Draft Amendments to Guidelines for Patent Examination (Draft for Comments)

May 2025

Overview: 31 amendments involving five parts

- ◆Part I: Preliminary Examination (1-3)
- ◆Part II: Substantive Examination (4-18)
- ◆Part III: Examination of International Applications Entering the National Stage (19-20)
- ◆Part IV: Examination of Requests for Reexamination and for Invalidation (21-24)
- ◆Part V: Processing of Patent Applications and Procedural Matters (25-31)

1. Fill in identity information of all inventors in a request

Amendments	**"Guidelines for Patent Examination" (2024): Part I, Chapter 1 4. Formal Examination of Application Documents 4.1 Request**	**"Guidelines for Patent Examination" (Draft for Comments): Part I, Chapter 1 4. Formal Examination of Application Documents 4.1 Request**
	4.1.2 Inventor …… The inventor shall be an individual, and an entity or organization, or the name of artificial intelligence shall not be filled in the request. For example, it shall not be filled in as "xx project group", or "Artificial Intelligence ××", etc. ……	4.1.2 Inventor …… The inventor shall be an individual. The identity information of all inventors shall be filled in the request, and an entity or organization, or the name of artificial intelligence shall not be filled in the request. For example, it shall not be filled in as "xx project group", or "Artificial Intelligence ××", etc. ……
Notes	Currently, only the identity information of the first inventor is required in the rquest. This amendment to the Guidelines clarifies that “the identity information of all inventors must be included in the request.	

2 Patent agencies are responsible for the information of applicants and inventors

Amendments	"Guidelines for Patent Examination" (2024): Part I, Chapter 1 4. Formal Examination of Application Documents 4.1 Request	"Guidelines for Patent Examination" (Draft for Comments): Part I, Chapter 1 4. Formal Examination of Application Documents 4.1 Request
	4.1.6 Patent agency, patent agent …… Any patent agency shall use the full name which has been registered with the CNIPA, and which shall be the same as that appearing in the official seal of that patent agency which is affixed on the application documents. Any abbreviation or initials shall not be used. The agency' s organizational code given by the CNIPA shall also be indicated in the request……	4.1.6 Patent agencies, patent agents …… Any patent agency shall use the full name which has been registered with the CNIPA, and which shall be the same as that appearing in the official seal of that patent agency which is affixed on the application documents. Any abbreviation or initials shall not be used. The agency‘ s organizational code given by the CNIPA shall also be indicated in the request. The patent agency must ensure that the identity information of inventors, the identity information and contact details of applicants in the submitted patent request are true and valid. ……
Notes	It is Clarified that patent agencies are responsible for the authenticity and validity of that the identity information of inventors, the identity information and contact details of applicants in their submitted patent requests.	

3. Request restoration according to a notification when a divisional application did not claim priority

Amendments	"Guidelines for Patent Examination" (2024): Part I, Chapter 1 6. Examination of Other Documents and Related Formalities 6.2 Claiming Right of Priority 6.2.1 Claiming Foreign Priority	"Guidelines for Patent Examination" (Draft for comments): Part I, Chapter 1 6. Examination of Other Documents and Related Formalities 6.2 Claiming Right of Priority 6.2.1 Claiming Foreign Priority
	6.2.1.2 Declaration of Claiming Priority ……Where more priorities are claimed, but one or two items of the date of filing, the filing application number of the earlier application and the name of the authority with which the application was first filed are missing or incorrect in the request, and the applicant has submitted copies of the previous applications documents within the prescribed time limit, the examiner shall issue a Notification to Rectify formalities. If the applicant fails to make any response within the time limit or the requirements are not met after rectification, the examiner shall issue a Notification that Claim to Priority Deemed not to Have Been Made.……	6.2.1.2 Declaration of Claiming Priority ……Where more priorities are claimed, but one or two items of the date of filing, the filing application number of the earlier application and the name of the authority with which the application was first filed are missing or incorrect in the request, and the applicant has submitted copies of the previous applications documents within the prescribed time limit, the examiner shall issue a Notification to Rectify formalities. If the applicant fails to make any response within the time limit or the requirements are not met after rectification, the examiner shall issue a Notification that Claim to Priority Deemed not to Have Been Made. If the parent application of a divisional application claims priority but the applicant did not declare this priority in the request when filing the divisional application, it will be deemed that the divisional application does not claim this priority, and the examiner shall issue a Notification that Claim to Priority Deemed not to Have Been Made……
Notes	It is clarified in Part I, Chapter 1, Sections 6.2.1.2 and 6.2.2.2 "Declaration of Claiming Priority" that "*if the parent application of a divisional application claims priority but the applicant did not declare this priority in the request when filing the divisional application, it will be deemed that the divisional application does not claim this priority, and the examiner shall issue a Notification that Claim to Priority Deemed not to Have Been Made".* The applicant can request restoration of priority according to Part I, Chapter 1, Section 6.2.6.1.	

4 Coordination between Patent Protection and Plant Variety Protection

Amendment	"Guidelines for Patent Examination" (2024): Part II, Chapter 1 4. Subject matters excluded from patent protection under Article 25 of the Patent Law	"Guidelines for Patent Examination" (Draft for comments): Part II, Chapter 1 4. Subject matters excluded from patent protection under Article 25 of the Patent Law
	4.4 Animal and Plant Varieties Animal and plant are living things. According to Article 25. 1 (4), no patent rights shall be granted for animal and plant varieties. Animal referred to in the Patent Law does not include human being, and it refers to the life form which cannot synthesize carbohydrate and protein by itself but maintains its life only by absorbing natural carbohydrate and protein. Plant mentioned in the Patent Law refers to ~~the life form which maintains its life by synthesizing carbohydrate and protein from the inorganics, such as water, carbon dioxide, and inorganic salt, through photosynthesis, and usually is immovable.~~ Animal and plant varieties can be protected under other laws and regulations other than the Patent Law. For example, new plant varieties can get protection under the Regulations on the Protection of New Varieties of Plants.……	4.4 Animal and Plant Varieties Animal and plant are living things. According to Article 25. 1 (4), no patent rights shall be granted for animal and plant varieties. Animal referred to in the Patent Law does not include human being, and it refers to the life form which cannot synthesize carbohydrate and protein by itself but maintains its life only by absorbing natural carbohydrate and protein. Plant **Varieties** mentioned in the Patent Law refers to the plant populations with specificity, uniformity, and stability. Animal and plant varieties can be protected under other laws and regulations other than the Patent Law. For example, new plant varieties can get protection under the Regulations on the Protection of New Varieties of Plants. ……
Notes	In response to calls from innovators to strengthen intellectual property protection for plant innovation, and to form a reasonable and effective coordination between patent protection and plant variety protection, the revised "Guidelines" deletes the definition of "plant" and adds a definition for "plant variety". This definition of "plant variety" aligns with the requirements of the "Seed Law of the People's Republic of China," allowing breeding materials that cannot obtain plant variety protection to potentially be granted patent rights.	

5 Whether applications filed on the same day are identical invention-creations is determined based on statements

Amendment	"Guidelines for Patent Examination" (2024): Part II, Chapter 3 6. Handling of identical invention-creations	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 3 6. Handling of identical invention-creations
	6.1 Principles of determination …… In the determination of identical invention-creations, if the extent of protection of a claim in one application or patent is identical with that of a certain claim in the other application or patent, it shall be concluded that the both are identical invention-creations.……	6.1 Principles of determination …… In the determination of identical invention-creations, if the extent of protection of a claim in one application or patent is identical with that of a certain claim in the other application or patent, it shall be concluded that the both are identical invention-creations. According to the provisions of Article 47.2 of the Implementing Regulations of the Patent Law, if an applicant files, on the same day (i.e., the application date), applications for both patent for utility model and patent for invention and makes separate statements at the time of filing, whether these two applications belong to identical invention-creations is determined by the statements in the applicant's request. ……
Notes	The amendments include the followings. Firstly, whether applications filed on the same day are identical invention-creations is determined based on the applicant's statements. Secondly, the handling of applications filed on the same day is clarified. It requires abandoning the already obtained patent right for utility model before granting the patent right for invention, otherwise the patent application for invention will be rejected. This amendment highlights consistency with Article 9.1 of the Patent Law and Article 47 of the Implementing Regulations regarding the handling rules when a patent application for invention coexist with a patent for utility model. It reduces issues related to maintaining patent rights and exercising rights due to both the patent for invention and the patent for utility model field on the same day being granted the patent right, helps to save examination resources, alleviates the burden on applicants, and enhances public expectations on examination results for applications filed on the same day.	

6 For applications filed on the same day, patent for invention cannot be granted through amendments

Amendments	"Guidelines for Patent Examination"(2024): Part II, Chapter 3 6. Handling of identical invention-creations 6.2 Method of handling	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 3 6. Handling of identical invention-creations 6.2 Method of handling
	6.2.2 Handling of one application and one patent ……However, where an applicant files on the same day (means the date of filing) applications for both patent for utility model and patent for invention relating to the identical invention-creation, if the patent for utility model has been granted and does not terminate, and the applicant has stated the fact respectively upon filing the applications, double patenting may be avoided ~~by amending the invention application, or alternately~~ by abandoning the patent for utility model. Therefore, during the examination of the invention application mentioned above, if the invention application has met all the other conditions for patentability, the applicant shall be notified to make a choice ~~or make amendments~~. Where the applicant chooses to abandon the patent for utility model which has been granted, he shall submit a written declaration to abandon the patent for utility model at the time of making response to the Office Action. In this case, the examiner shall issue a Notification to Grant Patent Right regarding the invention application which has met all the conditions for patentability but has not been granted yet, and transfer the written declaration of abandoning the patent for utility model mentioned above to the relevant examination departments for registration and announcement by the Patent Office. In the announcement, it shall be indicated that the patent right for utility model mentioned above ceases from the date of the announcement of grant of the patent for invention.……	6.2.2 Handling of a patent application and a patent right ……. However, where an applicant files on the same day (means the date of filing) applications for both patent for utility model and patent for invention relating to the identical invention-creation, if the patent for utility model has been granted and does not terminate, and the applicant has stated the fact respectively upon filing the applications, double patenting may be avoided by abandoning the patent for utility model. Therefore, during the examination of the invention application mentioned above, if the invention application has met all the other conditions for patentability, the applicant shall be notified to make a choice. Where the applicant chooses to abandon the patent for utility model which has been granted, he shall submit a written declaration to abandon the patent for utility model at the time of making response to the Office Action. In this case, the examiner shall issue a Notification to Grant Patent Right regarding the invention application which has met all the conditions for patentability but has not been granted yet, and transfer the written declaration of abandoning the patent for utility model mentioned above to the relevant examination departments for registration and announcement by the Patent Office. In the announcement, it shall be indicated that the patent right for utility model mentioned above ceases from the date of the announcement of grant of the patent for invention. If the applicant does not abandon the patent right for utility model, the invention patent application will be rejected.……

7. Features making no contributions to solving a technical problem do not affect inventiveness

Amendments	"Guidelines for Patent Examination" (2024) : Part II, Chapter 4 6. Points to be Noted in the Examination of Inventive Step	"Guidelines for Patent Examination" (Draft for Comments) : Part II, Chapter 4 6. Points to be Noted in the Examination of Inventive Step
	6.4 Examination on the claimed invention …… The determination of whether an invention involves an inventive step shall be directed to the claimed invention, and thus ~~the evaluation of inventive step shall concern the technical solutions as defined in the claims~~. The technical features by which the invention makes contribution over the prior at, such as the technical features bringing about unexpected technical effects for the invention, or the technical features reflecting how the invention overcomes a technical prejudice, shall be included in the claims; otherwise, they shall not be taken into account in evaluating the inventive step of the invention, even if they have been set forth in the description. ~~Moreover, the evaluation of inventive step shall be directed to the whole of each technical solution defined in the claims, that is, it is the technical solution as a whole, rather than the individual technical features, that shall be evaluated as to whether involving an inventive step.~~ ……	6.4 Examination on the claimed invention …… The determination of whether an invention involves an inventive step shall be directed to the claimed invention, and thus the evaluation of inventive step shall be directed to the whole of each technical solution defined in the claims, rather than the individual technical features. The technical features by which the invention makes contribution over the prior at, such as the technical features bringing about unexpected technical effects for the invention, or the technical features reflecting how the invention overcomes a technical prejudice, shall be included in the claims; otherwise, they shall not be taken into account in evaluating the inventive step of the invention, even if they have been set forth in the description. However, features that do not contribute to solving the technical problem, even if included in the claims, generally do not affect the inventiveness of the technical solution. [For example] An invention relates to a cameras and aims to solve the technical problem of how to achieve more flexible shutter control. This technical problem is addressed by improving relevant mechanical and circuit structures inside the camera. After the examiner pointed out that a claim lacks inventiveness, the applicant added, into the claim, features such as the shape of a camera housing and the size of a display screen, and the position of a battery compartment.

7. Features making no contributions to solving a technical problem do not affect the inventiveness

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 4 6. Points to be Noted in the Examination of Inventive Step	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 4 6. Points to be Noted in the Examination of Inventive Step
		The specification does not recite whether the newly added features in the claim are related to solving the technical problem. These new features are either conventional components implied by the subject of the claim itself or can be obtained by those skilled in the art based on their ordinary technical knowledge and routine experimental means. The applicant also does not prove that these technical features can bring out any further technical effect. Therefore, the above technical features do not contribute to solving the technical problem and the claimed technical solution does not have an inventive step. .....
Notes	① The amendments aim to further clarify the legal connotation and essential requirements of clauses related to inventiveness, and to promote the improvement of patent application and examination quality. ② The amendments include: firstly, clarifying that (technical) features in a claim that do not contribute to solving technical problems generally do not affect the inventiveness of the claimed invention, and explaining this principle through an example; secondly, making adaptive adjustments to the wording. ③ The amendments are merely a further clarification and reminder of issues that should be noted in the drafting of application documents and inventiveness examination, without changing the method and approach of inventiveness evaluation. Inventiveness is a legal requirement for the level of innovations. The amendments aim to emphasize that when evaluating inventiveness, one should accurately grasp the essence of the invention from the perspective of a person skilled in the art based on a comprehensive consideration of the technical solution defined by each claim, ensuring that the granted claims match the true contribution of the invention to existing technology.	

8 Title: Drafting characteristics vs. Field

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs
	6. Related Provisions on Examination of Invention Applications ~~Containing Algorithm Features or Commercial Rules and Method Features~~	6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc. .....
Notes	The current title of this section is named from a perspective of drafting characteristics of application documents. The title is amended to "Invention Applications Involving Artificial Intelligence etc." to clarify the field regulated by this section.	

9 Examined portions of AI Applications: Claims + Description

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs
	6.1 Examination Criteria The examination shall focus on the solution for which protection is sought, that is, the solution defined by each claim. During the examination, technical features should not be simply separated from algorithm features or commercial rules and method features. Instead, all content recited in the claim shall be considered as a whole, and the technical means involved, the technical problem solved, and the technical effect obtained shall be analyzed. ……	6.1 Examination Criteria The examination shall focus on the solution for which protection is sought, that is, the solution defined by each claim. The examination shall be also conducted on the content of the description when necessary. During the examination, technical features should not be simply separated from algorithm features or commercial rules and method features. Instead, all content recited in the claim shall be considered as a whole, and the technical means involved, the technical problem solved, and the technical effect obtained shall be analyzed. ……
Notes	The application documents shall be examined according to Article 5 of the Patent Law. This amendment has added examination criteria and examples related to Article 5 of the Patent Law, hence adding the statement "*the examination shall be also conducted on the content of the description when necessary*".	

10 Examination involving AI etc. that violates A5.1

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.1 Examination Criteria	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.1 Examination Criteria
	~~6.1.1~~ Examination according to Article 25.1.2 of the Patent Law ……	6.1.1 Examination according to Article 5.1 of the Patent Law For invention patent applications containing algorithm features or commercial rules and method features, if they include content that violates laws, social morality, or harms public interest, such as data collection, label management, rule setting, recommendation decisions that violate laws, fairness and justice, or contain discriminatory bias and the like, they cannot be granted patent rights according to Article 5.1 of the Patent Law. 6.1.2 Examination according to Article 25.1.2 of the Patent Law ……
Notes	If the application documents recite content such as data collection, label management, rule setting, recommendation decisions that violate laws, social morality, or harm public interest, the applications will not be granted patent rights according to Article 5.1 of the Patent Law.	

10 Examination involving AI etc. that violates A5.1

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
	6.2 Examples of Examination Examples of examination of invention applications containing algorithm features or commercial rules and method features based on the above examination criteria.	6.2 Examples of Examination Examples of examination of invention applications containing algorithm features or commercial rules and method features based on the above examination criteria. (1) Invention patent applications containing algorithm features or commercial rules and method features that violate laws, social morality, or harm public interests cannot be granted patent rights. [Example 1] A Big Data-based Mattress Sale Assistance System in a Shopping Mall **Summary of the Application** The solution of the invention application is a big data-based mattress sale assistance system in a shopping mall, which collects facial feature information of customers and identifies identities of the customers without their knowledge through a camera module and a face recognition module, analyzes the collected information, and helps merchants with precise marketing. **Claimed Invention** A big data-based mattress sale assistance system in a shopping mall, including mattress display devices and a management center, characterized in that: each of the mattress display devices includes a control module and an information collection module, and is configured for displaying and assisting in sale of a mattress product and collecting customer data;

10 Examination involving AI etc. that violates A5.1

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
		the control module is configured for data interaction with the management center; the information collection module includes a camera module and a face recognition module, which are used to collect facial feature information of a customer without his/her knowledge, adjust a facial posture using a key point detection algorithm to obtain an normalized facial image, locate a face area to be recognized through a facial detection algorithm, and extract facial features within the face area using principal component analysis to obtain identity information of the customer; the management center includes a management server and an analysis assistance system; the management server manages multiple mattress display devices; the analysis assistance system analyzes customer preferences based on the customer's identity information using data collected by the mattress display devices and feeds back the analysis result to the management center. **Analysis and Conclusion** Relevant provisions of *Personal Information Protection Law of the People's Republic of China* stipulate that image collection and personal identity recognition devices can be installed in public places only when necessary for maintaining public safety.

10 Examination involving AI etc. that violates A5.1

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
		Further, it is required to comply with national regulations and set up prominent warning signs. The collected personal images and recognized identity information can only be used for the purpose of maintaining public safety and cannot be used for other purposes except with the individual's separate consent. This invention applies image capture and face recognition methods for precise marketing of mattresses in a commercial place like a shopping mall, which clearly does not belong to the case in which it is necessary for maintaining public safety. Moreover, collecting customers' facial information and obtaining their identity information are done without the customers' knowledge and without obtaining their personal consent. Therefore, this invention violates the law and cannot be granted a patent right according to Article 5.1 of the Patent Law.
Notes	An example of "A Big-Data based Shopping Mall Mattress Sale Assistance System" has been added. This example is used to illustrate that the processes of data collection and processing must comply with relevant legal regulations, especially for personal information related to identified or identifiable natural persons. The collection and identification can be used only when it is necessary for maintaining public safety or should obtain the individual's separate consent. Otherwise, it violates the relevant provisions of the Personal Information Protection Law of the People's Republic of China.	

10 Examples of Examination involving AI etc. violating A5.1

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
		[Example 2] A Method for Establishing an Emergency Decision-Making Model for an Unmanned Vehicle **Summary of the Application** The solution of the application is a method for establishing an emergency decision-making model for an unmanned vehicle. The genders and ages of pedestrians are used as obstacle data to determine the protected and impacted objects in situations where obstacles cannot be avoided, through a trained decision-making model. **Claimed Invention** A method for establishing an emergency decision-making model for an unmanned vehicle, characterized by including: obtaining historical environmental data and historical obstacle data of the unmanned vehicle, wherein the historical environmental data includes a driving speed of the vehicle, distances to obstacles in a current lane, distances to obstacles in adjacent lanes, movement speeds and directions of the obstacles in the current lane, and movement speeds and directions of the obstacles in adjacent lanes; the historical obstacle data includes genders and ages of pedestrians; performing feature extraction on the historical environmental data and the historical obstacle data as input data for the decision-making model, and taking historical driving trajectory of the vehicle when obstacles cannot be avoided, as output data of the decision model;

10 Examples of Examination involving AI etc. violating A5.1

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
		the decision model is trained based on historical data; the decision model is a deep learning model; obtaining real-time environmental data and real-time obstacle data; using the trained decision model to determine the driving trajectory of the unmanned vehicle. **Analysis and Conclusion** This invention relates to a method for establishing an emergency decision-making model for an unmanned vehicle. Each human life has an equal value and dignity, regardless of age or gender. If the emergency decision-making model of an unmanned vehicle selects protected and impacted individuals based on the genders and ages of pedestrians in unavoidable accidents, it contradicts the ethical and moral concept of equality for all lives. Moreover, this decision-making approach reinforces existing gender and age biases in society, raises public concerns about the safety of public travel, and undermines public trust in technology and social order. Therefore, this invention contains content that violates public morality and cannot be granted a patent right according to Article 5.1 of the Patent Law.

10 Examples of Examination involving AI etc. violating A5.1

Notes	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
	An example of "A Method for Establishing an Emergency Decision-Making Model for an Unmanned Vehicle" has been added. This example is used to illustrate that if the implementation of technology such as artificial intelligence violates ethical and moral concepts, it belongs to an invention-creation that violates social morality as regulated by Article 5.1 of the Patent Law and cannot be granted a patent right.	

12 Example 18 of Examination on the inventiveness of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
		... [Example 18] A Method for Identifying the Number of Ships **Summary of the Application** The application proposes a method for identifying the number of ships. It acquires ship image data and uses deep learning to train a detection data model, addressing the technical problem of accurately identifying the number of ships in a current sea area. **Claimed Invention** A method for identifying the number of ships, characterized by including: acquiring a dataset of ship images and preprocessing image information in the dataset to mark position and boundary information of the ships in the images, and dividing the dataset into a training dataset and a testing dataset; using the training dataset for deep learning to construct a training model; inputting test data into the training model to obtain ship test result data; multiplying the ship test result data by a preset error parameter to determine the actual number of the ships.

12 Example 18 of Examination on the inventiveness of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
		Analysis and Conclusion D1 discloses a method for identifying the number of fruits on a tree, and specifically discloses the steps of obtaining information of an image, marking positions and boundaries of fruits on the image, dividing a dataset, performing model training, and determining the actual number of fruits. The difference between the solution of the invention application and D1 lies only in the different identified objects. Although ships and fruits differ in appearance, volume, and environment, for those skilled in the art, the steps required to identify the actual number (such as information marking, dataset division, and model training) are all aimed at the positional relationship of objects to be identified in images. The claimed solution do not reflect any change made to the training method or model hierarchy due to different identified objects during deep learning and model training processes. Marking data on ships in images and marking data on fruits in images to obtain datasets for training and conducting model training do not involve adjustments or improvements to deep learning, model construction, or training processes. Therefore, the claimed technical solution lacks inventiveness.

12 Example 18 of Examination on the inventiveness of AI etc.

	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
Notes	An example of "a method for identifying the number of ships" is added. This example uses a conventional deep learning method for model training to identify the number of ships. The claimed solution do not reflect any change made to the training method or model hierarchy due to different identified objects during deep learning and model training processes. On the basis of D1 which discloses a method for identifying the number of fruits including marking the data of fruits in the images, the operation of marking the data of ships in the images to obtain a dataset for training and conducting model training does not require overcoming technical difficulties and cannot make the claimed method inventive.	

12 Example 19 of Examination on the inventiveness of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
		…… [Example 19] A Method for Establishing a Neural Network Model for Scrap Steel Grade Classification **Summary of the Application** During storage, scrap steel needs to be classified according to the average size of the steel material. However, due to its chaotic and stacked storage, manual measurement and grade determination are inefficient and the accuracy of classification is low. The invention application proposes a method for establishing a neural network model for scrap steel grade classification. By using a convolutional neural network for learning to form a neural network model with grade classification outputs, which can improve the efficiency and accuracy of scrap steel grade classification. **Claimed Invention** A method for establishing a neural network model for scrap steel grade classification, wherein the model is used for performing grade classification on stored scrap steel, and the method includes: obtaining multiple images, determining different scrap steel grades from the multiple images, preprocessing the images, extracting image data features of different grades, and inputting the extracted image data features of different grades into a convolutional neural network for learning to form a neural network model with grade classification outputs;

12 Example 19 of Examination on the inventiveness of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
		the extraction of image data features involves extraction of a set obtained by performing convolution calculations using the convolutional neural network on pixel matrix data of the image; and comprises: extracting color, edge, and texture features of objects in the image through multiple convolution layers or through convolution layers combined with pooling layers, as well as extracting associative features between edges and textures of the objects in the image; wherein the extraction of the color and edge features of the objects in the image is composed of outputs from three lines of convolution layers combined with pooling layers; the three lines include a first line with one pooling layer, a second line with two convolution layers, and a third line with four convolution layers, arranged from left to right; the extraction of texture features in the image involves the extraction of outputs from the extraction of the color and edge features of the objects in the image, these outputs are composed of a set of outputs from three lines of convolution layers, which includes a first line with zero convolution layer, a second line with two convolution layers, and a third line with three convolution layers, arranged from left to right; the number of lines for convolution layer calculations in extracting the associative features between the edges and the textures is greater than the number of lines for convolution layer calculations in extracting the color, edge, and texture features of the objects in the image.

12 Example 19 of Examination on the inventiveness of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.
		Analysis and Conclusion D1 addresses the problem of how to accurately identify whether scrap steel belongs to billet, stamping scrap, bread iron, or other types due to complex sources, diverse types, and material differences in recycled resources, to improve the recycling rate of resources. D1 provides a method for identifying a scrap steel type based on a convolutional neural network model and specifically discloses relevant steps of obtaining image data of multiple already determined scrap steel types, preprocessing the image data for feature extraction, and using a convolutional neural network for training to obtain a product model. The difference between the claimed solution and D1 lies in the different training data and extracted features, as well as the number of lines and hierarchical settings of convolutional layers and pooling layers. Compared to D1, the actual technical problem solved by the invention is how to improve the accuracy of scrap steel grade classification. D1 uses image data of already determined scrap steel types for feature extraction and model training. The claimed invention requires identifying the shape and thickness of scrap steel in chaotic and overlapping scrap steel images to classify grades based on the average size of scrap steel.

12 Example 19 of Examination on the inventiveness of AI etc.

Amendments	**"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Containing Algorithm Features or Commercial Rules and Method Features**	**"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6. Related Provisions on Examination of Invention Applications Involving Artificial Intelligence etc.**
		To extract features such as color, edges, and textures of the scrap steel in the images, during the model training process, adjustments were made to the number of lines and hierarchical settings of convolutional layers and pooling layers. These algorithm features and technical features functionally support and interact with each other, enhancing the accuracy of scrap steel grade classification. The contributions of these algorithm features to the claimed solution should be considered. The adjustments to the number of lines and hierarchical settings of convolutional layers and pooling layers are not disclosed in the prior art, nor are they common knowledge in the art. The prior art as a whole does not teach to modify D1 to arrive at the claimed solution, and thus the claimed solution is inventive.
Notes	An example of "A Method for Establishing a Neural Network Model for Scrap Steel Grade Classification“ is added. The technical problem to be solved and the technical solution adopted in this example differ from those in D1. To identify the shape and thickness of scrap steel, it is necessary to extract features such as color, edges, and textures. Due to differences in extracted and trained features, adjustments and improvements were made to the number of lines and hierarchical settings of convolutional layers and pooling layers. These algorithm features and technical features functionally support and interact with each other, and the contributions of these algorithm features to the technical solution should be considered.	

13 Requirements for sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
	6.3.1 Drafting of the Specification The specification for an invention patent application containing algorithm features or commercial rules and method features should clearly and completely describe the solution adopted by the invention to solve its technical problem. In addition to technical features, the solution may further include algorithm features or commercial rules and method features that functionally support and interact with the technical features. ……	6.3.1 Drafting of the Specification The specification for an invention patent application containing algorithm features or commercial rules and method features should clearly and completely describe the solution adopted by the invention to solve its technical problem. In addition to technical features, the solution may further include algorithm features or commercial rules and method features that functionally support and interact with the technical features. If construction or training of an artificial intelligence model is involved, it is generally necessary to clearly recite in the specification the essential modules, levels, or connection relationships of the model, as well as the specific steps and parameters required for training. If it involves applying an artificial intelligence model or algorithm in a specific field or scenario, it is generally necessary to clearly recite in the specification how the model or algorithm integrates with the specific field or scenario, how the input and output data of the algorithm or model are set to indicate their intrinsic relationship, etc., so that those skilled in the art can implement the solution of the invention according to the content recited in the specification. ……
Notes	Due to the potential "black box" issue with artificial intelligence algorithms or models, the specification needs to recite sufficient information to achieve the purpose of sufficient disclosure. This amendment further clarifies specific drafting requirements for specifications in Section 6.3.1 for two common situations of invention patent applications related to artificial intelligence, promoting an improvement in application quality.	

14 Example 20 of Examination on sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
	6.3.2 Drafting of Claims ……	6.3.2 Drafting of Claims …… 6.3.3 Examples of Examination [Example 20] A Method for Generating Facial Features **Summary of the Application** The application achieves information sharing among various second convolutional neural networks by using a set of feature region images generated by a first convolutional neural network equipped with a spatial transformation network. This approach reduces memory resource usage while improving the accuracy of face image generation results. **Claimed Invention** A method for generating facial features, comprising: obtaining a face image to be recognized; inputting the face image to be recognized into a first convolutional neural network to generate a set of feature region images of the face image to be recognized, wherein the first convolutional neural network is used to extract the feature region images from the face image; inputting each feature region image from the set of feature region images into a corresponding second convolutional neural network to generate regional facial features of the feature region image;

14 Example 20 of Examination on sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
		wherein the second convolutional neural network is used to extract regional facial features from the corresponding feature region image; generating a set of facial features for the face image to be recognized based on the regional facial features of each feature region image in the set of feature region images; wherein the first convolutional neural network also includes a spatial transformation network to determine the feature region of the face image; and inputting the face image to be recognized into the first convolutional neural network to generate the set of feature region images for the face image to be recognized, includes: inputting the face image to be recognized into the spatial transformation network to determine the feature region of the face image to be recognized; inputting the face image to be recognized into the first convolutional neural network, and generating the set of feature area images for the face image to be recognized based on the determined feature region. **Relevant paragraphs in the specification** The method for generating facial features provided in the embodiments of this application first inputs the acquired face image to be recognized into the first convolutional neural network, which can generate a set of feature region images for the face image to be recognized. The first convolutional neural network can be used to extract feature region images from the face image.

14 Example 20 of Examination on sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
		Then, each feature region image in the set of feature region images can be input into the corresponding second convolutional neural network to generate regional facial features of the feature region image. The second convolutional neural network can be used to extract the regional facial features from the corresponding feature region image. Subsequently, a set of facial features for the face image to be recognized can be generated based on the regional facial features of each feature region image in the set of feature region images. In other words, the set of feature region images generated by the first convolutional neural network allows for information sharing among multiple second convolutional neural networks. This can reduce data volume, thereby decreasing memory resource usage, and further helps improve generation efficiency. To improve the accuracy of the generated results, a spatial transformation network can also be provided in the first convolutional neural network to determine the feature regions of the face image. In this case, the electronic device can input the face image to be recognized into the spatial transformation network to determine the feature regions of the face image to be recognized. In this way, the first convolutional neural network can extract images on the feature layer that match the feature regions determined by the spatial transformation network from the input face image to be recognized, to generate a set of feature region images for the face image to be recognized.

14 Example 20 of Examination on sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
		The specific position of the spatial transformation network within the first convolutional neural network is not defined in this application. The spatial transformation network can determine feature regions of different features of different facial images through continuous learning. **Analysis and Conclusion** The application claims a method for generating facial features. To improve the accuracy of facial image generation results, a spatial transformation network can be set within the first convolutional neural network to determine the feature regions of facial images. However, the specification does not recite the specific position of the spatial transformation network within the first convolutional neural network. Those skilled in the art know that the spatial transformation network, as a whole, can be inserted at any position within the first convolutional neural network, forming a nested structure of convolutional neural networks. For example, this spatial transformation network can be a first layer or an intermediate layer of the first convolutional neural network. This position does not affect its ability to recognize feature regions of images. Through training, the spatial transformation network can determine the feature regions where different features of different facial images are located. Thus, the spatial transformation network can not only guide the first convolutional neural network to perform feature region segmentation but also can perform simple spatial transformations on input data to improve the processing effectiveness of the first convolutional neural network.

14 Example 20 of Examination on sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
		Thus, the hierarchy of the model used in this application is clear, and the input/output and hierarchy relationships are clear. The convolutional neural network and spatial transformation network are well-known algorithms, and those skilled in the art can construct the corresponding model architecture based on the above descriptions. Therefore, the claimed solution in this application has been sufficiently disclosed in the specification, complying with Article 26.3 of the Patent Law.
Notes	Example "A method for generating facial features" aims to solve the technical problem of improving the accuracy of facial image generation results by setting a spatial transformation network in a first convolutional neural network to determine feature regions of a face image. The specification does not recite the specific position of the spatial transformation network within the first convolutional neural network. In this example, those skilled in the art know that the spatial transformation network, as a whole, can be inserted at any position in the model without affecting its ability to recognize image feature regions, thus solving the aforementioned technical problem. Therefore, the claimed solution in this application has been sufficiently disclosed in the specification.	

14 Example 21 of Examination on sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
		[Example 21] A Method for Predicting Cancer based on Biological Information **Summary of the Application** This application provides a method for predicting cancer based on biological information. By using a trained enhanced malignant tumor screening model, it takes routine blood test indicators, blood biochemical test indicators, and facial image features as inputs to the screening model to obtain a predicted malignant tumor occurrence value, thereby addressing the technical problem of improving the accuracy of malignant tumor prediction. **Claimed Invention** A method for predicting cancer based on biological information, characterized by including: obtaining a routine blood test report and a blood biochemical test report of a person to be screened, to identify test indicators, an age, and a gender in the routine blood test report and the blood biochemical test report; obtaining a frontal, makeup-free facial image of the person to be screened, and extracting facial image features; predicting the malignant tumor occurrence value for the person to be screened based on the enhanced malignant tumor screening model; wherein, the enhanced malignant tumor screening model is trained by:

14 Example 21 of Examination on sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
		building a large set of samples from a population, wherein the samples includes routine blood test indicators, blood biochemical test indicators, and facial images of each individual; establishing learning samples by using the routine blood test indicators, the blood biochemical test indicators, and the facial images; training a machine learning algorithm model using the learning samples to obtain an enhanced malignant tumor screening model. **Relevant Paragraphs in the Specification** Currently, when using tumor markers to identify malignant tumors, the standard for tumor markers cannot determine the presence of malignant tumors when the standard is above a threshold and cannot exclude the presence of malignant tumors when the standard is below the threshold. Predicting cancer based on tumor markers is not highly accurate. This application uses routine blood test indicators, blood biochemical test indicators, and facial images to improve the accuracy of identifying various malignant tumors. This application, while utilizing blood test data with further references to the health status reflected in facial images of the person to be screened, allows for a more accurate prediction of the probability of malignant tumor occurrence. The selection of calculation features for the enhanced malignant tumor screening model can utilize either partial or all indicators from routine blood data and blood biochemical data. **Analysis and Conclusion** The technical problem to be solved by the claimed solution is how to improve the accuracy of malignant tumor prediction.

14 Example 21 of Examination on sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
		To address the aforementioned technical problem, this solution utilizes a trained enhanced malignant tumor screening model, using routine blood test indicators, blood biochemical test indicators, and facial image features as inputs to the screening model, to obtain a predicted malignant tumor occurrence value. However, the routine blood test and the blood biochemical test each include dozens of test indicators. The specification does not specify which indicators are key indicators to the accuracy of tumor prediction or whether all indicators are used with different weights assigned for prediction. Those skilled in the art cannot determine which indicators can be used to determine malignant tumors. Additionally, based on current scientific research, it is still uncertain whether there is a correlation between facial features and the occurrence of malignant tumors, except for a few types of tumors like facial skin cancer. The specification also does not recite or prove the causal relationship between the determination factors and the determination results. Furthermore, the specification does not provide any verifiable data to prove that using this solution to identify various malignant tumors has a higher accuracy than using tumor markers or is significantly higher than the accuracy of randomly determining the probability of malignant tumor occurrence. Those skilled in the art cannot determine from the content disclosed in the specification whether the solution proposed in this application can solve the technical problem it aims to address.

14 Example 21 of Examination on sufficient disclosure of AI etc.

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 6.3 Drafting of the Specification and Claims	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 6.3 Drafting of the Specification and Claims
		Therefore, the claimed solution is not sufficiently disclosed in the specification, which does not comply with the provisions of Article 26.3 of the Patent Law.
Notes	Example "A Method for Predicting Cancer Based on Biological Information" aims to solve the technical problem of improving the accuracy of malignant tumor prediction by using a trained enhanced malignant tumor screening model. It takes routine blood test indicators, blood biochemical test indicators, and facial image features as inputs to the screening model to obtain a predicted malignant tumor occurrence value. However, the specification does not specify which indicators are related to tumors, and those skilled in the art cannot determine which indicators can be used to determine malignant tumors. It is also uncertain whether there is a correlation between facial features and the occurrence of malignant tumors. Therefore, the claimed solution cannot solve the stated technical problem, and the specification does not meet sufficient disclosure requirements.	

15 Bitstream: subject matter

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs
		7. Related Provisions on Examination of Invention Applications Containing Bitstreams In application fields such as streaming media, communication systems, and computer systems, various types of data are generally generated, stored, and transmitted etc. in the form of bitstreams. This section aims to provide specific provisions on the examination of the subject matter of invention applications containing bitstreams, as well as the drafting of specifications and claims, in accordance with the Patent Law and its implementing regulations. **7.1 Examination of subject matter that may be granted** **7.1.1 Applications that cannot be granted** If the subject matter of a claim merely involves a bitstream, this claim belongs to rules and methods of mental activities stipulated in Article 25.1.2 of the Patent Law and cannot be granted. If the entire content of a claim except its subject matter only involves a bitstream, this claim belongs to rules and methods of mental activities stipulated by Article 25.1.2 of the Patent Law and cannot be granted.

15 Bitstream: Sufficient disclosure + Support

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs
		7.1.2 Applications that may be granted In the technical field of digital video encoding/decoding, if a specific video encoding/decoding method that generates a bitstream belongs to a technical solution stipulated by Article 2.2 of the Patent Law, then the method of storing or transmitting the bitstream defined by this specific video encoding/decoding method and the computer-readable storage medium storing the bitstream enables optimized configuration of storage or transmission resources. Therefore, the storage or transmission method and the computer-readable storage medium defined by the specific video encoding/decoding method belong to technical solutions stipulated by Article 2.2 of the Patent Law and are subject matter that may be granted. **7.2 Drafting of the Specification** The specification for an invention application containing a bitstream generated by a specific video encoding/decoding method shall provide a clear and complete description of the specific video encoding/decoding method, enables a person skilled in the art to implement. If the claimed subject matter involves a method for storing or transmitting the bitstream and a computer-readable storage medium that stores the bitstream, the specification shall also provide corresponding descriptions to support the claims. **7.3 Drafting of the Claims** An invention application containing a bitstream generated by a specific video encoding/decoding method can be drafted as method, device, and computer-readable storage medium claims.

15 Bitstream: Examples of Claim Drafting

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs
		In the claims of an invention application, it is generally advisable to take the method claim (a video encoding/decoding method that generates the bitstream) as a basis, and draft corresponding storage method, transmission method, and/or computer-readable storage medium claims by depending on the specific video encoding/decoding method claim or including all features of the specific video encoding/decoding method. [Example 1] An invention application related to "a video encoding method" can have claims drafted as follows. 1. A video encoding method, characterized by comprising: obtaining a current frame image to be encoded and dividing the current frame image into multiple image blocks; selecting at least one reference frame from encoded frames; for each image block, searching for a block in the reference frame which best matches with the image block and calculating a motion vector between the image block and the block that best matches with the image block; obtaining a prediction block from the reference frame based on the motion vector; calculating a residual between the image block and the prediction block; transforming and quantizing the residual to generate quantized coefficients; performing entropy encoding on the quantized coefficients and the motion vector to generate a bitstream.

15 Bitstream: Examples of Claim Drafting

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs
		2. A video encoding device, characterized by comprising: a frame image division unit, which is configured to acquire a current frame image to be encoded and divide the current frame image into multiple image blocks; a reference frame selection unit, which is configured to select at least one reference frame from encoded frames; a motion vector calculation unit, which is configured to search for a block in the reference frame which best matches with the image block and calculate a motion vector between the image block and the block that best matches with the image block; a prediction block acquisition unit, which is configured to acquire a prediction block from the reference frame based on the motion vector; a residual calculation unit, which is configured to calculate the residual between the image block and the prediction block; a transformation and quantization unit, which is configured to perform transformation and quantization processing on the residual to generate quantized coefficients; an entropy encoding unit, which is configured to perform entropy encoding on the quantized coefficients and the motion vector to generate a bitstream. 3. A method of storing a bitstream, comprising storing the bitstream in a storage medium, characterized in that the bitstream is generated by the method of claim 1.

15 Bitstream: Examples of Claim Drafting

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 9 Some Provisions on Examination of Invention Applications Relating to Computer Programs
		4. A method of transmitting a bitstream, comprising transmitting the bitstream, characterized in that the bitstream is generated by the method of claim 1. 5. A computer-readable storage medium storing a bitstream thereon, characterized in that the bitstream is generated by the method of claim 1.
Notes	Section 7.1.1 stipulates that if the subject matter of a claim merely involves a bitstream, this claim belongs to unpatentable subject matter. If the entire content of a claim except its subject matter only involves a bitstream, this claim belongs to unpatentable subject matter. Section 7.1.2 stipulates that in the technical field of digital video encoding/decoding, if a specific video encoding/decoding method for generating a bitstream constitutes a technical solution in the sense of the Patent Law, then the method of storing or transmitting the bitstream defined by this specific video encoding/decoding method and the computer-readable storage medium storing the bitstream are patentable subject matter. Section 7.2 clarifies that the specification shall sufficiently disclose the specific video encoding/decoding method for generating the bitstream. If the claimed subject matter involves a method for storing or transmitting the bitstream and a computer-readable storage medium that stores the bitstream, the specification shall also provide corresponding descriptions to support the claims. Section 7.3 clarifies that invention applications containing bitstreams generated by the specific video encoding/decoding method can be drafted as method, device, and computer-readable storage medium claims. It aims to standardize that in an invention application, claims shall generally be based on the specific video encoding/decoding method claim for generating the bitstream, and draft corresponding storage method, transmission method, and/or computer-readable storage medium claims by depending on this method claim or including all features of this method. Specific drafting examples are also provided. This provides patentees with an option to seek for patent protection in one aspect of an industry without allowing them to seek for patent protection in multiple aspects of the industry and obtain disproportionate licensing revenue relative to their technological contribution.	

16 Definition of Plant

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 10 Some Provisions on Examination of Invention Applications in the Field of Chemistry	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 10 Some Provisions on Examination of Invention Applications in the Field of Chemistry
	9. Examination of Invention Applications in the Field of Biotechnology In this section, the term "biological material" means any material containing genetic information and capable of reproducing itself or being reproduced in a biological system, such as gene, plasmid, microorganism, animal, plant, and so on. For the definition of the term "animal" ~~and "plant"~~, the provisions of Chapter 1, Section 4.4 of this Part shall apply. The animal and plant therein may be a taxon of any rank of animal and plant, such as kingdom, phylum, classis, order, family, genus, species, and so on.	9. Examination of Invention Patent Applications in the Field of Biotechnology In this section, the term "biological material" means any material containing genetic information and capable of reproducing itself or being reproduced in a biological system, such as gene, plasmid, microorganism, animal, plant, and so on. For the definition of the term "animal", the provisions of Chapter 1, Section 4.4 of this Part shall apply. The term "plant" refers to the life form that maintains its life by synthesizing carbohydrate and protein from inorganics, such as water, carbon dioxide, and inorganic salt through photosynthesis, and usually is immovable. The animal and plant therein may be a taxon of any rank of animal and plant, such as kingdom, phylum, classis, order, family, genus, species, and so on.
Notes	Clarify the definition of plant to explain the plant within the "biological material" mentioned here.	

17 Plants and Related Subject Matter

Amendments	"Guidelines for Patent Examination" (2024): Part II, Chapter 10 9. Examination of Invention Applications in the Field of Biotechnology 9.1 Examination of the claimed subject matters 9.1.2 Examination of the claimed subject matters According to Article 25 of the Patent Law	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 10 9. Examination of Invention Applications in the Field of Biotechnology 9.1 Examination of the claimed subject matters 9.1.2 Examination of the claimed subject matters According to Article 25 of the Patent Law
	…… A somatic cell of an animal as well as a tissue and an organ of an animal (except an embryo) are not in conformity with the definition of "animal" said in Chapter 1, Section 4.4 of this Part, so they do not belong to the subject matters excluded according to the provisions of Article 25. l(4). ~~A single plant and its reproductive material (such as seed, etc.), which maintains its life by synthesizing carbohydrate and protein from the inorganic substances, such as water, carbon dioxide and mineral salt and so on through photosynthesis, belong to the category of~~ the "plant variety" said in Chapter 1, Section 4.4 of this Part~~, and they are unpatentable in accordance with the provisions of Article 25. l(4).~~ If ~~a cell, a tissue and an organ of~~ a plant do not possess the above-mentioned ~~characteristics~~, they cannot be regarded as "plant varieties", therefore, they do not belong to the subject matters excluded according to the provisions of Article 25. l(4). ……	…… A somatic cell of an animal as well as a tissue and an organ of an animal (except an embryo) are not in conformity with the definition of "animal" said in Chapter 1, Section 4.4 of this Part, so they do not belong to the subject matters excluded according to the provisions of Article 25. l(4). Wild plants found in nature that have not been technically processed belong to scientific discoveries as stipulated by Article 25.1.1 of the Patent Law and cannot be granted. However, when wild plants are artificially bred or improved and have industrial value, these plants themselves do not fall under the category of scientific discoveries. The specificity, uniformity, and stability of "plant variety" said in Chapter 1, Section 4.4 of this Part refer to a plant group that is distinctly different from other plant groups, maintains consistent morphological characteristics and biological traits after reproduction, and has stable genetic traits.

17 Plants and Related Subject Matter

Amendments	**"Guidelines for Patent Examination" (2024): Part II, Chapter 10 9. Examination of Invention Applications in the Field of Biotechnology 9.1 Examination of the claimed subject matters 9.1.2 Examination of the claimed subject matters According to Article 25 of the Patent Law**	**"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 10 9. Examination of Invention Applications in the Field of Biotechnology 9.1 Examination of the claimed subject matters 9.1.2 Examination of the claimed subject matters According to Article 25 of the Patent Law**
		If a plant and its reproductive material obtained through artificial breeding or improvement of discovered wild plants do not have specificity, uniformity, and stability mentioned above, they cannot be considered as "plant varieties" and therefore do not fall under Article 25.1.4 of the Patent Law.
Notes	First, add judgment principles on whether a plant belongs to a scientific discovery. Second, adaptively delete statements related to a single plant and its reproductive material being considered as plant varieties, further adding judgment principles for the specificity, uniformity, and stability of plant varieties, which comply with the relevant provisions of the "Regulations on the Protection of New Varieties of Plants of the People's Republic of China"; Third, clarify that "a plant and its reproductive material obtained through artificial breeding or improvement of discovered wild plants" do not belong to plant varieties in the sense of the Patent Law if they lack the specificity, uniformity, and stability, emphasizing that the breeding intermediate materials that reflect creative achievements are the patentable subject matter. Fourth, adaptively adjust the statements regarding transgenic plants being considered as plant varieties in Section 9.1.2.4 "Transgenic Animals and Plants" of Part II, Chapter 10, clarifying that if they themselves fall within the category of plant varieties, they are not patentable subject matters.	

18 Subject Matter: Transgenic Organisms

Amendments	“Guidelines for Patent Examination” (2024): Part II, Chapter 10 9. Examination of Invention Applications in the Field of Biotechnology 9.1 Examination of the claimed subject matters 9.1.2 Examination of the claimed subject matters According to Article 25 of the Patent Law	"Guidelines for Patent Examination" (Draft for Comments): Part II, Chapter 10 9. Examination of Invention Applications in the Field of Biotechnology 9.1 Examination of the claimed subject matters 9.1.2 Examination of the claimed subject matters According to Article 25 of the Patent Law
	9.1.2.4 Transgenic Animals and Plants Transgenic animal or plant is those obtained by biological method, such as DNA recombination technology of the genetic engineering. The animal or plant per se still belongs to the category of the "animal variety" or "plant variety" defined in Chapter 1, Section 4.4 of this Part. In accordance with the provisions of Article 25.1(4), no patent right shall be granted to them.	9.1.2.4 Transgenic Animals and Plants Transgenic animal or plant is those obtained by biological method, such as DNA recombination technology of the genetic engineering. If the animal or plant per se still belongs to the category of the “animal variety” or “plant variety” defined in Chapter 1, Section 4.4 of this Part, in accordance with the provisions of Article 25.1(4), no patent right shall be granted to them.
Notes	Adaptive adjustment to the expression concerning transgenic plants belonging to plant varieties in Part II, Chapter 10, Section 9.1.2.4, "Transgenic Animals and Plants", clarifying that if they themselves belong to the category of plant varieties, they are not patentable subject matter.	

19 PCT Priority Examination: the assignor is all applicants

Amendments	"Guidelines for Patent Examination" (2024): Part III, Chapter 1 5. Examination of Other Documents 5.2 Claiming Priority 5.2.3 Examination of a Copy of Earlier Application	"Guidelines for Patent Examination" (Draft for Comments): Part III, Chapter 1 5. Examination of Other Documents 5.2 Claiming Priority 5.2.3 Examination of a Copy of Earlier Application
	5.2.3.2 Submission of Certification of Enjoying Right of Priority …… For cases under item (3), except that the applicant has made a declaration of enjoying the right of priority in the international phase, the applicant shall submit the relevant certifying documents. The certifying documents shall be signed or sealed by the ~~assignor~~. The certifying documents shall be the original documents or the certified copy of the original documents.	5.2.3.2 Submission of Certification of Enjoying Right of Priority …… For cases under item (3), except that the applicant has made a declaration of enjoying the right of priority in the international phase, the applicant shall submit the relevant certifying documents. The certifying documents shall be signed or sealed by all applicants of the earlier application. The certifying documents shall be the original documents or the certified copy of the original documents.
Notes	The current "Guidelines" stipulate that "The certifying documents shall be signed or sealed by the assignor," which may lead to different interpretations by applicants regarding whether the assignor is all applicants of the earlier application. This section changes "assignor" to "all applicants of the earlier application" to align with the wording in Section 6.2.2.4 of Part I, Chapter 1 and Section 5.2.6 of Part III, Chapter 1 of the "Guidelines."	

20 Electronic sequence listings not considered in page count

Amendments	"Guidelines for Patent Examination" (2024): Part III, Chapter 1 7. Special Provisions for Payment of Fees	"Guidelines for Patent Examination" (Draft for Comments): Part III, Chapter 1 7. Special Provisions for Payment of Fees
	7.3 Other Special Fees During the proceedings of the national phase for an international application, in addition to the fees indicated in Chapter 2, Section 1 of Part V of the Guidelines and the surcharge for the late entry indicated in Section 7.1 of this Chapter, there are some kinds of special fees as the following: (1) fee for correction of translation, which shall be paid at the time of submitting the request for correction of translation errors; (2) restoration fee for unity, which shall be paid within the time limit prescribed in the *Notification Concerning the Payment of Restoration Fee for the Unity* issued by the examiner (see Chapter 2, Section 5.5 of this Part for details of restoration fee for unity); and ~~(3) where the description contains a nucleotide and/or amino acid sequence listing with more than 400 pages, the additional fee for the description of said nucleotide and/or amino acid sequence listing shall be charged as that of 400 pages.~~	7.3 Other Special Fees During the proceedings of the national phase for an international application, in addition to the fees indicated in Chapter 2, Section 1 of Part V of the Guidelines and the surcharge for the late entry indicated in Section 7.1 of this Chapter, there are some kinds of special fees as the following: (1) fee for correction of translation, which shall be paid at the time of submitting the request for correction of translation errors; (2) restoration fee for unity, which shall be paid within the time limit prescribed in the *Notification Concerning the Payment of Restoration Fee for the Unity* issued by the examiner (see Chapter 2, Section 5.5 of this Part for details of restoration fee for unity).
Notes	Further clarify the calculation rules for additional fees related to sequence listings. The amendments include: First, it is stipulated in Section 1 of Chapter 2, Part V that "for computer-readable sequence listings submitted in the prescribed format, these listings are not considered when counting the number of pages"; Second, provisions regarding fees for sequence listings exceeding 400 pages in Section 7.3 of Chapter 1, Part III has been deleted. It should be noted that for regular national applications submitted in paper form, the additional fee is still charged based on the number of pages in the sequence listing.	

21 Simplified Reexamination/Invalidation Examination Decision

Amendments	"Guidelines for Patent Examination" (2024): Part IV, Chapter 1 6. Examination Decision	"Guidelines for Patent Examination" (Draft for Comments): Part IV, Chapter 1 6. Examination Decision
	6.2 Composition of an Examination Decision An examination decision shall include the following ~~parts~~. …… (4) Brief of the case …… For reexamination or invalidation cases concerning invention or utility model applications or patents, the decision shall clearly note the contents of the claims to which the decision is related. ~~For reexamination decisions that withdraw rejection decisions, the brief of the case section can be simplified or omitted.~~ ……	6.2 Composition of an Examination Decision An examination decision shall include the following content, which can be simplified or omitted depending on situations. …… (4) Brief of the case …… For reexamination or invalidation cases concerning invention or utility model applications or patents, the decision shall clearly note the contents of the claims to which the decision is related. ……
Notes	The amendments clarify that the content listed in this section represents the general components rather than fixed components of an examination decision, allowing for simplification or omission based on the specifics of the case. In the specific content, the provision that allowed for simplification or omission only for reexamination decisions concerning the revocation of rejection decisions has been removed to align with the overall requirements. Through these adjustments, the focus can be more on resolving substantive disputes while ensuring the content standardization of decisions, thereby improving the quality and efficiency of the examination.	

22 Do not falsely use another person's name to file a request for invalidation

Amendments	"Guidelines for Patent Examination" (2024): Part IV, Chapter 3 3. Formal Examination of Requests for Invalidation	"Guidelines for Patent Examination" (Draft for Comments): Part IV, Chapter 3 3. Formal Examination of Requests for Invalidation
	3.2 Eligibility as a Petitioner for Invalidation Where the petitioner falls into one of the following cases, his request for invalidation shall not be accepted: (1) ... (~~2~~) ... (~~3~~) ... (~~4~~) ...	3.2 Eligibility as a Petitioner for Invalidation Where the petitioner falls into one of the following cases, his request for invalidation shall not be accepted: (1) ... (2) The submission of the request for invalidation does not reflect the true intention of the petitioner. (3) ... (4) ... (5) ...
Notes	"True intention" is a fundamental element of legal acts and the basis for their validity. In practice, there have been instances where requests for invalidation are made by falsely using other persons' names. In such cases, the requests for invalidation are not based on the true intention of the petitioners and are often accompanied by fabricated request documents, authorization files, and other related materials. Such actions violate the principle of faith, undermining the credibility of the patent invalidation system and disrupting market competition order. To regulate such behavior, an additional condition is included in the examination of the eligibility of invalidation petitioners. It specifies that if an invalidation request is not made based on the true intention of the petitioner, it will not be accepted. This condition is placed in item (2), following a sequence from a general principle to specific circumstances.	

23 "*Res Judicata*" principle applies for substantially same causes and evidence

Amendments	"Guidelines for Patent Examination" (2024): Part IV, Chapter 3 3. Formal Examination of a Requests for Invalidation	"Guidelines for Patent Examination" (Draft for Comments): Part IV, Chapter 3 3. Formal Examination of a Requests for Invalidation
	3.3 Scope, Causes and Evidence of a Request for Invalidation …… (3) A request for invalidating a patent shall not be accepted if the causes and evidence are the same as those of a previous request for invalidating the same patent that has been decided by the Reexamination and Invalidation Department, unless the causes or evidence have not been taken into account in the previous decision due to the reason of time limit, etc. ……	3.3 Scope, Causes and Evidence of a Request for Invalidation …… (3) A request for invalidating a patent shall not be accepted if the causes and evidence are the same or substantially same as those of a previous request for invalidating the same patent that has been decided by the Reexamination and Invalidation Department, unless the causes or evidence have not been taken into account in the previous decision due to the reason of time limit, etc. ……
Notes	Item (3) of this section stipulates the principle of "*Res Judicata*" in the invalidation procedure, where "the same causes and evidence" is generally understood in theory and practice as “causes and evidence that are identical or substantially identical". For example, merely making simple formal adjustments and changes to the causes or evidence for invalidation, while they remain substantially identical in legal fact, still falls under the scope of the "*Res Judicata*" principle. This amendment to the "Guidelines" clarifies this point, ensuring that petitioners have the legitimate and reasonable right to submit requests for invalidation while also preventing patentees from being subjected to unnecessary litigation interference.	

24 Amendments to Text Submission and Selection

Amendments	"Guidelines for Patent Examination" (2024): Part IV, Chapter 3 4. Collegiate Examination of Request for Invalidation	"Guidelines for Patent Examination" (Draft for Comments): Part IV, Chapter 3 4. Collegiate Examination of Request for Invalidation
	4.6 Amendment to Patent Documents in the Invalidation Procedure ……	4.6 Amendment to Patent Documents in the Invalidation Procedure …… 4.6.4 Submission of Amended Texts When amending the claims, the patentee shall submit a replacement sheet of the amended documents and an amended comparison table. If amended texts submitted for multiple times by the patentee during one invalidation request procedure comply with the provisions of Section 4.6.3 of this chapter, the amended texts last submitted will be used as the examined texts, and other amended texts will be considered abandoned.
Notes	Regarding the form of submission for amended texts, refer to Section 5.2.4.1 of Part II, Chapter 8 concerning the "submission of replacement sheet" in substantive examination procedures. It is clarified that in invalidation procedures, patentees shall submit "replacement sheets of the amended documents and amended comparison tables". If amended texts submitted for multiple times by the patentee during one invalidation request procedure comply with the provisions of Section 4.6.3 of this chapter, the "Guidelines" clarifies that the amended texts last submitted by the patentee will be used as the examined texts, and other amended texts will be considered abandoned. This amendment aims to provide both parties with a clear expectation regarding the determination of the examined texts.	

20 Electronic sequence listings not considered in page count

Amendments	"Guidelines for Patent Examination" (2024): Part V, Chapter 2 Patent-related Fees	"Guidelines for Patent Examination" (Draft for Comments): Part V, Chapter 2 Patent-related Fees
	1. Deadline for fee payment …… The additional fee for filing an application refers to the required fee when the number of pages of the description (including drawings and sequence listing) of the application documents exceeds 30 or the number of claims exceeds 10. Such fee shall be calculated in accordance with the number of pages of the description or the number of claims. ……	1. Deadline for fee payment …… The additional fee for filing an application refers to the required fee when the number of pages of the description (including drawings and sequence listing) of the application documents exceeds 30 or the number of claims exceeds 10. Such fee shall be calculated in accordance with the number of pages of the description or the number of claims. For computer-readable sequence listings submitted in the prescribed format, they are not considered when counting the number of pages of the description. ……
Notes	Consistent with Section 7.3 of Part III, Chapter 1 regarding other special fees	

26 CNIPA will no longer actively refund

Amendments	"Guidelines for Patent Examination" (2024): Part V, Chapter 2 4. Temporary Deposit and Refund of Fees 4.2 Refund 4.2.1 Principles of Refund	"Guidelines for Patent Examination" (Draft for Comments): Part V, Chapter 2 4. Temporary Deposit and Refund of Fees 4.2 Refund 4.2.1 Principles of Refund
	4.2.1.1 Circumstances of Request for Refund (1) The fee is paid in excess: for example, where the annual fee that the party concerned shall pay is 600 Yuan, and the actual fee the party concerned has paid in specified time limit is 650 Yuan, he may request a refund of the excessive 50 Yuan. (2) The fee is paid in duplicate: for example, each time changes in the bibliogaphic data are requested, the handling fee for changes in the bibliographic data, 200 Yuan, shall be paid. If the party concerned pays another 200 Yuan after he paid 200 Yuan, he may request a refund of the repeatedly paid 200 Yuan. (3) The fee is paid in error: for example, when the party concerned wrongly specifies the fee type, or the application number (or the patent number) during payment, or the fee is not paid in full or not within the prescribed time limit which leads to loss of right, or the patent fee is paid after the loss of right, he can request a refund. (4) If a party voluntarily withdraws an invention application that has entered the substantive examination phase before the deadline for responding to the first Office Action, he can request a refund of 50% of the substantive examination fee for the invention application, except when a response to the Office Action has already been submitted.	4.2.1.1 Circumstances of Request for Refund (1) The fee is paid in excess: for example, where the annual fee that the party concerned shall pay is 600 Yuan, and the actual fee the party concerned has paid in specified time limit is 650 Yuan, he may request a refund of the excessive 50 Yuan. (2) The fee is paid in duplicate: for example, each time changes in the bibliogaphic data are requested, the handling fee for changes in the bibliographic data, 200 Yuan, shall be paid. If the party concerned pays another 200 Yuan after he paid 200 Yuan, he may request a refund of the repeatedly paid 200 Yuan. (3) The fee is paid in error: for example, when the party concerned wrongly specifies the fee type, or the application number (or the patent number) during payment, or the fee is not paid in full or not within the prescribed time limit which leads to loss of right, or the patent fee is paid after the loss of right, he can request a refund. (4) If the application is deemed to have been withdrawn or the declaration of withdrawing the patent application has been ratified before CNIPA issues a notice that the invention application has entered the substantive examination stage, the party can request a refund for the substantive examination fee already paid.

26 CNIPA will no longer actively refund

Amendments	“Guidelines for Patent Examination” (2024): Part V, Chapter 2 Patent-related Fees	"Guidelines for Patent Examination" (Draft for Comments): Part V, Chapter 2 Patent-related Fees
	~~4.2.1.2 Circumstances of Refund on CNIPA’s Own Initiative~~ ~~When the payment of fees in the following circumstances can be verified, CNIPA shall refund the payment on its own initiative:~~ ~~(1) the substantive examination fee for the patent application for invention which has been paid after the patent application is deemed to have been withdrawn or the declaration of withdrawing the patent application has been ratified, and before the Patent Office issues;~~ ~~(2) the annual fee paid after the patent right is terminated or the decision on declaring the patent right entirely invalid is announced; or~~ ~~(3) the fee for requesting the restoration of right and relevant fee paid by the party concerned where the Patent Office decides to refuse the request for restoration of right.~~ 4.2.1.3 Circumstances of Refund Not to Be Made ……	(5) If a party voluntarily withdraws an invention application that has entered the substantive examination phase before the deadline for responding to the first Office Action, he can request a refund of 50% of the substantive examination fee for the invention application, except when a response to the Office Action has already been submitted. (6) A party can request a refund of the annual fee paid after the patent right is terminated or the decision on declaring the patent right entirely invalid is announced. (7) After the initiation of the procedure for the request for restoration of right, if the Patent Office decides not to restore the rights, the party may request a refund of the fee for requesting the restoration of right and relevant fee. 4.2.1.2 Circumstances of Refund Not to Be Made ……
Notes	To ensure accuracy and timeliness of refunds and protect the interests of parties involved, the CNIPA will process refunds based on the latest information (bank account or address) provided in the refund request by the party. Therefore, Section 4.2.1.2 "Circumstances of Refund on CNIPA’s Own Initiative" in Part V, Chapter 2 has been entirely moved to Section 4.2.1.1 "Circumstances Where Parties Can Request Refunds".	

27 Rapid Examination

Amendments	"Guidelines for Patent Examination" (2024): Part V, Chapter 7 8. Order of Examination	"Guidelines for Patent Examination" (Draft for Comments): Part V, Chapter 7 8. Order of Examination
	8.1 General Principles For invention, utility model, and design patent applications, the preliminary examination should generally be initiated in the order of application submission. For invention applications, the substantive examination should generally be initiated in the order of submission of the request for substantive examination and payment of the substantive examination fee, unless otherwise specified. If necessary, patent applications with interrelated technical content, applicants, or inventors can be examined together. 8.2 Priority Examination …… 8.3 Delayed Examination …… 8.4 Initiated by the CNIPA ……	8.1 General Principles For invention, utility model, and design patent applications, the preliminary examination should generally be initiated in the order of application submission. For invention applications, the substantive examination should generally be initiated in the order of submission of the request for substantive examination and payment of the substantive examination fee, unless otherwise specified. At the request of the applicant, patent applications can be examined as needed, including priority examination, rapid review, or delayed examination. If necessary, patent applications with interrelated technical content, applicants, or inventors can be examined together. 8.2 Priority Examination …… 8.3 Rapid Examination For patent applications filed after pre-approved by national-level intellectual property protection centers or rapid rights protection centers, when meeting the relevant regulations for rapid examination, they can undergo rapid examination. 8.4 Delayed Examination ……

27 Rapid Examination

Amendments	**"Guidelines for Patent Examination" (2024): Part V, Chapter 7 8. Order of Examination**	**"Guidelines for Patent Examination" (Draft for Comments): Part V, Chapter 7 8. Order of Examination**
		8.5 Initiated by the CNIPA ……
Notes	In this amendment, the statement "*at the request of the applicant, patent applications can be examined as needed, including priority examination, rapid review, or delayed examination*" was added to Section 8.1 "General Principles", reflecting a "multi-track" examination model that combines speed and flexibility to fully meet the actual needs of industries and applicants for on-demand examination. National Intellectual Property Protection Centers and Rapid Rights Protection Centers have played an important role in rapid examination. This amendment adds relevant content to Section 8.3 "Rapid Examination", clarifying the process and conditions for rapid examination of patent applications that have passed preliminary examination by these centers.	

28 Expressions: Expiration vs. Termination

Amendments	"Guidelines for Patent Examination" (2024): Part V, Chapter 8 1. Patent Gazette 1.3 Compilation of Patent Gazette 1.3.2 Compilation of Matters	"Guidelines for Patent Examination" (Draft for Comments): Part V, Chapter 8 1. Patent Gazette 1.3 Compilation of Patent Gazette 1.3.2 Compilation of Matters
	1.3.2.6 Compensation for Patent Term The items published for patent term compensation include: main classification number, patent number, application date, date of announcement of grant of patent right, original patent term ~~expiration~~ date, current patent term ~~expiration~~ date. The items published for pharmaceutical patent term compensation include: main classification number, patent number, application date, date of announcement of grant of patent right, drug name and approved indications, original patent term ~~expiration~~ date, current patent term ~~expiration~~ date.	1.3.2.6 Compensation for Patent Term The items published for patent term compensation include: main classification number, patent number, application date, date of announcement of grant of patent right, original patent term termination date, current patent term termination date. The items published for pharmaceutical patent term compensation include: main classification number, patent number, application date, date of announcement of grant of patent right, drug name and approved indications, original patent term termination date, current patent term termination date.
Notes	In Section 1.3.2.6 "Compensation for Patent Term" of Part V, Chapter 8, amend "patent term expiration date" to "patent term termination date."	

29 Expressions: Licensor/Licensee vs. Assignor/Assignee

Amendments	"Guidelines for Patent Examination" (2024): Part V, Chapter 8 1. Patent Gazette 1.3 Compilation of Patent Gazette 1.3.2 Compilation of Matters	"Guidelines for Patent Examination" (Draft for Comments): Part V, Chapter 8 1. Patent Gazette 1.3 Compilation of Patent Gazette 1.3.2 Compilation of Matters
	1.3.2.7 Taking Effect, Change and Cancellation of Submission for Record of License Contract for Patent Exploitation The items to be published for taking effect of submission for record of license contract for patent exploitation shall include the main classification symbol, patent number, symbol of submission for record, ~~assignor, assignee,~~ title of invention, date of filing, date of publication of invention, date of announcement of grant of patent right, type of license (sole, exclusive or non-exclusive) , and date of submission for record. The items to be published for change of submission for record of license contract for patent exploitation shall include the main classification symbol, patent number, symbol of submission for record, date of changing, item to be changed (type of license, ~~assignor, assignee~~), and contents before and after the change. The items to be published for cancellation of submission for record of license contract for patent exploitation shall include the main classification symbol, patent number, symbol of submission for record, ~~assignor, assignee,~~ and date of discharge of submission for record of license contract.	1.3.2.7 Taking Effect, Change and Cancellation of Submission for Record of License Contract for Patent Exploitation The items to be published for taking effect of submission for record of license contract for patent exploitation shall include the main classification symbol, patent number, symbol of submission for record, licensor, licensee, title of invention, date of filing, date of publication of invention, date of announcement of grant of patent right, type of license (sole, exclusive or non-exclusive) , and date of submission for record. The items to be published for change of submission for record of license contract for patent exploitation shall include the main classification symbol, patent number, symbol of submission for record, date of changing, item to be changed (type of license, licensor, licensee), and contents before and after the change. The items to be published for cancellation of submission for record of license contract for patent exploitation shall include the main classification symbol, patent number, symbol of submission for record, licensor, licensee, and date of discharge of submission for record of license contract.
Notes	In Section 1.3.2.7 "Taking Effect, Change and Cancellation of Submission for Record of License Contract for Patent Exploitation" of Part V, Chapter 8, amend "assignor" to "licensor" and "assignee" to "licensee" to ensure consistency with related laws and normative documents.	

30 Expressions: Content recited in the Patent Certificate for International/divisional Applications

Amendments	"Guidelines for Patent Examination" (2024): Part V, Chapter 9 1. Grant of Patent Right 1.2 Patent Certificate	"Guidelines for Patent Examination" (Draft for Comments): Part V, Chapter 9 1. Grant of Patent Right 1.2 Patent Certificate
	1.2.1 Composition of Patent Certificate …… The bibliographic data shall include the patent certificate number (serial number), the title of the invention-creation, the patent number (i.e., the application number), the filing date, the name of the inventor or designer, and the name of the patentee, the address of the first patentee, the name of the inventor or designer at the time of the application date etc. Where the bibliographic data of a patent is too long to be contained in one page, additional page(s) may be attached.	1.2.1 Composition of the Patent Certificate …… The bibliographic data shall include the patent certificate number (serial number), the title of the invention-creation, the patent number (i.e., the application number), the filing date, the name of the inventor or designer, and the name of the patentee, the address of the first patentee, the name of the inventor or designer at the time of the application date etc. Where the bibliographic data of a patent is too long to be contained in one page, additional page(s) may be attached. For an international application or a divisional application, the name(s) of the inventor(s) or designer(s) and the applicant(s)' name(s) at the time of the application date recorded in the patent certificate refer to those at the time when the international application enters the national phase or when the divisional application is submitted.
Notes	In Part V, Chapter 9, Section 1.2.1 "Composition of the Patent Certificate", an explanatory note is added regarding international applications or divisional applications concerning "the name(s) of the inventor(s) or designer(s) and the applicant(s)' name(s) at the time of the application date recorded in the patent certificate".	

31 Patent Term Compensation: Reasonable Delays in the Reexamination Process

Amendments	"Guidelines for Patent Examination" (2024): Part V, Chapter 9 2. Patent Term Compensation According to Article 42.2 of the Patent Law 2.2 Determination of the Compensation Period	"Guidelines for Patent Examination" (Draft for Comments): Part V, Chapter 9 2. Patent Term Compensation According to Article 42, Paragraph 2 of the Patent Law 2.2 Determination of the Compensation Period
	2.2.1 Reasonable Delays in the Prosecution Process Delays caused by the following situations are considered reasonable delays in the prosecution process: reexamination procedures during which patent application documents are amended according to Article 66 of the Implementing Regulations of the Patent Law, suspension procedures according to Article 103, preservation measures according to Article 104, and other reasonable situations such as administrative litigation procedures.	2.2.1 Reasonable Delays in the Prosecution Process Delays caused by the following situations are considered reasonable delays in the prosecution process: reexamination procedures during which patent application documents are amended according to Article 66 of the Implementing Regulations of the Patent Law, or the rejection decision is withdrawn based on new causes or evidence submitted by the petitioner; suspension procedures according to Article 103, preservation measures according to Article 104, and other reasonable situations such as administrative litigation procedures.
Notes	It clarifies that even if patent application documents are not amended during the reexamination process, situations where the rejection decision is withdrawn based on new causes or evidence submitted by the petitioner fall under the reasonable delay stipulated in Article 78.3.3 of the Implementing Regulations of the Patent Law. New causes or evidence refer to those not provided by the applicant during the substantive examination process, meaning the causes and the evidence were not submitted before the rejection decision was made. A reexamination decision to withdraw the rejection decision is made based on new causes or evidence presented by the petitioner during the reexamination stage. However, if the petitioner requests to withdraw the rejection decision during the reexamination stage on grounds of violation of legal procedures and the rejection decision is withdrawn solely based on such violation, it does not belong to new causes.	

Way and time limit for submission of comments

According to the requirements of the CNIPA, relevant entities and individuals from all sectors can send specific suggestions to zhinan@cnipa.gov.cn by June 15, 2025.