



IP Guide



Prioritized Examination System

CNIPA deliberated and adopted *The Measures for the Administration of the Prioritized Examination of Patents* (hereinafter referred to as “*The measures*”) in 2017. This article focuses on following aspects of the System: applicable cases, applicable conditions, and comparative advantages.

1. Applicable cases: an invention application in the stage of substantive examination; a utility model or design application; a reexamination or invalidation case of an application for invention, utility model or design.
2. Applicable Conditions
 - ✧ Relating to energy conservation and environmental protection, new-generation information technology, biology, high-end equipment manufacturing, new energy, new materials, new energy vehicles, intelligent manufacturing and other key development industries of China;
 - ✧ Relating to the key industries encouraged by the governments at provincial level and municipal level;
 - ✧ Relating to Internet, big data, cloud computing and other fields, and the technologies or products are updated rapidly;
 - ✧ A patent applicant or reexamination petitioner has prepared for implementation or has started implementation of the invention, or there is evidence proving that the third party is implementing the invention;
 - ✧ A patent application was first filed in China and then filed in a different country or region on the same subject;
 - ✧ An application is of great significance for national interest or public welfare.

3. Comparative Advantages

- ✧ For an invention patent application, the first Office Action shall be issued within 45 days, and it shall be concluded within a year;
- ✧ For a utility model or a design patent applications, it shall be concluded within 2 months;
- ✧ For a patent reexamination case, it shall be concluded within 7 months;
- ✧ For an invalidation case of invention or utility model, it shall be concluded within 5 months;
- ✧ For an invalidation case of design, it shall be concluded within 4 months.

Note: there is no official fee charged for requesting prioritized examination.

Newsletter from Tee & Howe Intellectual Property Attorneys

Address: Suite 5-12, 5th Floor, Tower W1, The Tower Offices,
Oriental Plaza, No.1 East Chang'an Avenue, Dongcheng District,
Beijing 100738, China

Tel:(86 10) 8529 5526

Fax:(86 10) 8529 5528

Email:teehowe@teehowe.com

Website:www.teehowe.com

Wechat Account QR Code:



Beijing

Japan

Germany

Changsha