China-Norway Patent Prosecution Highway (PPH) Pilot to Start April 1, 2020

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China IP Law Update

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In an announcement by the China National Intellectual Property Administration (CNIPA), a memorandum of understanding has been signed between the CNIPA and the Norwegian Industrial Property Office (NIPO) allowing for accelerated examination of patent applications in each jurisdiction. The pilot will start April 1, 2020 and extend for three years to March 31, 2023.

Applicants can request accelerated examination in China when a corresponding Norwegian patent applications has one or more claims that are determined to be patentable by NIPO. Note that applicants do not need to be Chinese or Norwegian applicants, only that they have a Norwegian patent application.

Other requirements include:

1. The CNIPA application claims priority to a NIPO application or PCT application via the Paris Convention or is a PCT national phase application without priority claim.
2. All claims in the CNIPA application (for which an accelerated examination under the PPH pilot program is requested), as originally filed or as amended, must sufficiently correspond to one or more of those claims determined to be patentable/allowable in the NIPO application.
3. The CNIPA application must be published.
4. The CNIPA application must have entered the into substantive examination.
5. Examination of the CNIPA application has not begun at the time of filing the PPH request.
6. The CNIPA application must be an electronic application.

In order to participate, Applicants must submit:

2. Copies of all NIPO office actions including a translation to English or Chinese (machine translation is acceptable).
3. Copies of all claims determined to be patentable/allowable by NIPO including translations thereof.

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