



Insights: Perspectives

5 Key Takeaways | Missed a Patent Deadline at The Chinese Patent Office (CNIPA) Because of the COVID-19 Outbreak? Here Is What You Can Do

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5 KEY TAKEAWAYS

Missed a Patent Deadline at The Chinese Patent Office (CNIPA) Because of the COVID-19 Outbreak? Here Is What You Can Do

In light of the recent coronavirus (COVID-19) outbreak, Charles Gray, a partner in Kilpatrick Townsend's Shanghai office, offers helpful steps for those who missed a patent deadline due to the virus.

Here are five key takeaways:

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Can time limits be restored?

Restorable:

- All standard time limits during application procedures (e.g., the time limit for responding to Office Actions or for payment of fees)

Not restorable:

- Time limits for claiming priority
- Grace period for patent novelty
- Term of protection
- Limitation of action for infringement

Does this apply to foreign applicants?

Yes, this applies to foreign applicants as well as their agents in China (e.g., Chinese IP firms)

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When can the request be submitted?

Requests can be submitted within two months from the date of removal of the issue causing the delay

What are the required materials?

- Request form for the restoration of rights
- Statement of reasons (e.g., state that the party was being quarantined or infected, that the premises were closed or that the offices were prevented

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from opening due to the government's order, etc.)

- Supporting materials (e.g., doctor's records of the party being diagnosed with or treated for COVID-19, the official notice or announcement for control or closure issued by the local administrative agency, etc.)



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How much are the official fees?

If the rights were lost due to the COVID-19 outbreak, there are no official fees for a request for restoration of rights (otherwise 1000 RMB or approx. \$145)

For more information, please contact Charles Gray at cgray@kilpatricktownsend.com.

www.kilpatricktownsend.com

Please note: The below information may require updating, including additional clarification, as the COVID-19 pandemic is dynamic and continues to develop. Please monitor this site and/or your email for updates.

Related People



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