

CN-KR Collaborative Search Pilot Program

User Guide

CN-KR Collaborative Search Pilot Program (CSP) is a joint work sharing pilot program between the China National Intellectual Property Administration (CNIPA) and the Korean Intellectual Property Office (KIPO), through which the two offices intend to concurrently conduct searches on corresponding counterpart patent applications and share the search results under the Paris Route.

I. Concept

The CSP is a joint work sharing pilot program, through which the two offices intend to concurrently conduct searches on corresponding counterpart patent applications and exchange the search reports. After then the examiners from the two offices will finish the examination respectively.

According to the Minutes of the 24th Heads meeting of the CNIPA and KIPO signed on October 30, 2018, the two offices intend to commence the CN-KR CSP on January 1, 2019.

II. Framework

1. Applicant-driven

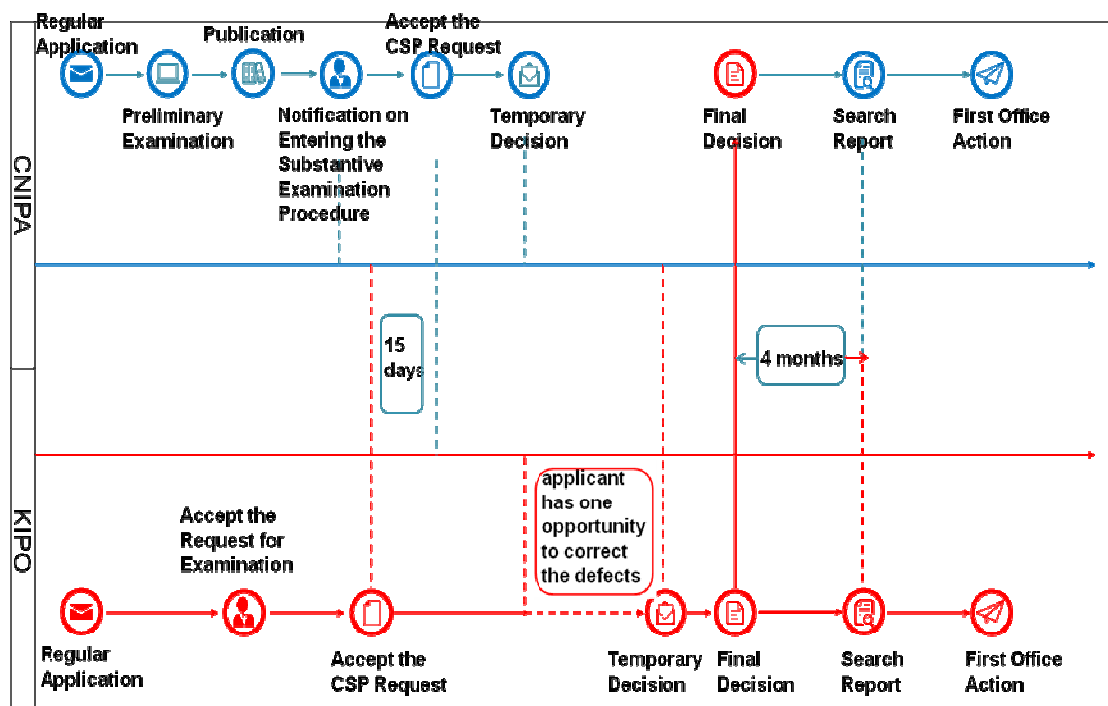
Under the pilot program, with a view to assessing the users' interest for a CSP product, applications processed under the CSP

scheme will be selected by the applicants.

2. Request

Applicants wishing to participate in the CSP must submit a request using a standard request form and file it in a proper time at the two offices respectively. The request form is available on the CNIPA's website. Requests can be filed as from January 1, 2019. Each applicant will only be able to select a limited number of applications to participate in the CSP.

3. Procedure



Picture 1 CN-KR CSP procedure

While the applicant files the requests for participation in the CSP, the two offices will examine the requests from the later receiving date of the two offices and determine if the requests

can be granted. If the office determines the request to be defective and could be fixed, the applicant will be provided a single opportunity to correct the identified defects before the office finally denies the request. Only if both offices grant the requests, the applicant can participate in the CSP and receive the final decision for approval. If the requests are not granted, the applicants will receive the final decisions for rejection from the two offices.

If the requests are granted, the two offices will perform the search respectively and exchange search reports in four months from the date of the final decision. Then the CNIPA will issue the Chinese search report and the first office action in one month from the date of exchanging the search reports.

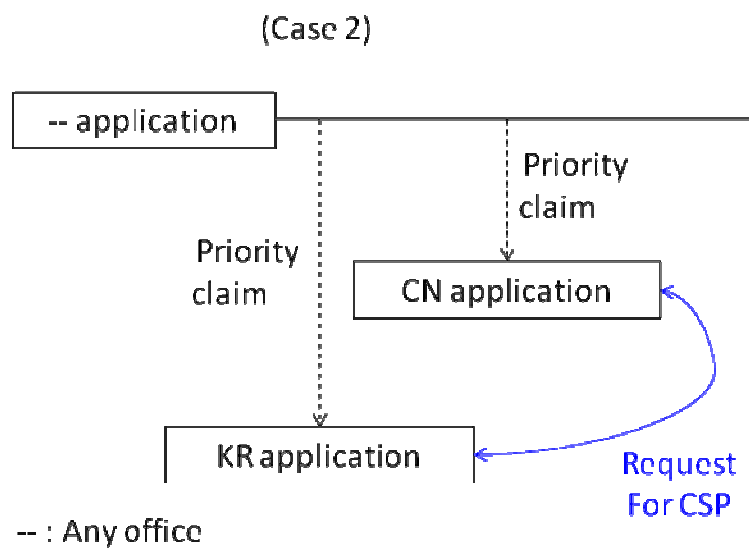
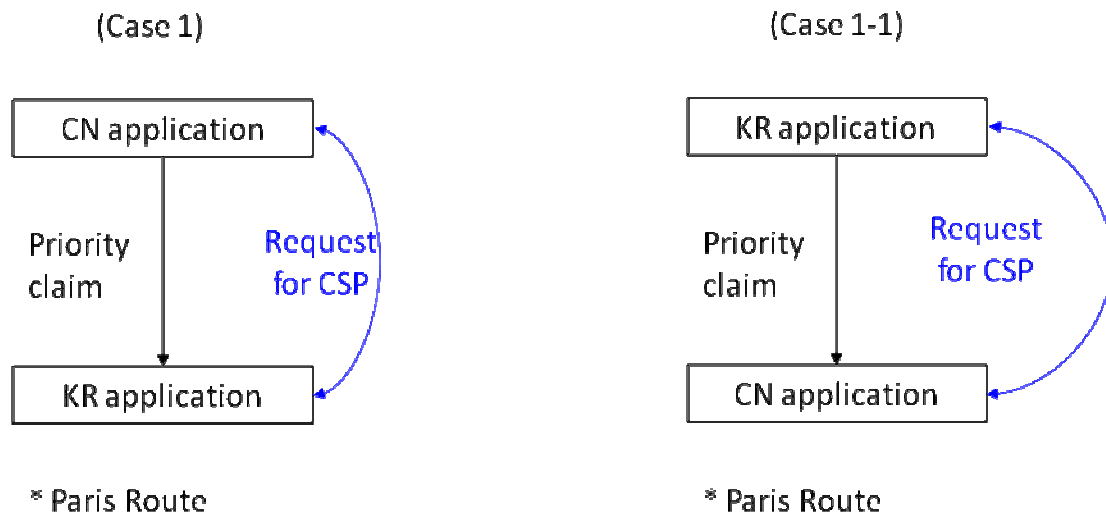
4. Assessment

Towards the end of the pilot program, applicants having participated in this CSP may be asked to complete a questionnaire about their interest for a regular CSP product. The applicant's replies will be taken into account by the two offices in the assessment of the CSP.

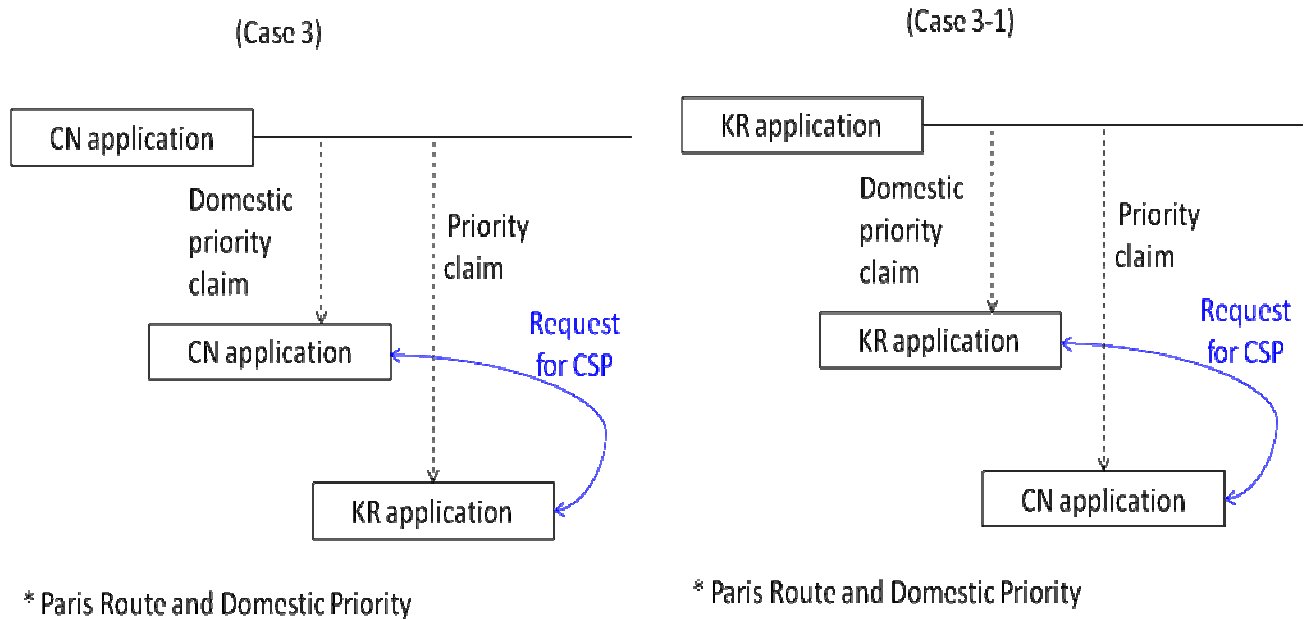
III. Requirements for participation

The following requirements must be met by applicants wishing to participate in the CSP:

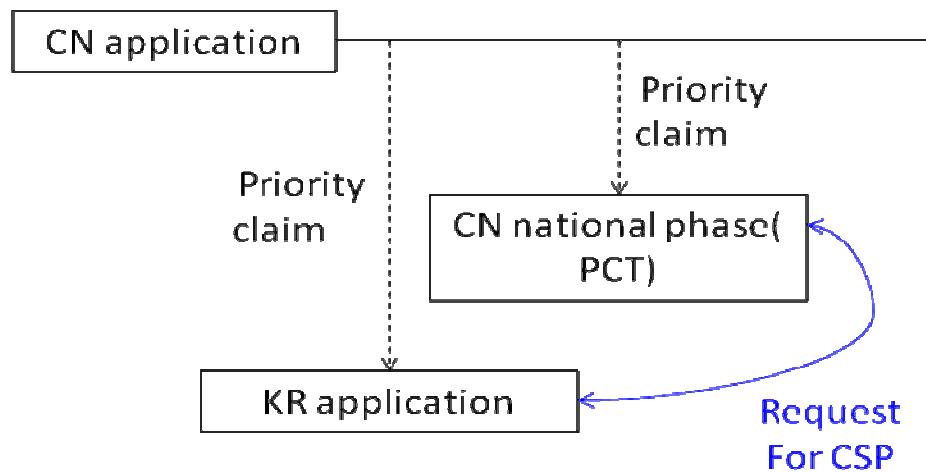
1. The patent application in either office must have the same earliest date (application date or priority date) under the Paris Route, including:



* Paris Route, but the first application is from the third country (--)



The CSP related CN and KR application cannot be the national phase of PCT application, for example, the following case will not be allowed:



* Paris Route and national priority (PCT)

2. Requests for each of the corresponding patent applications to enter the CSP should be submitted to the two offices

concurrently, and in any case, the request submitted to the second office should be submitted no later than fifteen days after the request to the first office has been submitted.

The corresponding patent application must be in the electric form. The applicant must use the standard request form, and send it together with the claims of counterpart KR application and their Chinese translation, which should all be in the tif format, to the special mailbox csp@cnipa.gov.cn. The request will not be granted unless all the above requirements are met.

3. The CSP request must be submitted after the Notification on Entering the Substantive Examination Procedure of the CN application, at the same time or after the substantive examination request of the KR application, before the substantive examiner beginning the examination.

The applicant can use China and Global Patent Examination information inquiry system (<http://cpquery.cnipa.gov.cn>) to confirm if the corresponding patent application has been examined by the substantive examiner.

4. One CSP request must be made based on a single application.

5. All claims in the patent application received at one office must be the same with all claims in the patent application received at the other office.

The quantity, type and content of the claims should be the same in the applications at the two offices. The applicant should submit CSP request form, the claims of counterpart KR application and their Chinese translation and promise the claims of counterpart CN and KP application are the same. If the applicant doesn't provide above documents in time or fill the request form properly, and doesn't fix it correctly, the CSP request will not be granted.

If the applicant amends the application on his or its own initiative, the amendment should meet the provision of Rule 51 of the Implementing Regulations of the Patent Law of the People's Republic of China, which is at the time when a request for examination as to substance is made, and when, within the time limit of three months after the receipt of the notification on entry into examination as to substance of the application. Otherwise the amendment will not be accepted as the examination basis of CSP. The applicant should submit the amendments on his or its own initiative no later than the date of CSP request.

After the grant of CSP request and before the first office action of CNIPA, if the applicant amends the claims, the qualification of CSP will be canceled. It will also influence the eligibility of

the applicant to participate the CSP in the future.

6. The CSP is limited to accepting 400 requests

The CSP requester should be the applicant or part of the co-applicants of the corresponding patent applications at the two offices. The CSP is limited to accepting 400 requests, wherein no more than 200 requests for Korean applicants or Chinese applicants, no more than 100 requests for applicants from the third country, and no more than 50 requests for a single applicant. The nationality of the requester is according to the CSP request form, and if there is more than one requester, the nationality of the first requester will be recorded.

The 400 limit is based on the number of the request, even if the request was rejected in the final decision. There are two opportunities for each application to participate in the CSP, and if both requests were rejected, the application cannot participate in the CSP.

IV. Duration

The pilot will start on January 1, 2019, and last until December 31, 2020 or 400 requests received.