



IP Guide



The Proposed Amendment of the Implementing Regulations of the Patent Law (Draft for Comments) Opens for Public Comments

In order to align with the amendment to the Patent Law, the China National Intellectual Property Administration launched the amendment work of *the Implementing Regulations of the Patent Law* and released *the proposed amendment of the Implementing Regulations of the Patent Law (Draft for Comments)* on November 27th, which aims to solicit opinions from the public before January 1st, 2021.

With regard to the amendment to the Patent Law, *the proposed amendment of the Implementing Regulations of the Patent Law* mainly includes the following 4 aspects:

1. Relevant articles about the compensation of the duration, including the compensation of the duration of granted patent and the applied condition of the compensation of the duration of the pharmaceutical patent, etc.;
2. Relevant articles about design, including the partial design and domestic priority of design;
3. Relevant articles about the open licensing, including the requesting procedures and requirements of an open licensing declaration, etc.;
4. Relevant articles about administrative protection of infringement, clarifying the circumstances that the patent administration department under the State Council shall handle patent infringement disputes that have significant impact throughout the country.

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