

CNIPA has announced the Adjustment of some Patent Fee Standards in August, 2024, including Patent Term Adjustment, hereinafter referred to as “PTA”.

✧ **Provision:**

**Patent Law of the People's Republic of China**

**Chapter V Terms, Termination and Invalidation of Patent Rights**

**Article 42.** Where a patent right for an invention is granted after the expiration of four years from the filing date and after the expiration of three years from the date of the Request for Substantive Examination of the application, the patent administration department under the State Council shall, at the Request of the patentee, extend the term of the patent to compensate for the unreasonable delay in the granting process of the invention, except for the unreasonable delay caused by the applicant.

✧ **Official fee:**

The patentee shall pay an official fee of RMB 200 per application for the Request for PTA.

Upon review, if the Request meets the conditions for PTA, and the extended term of the patent to compensate exceeds one year, the patentee shall pay an annuity fee of RMB 8,000 per application per year for the term of PTA.

If less than one year, no official fee will be incurred.

✧ **Payment of the official fee for the Request for PTA:**

For the Request for PTA filed before July 26, 2024, the patentee shall pay the Request fee before October 26, 2024 to complete all formalities for the Request.

For the Request for PTA filed after July 26, 2024, the Request must be filed with the payment of the Request fee within three months of the date of the announcement of the grant of a patent right.

✧ **How Tee & Howe is doing:**

While forwarding the letter of the patent certification, Tee & Howe will inform you of the official fee for the Request for PTA, for the decision to make by you.

Newsletter from Tee & Howe Intellectual Property Attorneys

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