

W&B IP Newsletter



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Website: www.watsonband.com

E-mail: mailip@watsonband.com | mail@watsonband.com

Patents

Paper Certificates for Patents Will Be Stopped; Electronic Patent Applications Welcome New Changes

Recently China National Intellectual Property Administration released the Circular on Matters Related to Electronic Patent Certificates and Electronic Stamps on Notices for Electronic Patent Applications (the “Circular”). According to the Circular, for electronic patent applications granted and published on or after March 3, 2020, National Intellectual Property Administration will issue electronic patent certificates through the electronic patent application system; paper patent certificates will no longer be issued, unless the system user files a special request.

As the National Intellectual Property Administration has announced to adjust the services as said above, the following changes will occur:

1. For electronic patent applications granted and published on or after March 3, 2020, National Intellectual Property Administration will issue electronic patent certificates through the electronic patent application system; paper patent certificates will no longer be issued. If necessary, the electronic application system registered users may file a request for a paper certificate through the official website (<http://cponline.cnipa.gov.cn>).

2. Notices issued during the patent application and acceptance stage will no longer use the “National Intellectual Property Administration Patent Application Acceptance Stamp” from February 17, 2020 and on; instead, the “National Intellectual Property Administration Patent Examination Service Stamp” will be used.

3. The National Intellectual Property Administration, the patent offices and the intellectual property protection centers/quick enforcement centers will not provide paper copies for Notices and Decisions on Electronic Patent Applications. For electronic notices and decision that have already been issued by the National Intellectual Property Administration but have not been signed and stamped, if necessary, the electronic application system registered users can file a request through the said official website to download the notices and decisions with the electronic stamp on them.

4. The users can verify the electronic patent certificates, notices and decisions bearing the said electronic stamp through the said official website. The relevant operational procedure and verification guidelines can be found in the HELP document available on the website.

(Source: National Intellectual Property Administration)

Trademarks

Q&A: Time Limits for Trademark Services under the Current Epidemic Situation

In order to implement the decision and policy deployment of the CPC and the State Council in connection with prevention and control of the novel coronavirus, and to effectively protect the legitimate rights and interests of trademark owners/holders affected by the epidemic, the National Intellectual Property Administration published its No.350 Announcement. Questions and answers related to the time limits for trademark services under the current situation are provided as follows:

Trademarks

1. To which trademark services can suspension of time limits be applied?

Where the parties involved submit supplementary documents or observations to trademark office actions, pay trademark fees, provide evidence of use in the circumstance of applications filed on the same day and revert negotiation results thereof, provide evidence of use in the circumstance of revocation of registered trademarks due to nonuse in three consecutive years, go through the procedures for trademark objection, review of trademark rejection, review of refusal to register, review of decision on invalidation, application for, answer to and supplementary evidence for revocation of review, and answer to and supplementary evidence for petition for invalidation, if they cannot proceed accordingly within the statutory or designated time limit due to the epidemic, the relevant time limit shall be suspended from the date when exercise of the rights gets obstructed (the “date of obstruction”), and shall be resumed on the date when said obstructions are eliminated (the “date of obstruction elimination”).

2. How should the “date of obstruction” and the “date of obstruction elimination” be defined?

The date of obstruction refers to the day when the party involved is hospitalized or quarantined due to pneumonia infected by the novel coronavirus, or when trademark services cannot be normally carried out due to local epidemic prevention and control measures.

The date of obstruction elimination refers to the day when the party involved is cured of the pneumonia and freed from said hospitalization or quarantine, or when business is resumed and resident control ends in the local area.

In view of the special situation in relation to the current epidemic, in order to best safeguard the rights and interests of the parties, if a party is involved in more than one circumstance that may define the dates, the most favorable circumstance shall be applied to define the party’s date of obstruction and date of obstruction elimination.

3. How should suspension of the time limits be petitioned?

The party involved shall submit a written petition for suspension of the relevant time limit when he/it proceeds with the said trademark services. The petition should identify the area affected during the epidemic, the reason for obstruction and the date of obstruction elimination; and the corresponding certifying materials should also be submitted.

4. Which certifying materials can be submitted in the petition for suspension?

The party involved should provide certifying materials related to the epidemic treatment, the quarantine or the control, except for the notice on delayed return to work released by the government in the area where the party is located.

In order to relieve the burden of the party affected by the epidemic, if he/it wants to petition for suspension of several cases in the same service based on the same reason, he/it may submit only one set of certifying materials and attach it to one of the cases; for the other cases, it is only necessary to identify in their petitions the application number of the case to which the materials are attached.

Trademarks

5. Is there any remedy if the renewal of a trademark fails to be completed in time due to the epidemic?

If a party fails to complete the application procedure for renewal of his/its registered trademark within the extended period due to the epidemic, which may result in his/its loss of the trademark rights, he/it may submit a petition for renewal within two months from the date of obstruction elimination and provide the corresponding certifying materials with reference to the foregoing Answer 4.

(Source: National Intellectual Property Office)