

Procedures to File a Request to the CNIPA (China National Intellectual Property Administration) under the BRIPC Pilot Program for Accelerated Patent Examination

The basic concept of the Belt and Road IP Cooperation (BRIPC) Pilot Program for Accelerated Patent Examination (hereinafter referred to as “the BRIPC Pilot Program”) is that where a participating office (BRIPCPO), as the Office of First Filing (OFF), has determined that one or more claims of a patent application is/are patentable/allowable, the applicant may file a request for accelerated examination with CNIPA for the CNIPA application corresponding to the above patent application. CNIPA will accelerate the examination process for the eligible applications.

The period of the BRIPC Pilot Program will commence on January 20, 2025 and end on January 19, 2027. Under the BRIPC Pilot Program, the total number of applications to be accepted by CNIPA will be limited to 1000 per year, the maximum number of applications from each participating office will be limited to 100 per year. After the expiration of this two-year period, an evaluation will be conducted to determine whether the pilot program should be extended.

CNIPA may temporarily suspend or terminate the BRIPC Pilot Program if the volume of participation exceeds its manageable level. A notice will be issued if the BRIPC Pilot Program is temporarily suspended or terminated before the scheduled end date.

Request for Accelerated Examination

Under the BRIPC Pilot Program, applicants can request for accelerated examination with CNIPA for the CNIPA applications that meet the following requirements at no additional cost.

In accordance with the prescribed procedure, an applicant must submit a request form “Request for Participation in the Inter-office Program for Accelerated Examination” to the CNIPA, accompanied by the necessary documents related to the application.

1. Requirements

- (a) The CNIPA application shall have at least one corresponding application in the BRIPCPO, which has determined that one or more claims of the corresponding application is/are patentable/allowable.***

In particular, CNIPA application and the corresponding BRIPCPO application

shall meet the following requirements:

(i) *The CNIPA application is*

- ① a national application which validly claims priority under the Paris Convention to the BRIPCPO application(s) (examples are provided in ANNEX III, Figures A, A1 and A2), or
- ② a national application which validly claims priority under the Paris Convention to the PCT application(s) without priority claim (example is provided in ANNEX III, Figure B), or
- ③ a PCT application entering Chinese national phase without priority claim (example is provided in ANNEX III, Figure C), or
- ④ a PCT application entering Chinese national phase which validly claims priority to the BRIPCPO application(s) (examples are provided in ANNEX III, Figures D, D1, D2 and D3), or
- ⑤ a PCT application entering Chinese national phase which validly claims priority to the other PCT application(s) without priority claim (examples are provided in ANNEX III, Figure E and E1).

The CNIPA application, which validly claims priority to multiple BRIPCPO applications or PCT applications without priority claim, or which is the divisional application validly based on the originally filed application that is included in ① to ⑤ above, is also eligible.

(ii) *The corresponding application is*

- ① a BRIPCPO application which forms the basis of the priority claim of the CNIPA application mentioned above (examples are provided in ANNEX III, Figures A and D), or
- ② a BRIPCPO application which derived from the BRIPCPO application which forms the basis of the priority claim of the CNIPA application mentioned above (e.g., a divisional application of the BRIPCPO application or an application which claims domestic priority to the BRIPCPO application) (examples are provided in ANNEX III, Figure A1, A2, D1 and D2), or
- ③ a BRIPCPO national phase application of any one of the PCT applications in (i) above (examples are provided in ANNEX III, Figure B, C, D3, E and E1).

Note that those applications where the first filings are not from BRIPCPO are ineligible under the BRIPC Pilot Program (examples are provided in ANNEX III, Figure F and G).

Claims are “determined to be patentable/allowable” when the BRIPCPO examiner explicitly identified the claims to be “patentable/allowable” in the latest office action, even if the application has not been granted yet.

Office actions mentioned above are listed in the table in ANNEX I.

(b) *All claims in the CNIPA application must sufficiently correspond to one or more of those claims determined to be patentable/allowable in the BRIPCPO application.*

Claims are considered to “sufficiently correspond” where the claims in the CNIPA application are of the same scope as the claims in the BRIPCPO application, or the claims in the CNIPA are narrower in scope than the claims in the BRIPCPO application.

In this regard, a claim that is narrower in scope occurs when BRIPCPO claim is amended to be further limited by an additional technical feature that is supported in the description and/or claims.

A claim in the CNIPA application which introduces a new/different category of claims to those claims determined to be patentable/allowable in the BRIPCPO is not considered to sufficiently correspond. For example, if the BRIPCPO claims only contain claims to a process of manufacturing a product, then the claims in the CNIPA are not considered to sufficiently correspond if the CNIPA claims introduce product claims that are dependent on the corresponding process claims.

It is not necessary for the CNIPA application to contain all the claims that the BRIPCPO determines to be patentable/allowable, and the deletion of certain claims is allowable. For example, a BRIPCPO application contains five claims determined to be patentable/allowable, and a CNIPA application may contain only three of those claims.

Any claims amended or added after the grant of the request for participation in the BRIPC Pilot Program but before the CNIPA first office action must sufficiently correspond to the claims indicated as patentable/allowable in the BRIPCPO application. Any claims amended or added after the first CNIPA

office action need not to sufficiently correspond to the claims indicated as patentable/allowable by the BRIPCPO when applicants need to amend claims in order to overcome the reasons for refusal raised by CNIPA examiners. Any amendment outside of the claim correspondence requirement is subject to examiners' discretion.

Note that any applicant to the CNIPA may amend the application including its claims on its or his own initiative when a request for substantive examination is made, and within the time limit of three months after the receipt of the *Notice of Invention Patent Application Entering into Substantive Examination Stage*. Therefore, an applicant needs to observe the time limit of amendment in order to make claims in the CNIPA application correspond to the claims determined to be patentable/allowable in the BRIPCPO.

(c) *The CNIPA application must have been published.*

The applicant must have received the *Notice of Publication of Invention Patent Application* issued from the CNIPA before, or at the time of filing the request for accelerated examination.

(d) *The CNIPA application must have entered into substantive examination stage.*

The applicant must have received the *Notice of Invention Patent Application Entering into Substantive Examination Stage* issued from the CNIPA before, or at the time of filing the request for accelerated examination.

Note that as an exception, the applicant may file a request for accelerated examination simultaneously with the Request for Substantive Examination.

(e) *The CNIPA has not begun examination of the application at the time of filing the request for accelerated examination.*

The applicant should not have received any office action issued from the substantive examination departments in the CNIPA before, or at the time of filing the request for accelerated examination.

(f) *The CNIPA application must be electronic patent application.*

The applicant must convert the paper-based CNIPA application into electronic application before filing the request for accelerated examination.

2. Documents to be submitted

Documents (a) to (c) below must be submitted by attaching to a request form "Request for Participation in the Inter-office Program for Accelerated Examination" (Please refer to the example form in ANNEX II).

Note that even when it is not needed to submit certain documents below, the name of the documents must be listed in the request form.

- (a) Copies of all office actions (which are relevant to substantial examination for patentability in the BRIPCPO) which were issued for the corresponding application by the BRIPCPO, and translations thereof.**

Either Chinese or English is acceptable as translation language. Machine translation will be admissible. If it is impossible for the examiner to understand the translated office action due to insufficient translation, the examiner can request the applicant to resubmit translations.

- (b) Copies of all claims determined to be patentable/allowable by the BRIPCPO, and translations thereof.**

Either Chinese or English is acceptable as translation language. If it is impossible for the examiner to understand the translated claims, the examiner can request the applicant to resubmit translations.

- (c) Copies of references cited by the BRIPCPO examiner**

The documents to be submitted are those cited in the above-mentioned office actions. Documents which are only referred to as references and consequently do not constitute reason for refusal do not have to be submitted.

If the references are patent documents, the applicant does not have to submit them¹. When the CNIPA does not possess the patent document, the applicant has to submit the patent document at the examiner's request. Non-patent literature must always be submitted. The translations of the references are unnecessary.

When the applicant has already submitted above documents (a) to (c) to the CNIPA through simultaneous or past procedures, the applicant may

¹ Note that even when it is not needed to submit copies of references, the name of the references must be listed in the request form.

incorporate the documents by reference and does not have to attach them.

3. Request Form for Participation in the Inter-office Program for Accelerated Examination

(a) Circumstances

When an applicant files a request for an accelerated examination under the BRIPC Pilot Program to the CNIPA, the applicant must submit a request form "Request for Participation in the Inter-office Program for Accelerated Examination". Under the BRIPC Pilot Program, BRIPCPO is the Office of Earlier Examination (OEE) with respect to CNIPA. Therefore, "Office of Earlier Examination (OEE)" in the request form refers to BRIPCPO.

The applicant must request for an accelerated examination under the BRIPC Pilot Program by indicating the application number of the CNIPA application that meets the requirements of 1.(a)(i) in the request form. The application number of the corresponding application(s) and the relationship between CNIPA application and corresponding application(s) must also be indicated.

(b) Documents to be submitted

The applicant must list all required documents mentioned in point 2 above in a clear and identifiable way, even if the applicant is exempted from submitting certain documents.

(c) Claim correspondence

The applicant requesting for an accelerated examination must indicate in section D of the request form how all claims in the CNIPA application sufficiently correspond to the patentable/allowable claims in the OEE application.

When claims are just literal translations of each other, the applicant can just enter "they are the same" in the table. When claims are not just literal translations, it is necessary to explain the sufficient correspondence of each claim based on the criteria 1.(b).

(d) Note

The applicant can only submit the request form to the CNIPA in electronic form.

4. Procedure for the accelerated examination under the BRIPC Pilot Program

The CNIPA decides whether the application can be entitled to the status for an accelerated examination when it receives a request with the documents stated above.

In those instances where the request does not meet all the requirements set forth above, the applicant will be notified and the defects in the request will be identified. The applicant may be given opportunity, one time only, to correct certain specified defects. If the request is not approved, the applicant may resubmit the request up to one time. If the resubmitted request is still not approved, the applicant will be notified and the application will await action in its regular turn.

ANNEX I

List of Office Actions Attached to the Request Form under the BRIPC Pilot Program

Participating office (BRIPCPO)	Original and English translation of the title of Office Actions	Chinese translation of the title of Office Actions
TURKPATENT	“İNCELEME RAPORU” “EXAMINATION REPORT”	专利审查报告
	“BİRİNCİ BİLDİRİM” “FIRST OFFICE ACTION”	第一次审查意见通知书
	“İKİNCİ BİLDİRİM” “SECOND OFFICE ACTION”	第二次审查意见通知书
	“ÜÇÜNCÜ BİLDİRİM” “THIRD OFFICE ACTION”	第三次审查意见通知书
	“6769-P-İnceleme Raporu Olumlu-Değişiklikler Kabul Edildi-Patent Verilmesine Karar Verildi” “6769-P-Examination Report Positive-Changes Accepted-Patent Grant Decision”	专利授权决定
	“6769-P-Araştırma ve İnceleme Raporları Düzenlendi-Değişiklik İstenmedi-Patent Verilmesine Karar Verildi” “6769-P-Search and Examination Reports Prepared-No Changes Requested-Patent Grant Decision”	专利授权决定
	“6769-P-İnceleme Raporuna Göre Yapılan Değişiklikler Kabul Edildi-Patent Verilmesine Karar Verildi” “6769-P-Changes Made According to Examination Report Accepted-Patent Grant Decision”	专利授权决定

ANNEX II

参与局间加快审查合作项目请求表

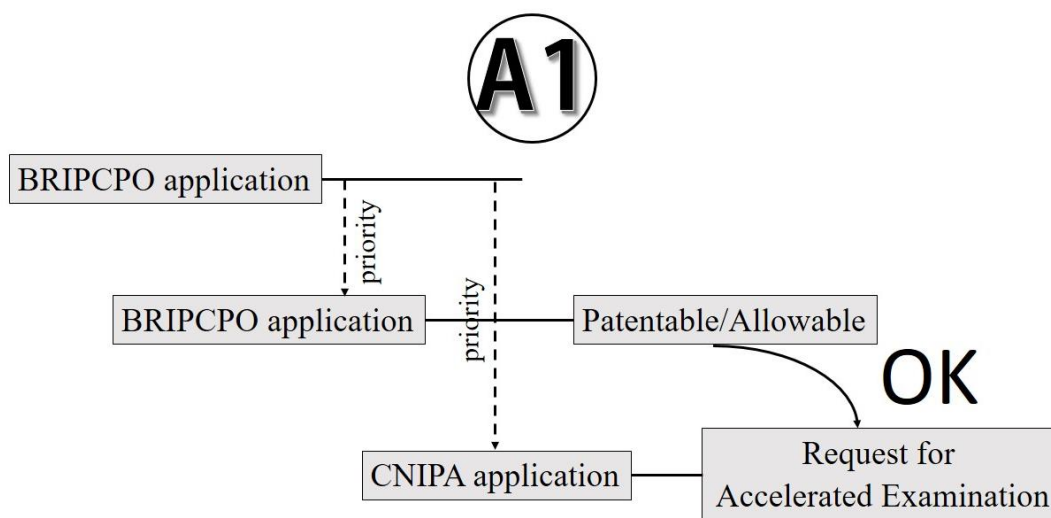
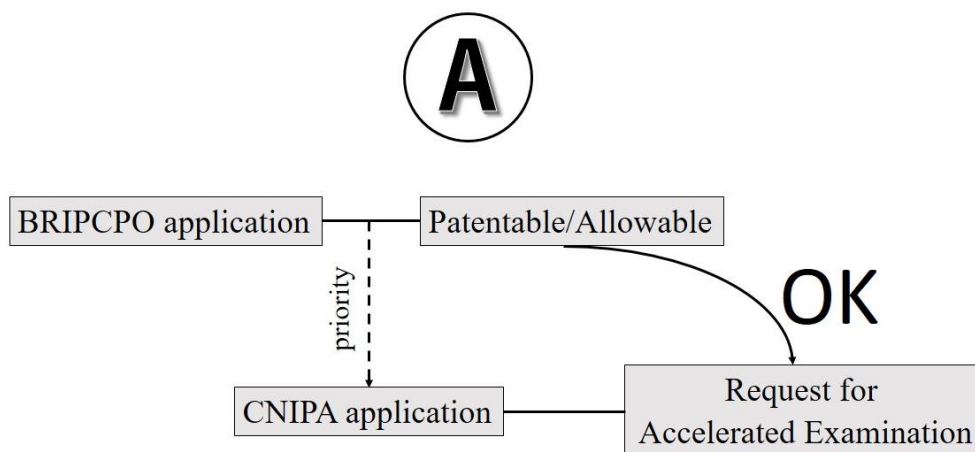
Request for Participation in the Inter-office Program for Accelerated Examination

(Sample Form)

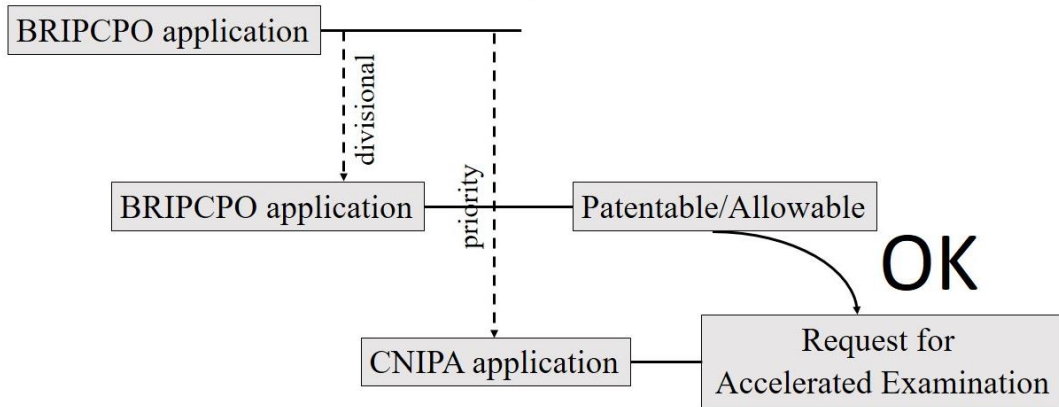
A. 著录数据	
申请号	
B. 请求	
申请人请求参与局间加快审查合作项目基于：	
在先审查局 (OEE)	
OEE 工作结果类型	<input type="checkbox"/> 国家/地区的审查意见 <input type="checkbox"/> WO-ISA, WO-IPEA 或 IPER
OEE 申请号	
本申请与 OEE 申请的关系	
C. 文件提交	
第 I 栏 OEE 工作结果及其所需译文	
1.	<input type="checkbox"/> 提交了 OEE 工作结果的副本 <input type="checkbox"/> 请求通过案卷访问系统或 PATENTSCOPE 获取上述文件
2.	<input type="checkbox"/> 提交了 1 之所述文件的译文 <input type="checkbox"/> 请求通过案卷访问系统或 PATENTSCOPE 获取上述文件
第 II 栏 OEE 认定为可授权的所有权利要求的副本及其所需译文	
3.	<input type="checkbox"/> 提交了 OEE 认定为可授权的所有权利要求的副本 <input type="checkbox"/> 请求通过案卷访问系统或 PATENTSCOPE 获取上述文件
4.	<input type="checkbox"/> 提交了 3 之所述文件的译文 <input type="checkbox"/> 请求通过案卷访问系统或 PATENTSCOPE 获取上述文件
第 III 栏 OEE 工作结果引用的文件	
5.	<input type="checkbox"/> 提交了 OEE 工作结果引用的所有文件的副本（专利文献除外） <input type="checkbox"/> 无引用文件
第 IV 栏 已提交文件	
6.	<input type="checkbox"/> 若上述某些文件已经提交，请予说明： 申请人于__年__月__日在 CN_____中提交了_____文件

ANNEX III

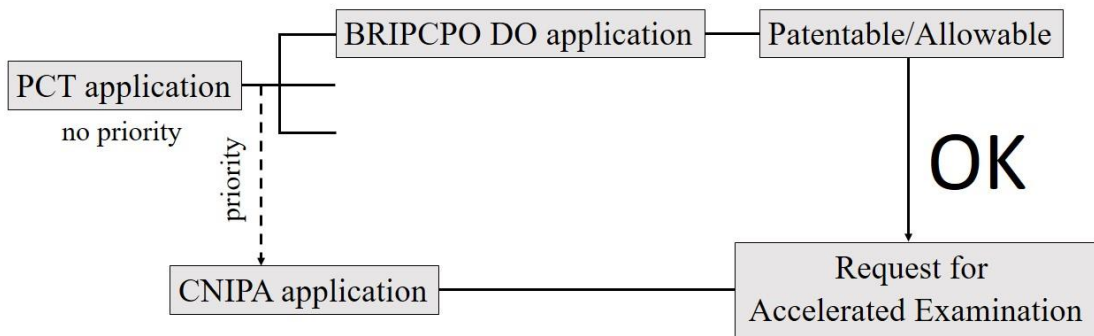
Examples of eligible CNIPA applications under the BRIPC Pilot Program



A2

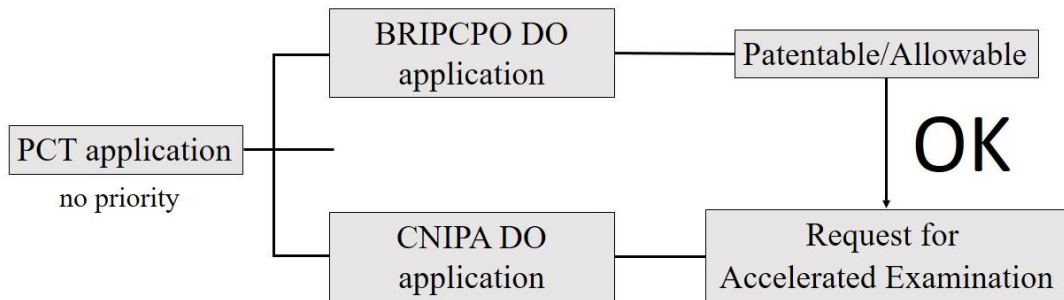


B



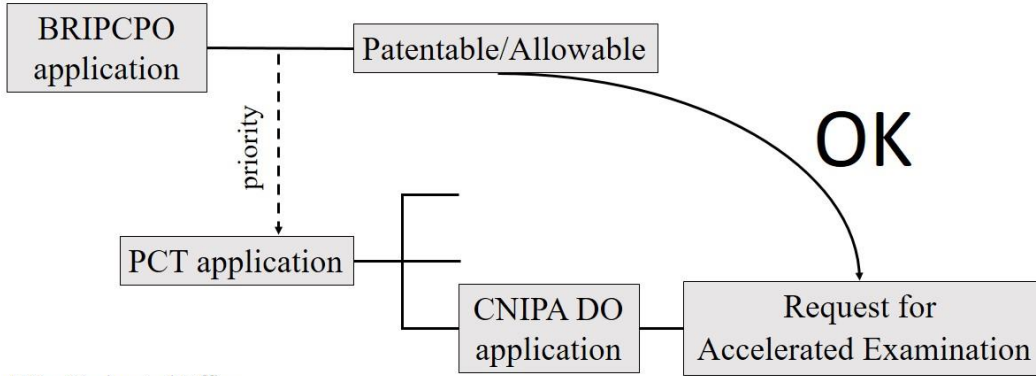
DO: Designated Office

C



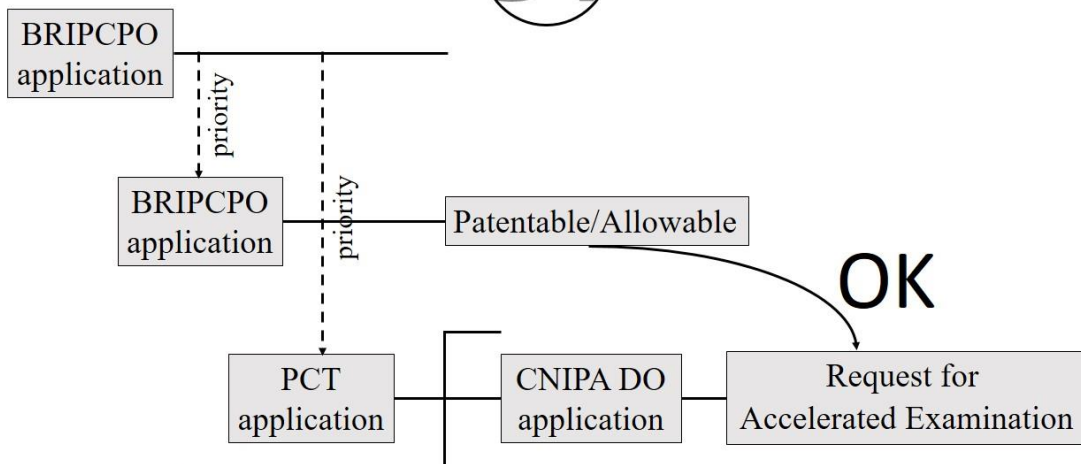
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D



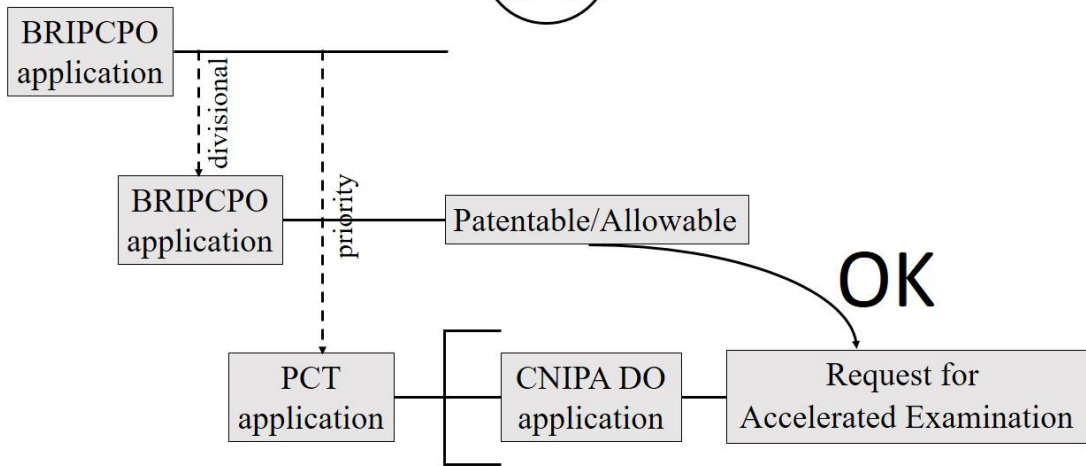
DO: Designated Office

D1



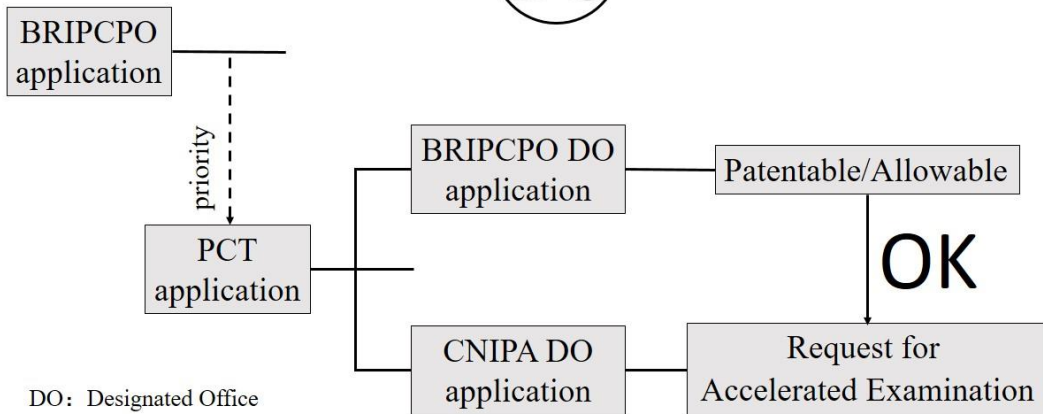
DO: Designated Office

D2



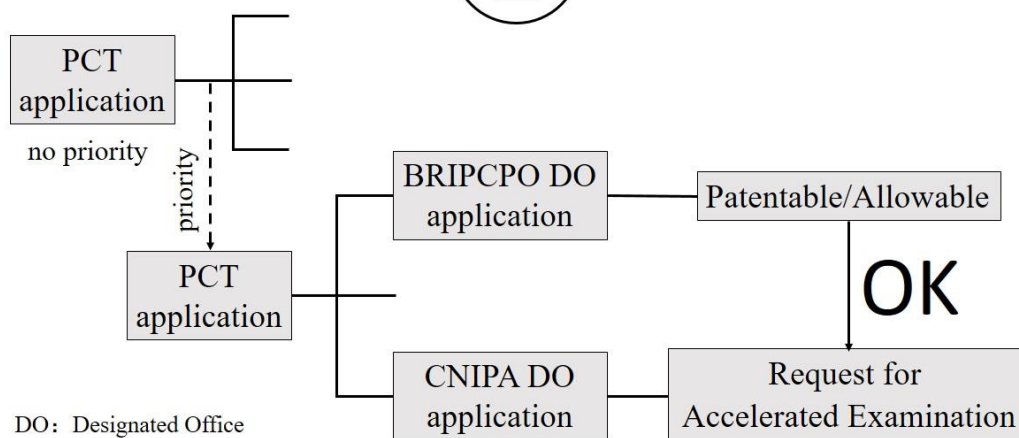
DO: Designated Office

D3

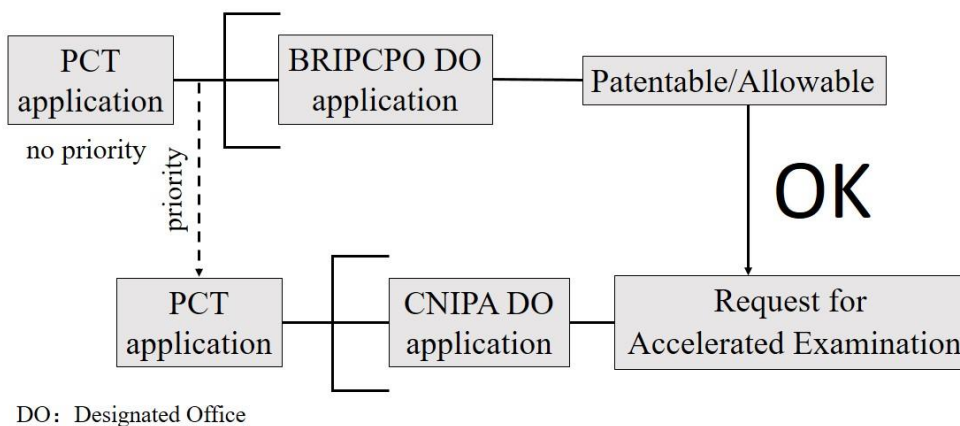


DO: Designated Office

E



E1



Examples of ineligible CNIPA applications under the BRIPC Pilot Program

