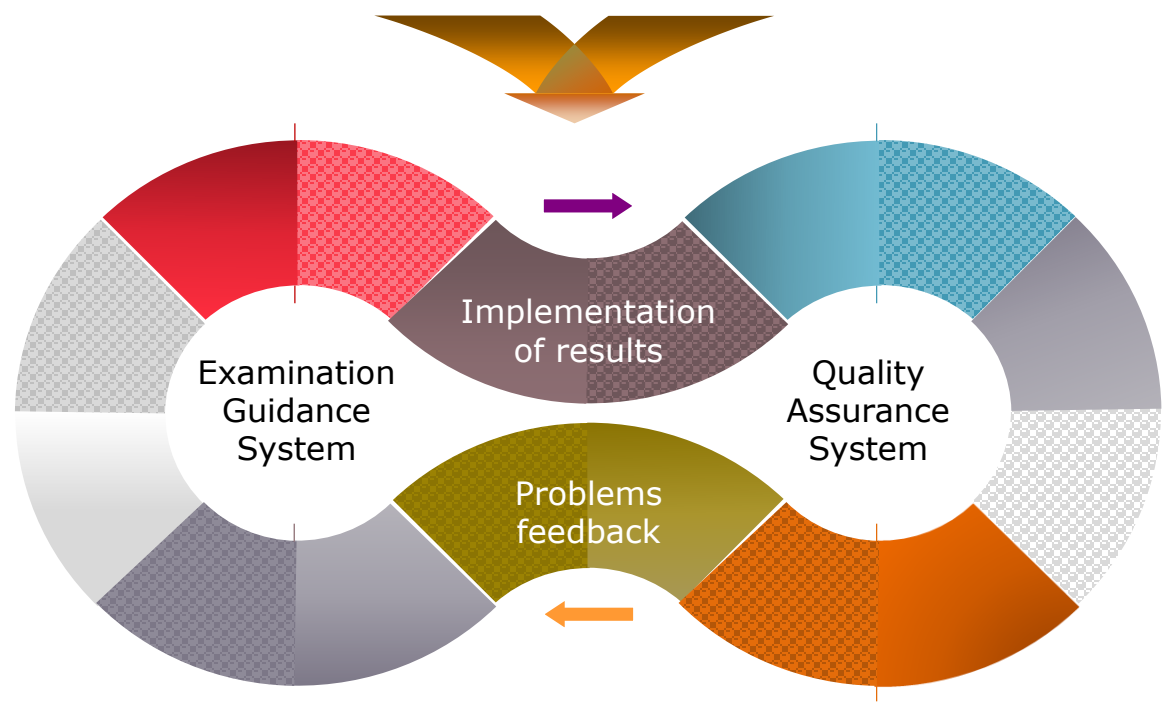
Implement Short-period Program, refine segment period management, and establish user-tailored period management system.

3、 Policy Trends



Expert Body

Quality Assurance Agency

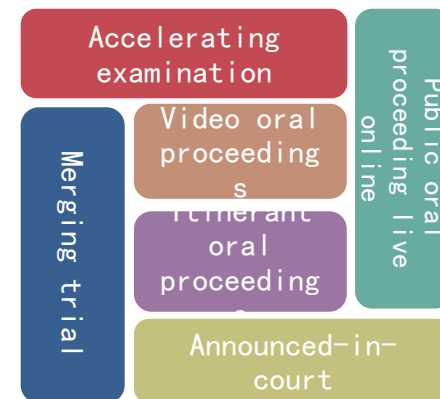


3、 Policy Trends



Implement various examination modes

Set up examination mode system which comprise several kinds of examination modes such as accelerating examination, itinerant oral proceedings, video oral proceedings, public oral proceedings live on-line, merging patent validation and patent infringement trials together, announced-in-court decisions.



Expand Communication channels



Annual Innovation Entities Conference.
Conference for interpreting annual typical cases of patent reexamination and invalidation.
YINGU Forum, an academic salon inviting experts to discuss hot issues.

3、 Policy Trends



In order to strengthen the publicity of examination information and convey the correct concept of patent cases to the public so as to promote the consistency of examination standards, the Patent Re-examination Board regularly selects cases with significant impact for public trial and accepted the supervision



3、 Policy Trends



The remote trial is a new attempt of the retrial Committee based on the “Internet plus” improving the trial efficiency of invalidation cases. The remote trial enriches the way of oral proceedings provides great convenience for the parties concerned.



3、 Policy Trends



Future

To implement the Short-period Pilot Program for patent examination.

To improve the rate of announced-in-court decisions.

To concentrate and examine related cases.

Thanks!

