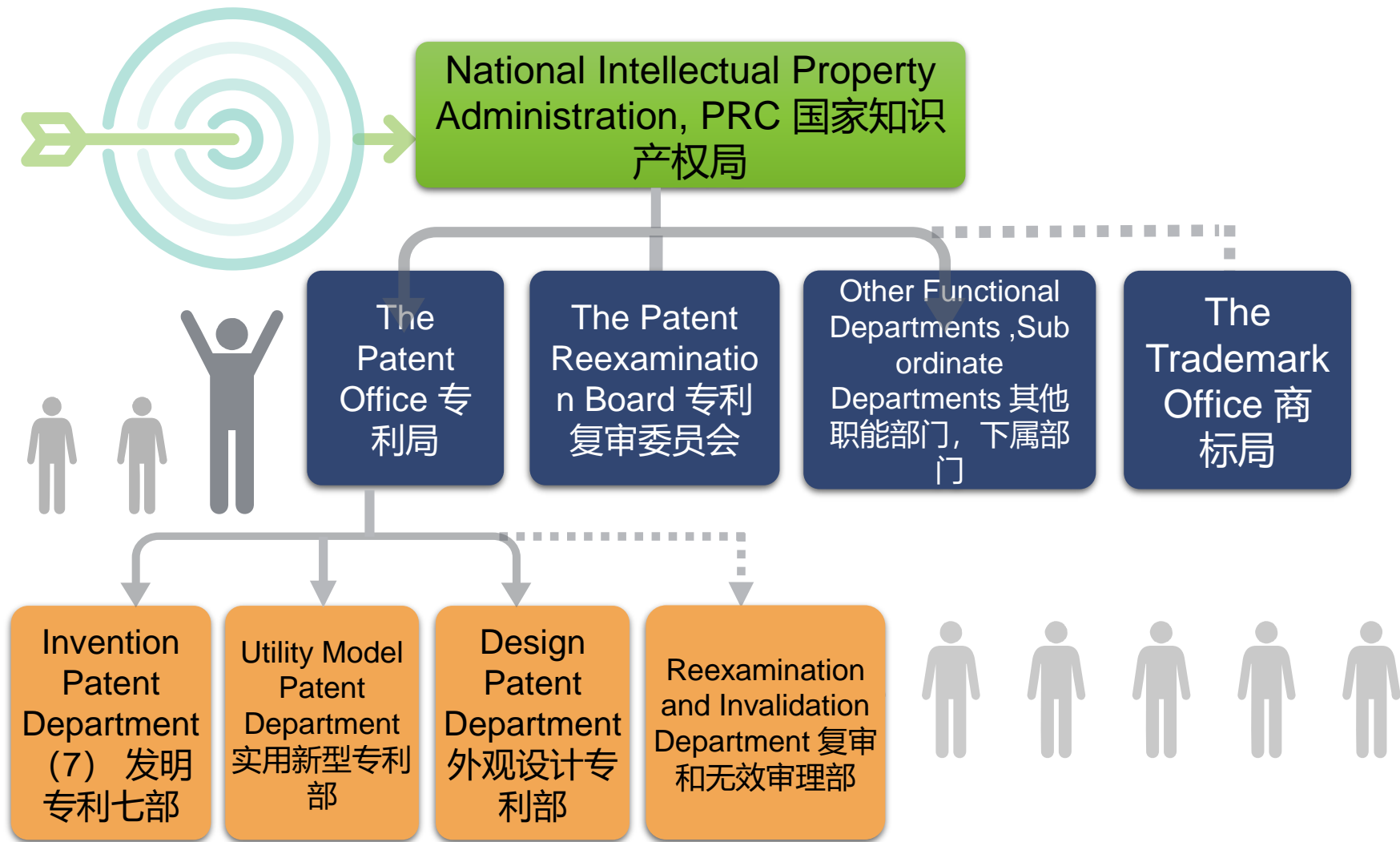


# Reexamination and Invalidation Procedure of Design Patent 外观设计专利 复审与无效审理程序



国家知识产权局专利局复审和无效审理部  
Reexamination and Invalidity Department of the Patent Office, CNIPA

# Reexamination and Invalidation Department 复审和无效审理部



# Main Responsibilities 主要职责

## Reexamination 复审

To examine the requests for reexamination  
审查复审请求

## Invalidation 无效审理

To examine the requests for invalidation  
审查无效请求

## Study 研究

To research on right validation and infringement determination of patent  
针对专利的权利确认和侵权认定进行研究

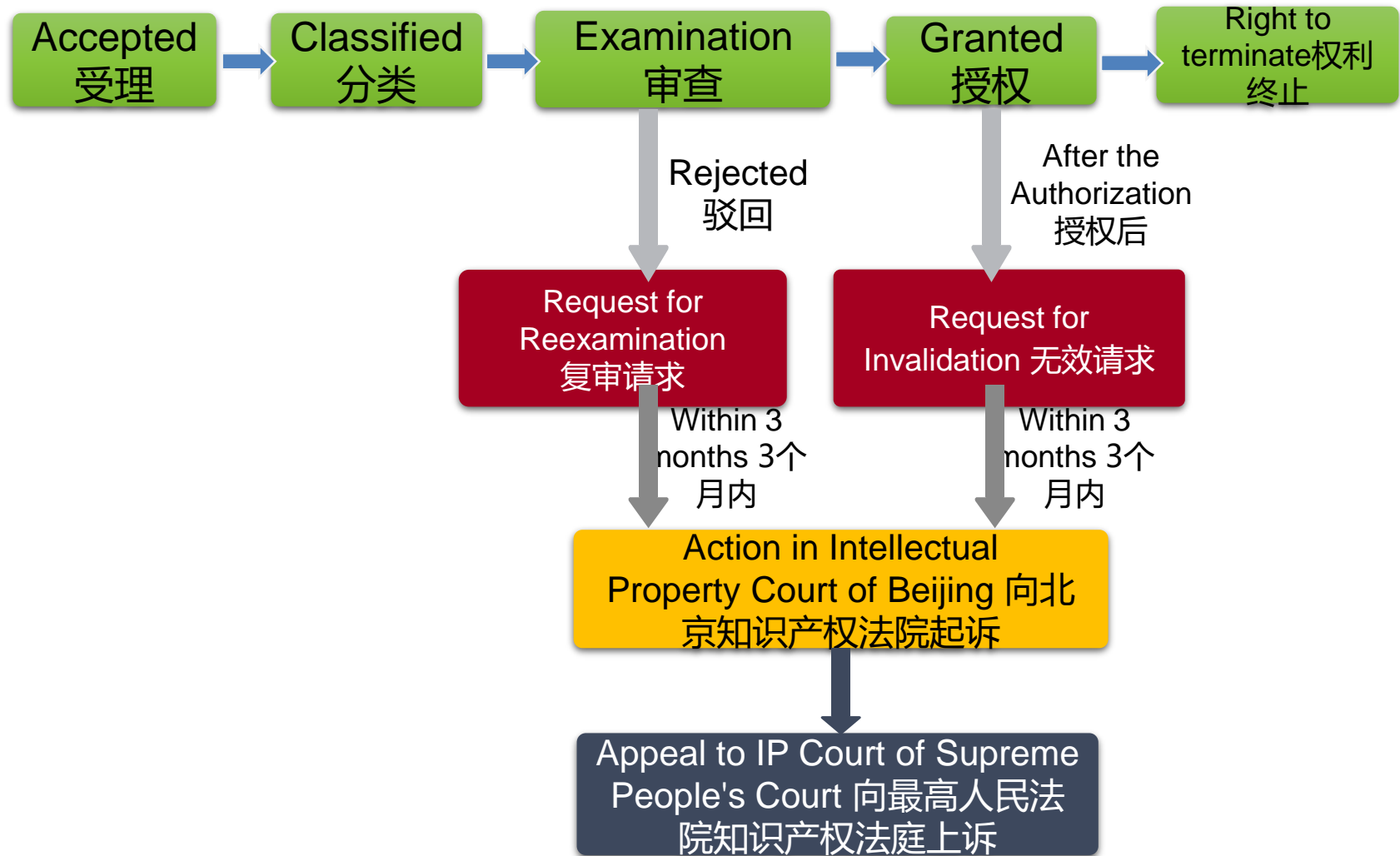
## Consultation 咨询

To provide consultation on right validation and infringement determination of patent  
就专利的权利确认和侵权认定提供咨询

## Litigation 诉讼

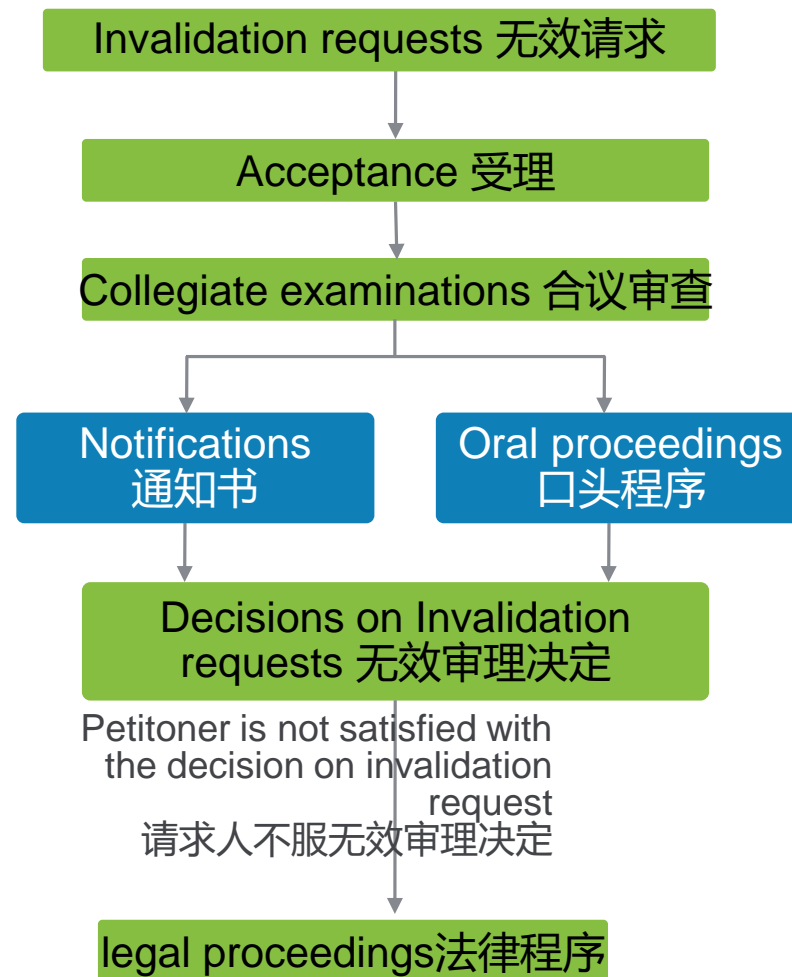
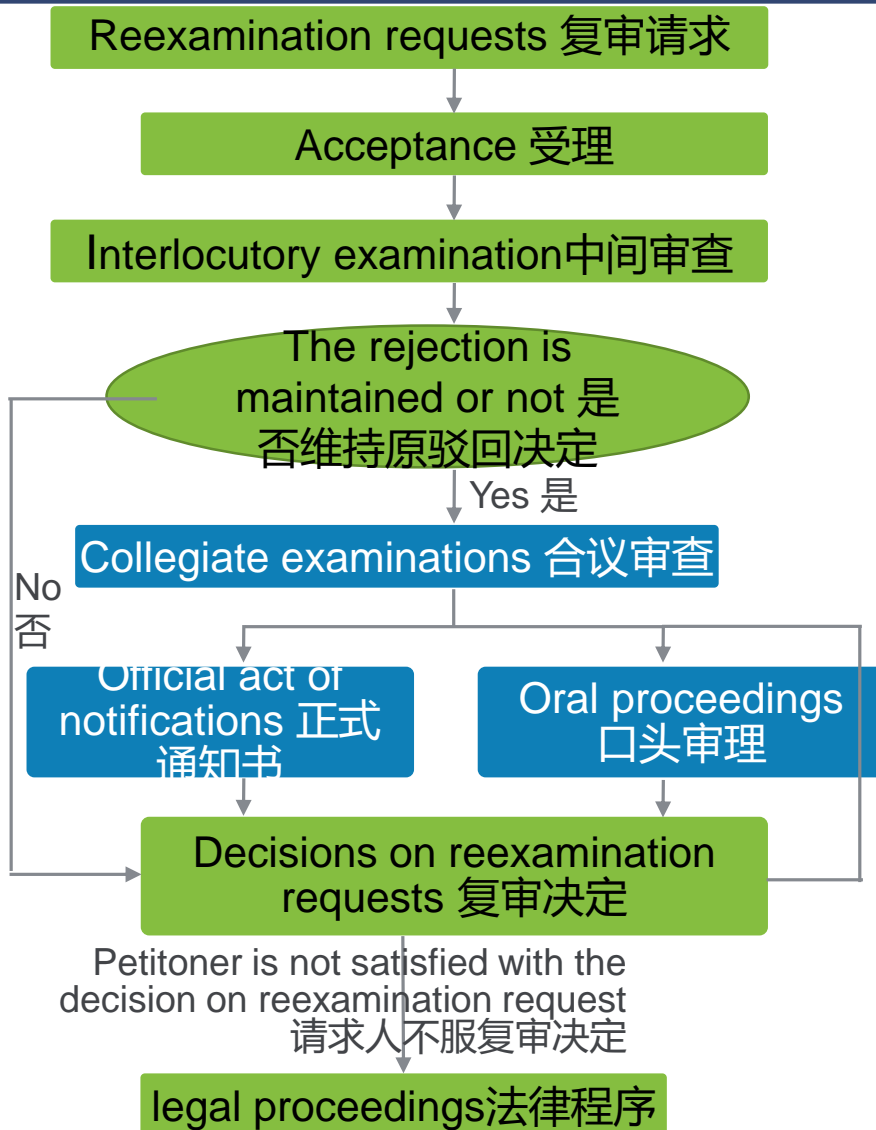
To appeal in court where PRB is sued against its decisions  
当专利复审委员会因其决定而被起诉时，出庭应诉

# The Application and Authorization of Design Patent 外观设计专利的申请与授权



# Examination & Invalidation Procedure

## 审查与无效程序



# Structure 组织架构

Director General 部长

Deputy Directors General 副部长

General Office 综合办公室

Quality Guarantee Division 质量保证处

Information Technology  
Guarantee Division 信息技术保证处

Examination Coordination  
Division 审查协调处

Research Division 研究处

Receiving & Procedural  
Management Division 受理与程序管理处

19 Technical Appeal Divisions  
19个技术申诉处

3 Design Appeal Divisions  
3个设计申诉处

2 Administrative Litigation Division  
2个行政诉讼处

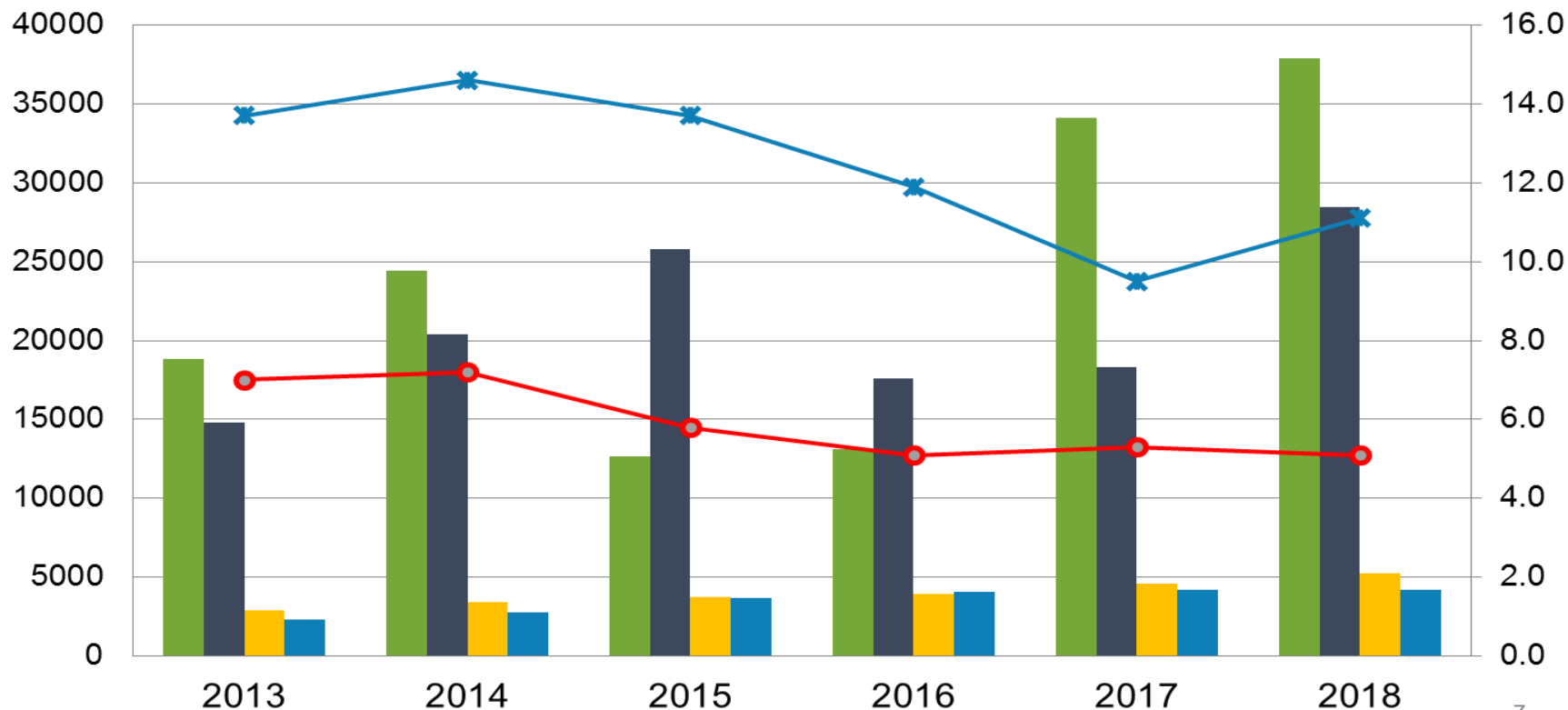
There are 311 staff in Reexamination and Invalidation Department,  
30 of them are in Design Division.

**复审和无效审理部共有311名工作人员，其中外观设计处31名。**

# Reexamination & Invalidation

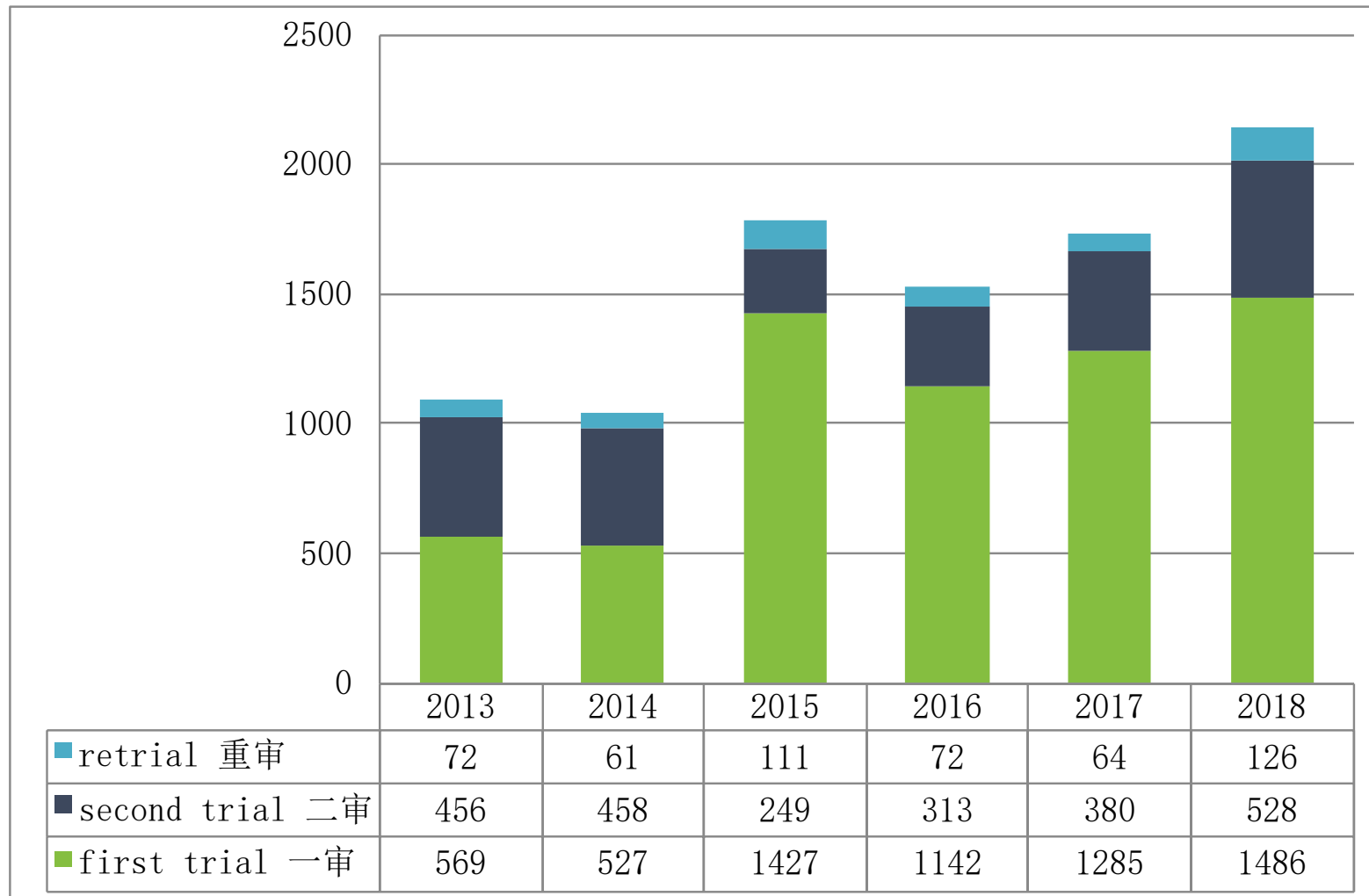
## 复审与无效

- Reexamination requests accepted 受理的复审请求数量
- Reexamination cases concluded 开展的复审案件数量
- Invalidation requests accepted 受理的无效请求数量
- Invalidation cases concluded 开展的无效审理案件数量
- average pending period for reexamination requests 复审请求的平均等待期
- average pending period for invalidation requests 无效请求的平均等待期



# Patent Administrative Litigation

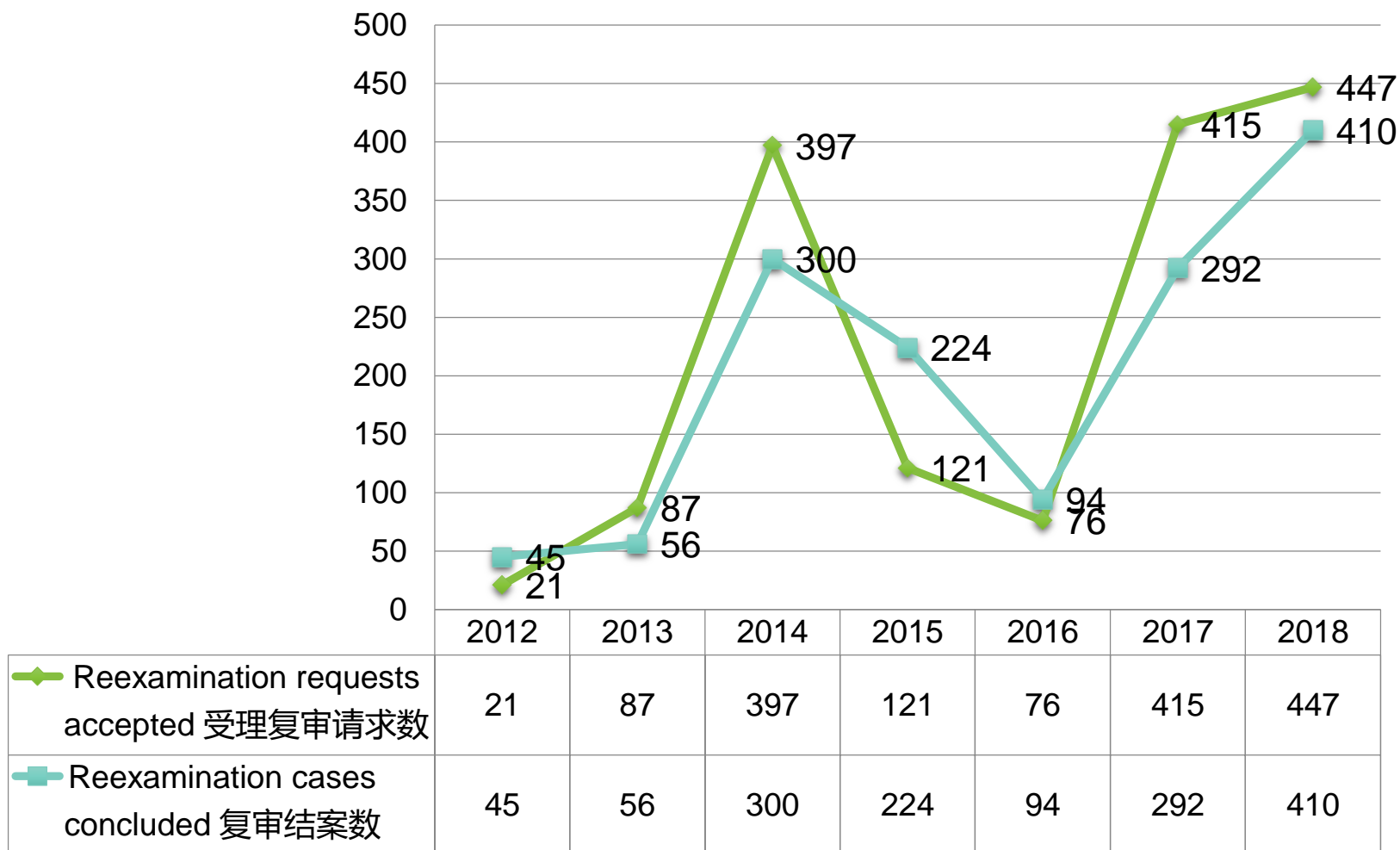
## 专利行政诉讼



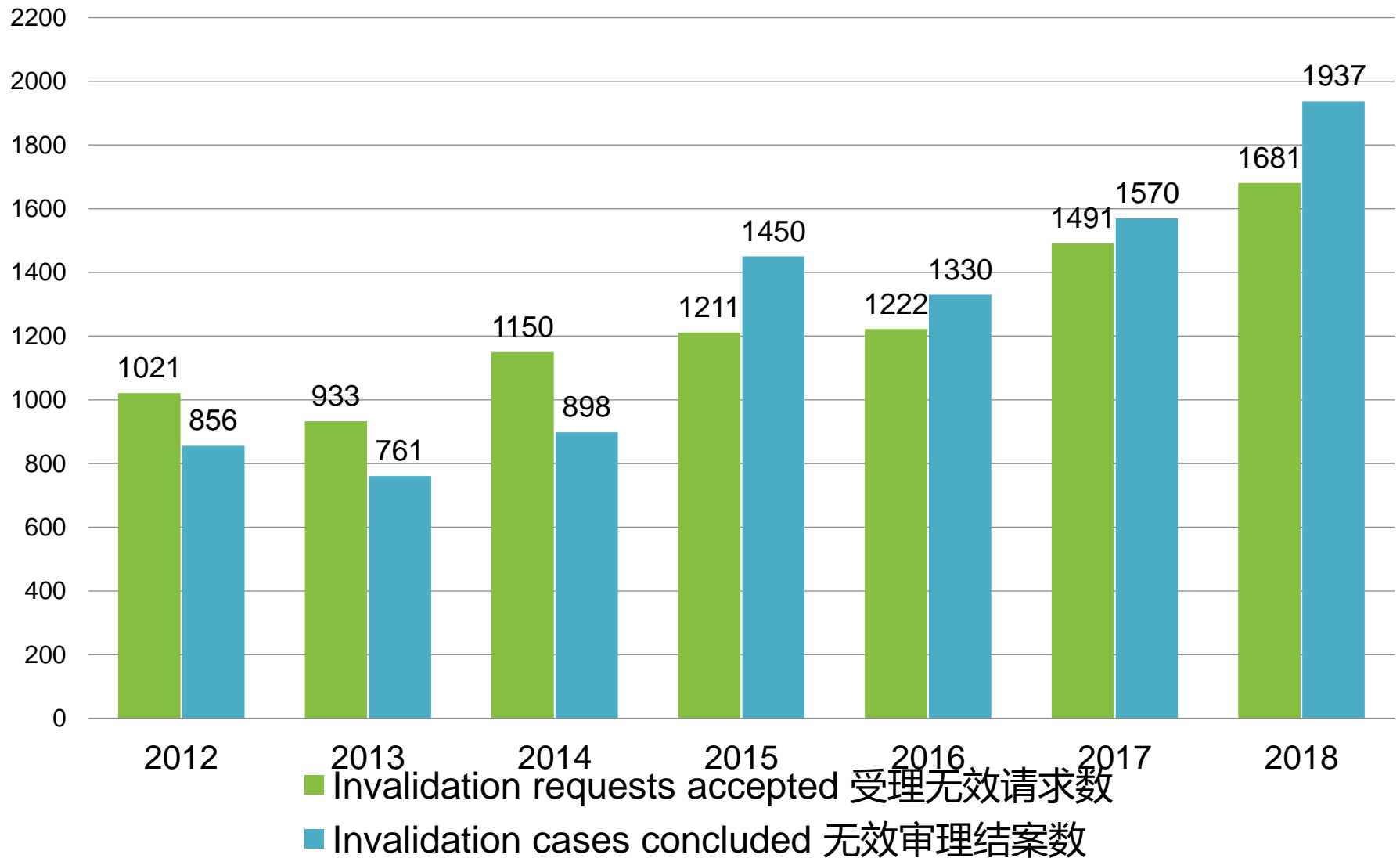


# Reexamination Requests & Concluded of Design

## Patent 外观设计专利的复审请求与结案情况



# Invalidation Requests & Concluded of Design Patent 外观设计专利的无效请求与结案情况

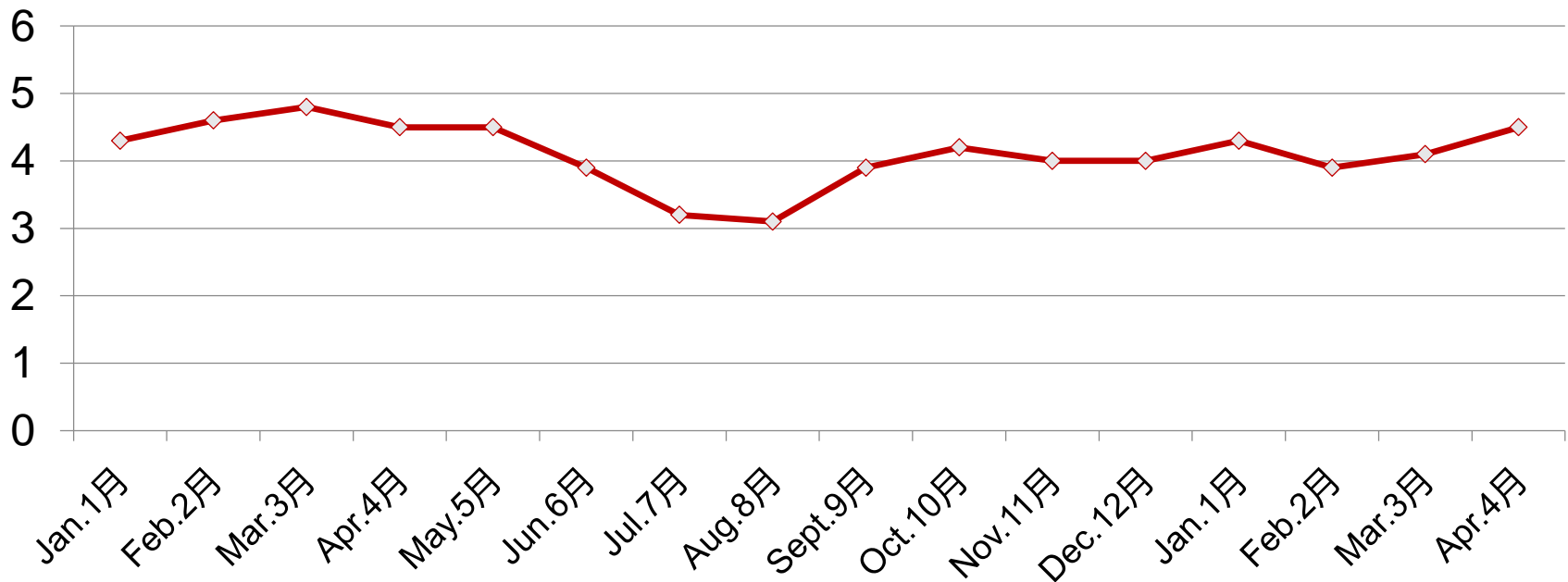


# Period of Invalidation Examination of Design Patent

## 外观设计专利的无效审查期

Period of Invalidation Examination of Design Patent  
(2018-2019.4)

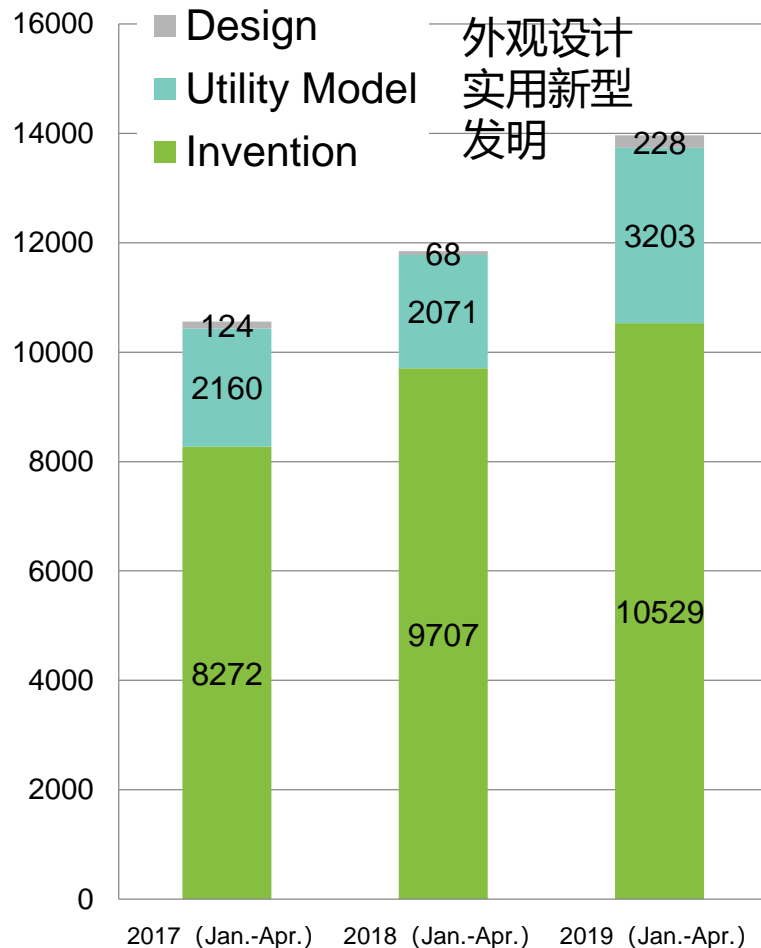
外观设计专利的无效审查期 (2018-2019年4月)



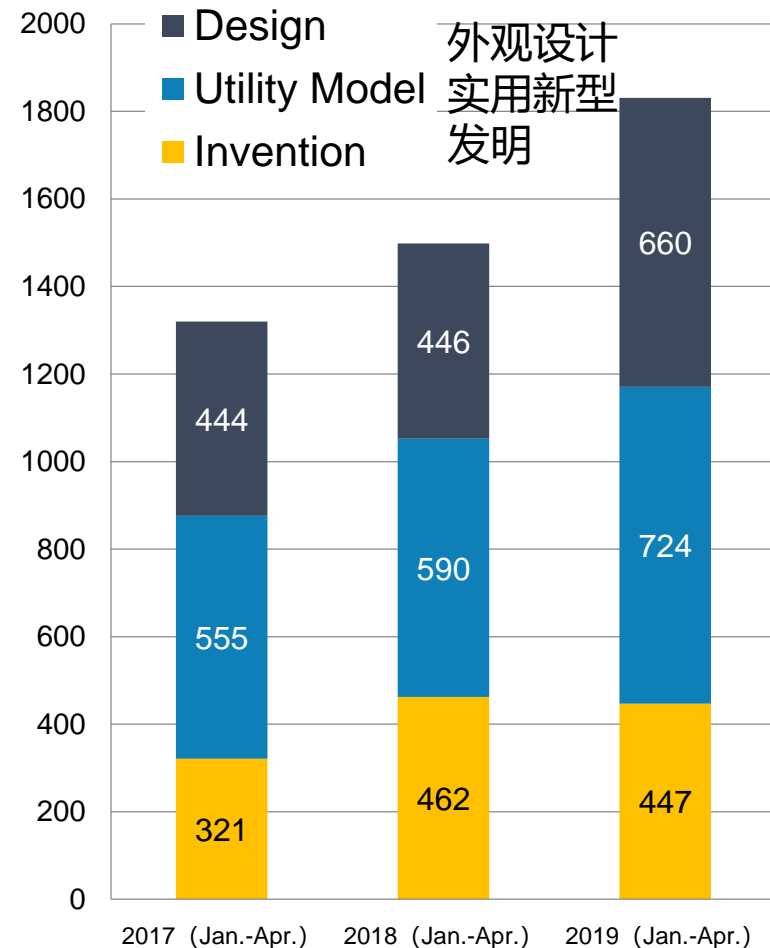
The average period of the invalidation examination of design patent is 4.3 months in 2018.  
2018年外观设计专利的平均无效审查期为4.3个月。

# Requests Received of Reexamination & Invalidation 收到的复审与无效请求数量

## Reexamination 复审

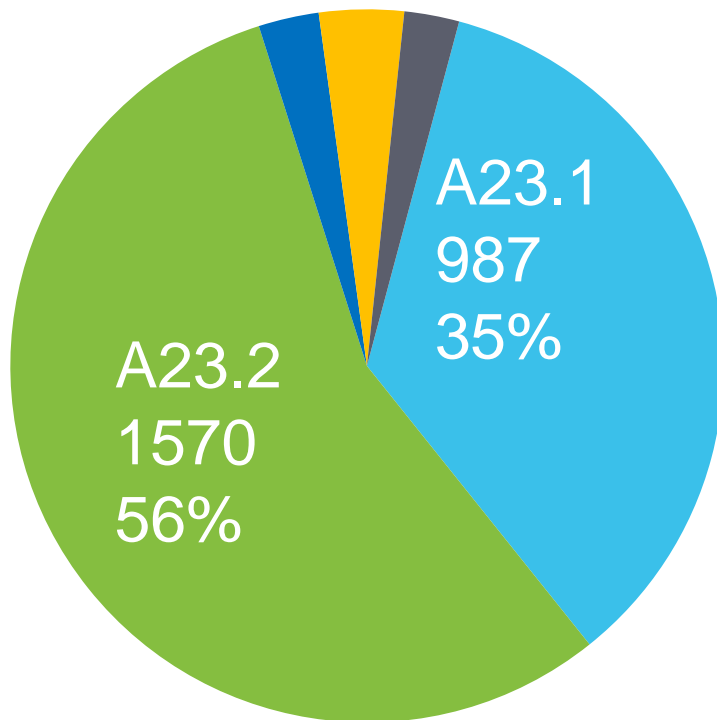


## Invalidation 无效



# Grounds for the request of Invalidation of Design Patent 外观设计专利无效请求理由

(2016-2018)

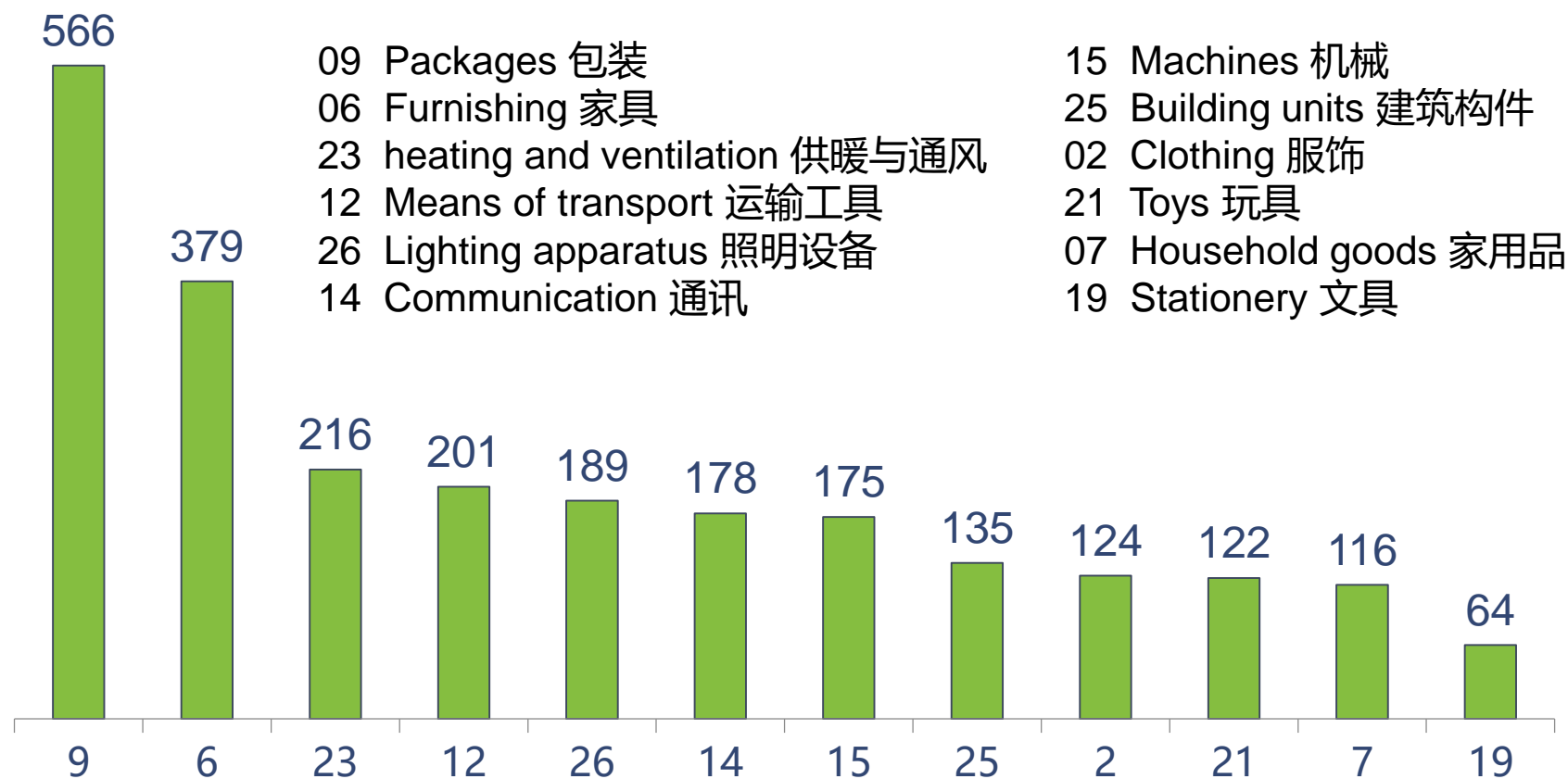


Articles 条款号	Number 数量	Ratio 比例
<div>A23.1</div> A23.1	987	35%
<div>A23.2</div> A23.2	1570	56%
<div>A23.3</div> A23.3	77	3%
<div>A27.2</div> A27.2	108	4%
<div>A9</div> A9	70	2%

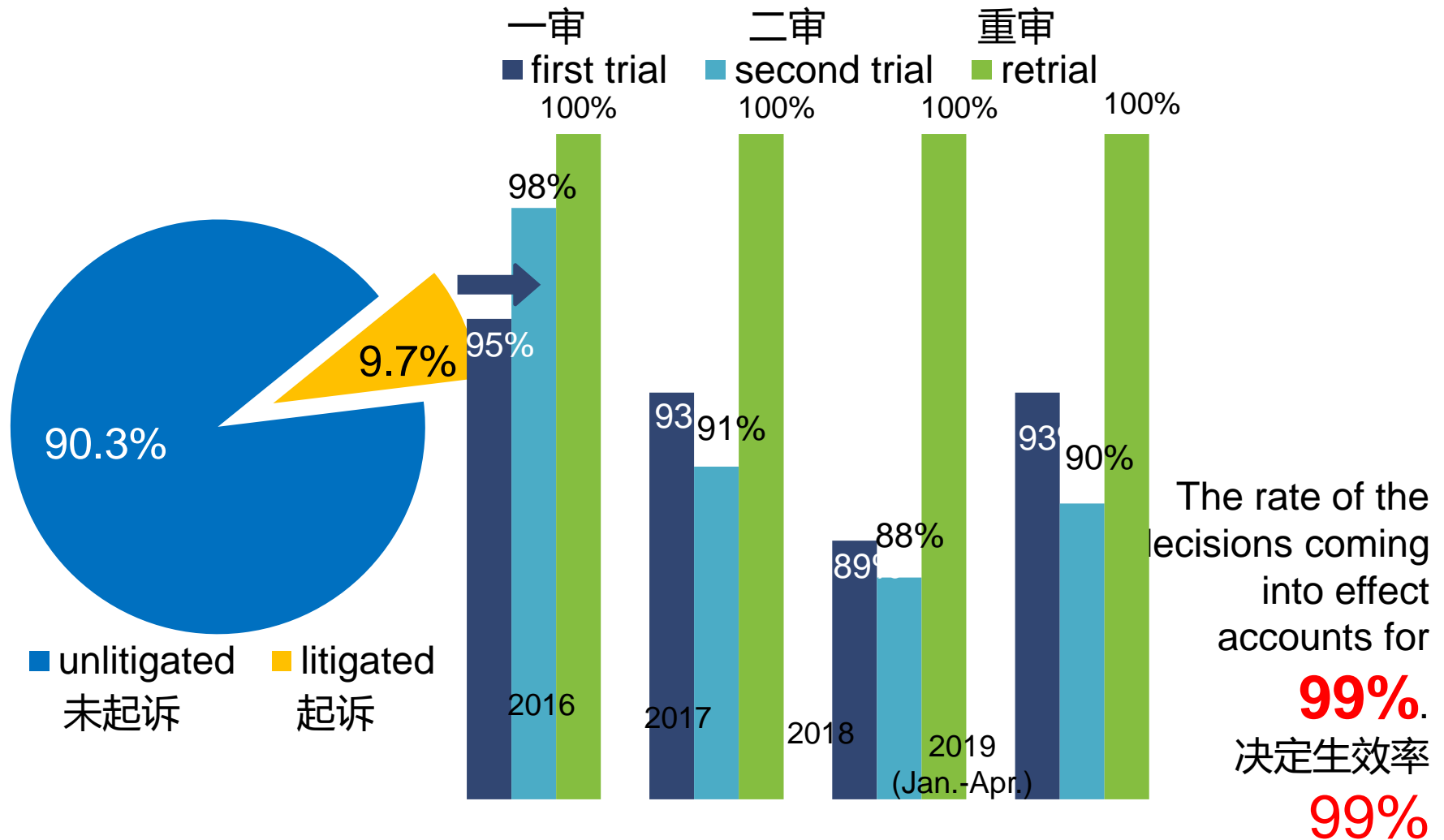
# Classification of Design Patent in Invalidation Examination 无效审查外观设计专利的分类

Top Ten Invalidation Cases Concluded in Different Classification (2016-2018)

按无效审查结案数量排名的前十类外观设计专利 (2016-2018)



# Affirmation Rate of the Decisions of Design Patent 外观设计专利决定确认率

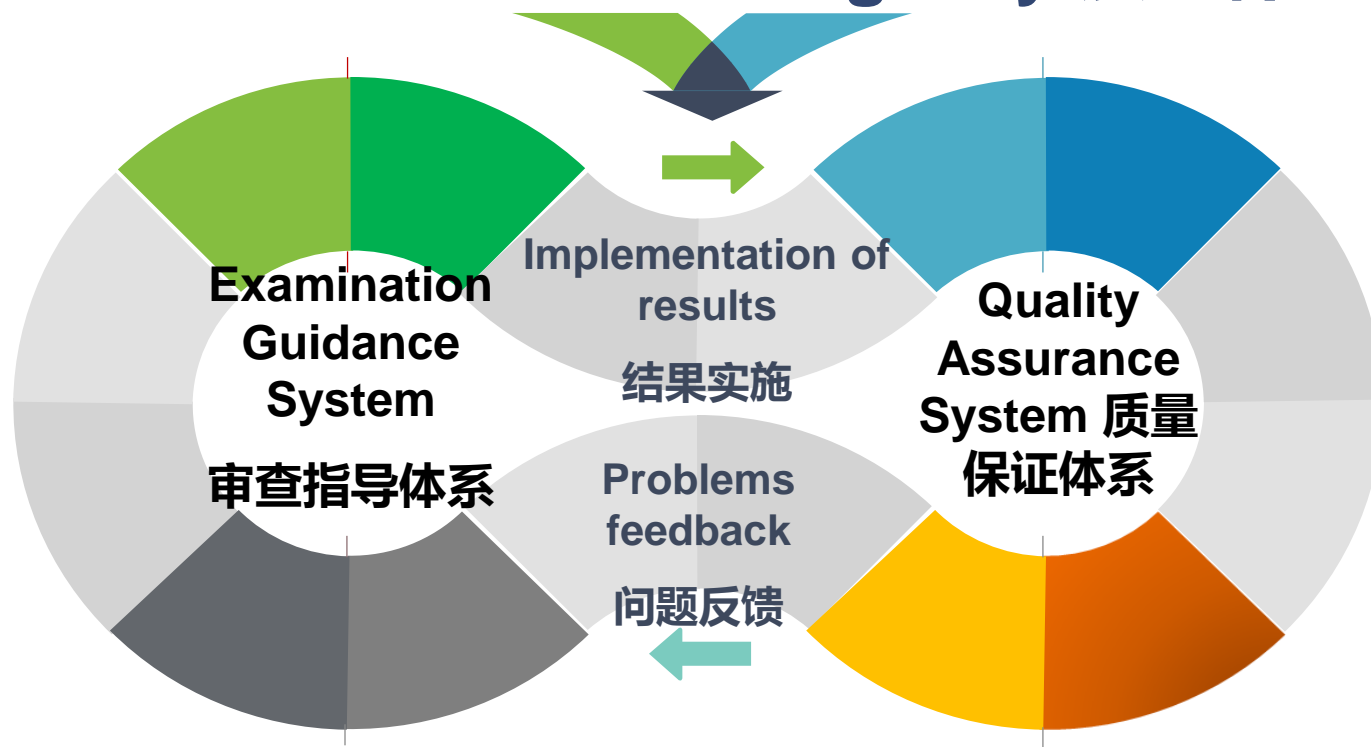


# Permanent Expert Body & Independency Quality Assurance Agency

## 常设专家机构&独立质量保证机构

Expert Body  
专家机构

Quality Assurance Agency  
质量保证机构





# Quality Management System

## 质量管理体系

### QC in divisions 处级质控

The directors take responsibility for examination quality in their respective divisions.  
处长对各处的审查质量负责。

### Quality Assessment 质量评估

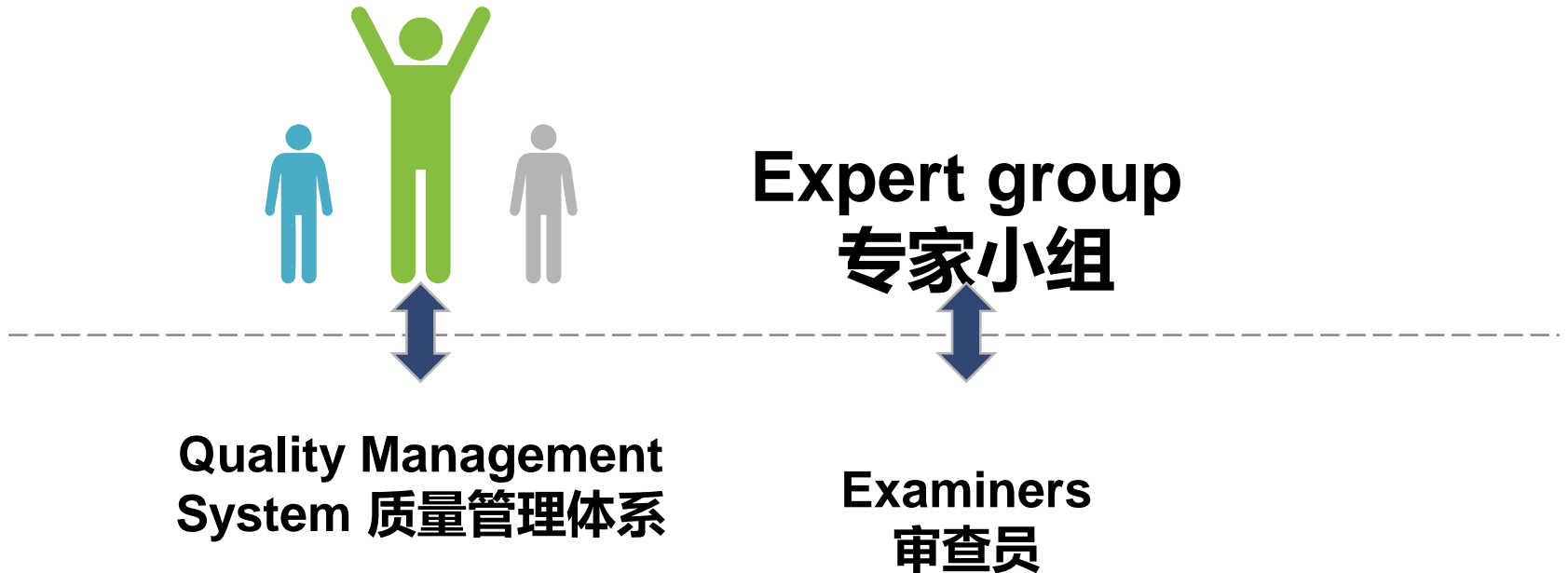
A QC team consisted by 6 experienced examiners was established to assess the overall examination quality of PRB.  
一支由6名经验丰富的审查员组成的质控小组，负责评估专利复审委员会的整体审查质量。

### QC in divisions 处级质控

The QC team should pay close attention to the decision revoked by the Court.  
质控团队应密切关注法院撤销的审查决定。



# Guidance of Examination 审查指导



Expert group (9 members): 专家小组 (9名成员)

Answer the question about the examination standard  
回答有关审查标准的问题;

Select representative cases to clarify the examination standard  
选择代表性案例, 来解释审查标准;

Provide examiners with cases studies  
向审查员提供案例研究。



*Thank You*  
*谢谢*



**国家知识产权局专利局复审和无效审理部**  
Reexamination and Invalidation Department of the Patent Office, CNIPA