

LEHMAN, LEE & XU



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PRESS RELEASE

'Draft Amendments To Patent Law Clarify Legal Position Of Co-Owned Patent Rights',
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The Standing Committee of the National People's Congress has initiated a public consultation for the recently published draft amendments to the Patent Law. One of the key amendments proposed in the Draft Amendments is to clarify the legal position of co-owners when exercising their patent rights such that where the rights of applying for a patent or the patent rights are co-owned by two or more entities or individuals (the co-owners), the co-owners shall exercise such rights in accordance with the agreement, if any. In addition, the Draft Amendments propose to re-define "inventive step" and clarify the definition of the "state of the art". The Draft Amendments also impose heavier penalties on patent infringement by increasing the fine for counterfeit patents from currently 3 times the relevant illegal gains to 4 and, if there is no illegal gain, increasing the fine from not more than RMB50,000 to RMB200,000 (For more info see [Legal Studio](#))

Joey Zhu, attorney from Lehman Lee & Xu's Shanghai office, believes that "the draft amendments to Patent Law consummate the patent law by filling the vacuum of the law with specific and complete stipulation of some key parts which make the use and transfer of the patent more enforceable and heavy blow towards infringement. It has been six years since China won the bid to the WTO and new amendments showcase its commitment for better protection and specific stipulation of the IP issue"

Lehman, Lee & Xu is a prominent Chinese corporate law firm and trademark and patent agency with offices in Beijing, Shanghai, Shenzhen, Hong Kong, Macau, and Mongolia. Long dedicated to promoting legal education, the firm is one of few law firms authorized as an official training site for graduates of Beijing's major law schools. The firm is managed by Mr. Edward Lehman who is a long-time China resident, and is recognized as a leading expert on corporate law with 20 years of practice experience in Mainland China.

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