

REQUIREMENTS FOR FILING PATENT APPLICATION IN CHINA

There are three types of patents in China, namely, patents for invention, utility model and design. With regard to invention and utility model patent applications, it is required to submit the description, the claims, the abstract and the drawings (if any). For design patent application, it is required to submit the drawings or photographs of the design. (If the design is presented by photographs, we are in need of three sets of the photographs.)

In addition, it is required to submit the information of the name and address of the applicant(s) and the inventor(s), and that of the priority right, if any. According to the Paris Convention and the Chinese Patent Law, if the foreign applicant files an invention or utility model application in China within twelve months from the date on which any applicant first filed in the foreign country, the Chinese application can enjoy a right of priority. For design application, the time period for claiming priority right is six months from the first filing date in the foreign country.

Patent Application for Invention/Utility Model (Convention Application)	
1.	Name, nationality, and address of the applicant(s)
2.	Name of all the inventors and the nationality of the first inventor
3.	Information of Priority Right (if priority right is claimed)
4.	Description, Claims, Abstract, Drawings (if any)
5.	Certified priority document (if priority right is claimed)
6	Assignment (if the applicant in China is different from that of the priority application)
7	Power of Attorney

Items 1-4 are mandatory at the time of filing, whereas items 5-7 can be later filed; however, the deadline for submitting items 5 and 6 will expire on three months from the Chinese filing date.

Patent Application for Design (Convention Application)	
1.	Name, nationality, and address of the applicant(s)
2.	Name of all the inventors and the nationality of the first inventor
3.	Information of Priority Right (if priority right is claimed)
4.	Drawings or three sets of Photographs
5.	Brief description of the design
6.	Certified priority document (if priority right is claimed)
7.	Assignment (if the applicant in China is different from that of the priority application)
8	Power of Attorney

Items 1-5 are mandatory at the time of filing, whereas items 6-8 can be later filed; however, the deadline for submitting items 6 and 7 will expire on three months from the Chinese filing date.

Chinese National Phase of a PCT application (Invention/Utility Model)	
1.	Name , nationality, and address of the applicant(s) and the inventor(s)
2.	Information of Priority Right (if priority right is claimed)
3.	Published PCT application documents
4.	Amendments under Art. 19, Art.34 and Art. 41 of the PCT, if any (if such amendments shall be basis for examination in China)
5.	Power of Attorney

Items 1-4 are mandatory at the time of filing, whereas item 5 can be later filed.