

Patent Annuities: **China**

IP Pragmatics has offered IPRIS web solutions and customer services since 2005. In a series of monthly articles we explain some important nuances of each patent renewal country rule for maintenance fee payments.



In China, the first renewal payment is due once the patent has been granted. It is usual, that the patentee is requested to pay both the grant and renewal fees due by the local patent agent. It is important that clients' notify IPRIS that the grant has occurred. Once notified, IPRIS will attend to the payment for the next year and the years that follow, through to patent expiry.

Renewals are calculated in 2-steps

- 1 We calculate the date the renewal is due.
- 2 We calculate and display what the renewal year will be.

As soon as the patent has been granted, IPRIS will calculate the renewal fees from the application date for the year in advance. In order to accurately calculate renewals in China, IPRIS must be notified by the Client whether all accrued annual fees have been paid.

Fact

If you miss the renewal deadline, late fees will be applied.



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China remained the largest user of WIPO's PCT system, with 68,720 international patent applications filed, +16.1% year-on-year growth in 2020.

The U.S has also seen positive year-on-year growth at 3%, with 59,230 applications in 2020. Japan is third with 50,520 applications, however they have had an annual decline in filings at -4.1%.

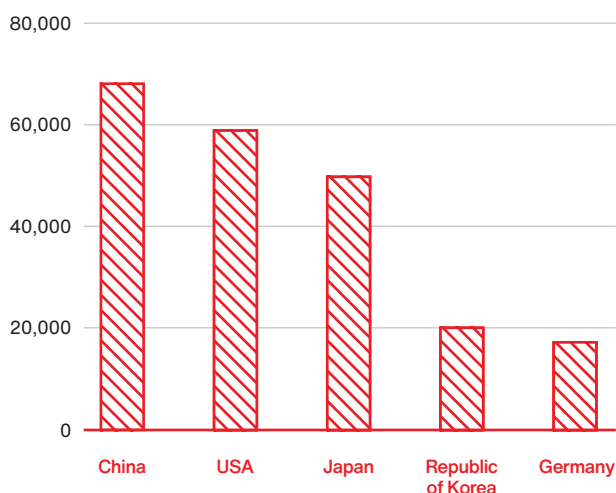
There is then a marked step in international filing rates with Republic of Korea at 20,060 applications, +5.2% and Germany with 18,643 and a decline in -3.7%.

Useful link



WIPOS PCT System

Source: WIPO 2020.



Worked example

If a patent application has the application date of 07/08/2019, and is granted on the 03/03/2020 the 3rd renewal fee would be due on 07/08/2021. This is because the agent would have paid for the first annual fee upon grant.

If the renewal is not made prior to its respective due date, it is still possible to renew the patent during the grace period. The grace period in China lasts for up to 6 months. Late fees are applicable in China.

Each country rule is live and in-built within the IPRIS web solutions (including grace period) for our clients' to view their patent and trademark portfolio and instruct through their secure online portal account at any time during this term.



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