on of the State Intellectual Property Office on Amending the Guidelines for Patent Examination (2013)[Effe
国家知识产权局关于修改《专利审查指南》的决定(2013) [现行有效]

ıthority:	State Intellectual Property Office	**Document Number:**	Order No.67 of the State Intellectual Prope
ɛd:	09-16-2013	**Level of Authority:**	Departmental Rules
***w*:**	General Provisions on Intellectual Property		

he State Intellectual Property Office

sion of the State Intellectual Property Office on Amending the Guidelines for Patent Examination, as deliberated and adopted at the executive mee
llectual Property Office, is hereby issued, and shall come into force on October 15, 2013.
Tian Lipu
er 16, 2013
of the State Intellectual Property Office on Amending the Guidelines for Patent Examination
Intellectual Property Office decided to amend the Guidelines for Patent Examination as follows:

11 of Chapter II of Part I is amended to read:

ination according to Article 22.2
eliminary examination, the examiner examines whether a utility model patent application obviously lacks novelty. The examiner may determine su
of obtained information of related prior art or conflicting applications.
n abnormal application for utility model may be constituted, such as an application obviously plagiarizing prior art or repeated submission of applic
tantially identical contents, the examiner shall examine whether the utility model patent application obviously lacks novelty depending on the refer
t obtained through search or information obtained by other approaches.
tion of novelty shall be governed by reference to Chapter III, Part II of these Guidelines."

1 13 of Chapter II of Part I is amended to read:

ination according to Article 9
lance with Article 9.1, for any identical invention-creation, only one patent right shall be granted. In accordance with Article 9.2, where two or more
s file applications for the identical invention-creation, the patent right shall be granted to the applicant whose application is filed first.
eliminary examination, the examiner examines whether a utility model patent application conforms to Article 9 of the Patent Law. The examiner ma
such on the basis of any patent application for or any patent right to the identical invention-creation that the examiner knows.
of identical inventions-creations shall be governed by reference to Section 6, Chapter III, Part II of these Guidelines."

n 8 of Chapter III of Part I is amended to read:

nation according to Article 23.1
eliminary examination, the examiner examines whether a design patent application obviously does not conform to Article 23.1 of the Patent Law.
may determine such on the basis of obtained information of prior design or conflicting applications.

amining design relating to abnormal filing, among other things, obviously plagiarizing prior design or prior application with substantially identical c
ner shall judge whether the design obviously does not meet the requirements of Article 23. 1 on the basis of prior design document resulted from
ation obtained through other channels.
tion regarding identical or substantially identical designs shall be governed by reference to the relevant provisions in Chapter V, Part IV of these
s."

n 11 of Chapter III of Part I is amended to read:

ination in accordance with Article 9
lance with Article 9.1, for any identical invention-creation, only one patent right shall be granted. In accordance with Article 9.2, where two or more
s file applications for the identical invention-creation, the patent right shall be granted to the applicant whose application is filed first.
eliminary examination, the examiner shall examine whether a design patent application conforms to Article 9 of the Patent Law. The examiner ma
whether a design patent application conforms to Article 9 of the Patent Law on the basis of any patent application for or any patent right to the ide
at the examiner knows."
sion comes into force on October 15, 2013.

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