

China National Intellectual Property Administration Confirms Coronavirus Missed Deadline Policies Apply to non-Chinese Applicants

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On March 27, 2020, the [China National Intellectual Property Administration](#) (CNIPA) [confirmed](#) that [earlier-announced policies](#) for missed deadlines also apply to foreign entities. Per [Announcement 350](#), patentees and applicants can restore their patent rights without payment of a restoration right request fee if lost rights were due to the coronavirus.

In [Bureau Announcement 350](#) of January 28, 2020, CNIPA stated the provisions of Article 6, paragraph 1 of the [Implementing Rules of the Patent Law](#) shall apply due to the coronavirus epidemic. Specifically, “Where a time limit prescribed in the Patent Law or these Rules or specified by the patent administration department of the State Council is not observed by a party concerned because of force majeure, resulting in loss of his or its rights, he or it may, within two months from the date on which the impediment is removed, at the latest within two years immediately following the date of the expiration of that time limit, request the patent administration department of the State Council to restore his or its rights.”

Further, if due to the coronavirus epidemic, then applicants and patentees do not need to pay the restoration right request fee, but do need to submit a request for restoration of the right, explain the reason, attach corresponding certification materials, and go through the corresponding formalities.

CNIPA later [expanded](#) on this to include late annuity fee payments. No late fees will be due if the jurisdiction (province, autonomous region, or municipality) the patentee is located in has declared a level one health emergency (the highest level in China).

The above are not limited to patents. Trademarks and Layout Designs of Integrated Circuits are also included.

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