

Leaflet Patents in the People's Republic of China

Territory

Patents granted in the People's Republic of China do not extend to Hong Kong or Macao, which have their own industrial property laws. Patents granted in China can be directly registered through validation in Cambodia.

Duration

The patent has a duration of 20 years from the date of filing, provided that annual fees are paid.

Compulsory use

Use of a patent is not compulsory, however, where the patentee, after the expiration of 3 years from the date of the grant of the patent and the expiration of 4 years from the date of filing, does not exploit or does not sufficiently exploit the patent without any justified reason, a compulsory license may be granted.

Marking

Marking is not compulsory, and marked products have no implications for awarding compensation in case of past infringement. If marking is applied, it must be done as prescribed by the Chinese National Intellectual Property Authority (CNIPA), i.e., to indicate the number and type (in this case: invention) of the patent, wherein the type of the patent should be indicated in Chinese.

License

License agreements must be in written form and must be registered; the request for registration must be filed with the Chinese National Intellectual Property Authority (CNIPA) within 3 months from the effective date of the agreement. We recommend that you contact us if you intend to grant a license under your patent in the People's Republic of China.