

## 5 KEY TAKEAWAYS

# How to Effectively Leverage the Chinese Patent System to Further Your Company's Interests in China and Beyond

Kilpatrick Townsend recently held its semi-annual KTIPS (Kilpatrick Townsend Intellectual Property Seminar) in California. Firm attorneys led two days of interactive discussions with clients on the latest developments in intellectual property law and any impact on the legal and business landscapes, potential challenges and opportunities, possible legislative reforms, and more.

[Charles Gray](#) and [Wendy Gu](#)'s session – "How to Effectively Leverage the Chinese Patent System to Further Your Company's Interests in China and Beyond" – covered various aspects of the Chinese patent system, including patent application processes, invalidation procedures, and enforcement mechanisms. They addressed the challenges associated with patent enforcement within China and demonstrated how Chinese patents can play a strategic role in international enforcement and defense. By comparing the Chinese system with the U.S., they illuminated how these differences can be turned into advantages, thereby effectively leveraging the Chinese patent system to further your company's interests in China and beyond.

Key takeaways from their presentation, include:

1

**In China, the expedited patent examination process includes not only the Patent Prosecution Highway (PPH) but also the Prioritized Examination and the Pre-examination Procedure.** The Prioritized Examination can be applied to the examination of both invention and utility model patent applications, to the reexamination of invention patents, and to the invalidation proceedings of both invention and utility model patents.

**CNIPA has strict requirements regarding literal support for amendments.**

When submitting amendments, including voluntary ones, it is advisable to provide a detailed reference that demonstrates the basis for such changes.

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**Be sure to utilize utility model filings as part of your Chinese IP strategy.**

Utility models are very underutilized by foreign companies in China.

**Third-party Opinions/Observations can be submitted to block the approval of a competitor's patent application or to narrow down the scope of its claims.** These submissions can be made anonymously. Typically, Chinese examiners will give added consideration to the prior art presented in these third-party observations.

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**There are many underutilized non-litigation enforcement options available in China that can provide fast, inexpensive, and effective relief for foreign companies.**

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