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The Chartered Institute of Patent Attorneys

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Response to SIPO consultation on accelerated patent examination

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 **CIPA**
The Chartered Institute of Patent Attorneys
Founded 1882
Royal Charter 1891

Introduction

The Chartered Institute of Patent Attorneys (“CIPA”) is the representative body for Chartered Patent Attorneys in the UK. Most CIPA fellows (around 2240 people) are Registered Patent Attorneys regulated by IPReg (a national Regulatory Authority supervised by the Legal Services Board under the Legal Services Act 2007) and are also qualified European Patent Attorneys (although the three groups do not completely overlap).

Response

CIPA welcomes SIPO’s proposal for accelerated prosecution and re-examination/invalidation.

In prosecution matters a procedure for reasoned acceleration with clear timescales is of real benefit to applicants, and the specific reason of potential infringement is very important. It is important that the request can be made at any time, however, as commercial requirements can change very quickly.

In re-examination/invalidity matters the potential for acceleration is also an essential feature although we believe that all parties to the matter should be consulted to ensure fairness and avoid abuse of procedure.

We believe that acceleration measures should be equivalent before all patent offices, however and note that unlike most jurisdictions, preferred treatment is available in China for local as against overseas businesses. The PPH is a very helpful scheme but does not provide an equivalent opportunity. We believe that both legally and procedurally the provisions for local and overseas businesses obtaining acceleration should be identical, and indeed feel that there is a risk that other national offices may otherwise follow suit in providing differential treatment which would of course disadvantage Chinese businesses overseas.

Tim Jackson
Chairman of CIPA Patents Committee
The Chartered Institute of Patent Attorneys