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PRESS RELEASE

Draft amendment on patents tabled

Shanghai, China – August 29, 2008 –Less than three months after the State Council put its stamp on the patent law reform blueprint, the government yesterday submitted the draft amendment to the Standing Committee of the National People's Congress (NPC), the top legislature, for first reading.

This will be the third revision to the law promulgated some 25 years ago. The previous two amendments were made in 1992 and 2000. The latest amendment is expected to bring the law up to date and facilitate the application process of new patents by domestic as well as foreign entities. (for more information, please visit

http://www.chinadaily.com.cn/bizchina/2008-08/26/content_6971370.htm)

Jack Liu, IP attorney from Lehman, Lee & Xu, Shanghai Office, said according to the Draft, the use of “absolute novelty” will improve the examination standard and so the quality of Invention Patent. “The Draft Amendment also sets forth provisions regarding restrictions to ‘Right Abuse’, which is a barrier to ‘promoting development and innovation of science and technology’ and to trade liberalization. The legislators are trying to find a ‘balance point’ between IP protection and public interests through these provisions”, said Jack Liu.

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