

## Implementing Regulations of the Patent Act

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### Chapter 1

#### General Provisions

##### Rule 1

These Implementing Regulations are formulated pursuant to Article 137 of the Patent Act (hereinafter referred to as this Act).

##### Rule 2

Any application to be filed in accordance with the provisions of this Act shall, except that to be filed by electronic means pursuant to Article 19 of this Act, be in a written form and shall be affixed with the signature or seal of the applicant, or may be affixed only with the signature or seal of the patent agent, if already appointed. If the Patent Authority deems it is necessary, request may be required, by a notice, to submit the personal identity card or the Certificate of Incorporation of the applicant.

Any application to be filed in written forms in accordance with the provisions of this Act and these Implementing Regulations shall use the forms designated by the Patent Authority. The formats and numbers of which shall be prescribed by the Patent Authority.

##### Rule 3

Where Chinese translation of a scientific terminology has been made and published

by the National Institute for Compilation and Translation ,such official translation shall prevail.Nevertheless, in the absence of such official translation or if it is deemed necessary, the Patent Authority may request the applicant to annotate the Chinese terminology with its original foreign version.

The application and all relevant documents submitted shall be in Chinese. In case any evidentiary document is written in a foreign language, the Patent Authority may, as it is deemed necessary, request the applicant to submit a full text Chinese translation or a Chinese translation of an excerpt thereof.

#### Rule 4

Any certifying document submitted pursuant to this Act and these Implementing Regulations shall be the original version thereof.

Upon clarifying that photocopied certifying document is identical to the original, the applicant may submit the photocopy instead. However, if the photocopy of the certifying document is provided as evidence of an invalidation, it shall be proved to be consistent with the original.

When the original version of a certifying document has been verified by the Patent Authority as correct and error-free, it shall be returned to the applicant.

#### Rule 5

The date of receipt shall be the date on which the Patent Authority receives the document and articles submitted by the applicant; however, if the delivery thereof is made via registered mail, the date of receipt shall be the postmark date.

#### Rule 6

With regard to the time period(s) specified in this Act and these Implementing Regulations, an applicant may, prior to the expiration thereof, make a request to the Patent Authority for an extension of a time limit.

#### Rule 7

Where a request for record of the change is made in the name or title, seal, residence or business authority of the applicant, the certifying document(s) shall be concurrently submitted. This provision shall not apply where the change thereto is not necessary to be certified.

#### Rule 8

When the applicant appoints a patent attorney, a Power of Attorney shall be submitted to the Patent Authority to specify the extent of power conferred upon the attorney and

the address to receive service.

The number of patent attorney shall not exceed three (3) persons.

If two or more patent attorneys are appointed, each of them may act on behalf of the applicant severally.

In the event the appointment violates the provision of the preceding Paragraph, the patent attorney still may act on behalf of the applicant severally.

The patent attorney may, through his consent , appoint other person as his subagent.

If the powers or agents are changed, unless a written notice is submitted to the Patent Authority, such change is not recognized by the Patent Authority.

Any change in the patent agent's address or seal shall be reported to the Patent Authority for correction.

The applicant may submit a written trust to designate a third person as recipient.

#### Rule 9

If the application does not conform statutory form of procedure and has to be supplemented, the Patent Authority shall notify the applicant to make supplement within the prescribed period; if the supplement is not made within the prescribed time limit or the supplement is still incomplete, the application shall be processed according to provision of Paragraph 1, Article 17 of this Act.

#### Rule 10

While applying for reinstatement under Paragraph 2 of Article 17 of this Act, the applicant shall submit to the Patent Authority an application stating the reasons for the delay and the reasons for extinguishment along with the date accompanied by documentary evidence.

#### Rule 11

The period of twelve (12) months as prescribed in Paragraph 1, Article 27 of this Act shall be counted from the day following the date on which the foreign application was first filed to the filing date as prescribed in Paragraph 3, Article 25 of this Act.

The period of six (6) months as prescribed in Paragraph 2, Article 129 of this Act shall be counted from the day following the date on which the foreign application was first filed to the filing date as prescribed in Paragraph 3, Article 116 of this Act.

#### Rule 12

Where a change of the entitled applicant for a patent in accordance with the provision of Article 10 of this Act is requested, a written agreement on the ownership of the right to apply for a patent or other relevant certifying documents shall be submitted.

Where a change of the entitled patentee in accordance with the provision of Article 10 of this Act is requested, the Patent Certificate and a written agreement on the ownership of the patent or other relevant certifying documents shall be submitted.

#### Rule 13

Where a change of entitled applicant is requested due to inheritance of the right to apply for patent, the applicant shall submit an application along with the following documents:

1. If the change of title is due to an assignment, a Deed of Assignment on the right to apply for patent or another certifying documents provided by the assignor. However, if the assignment is made due to amalgamation of companies, the documentary evidence of the amalgamation.
2. If the change of title is due to inheritance, the certificate of death and the instrument of succession.

### Chapter 2

#### Application and examination of Patent

##### Section 1 Invention & utility model patent

#### Rule 14

In applying for an invention patent or a utility model patent, the request shall contain the following items:

1. title of invention or utility model;
2. name, nationality of the inventor or creator;
3. name or title, nationality, domicile/residence or business authority of the applicant; if a representative is appointed, the name of the representative as well;
4. if a patent attorney is entrusted, the name and business authority thereof.

Under any of the following circumstances, a statement shall be made in the request:

1. where the applicant claims the facts provided in Item 1 or 2, Paragraph 2 of Article 22, Item 1 or 2, Paragraph 2, Article 94 of this Act;
2. where an applicant claims the priority stipulated in Paragraph 1, Article 27 of this Act;
3. where an applicant claims the priority stipulated in Paragraph 1, Articles 29 of this Act;
4. where a patent application for an invention relates to biological materials or utilization of biological materials.

## Rule 15

Specifications of an invention patent or utility model patent shall contain the following items:

1. title of the invention or utility model;
2. name and nationality of the inventor or creator;
3. name or title, nationality, domicile/residence or business authority of the applicant; if a representative is appointed, the name of the representative as well;
4. where the priority stipulated in Paragraph 1, Article 27 of this Act is claimed, the name of the foreign country in which the patent application is first filed, the application number and the filing date thereof;
5. where a patent application for the same subject matter has been filed in a foreign country, the application numbers and the filing date thereof;
6. where the priorities stipulated in Paragraph 1, Article 29 of this Act are claimed, each of the application numbers and the filing dates;
7. where the benefit provided in Items 1, 2 of Paragraph 2 of Article 22, Items 1, 2 of Paragraph 2 of Article 94 of this Act is claimed, the facts involved;
8. where a patent application for an invention that relates to biological materials or utilization of biological materials is filed, the specification shall contain the name of the depository institute, the deposit date and the deposit number. If a deposit has been made in a foreign depository institute prior to filing, the name of the foreign depository institute, the deposit date and deposit number shall be stated. If no deposit of biological material is required, the source for obtaining such biological material must be stated;
9. abstract of the invention or utility model.
10. description of the invention or utility model.
11. claims.

The title of the invention or utility model should be consistent with the contents of its claims, no irrelevant wording is allowed.

If necessary, the Patent Authority may notify the applicant to submitting within prescribed time limit the documents concerning any search or result of any examination in a foreign country as provided in Item 5, Paragraph 1 of this Rule. The Patent Authority may, if the applicant fails to indicate the filing date, the application number of the foreign application or fails to submit the documents concerning any search or result of any examination in a foreign country, continue to proceed with the examination based on the data and information currently available. .

For a patent application of an invention or a utility model, the terminology used in the claims shall be consistent with that used in the title, abstract and specification.

## Rule 16

An abstract shall consist a summary of the disclosure as contained in the patent application for invention or utility model. The summary shall be drafted in a way that allows clear understanding of the technical problem to be solved, the gist of the technical solution to that problem, and the principal usage of the invention or utility mode. In principle, the text shall not exceed 250 words. If the abstract contains chemical formula, the formula that best characterizes the distinctive features of an invention shall be disclosed.

There shall be no commercial advertisement wordings in an abstract of the invention or the utility model.

## Rule 17

The description of invention or utility model shall include the following items:

1. Technical field(s) to which the invention or the utility model relate(s).
  2. Prior art(s): indicating the prior art to the applicants understanding, and preferably citing the documents reflecting such art.
  3. Contents of the invention or the utility model: disclosing the technical problem the invention or utility model aims to settle and the technical solution adopted to resolve the problem; stating, with reference to the prior art, the advantageous effects of the invention or utility model.
  4. Mode for carrying out the invention or utility model: describing at least one mode for carrying out the invention or utility model, where appropriate, this shall be done in terms of examples, and with reference to the drawings, if any.
  5. Brief description of the figures in the drawings: if the specification is accompanied by drawings, it must be made in concise wordings to describe the figures and contain reference numerals of major components thereof according to the order of the figures.
- The description of the invention or the utility model shall be written in the order and manner as prescribed in each item of the preceding paragraph, and each of the parts shall be preceded by a heading, unless, due to the nature of the invention or utility model, a different order and manner would result in a better understanding.

Where a patent application for an invention contains disclosures of one or more nucleotides and/or amino acids sequence, a sequence listing in compliance with the standard prescribed by the Patent Authority shall be submitted as a separate part of the description, a copy of the said computer-readable form may also be submitted.

Where a patent application for an invention is filed in relation to biological material of utilization of biological material, information that must be given includes the

description of the scientific terminology, bacteriological features and necessary genome map.

#### Rule 18

The claims of an invention or a utility model may be presented in more than one independent claims. The number of claims shall be consistent with the disclosure as contained in the invention or creation. If necessary, it may have more than one dependent claims, the independent claims and the dependent claims shall be consecutively arranged in Arabic numerical order according to their dependent relations.

The independent claim shall clearly define the claimed subject matter and the essential technical features for exploitation.

A dependent claim shall clearly define the number and the claimed subject matter and, in addition thereto, the technical features of the claim on which it depends. Whenever an interpretation on a dependent claim is made, it shall contain all the technical features of all the claims it depends.

A dependent claim depending on two or more claims shall be called a multiple dependent claim and shall be presented in choices.

Any dependent claim may only refer to the preceding dependent or independent claim(s). However, any direct or indirect dependence is not allowed among multiple dependent claims.

An independent or a dependent claim shall be presented in a single sentence and the contents thereof may not be presented only by referring to the line numbers of the description, figures or reference numerals of figures.

The claims may contain the chemical or mathematical formulae but no drawings, For an invention characterized in combining plurality of technical features, the claims of which may be presented in means-plus-function or step-plus-function language. Whenever an interpretation on claims is made, it shall contain the structure, material or acts or equivalent scope thereof corresponding to the functions disclosed in the description of an invention.

#### Rule 19

Where an independent claims of an invention or a utility model is presented in two-part form, the preamble portion shall contain the claimed subject matter and those technical features that are necessary for the definition of the claimed subject matter but which, in combination, are part of the prior art. A characterizing portion shall be stated in such words "improved in that...." Or in similar expression, the technical features of the invention or utility model, which distinguish it from the prior art.

The technical features of the characterizing portion, in combination with that of preamble portion, serve to define the scope of an independent claim.

#### Rule 20

The drawings of an invention or a utility model shall be drawn clearly based on engineering drawing method, when each drawings is scaled to two-thirds, it shall enables all the elements disclosed in the drawings to be clearly distinguished.

The drawings must be annotated with figure numbers and reference numerals, and shall not contain descriptive words, unless otherwise indispensable.

The drawings must be arranged in numerical order of the figures. The figure that best characterizes the technical features of the invention or utility model shall be specified as the representative figure.

#### Rule 21

In the event of any shortage of page or omission in description or drawings, the correction date will be regarded as the filing date. However, if the correction thereof is been contained in an earlier application where a priority right was claimed, the original filing date of the application shall be retained.

#### Rule 22

Documents evidencing the acceptance of the corresponding application by the foreign government in accordance with Paragraph 2, Article 28 of this Act shall be the original, a substitute of the photocopy is not allowed.

#### Rule 23

The so-called "a single general inventive concept" as referred to in the provision of Paragraph 2, Article 32 of this Act shall mean that two or more inventions or utility models are technically linked.

The so-called "technically linked inventions or utility models" as referred to in the preceding paragraph shall contain one or more identity or correspondence, and shall have specific technical feature that contributes to prior art.

#### Rule 24

Where a divisional application of an invention or utility model patent is filed, the following documents accompanied by a request shall be submitted for each divisional application:

1. specification and necessary drawings;
2. the original applications and necessary drawings as well as the specification and

- necessary drawings after amendment;
3. the specification and necessary drawings of other divisional application(s) if any;
  4. where the same priority of the parent application was claimed, the certified document of priority of the parent application;
  5. where the parent application claimed the benefit as provided in the provision of Paragraph 2 of Article 22, or Paragraph 2, Article 94 of this Act; the certified documents evidencing the facts involved; and
  6. Oath Assignment in the parent application.

Where the same priority of the parent application is claimed, a statement shall be made for each divisional application.

The divisional application shall not change the category of protection of the parent application.

#### Rule 25

Where a patent application filed in accordance with the provisions of Article 34, Article 108 in applying mutatis mutandis Article 34, or Paragraph 1 of Article 129 in applying mutatis mutandis Article 34 of this Act, the applicant shall submit to the Patent Authority the request accompanied by the specification, the necessary drawings or the description of the drawings in the original application, and the photocopy of the decision on invalidation proceedings.

#### Rule 26

When applying for a substantive examination on an invention patent application, a request shall be submitted, stating the following items:

1. application number;
2. title of invention;
3. name or title, nationality, domicile/residence or business authority of the applicant of the substantive examination; if a representative is appointed, the name of the representative.
4. if a patent attorney is entrusted, the name and business authority of the patent attorney.
5. whether he is the patent applicant.

#### Rule 27

When applying for prioritized examination on an invention patent application, a request shall be submitted, stating the following items:

1. application number and number of laying open;
2. title of invention;

3. name or title, nationality, domicile/residence or business authority of the applicant who applies for the prioritized examination; if a representative is appointed, the name of the representative;
4. if a patent attorney is entrusted, the name and business authority thereof;
5. whether he is the patent applicant;
6. a statement with respect to the status of commercial exploitation; if there is an agreement, the practicing of the agreement.

Where an invention application that applies for prioritized examination has not yet requested for a substantive examination, a request for substantive examination as prescribed in the preceding Paragraph shall be made.

The related documentary evidence to be submitted pursuant to the provision of Paragraph 2, Article 39 of this Act are the written notification, advertising catalogues or other written documents reflecting the facts pertaining to commercial exploitation as provided in the provision of Paragraph 1, Article 40 of this Act.

#### Rule 28

Where a supplement or an amendment to specification or drawings is made in conformity with the provisions of this Act, an application shall be submitted along with the following documents:

1. the amended sheet(s) of the specification on which the portions of supplement or amendment are underlined,
2. the replacement sheet(s) of specification or drawings without underlines after supplement or amendment; in case the page numbers of the original specification or drawings are not continuous due to such supplement or amendment, a complete set of specification or drawings after supplement or amendment shall be submitted.

#### Rule 29

Where the Patent Authority notifies the patent applicant of appearing for an interview, performing experiment(s), supplementing model(s) or sample(s), or making amendments to specification, drawings or description of figures and the applicant to act within the prescribed time limit, or fails to conduct any act pursuant to the contents of the notification, the Patent Authority may continue to proceed with the examination based on the information available.

### Section 2 Design Patent

#### Rule 30

In applying for a design, the application shall contain the following items:

1. the title of the article applied to the design;
2. name, nationality of the creator;
3. name or title, nationality, domicile/residence or business authority of the applicant; if a representative is appointed, the name of the representative;
4. If a patent attorney is entrusted, the name and business authority address thereof;

Under any one of following circumstances, a declaration shall be made on the application:

1. where the benefit as provided in the provision of Item 1 Paragraph 2, Article 110 of this Act was claimed, the facts involved;
2. where a priority as stipulated in the provision of Paragraph 1, Article 27 applies mutatis mutandis to Article 129 of this Act is claimed, Article 122 was claimed, the facts involved.

### Rule 31

The specification and drawings of a design shall contain the following items:

1. the title of the article applied to the new design;
2. name, nationality of the creator;
3. name or title, nationality, domicile/residence or business authority of the applicant; if a representative is appointed, the name of the representative.
4. where the priority as stipulated in the provision of Paragraph 1, Article 27 applies mutatis mutandis to Article 129 of this Act, the name of a foreign country in which the patent application is first filed, the application number and the filing date thereof.
5. where a patent application for the same subject matter has been filed in a foreign country, the application numbers and the filing date thereof;
6. where the benefit as provided in the provision of Item 1 Paragraph 2, Article 110 of this Act was claimed, the facts involved;
7. description of design;
8. description of figures in drawings;
9. drawings.

In applying for a patent for a new design, a perspective view or the figure best characterizes the subject design shall be specified.

If necessary, the Patent Authority may notify the applicant to submit within a prescribed period the documents concerning any search or result of any examination in the foreign country as provided in Item 5, Paragraph 1 of this Rule; if the applicant does not state clearly the filing date, the application number of the foreign application; or fails to submit the search information or the data related to the result of examination on the patent application in the foreign country, the Patent Authority may

continue to proceed with the examination based on the data and information currently available.

#### Rule 32

The title of the article for the design shall clearly designate the article to which the design applied, no irrelevant words shall be appended; if the subject matter is a component, a statement of the article in which assembly incorporated shall be included.

The description shall indicate the designed use of the article and the characteristics of the design. In case the appearance of the article shown in the drawings will change based on different materials used, the adjustment of function, or change of state of use, a concise description shall be provided.

Drawings disclosed in a design shall be annotated with titles for each figure. If there is any omission due to the identity or symmetry of figures or any other causes, it shall be clearly annotated in the description of figures in drawings.

#### Rule 33

Drawings of a design shall be presented in a perspective view and six views (i.e. the front, rear, left side, right side, top and bottom), or in two or more perspective views. If the design is applied to a boundless plane in form, a plan and pattern element of design shall be submitted.

The additional auxiliary drawings may be made to the drawings of a design as stipulated in the preceding paragraph, if any.

Drawings shall be made in engineering drawing method and shall be clearly illustrated by ink drawings, photographs or computer printouts; if color is claimed, the color scheme showing the colors applied to the article shall be submitted with the statement of the industrial color guide codes of all colors, or with color cards.

Where the disclosure in any figure is other than the claimed subject matter of the design, such figure shall be annotated as reference figure. The reference figure, if necessary, shall be described in the description of creation in a design.

#### Rule 34

In the event of a design application is divided into two or more separate applications, each divisional application shall submit the following documents accompanied by an application :

1. description of the drawings;
2. description of the drawings disclosed in the original application and that after amendment;

3. if there are other divisional applications, description of the drawings of each divisional application;
4. where a priority was claimed in the original application, the certifying document of priority of the original application;
5. where the benefit as provided in the provision of Paragraph 2, Article 110 of this Act was claimed, the certifying documents evidencing the facts involved;
6. Oath Assignment in the original application.

Where an applicant claims priority in the original application, a declaration shall be made to the application for each divisional application.

#### Rule 35

Whenever a supplement or amendment to description of the drawings for a design is made pursuant to this Act, an application shall be filed, along with the following documents:

1. the amended sheet(s) of description of the drawings, on which the portions of supplement or amendment are underlined;
2. a complete set of description of the drawings without underlines after supplement or amendment. However, in case the supplement or amendment is made only to the drawings, a complete set of drawings after supplement or amendment shall be submitted.

#### Rule 36

In applying for an associated design, the application number of the original design patent shall be mentioned in an application, accompanied by one copy of specification and drawings of the original design.

The Patent Authority shall grant the patent right of the associated design patent after the patent of the original design application is granted. When an associated design patent is granted, such an effect shall be annotated on the original patent certificate. The provisions of the preceding six (6) Rules shall apply mutatis mutandis to the associated design.

### Chapter 3

#### Patent rights

#### Rule 37

The wording "prior to the filing of application" as referred to in the provisions of Items 2 and 3 of Paragraph 1 of Article 57, Paragraph 1 of Article 87, Article 108 in

applying mutatis mutandis Items 2 and 3, Paragraph 1 of Article 57 and Items 2 and 3, Paragraph 1 of Article 125, mean prior to priority date, if priority is claimed under Paragraph 1 of Article 27 or Paragraph 1 of Article 29 of this Act.

#### Rule 38

The wording "original enterprise" as referred to in the provisions of Paragraph 2 of Article 57 and Paragraph 2 of Article 125 of this Act means "the scale of enterprise prior to filing of application" in the case of Item 2, Paragraph 1 of Article 57 and Item 2, Paragraph 1 of Article 125; and "scale of enterprise prior to filing of invalidation" in the case of Item 5, Paragraph 1 of Article 57 and Item 5, Paragraph 1 of Article 125.

#### Rule 39

The wording "the areas in which sale can be made" as referred to in the provisions of Paragraph 2 of Article 57 and Paragraph 2 of Article 125 of this Act shall be determined by the Court on the basis of agreement on the contract, real intention of the parties concerned, customary practice in trading, or other objective facts accordingly.

#### Rule 40

In applying for patent right assignment registration and issuance of a new patent certificate, the original patentee or the assignee shall submit a request, the original Letters Patent and the patent right assignment agreement or other document(s) certifying such assignment.

Where the request for patent right succession registration and issuance of a new patent certificate is caused by amalgamation of companies, the supporting documents to be required shall be the documents certifying such amalgamation.

#### Rule 41

In applying for patent right entrustment registration and issuance of a new Letters Patent, the original patentee or the trustee shall submit a request, Letters Patent along with the following documents:

1. for registration of patent right entrustment, the entrustment agreement or the document(s) certifying such entrustment arrangement.
2. for entrustment registration after the patent right at issue has been obtained by the trustee upon extinguishments of the trust relation, the entrustment agreement or the document(s) certifying the extinguishments of the trust relation.
3. for entrustment attribution, registration after the patent right has been attributed to a

third party upon extinguishments of the trust relation, the entrustment agreement or the document(s) certifying the right attribution by trust.

4. for alteration of other matters in the patent right entrustment registration, the document(s) certifying such alteration.

#### Rule 42

Where a license registration of patent right is requested, the patentee or the licensee shall submit a request accompanied by the licensing agreement or the documentary evidence certifying such license.

The licensing agreement or the certifying document(s) to be submitted under the preceding Paragraph shall state the scope, area and term of license. The term of license shall be limited within the duration of the patent right.

#### Rule 43

Where a pledge registration of a patent right is requested, the patentee or the pledgee shall submit a request, Letters Patent along with the following documents:

1. for registration of pledge created on patent right, the pledge creation agreement.
2. for registration of alteration in the pledge, the document(s) certifying such alteration.
3. for registration of extinguishment of the pledge on patent right, the document(s) certifying the full discharge of pledged liabilities, or the documentary evidence certifying the consent of all parties involved to the deregistration of pledge.

The pledge creation agreement as required in the Item 1 preceding Paragraph shall indicate title of the invention, utility model, or the title of the article with new design, the number of the Letters Patent, and the amount of obligation by the pledge. The term of the pledge shall be limited to not exceeding the term of the patent right.

In disposal of the registration prescribed in Paragraph 1, the Patent Authority shall have the relevant items annotated in the Letters Patent and its patent register.

#### Rule 44

In applying for succession registration of patent right and issuance of a new Letters Patent, a request annexed thereto with the certificate of death and the instrument of succession, and the original Letters Patent shall be concurrently submitted.

#### Rule 45

When the patentee of an invention patent or a utility model patent applies for correction of the specification or drawings, an application shall be submitted, accompanied by the following documents:

1. the corrected sheet(s) of specifications on which the corrected portions are

underlined;

2. specifications without underlines after correction or replacement sheet(s) of drawings; if the page numbers of the original specification or drawings are not continuous because of such correction, a complete set of specification or drawings after correction shall be submitted.

#### Rule 46

In applying for a compulsory license, a request shall be submitted accompanied by the detailed project for exploitation, the cause of applying for the compulsory license and its related documents.

In applying for revocation of a compulsory license, a request stating the manifested reasons to revoke the compulsory license shall be submitted accompanied by the documentary evidence.

#### Rule 47

Marking of a Letters Patent number as stipulated in Article 79 of this Act shall not be made after the patent is extinguished or its revocation becomes irrevocable.

#### Rule 48

Where a Patent Certificate is destroyed, lost or damaged to the extent that it is no longer usable, the patentee shall apply for issuance of a replacement or a new Letters Patent by stating reasons in writing. The damaged Letters Patent shall be returned to the Patent Authority.

#### Rule 49

Where a request for correcting the description of the drawings is made by the patentee of a design patent, an application shall be submitted along with by the following documents:

1. the corrected sheet(s) of description of the drawings, on which the corrected portion are underlined.
  2. a complete set of description of the drawings without underlines after correction.
- However, in case the correction is made only to the drawings, a complete set of drawings after correction shall be submitted.

#### Rule 50

Where a request for rendering a technical report on a utility model patent as specified in Paragraph 1, Article 103 of this Act is made, an application stating the following items shall be submitted:

1. application number;
2. title of the utility model;
3. name or title, domicile/residence or business authority of the applicant who requests for rendering a technical report; if a representative is appointed, the name of the representative as well;
4. if a patent attorney is entrusted, the name and business authority thereof;
5. whether the applicant is the patentee.

#### Rule 51

The relevant documentary evidence as stipulated in Paragraph 4, Article 103 of this Act includes a written notification which issued by the patentee to a party not entitled to exploit the patent for commercial purpose, advertisement catalogues or other written documents reflecting the facts pertaining to commercial exploitation.

#### Rule 52

The technical report on a utility model patent shall contain the following items:

1. patent number of the utility model;
2. application number;
3. filing date;
4. priority date;
5. the date that a request for rendering a technical report is made;
6. title of the utility model;
7. name or title, domicile/residence or business authority of the patentee;
8. if a patent attorney is entrusted, the name of the patent attorney;
9. name or title of the applicant who request for rendering a technical report on a utility model patent;
10. name of the patent examiner;
11. the international patent classification code;
12. the range of documents pertaining to the prior art;
13. comparative result.

#### Rule 53

The patent register shall contain the following information:

1. the title of invention, model utility or the title of the article applied to the design;
2. the duration of the patent;
3. name or title, nationality, domicile/residence or business authority address of the patentee;
4. if a patent attorney is entrusted, the name and business authority thereof;
5. filing date and application number;

6. where the priority stipulated in the provision of Paragraph 1, Article 27 of this Act was claimed, the name of the foreign country in which the corresponding foreign patent application was first filed, the application number and the filing date thereof;
7. where the priority stipulated in the provision of Paragraph 1, Article 29 of this Act was claimed, the application number and the filing date thereof;
8. date of granted patent and patent number;
9. filing dates, date of granted patent of an associated design application;
10. the date of patent assignment or recordal through inheritance, and name or title of the assignee and successor;
11. the date of recordal of trust, cancellation or reversion of patent right, and names or titles of the truster or trustee;
12. name or title of the licensee and date of license registration;
13. the date of recordal of creation, change or extinction in a pledge of patent and name or title of the pledge;
14. name or title, nationality, domicile/residence or business authority of the compulsory licensee, and the date of approval or revocation of a compulsory license;
15. cause(s) and date of issuance of a new Letters Patent;
16. extension of patent term or prolongation and the date of approval;
17. the cause(s) and its date for the extinguishment or revocation of a patent;
18. name of the depository institute, the deposit date and the deposit number; and
19. any other statutory rights and matters related to the patent.

## Chapter 4

### Laying open and Publication

#### Rule 54

Whenever an invention patent application is laid open by the Patent Authority, the following items shall be opened to the public:

1. application number;
2. number of laying open;
3. date of laying open;
4. the international patent classification code;
5. filing date;
6. title of the invention;
7. name(s) of the inventor(s);
8. name or title, domicile/residence or business authority of the applicant;
9. if a patent attorney is entrusted, the name of the patent attorney;

10. abstract of the invention;
11. a figure which best characterizes the technical feature of the invention;
12. where the priority stipulated in the provision of Paragraph 1, Article 27 of this Act was claimed, the name of the foreign country in which the corresponding foreign patent application was first filed, application number and filing date thereof;
13. where the priority stipulated in the provision of Paragraph 1, Article 29 of this Act was claimed, the application numbers and the filing date thereof;
14. whether a request for substantive examination is filed; and
15. whether a request for supplement or amendment is made.

Any party may apply to inspect, transcribe, photograph, or make copies of the specification or drawings of a laid-open application.

#### Rule 55

Whenever a patent application is granted, the following items shall be published in the official Patent Gazette:

1. patent number;
2. publication date;
3. number and date of laying open with respect to the invention patent application;
4. the international patent classification code or the International Industrial design code;
5. filing date;
6. application number;
7. title of invention patent, utility model patent, or the title of the article applied to the design;
8. name of the inventor(s) or the creator(s);
9. name or title, domicile/residence or business authority of the applicant;
10. if a patent attorney is entrusted, the name of the patent attorney;
11. claims and drawings of the invention patent or the utility model patent; drawings of the design patent;
12. brief description of the drawings or description of figure(s);
13. where the priority stipulated in the provision of Paragraph 1, Article 27 of this Act was claimed, the name of the foreign country in which the corresponding foreign patent application was first filed, the application number and the filing date thereof;
14. where the priority stipulated in the provision of Paragraph 1, Article 29 of this Act was claimed, the application number and the filing date thereof; and
15. the name of the depository institute for any invention pertaining to biological material or utilization of biological material, the deposit date and the deposit number.

#### Rule 56

Where the applicant deems necessary to delay the publication of a patent, he or she may apply to the Patent Authority for delay of the publication of a patent by submitting a written application stating manifested reasons at the time of paying the sealing fee and the first annuity. The requested term of delay shall not exceed a period of three (3) months.

#### Chapter 5

##### Supplementary provision

#### Rule 57

These Implementing Regulations shall enter into force as from the date this Act is implemented.