

COMPARISON OF NEW AND EXISTING CHINESE PATENT MARKING PROCEDURES

	State Intellectual Property Office Order No. 63	State Intellectual Property Office Order No. 29
Title	Patent Identification Marking Procedures	Regulations on Patent Marking and Patent Number Notation Method
Publication date	March 8, 2012	May 30, 2003
Effective Date	May 1, 2012	July 1, 2003
Article 1	This Procedure is promulgated to standardize patent identification marking and maintain normal market economy order in accordance with the Patent Law of the People's Republic of China (hereinafter referred to as "patent law") and the Implementing Regulations of the Patent Law of the People's Republic of China rules.	This Regulation is promulgated to standardize patent identification marking and maintain normal market economy order in accordance with Article 15 of the Patent Law and Rule 83 of the Implementing Regulations of the Patent Law.
Article 2	All patent marking identifications shall be marked in accordance with this procedure.	All patent identification and patent number shall be marked in accordance with this regulation.
Article 3	Patent management administrative authority of a given administrative area shall supervise and manage patent marking activities within the respective administrative area.	A patentee or a licensee receiving the right from the patentee to mark a patent shall mark patent identification on the patented product, products directly produced by the patented process, packaging of the patent product, or patented product's manual or other materials during the validity of the patent after grant.
Article 4	A patentee or a licensee receiving the right from the patentee to mark a patent shall mark patent identification on the patented product, products directly produced by the patented process, packaging of the patent product, or patented product's manual or other materials during the validity of	Patent identification and patent number shall be marked with the following content: (1) Use Chinese to mark the different types of patent, such as a Chinese invention patent, Chinese utility model patent, Chinese design patent; (2) the patent number issued by the State intellectual property

	<p>the patent after grant.</p>	<p>Office, wherein “ZL” stands for “patent”, the first and the second digits indicate the year of patent filing, the third digit indicates the patent type, and the fourth digit and thereafter indicate the serial number and computer check digit.</p> <p>In addition to the above content, additional texts, graphics identifications can be added, but the additional texts, graphics identifications and marking shall not mislead the public.</p>
Article 5	<p>Marked patent identification shall be marked with the following content:</p> <p>(1) Use Chinese to mark the different types of patent, such as a Chinese invention patent, Chinese utility model patent, Chinese design patent;</p> <p>(2) the patent number issued by the State intellectual property Office.</p> <p>In addition to the above content, additional texts, graphics identifications can be added, but the additional texts, graphics identifications and marking shall not mislead the public.</p>	<p>For products directly produced by the patented process, packaging of the patent product, or patented product’s manual or other materials, the patent marking identification shall be in Chinese on the product obtained by the patented process.</p>
Article 6	<p>For products directly produced by the patented process, packaging of the patent product, or patented product’s manual or other materials, the patent marking identification shall be in Chinese on the product obtained by the patented process.</p>	<p>Patent management administrative authority of a local government responsible shall supervise and manage activities of marking patent identifications and patent numbers within the respective administrative area.</p>

Article 7	<p>Before the grant of the patent, the patent mark identification, if any, on a product, on the product's packaging or on the product manuals and other materials shall be in Chinese indicating the type of patent applications and patent application number in China, including letters indicating “Patent pending; not granted yet”(专利申请，尚未授权).</p>	<p>Patent management administrative authority shall order a correction within a limited time if patent identifications or patent number markings do not comply with this regulation.</p> <p>Patent management administrative authority shall impose punishments according to article 59 of the Patent Law for improper patent identifications or patent number markings that constitute an act of patent counterfeiting.</p>
Article 8	<p>Patent management administrative authority shall order a correction if patent marking identifications do not comply with provisions 5, 6 or 7 of the Procedure.</p> <p>Patent management administrative authority shall impose punishments according to article 63 of the Patent Law for improper patent mark identifications that constitute an act of patent counterfeiting.</p>	<p>The State Intellectual Property Office shall be responsible for the interpretation of this Procedure.</p>
Article 9	<p>The State Intellectual Property Office shall be responsible for the interpretation of this Procedure.</p>	<p>This regulation shall come into force on July 1, 2003.</p>
Article 10	<p>This procedure shall come into force on May 1, 2012. That State Intellectual Property Office Order No. 29 issued on May 30, 2003 entitled “Regulations on Patent Identification and Patent Number Marking Method” is repealed at the effective date of this Order.</p>	