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1	第七章 期限、权利的恢复、中止	Chapter 7 Time Limit, Restoration of Right and Suspension of Procedure
2	1.期限的种类	1. Types of Time limit
3	1.1 法定期限	1.1 Prescribed Time Limit
4	法定期限是指专利法及其实施细则规定的各种期限。	The prescribed time limit refers to any of the various time limits as prescribed in the Patent Law and its Implementing Regulations,
5	例如，发明专利申请的实质审查请求期限（专利法第三十五条第一款的规定）、申请人办理登记手续的期限（专利法实施细则第五十四条第一款的规定）。	such as the time limit for request for substantive examination of a patent application for invention (as provided in Article 35.1), and the time limit for an applicant to go through the formalities of registration (as provided in Rule 54.1).
6	1.2 指定期限	1.2 Specified Time Limit
7	指定期限是指审查员在根据专利法及其实施细则作出的各种通知中，规定申请人、专利权人或者其他当事人作出答复或者进行某种行为的期限。	The specified time limit refers to the time limit specified by the examiner in the various notifications under the Patent Law and its Implementing Regulations for an applicant, patentee or any other person concerned to make a response or perform a certain act.
8	例如，根据专利法第三十七条的规定，专利局对发明专利申请进行实质审查后，认为不符合专利法规定的，应当通知申请人，要求其在指定的期限内陈述意见，或者对其申请进行修改，该期限由审查员指定。	For example, according to Article 37, when the Patent Office finds, after the substantive examination of a patent application for invention, that the application is not in conformity with the provisions of the Patent Law, the applicant shall be notified to make observations or amend the application within a specified time limit. Such time limit is specified by the examiner.
9	又如，根据专利法实施细则第四条第二款的规定，当事人根据专利法及其实施细则规定提交的各种证件和证明文件是外文的，专利局认为必要时，可以要求当事人在指定期限内附具中文译文，该期限也由审查员指定。	For another example, according to Rule 4.2, if a certificate or certifying document submitted by the party concerned under the Patent Law and its Implementing Regulations is in a foreign language, the Patent Office, when considering it necessary, may request the party concerned to provide the Chinese translation of the certificate or the certifying document within a specified time limit. Such time limit is also specified by the examiner.
10	指定期限一般为两个月。	A specified time limit shall be in general two months.
11	发明专利申请的实质审查程序中，申请人答复第一次审查意见通知书的期限为四个月。	In the procedures of substantive examination of a patent application for invention, the time limit for the applicant to response to the first Office Action shall be four months.
12	对于较为简单的行为，也可以给予一个月的期限。	A one-month time limit may be specified for a less complicated act.
13	上述指定期限自推定当事人收到通知之日起计算。	The time limit mentioned above shall be calculated from the date on which the party concerned presumably receives the notification.
14	2.期限的计算	2. Calculation of Time Limit
15	2.1 期限的起算日	2.1 Dies a Quo of Time Limit
16	(1) 自申请日、优先权日、授权公告日等固定日期起计算	(1) Calculated from such fixed date as the date of filing, date of priority and date of announcement of the grant of patent right, etc.
17	大部分法定期限是从申请日、优先权日、授权公告日等固定日期起计算的。	Most prescribed time limits are calculated from a fixed date such as the date of filing, date of priority and date of announcement of grant of patent right.
18	例如，专利法第四十二条规定的专利权的期限均自申请日起计算。	For example, it is provided in Article 42 that the term of a patent right shall be calculated from the date of filing.

19	专利法第二十九条第一款规定要求外国优先权的发明或者实用新型专利申请应当在十二个月内提出，该期限的起算日为在外国第一次提出专利申请之日（优先权日）起计算。	It is provided in Article 29.1 that a patent application for invention or for utility model claiming the priority based on a foreign application shall be filed within twelve months, calculated from the date on which the application serving as the basis is first filed in a foreign country (priority date).
20	(2) 以通知和决定的推定收到日起计算	(2) Calculated from the date on which a notification or decision is presumably received.
21	全部指定期限和部分法定期限以通知和决定的推定收到日起计算。	All of the specified time limits and part of the prescribed time limits are calculated from the date on which a notification or a decision is presumably received.
22	例如，审查员根据专利法第三十七条的规定指定申请人陈述意见或者修改其申请的期限（指定期限），是自推定申请人收到审查意见通知书之日起计算；专利法实施细则第五十四条第一款规定的申请人办理登记手续的期限（法定期限）是自推定申请人收到授予专利权通知之日起计算。	For example, the time limit for the applicant to make observations or amend the application specified by the examiner in accordance with Article 37 (specified time limit) is calculated from the date on which the Office Action is presumably received by the applicant. The time limit for the applicant to go through the formalities of registration as provided for in Rule 54.1 (prescribed time limit) is calculated from the date on which the Notification to Grant Patent Right is presumably received by the applicant.
23	推定收到日为从专利局发出文件之日（该日期记载在通知和决定上）起满十五日。	The date on which a document is presumably received refers to the fifteenth day from the date of the issuance of the said document by the Patent Office (the date is indicated in the notification or the decision).
24	例如，专利局于 2001 年 7 月 4 日给申请人发出的通知书，其推定收到日为 2001 年 7 月 19 日。	For example, where a notification is issued to an applicant on 4 July, 2001 by the Patent Office, the date on which the notification is presumably received shall be 19 July, 2001.
25	2.2 期限的届满日	2.2 Expiration of Time Limit
26	期限起算日加上法定或者指定的期限即为期限的届满日。	The date of expiration of a time limit shall be the last day of the prescribed or specified time limit calculated from the Dies a Quo of the time limit.
27	相应的行为应当在期限届满日之前、最迟在届满日当天完成。	The relevant acts shall be accomplished before, or at the latest on, the date of expiration.
28	2.3 期限的计算	2.3 Calculation of Time Limit
29	期限的第一日（起算日）不计算在期限内。	The first day (Dies a Quo) of any time limit is not to be calculated in.
30	期限以年或者月计算的，以其最后一月的相应日为期限届满日；该月无相应日的，以该月最后一日为期限届满日。	Where a time limit is calculated by year or by month, it shall expire on the corresponding day of the last month; if there is no corresponding day in that month, the time limit shall expire on the last day of that month.
31	例如，一件发明专利申请的申请日为 1998 年 6 月 1 日，其实质审查请求期限的届满日应当是 2001 年 6 月 1 日，而不是 2001 年 5 月 31 日。	For example, if the filing day of a patent application for invention is 1 June, 1998, the expiration date of the time limit for requesting the substantive examination shall be 1 June, 2001, rather than 31 May, 2001.
32	又如，专利局于 1999 年 12 月 16 日发出的通知书，其推定收到日是 1999 年 12 月 31 日，如果该通知书的指定期限为两个月，则期限届满日应当是 2000 年 2 月 29 日。	For another example, if a notification is sent by the Patent Office on 16 December, 1999, the date on which it is presumably received is 31 December, 1999. If the specified time limit for this notification is two months, the expiration date shall be 29 February, 2000.
33	期限届满日是法定节假日的，以节假日后的第一个工作日为期限届满日。	If a time limit expires on an official festival or holiday, the time limit shall expire on the first working day immediately after that official festival or holiday.
34	法定节日是指元旦（一天）、春节（三天）、国际劳动节（三天）、国庆节（三天）；法定假日是指每周的周六和周日。	The official festivals refer to the New Year's Day (one day), the Spring Festival (three days), the International Labour Day (three days), the National

		Day (three days); and the official holidays refer to Saturday and Sunday of each week.
35	国家公告移用假日，以北京市政府的公告为准，例如，某一专利申请的申请日是2001年3月1日，其缴纳申请费的期限届满日应当是2001年5月8日，即2001年5月份的第一个工作日（5月1日~3日为国际劳动节法定假日，5月4日~7日是移用假日）。	Where the official festivals or holidays are readjusted by an announcement, the announcement of the Beijing Municipal Government shall prevail. For example, where the date of filing of an application for a patent is 1 March, 2001, the time limit for paying the filing fee shall expire on 8 May, 2001, i.e., the first working day of May (1-3 May are holidays for the International Labour Day, and 4-7 May are holidays due to rearrangement).
36	3. 期限的监视	3. Monitoring of Time Limit
37	3.1 期限的确定	3.1 Determination of Time Limit
38	各种期限均在期限起算日确定。	A time limit is always determined at the dies a quo of that time limit.
39	例如，申请人提出专利申请，并确定了其申请日后，在建立专利申请文档的同时确定从申请日起算的各种期限；审查员在作出各种与期限有关的通知和决定时，确定从该通知和决定推定收到日起算的答复期限。	For example, after a patent application is filed by an applicant, and the date of filing is fixed, the various time limits which are calculated from the date of filing shall be determined while the file of the said patent application is established. The examiner, when making the various notifications or decisions in connection with the time limits, shall determine the time limits for making a response that are calculated from the date on which the notification or decision is presumably received.
40	3.2 期限监视方式	3.2 Monitoring Time Limit
41	各种期限的监视一般由计算机系统进行。	The various time limits are generally monitored by computer systems.
42	申请人办理与期限有关的手续后，在计算机系统中应当记录办理手续的日期，并将该日期与期限届满日进行比较，确定该手续在期限方面的合法性。	After an applicant has gone through the formalities relating to a time limit, the date of going through such formalities shall be recorded in computer systems, and compared with the expiration date of the corresponding time limit, so that the legitimacy of the formalities that have been gone through in respect of the time limit can be ascertained.
43	期限以日为单位进行监视并及时处理。	The time limit is monitored on a day-to-day basis and is handled in time.
44	期限届满日起满一个月尚未销去的期限，应当予以处理，作出相应处理决定。	If a time limit has not been eliminated one month after its expiration, it shall be handled and a decision shall be made accordingly.
45	例如，专利局于2001年9月4日发出补正通知书指定申请人于一个月内提交优先权转让证明文件的中文译本，该通知书的推定收到日为2001年9月19日，期限届满日为2001年10月19日，如果专利局一直未收到申请人提交的中文译本，应当于2001年11月19日后针对该期限进行处理，并发出视为未要求外国优先权通知书。	For example, a Notification to Make Rectification was sent by the Patent Office on 4 September, 2001 to notify the applicant to submit the Chinese translation of a certifying document of priority right transfer within one month. The date on which the notification was received presumably by the applicant should be 19 September, 2001, and the expiration date of the time limit is 19 October, 2001. If the Patent Office failed to receive the Chinese translation submitted by the applicant, the time limit should be handled after 19 November, 2001, and a Notification that Claim to Foreign Priority Deemed Not to Have Been Made shall be sent out.
46	3.3 期限届满的通知	3.3 Notification of Expiration of Time Limit
47	(1) 发明专利申请实质审查请求期限届满前三个月，对尚未提出实质审查请求或者尚未缴纳实质审查费的发明专利申请发出期限届满通知书，通知申请人办理有关手续。	(1) At the time of three months before the expiration of the time limit for requesting the substantive examination for a patent application for invention, if no such request has been made or the corresponding fee has not been paid, a Notification of Expiration of Time Limit shall be issued to notify the applicant of going through the relevant formalities.
48	(2) 专利年费缴纳期限届满后一个月，对尚未缴纳相	(2) At the time of one month after the expiration of

	关费用的专利发出缴费通知书，通知专利权人在专利法实施细则第九十六条规定的滞纳期内缴纳相关费用及滞纳金。	the time limit for the payment of the annual fee, a Notification to Pay Annual Fee shall be issued regarding the patent for which the relevant fees have not been paid to notify the applicant to pay the relevant fees and the surcharge within the time limit for late payment as provided for in Rule 96.
49	(3) 其他期限届满前不发出通知书提示。	(3) No notification as a reminder will be issued before the expiration of other kinds of time limit.
50	4.期限的延长	4. Extension of Time Limit
51	4.1 延长期限请求	4.1 Request for Extension of Time Limit
52	当事人因正当理由不能在期限内进行或者完成某一行为或者程序时，可以请求延长期限。	A party concerned may request to extend a time limit if he cannot perform or complete a certain act or procedure within the time limit with justified reasons.
53	可以请求延长的期限仅限于指定期限。	The request for the extension of time limits shall be limited only to the specified time limits.
54	但在无效宣告程序中，专利复审委员会指定的期限不得延长。	However, in the procedure of invalidation, the time limit specified by the Patent Reexamination Board shall not be extended.
55	延长期限请求应当在期限届满日之前书面提出，并在相应期限届满日之前缴纳延长期限请求费，延长期限请求费以月计算。	The request for extension of time limit shall be made in writing before the expiration of the time limit and the fee for requesting the extension shall be paid before the expiration of the time limit. The fee for such request shall be calculated by month.
56	4.2 延长期限请求的批准	4.2 Approval of Request for Extension of Time Limit
57	延长期限请求由作出相应通知和决定的部门或者流程管理部门进行审批。	The request for extension of time limit shall be examined and approved by the department that has made the corresponding notification or decision or the flow management department.
58	延长的期限不足一个月的，以一个月计算。	Where the extension of time limit is less than one month, it shall be calculated as one month.
59	延长的期限不得超过两个月。	The extension of time limit shall not exceed two months.
60	对同一通知或者决定中指定的期限一般只允许延长一次。	In general, a time limit, which is specified in the same notification or decision, may be extended only once.
61	延长期限请求审查后，不符合规定的，审查员应当发出延长期限审批通知书并说明不予延长期限的理由；符合规定的，审查员应当发出延长期限审批通知书。	After the examination of a request for extension of time limit, where the request does not meet the requirements, a Notification of Decision on Extension of Time Limit shall be issued and the reason for non-approval of the request for extension of the time limit shall be stated.
62	对符合延长期限规定的，应当在计算机系统中更改该期限的届满日，重新建立监视期限。	Where the request meets the requirements, a Notification of Decision on Extension of Time Limit shall be issued and a change shall be made to the expiration date of the time limit in the computer system, which means the time limit is reestablished for being monitored.
63	5.耽误期限的处置	5. Handling for Failure to Meet Time Limit
64	5.1 作出处分决定前的审核	5.1 Check before Making Decision of Disposition
65	申请人（或专利权人）耽误期限的后果是丧失各种相应的权利，这些权利主要包括：专利申请权、专利权、优先权等。	The outcome of the applicant's (or the patentee's) failure to meet a time limit is that the applicant (or patentee) loses the corresponding right, which consist essentially in the right to apply for a patent, the patent right and the priority right.
66	审查员在作出各种处分决定前，应当对是否需要作出该决定进行复核，当确认申请人（或专利权人）在规定的期限之内确实未完成应当完成的行为时，再作出相应的处分决定。	Before making a decision of disposition, the examiner shall recheck whether it needs to make such a decision. The decision shall be made only when it is ascertained that the applicant (or patentee) for sure has not completed an act that should have been completed within the prescribed or specified time limit.

67	5.2 处分决定	5.2 Decision of Disposition
68	因耽误期限作出的处分决定主要包括：视为撤回、视为放弃取得专利权的权利、专利权终止、不予受理、视为未提出请求和视为未要求优先权等。	The decisions of disposition for failure to meet time limit mainly include: application deemed to have been withdrawn, entitlement to patent deemed to have been abandoned, termination of patent right, application being not accepted, request deemed not to have been made, and right of priority deemed not to have been claimed.
69	处分决定的撰写应当符合本部分第六章第 1.2 节的规定，并于期限届满日起满一个月后作出。	The drafting of the decision of disposition shall be in conformity with Chapter 6 Section 1.2 of this Part and shall be made one month after the date on which the time limit expires.
70	5.3 作出处分决定后的处理	5.3 Handling after Making a Decision of Disposition
71	处分决定不影响申请权（或专利权）的，原程序继续进行并由审查员在专利申请文档上记载处分决定的名称和决定日期。	Where the right to apply for a patent (or patent right) is not influenced by the decision of disposition, the original procedure continues and the examiner shall record the title and the date of the decision on the patent application file.
72	处分决定作出后，申请权（或专利权）丧失的，应当按照规定给予两个月（自该处分决定的推定收到日起算）的恢复权利请求期限并由审查员在专利申请文档上记载处分决定的名称和决定日期，期满未提出恢复权利请求或者恢复权利请求不符合规定的，自处分通知书发出之日起四个月（涉及复审或者无效宣告程序的为六个月）后分别按照以下情形处理：	Where the right to apply for a patent (or patent right) is lost after the decision of disposition is made, there shall be a two-month time limit (from the date on which the decision is presumably received) for requesting restoration of right under regulations and the examiner shall record the title of the decision and the date of making the decision in the file of the patent application. Where no request for restoration of right is made at the expiration of the time limit, or where the request for restoration of right does not meet the requirements, the application or patent shall be respectively handled as follows after four months from the date of issuance of the decision (six months for reexamination or invalidation procedure):
73	(1) 处分决定涉及尚未公开的专利申请的，应当对处分决定进行再次复核，确定无误的将专利申请文档转送失效文档库。	(1) where the decision of disposition concerns an unpublished patent application, the decision of disposition shall be checked again, and if it is confirmed inerrant, the file of the application shall be transferred to the storehouse for the invalid files; or
74	(2) 处分决定涉及已公布的发明专利申请或者已公告的专利的，应当对处分决定进行再次复核，确定无误的在专利公报上公告相应处分决定，审查员还应当在专利申请文档上记载公告处分决定的日期，并将专利申请文档转送失效文档库。	(2) where the decision of disposition concerns a published patent application for invention or an announced patent, the decision of disposition shall be checked again, and if it is confirmed inerrant, the decision of disposition shall be announced in the Patent Gazette. The examiner shall record the date of the announcement of the decision in the file of the application for the patent and transfer the file of the patent application to the storehouse for the invalid files.
75	作出丧失专利申请权（或专利权）的处分决定后又收到有关文件表明相关手续已在规定的期限内完成的，文档返回相应流程部门，流程部门应当及时撤销有关处分决定，发出更正通知书，处分决定已公告的还应当作出公告更正。	Where, after the decision of loss of right to apply for a patent or loss of patent right is made, a relevant document indicating that actually the corresponding formalities have been completed within the prescribed time limit is received, the file shall be returned to the corresponding flow management department. The flow management department shall revoke the corresponding decision timely and issue a Notification of Corrections. The correction shall be further published if the decision has been published.
76	6.权利的恢复	6. Restoration of Right
77	6.1 适用范围	6.1 Scope of Application
78	专利法实施细则第七条第一款和第二款规定了当事人因耽误期限而丧失权利之后，请求恢复其权利的条件。	Rule 7.1 and Rule 7.2 provide for the requirements to be met for requesting restoration of right which is lost due to failure to meet a time limit.

79	该条第四款又规定，不丧失新颖性的宽限期、优先权期限、专利权期限和侵权诉讼时效这四种期限被耽误而造成的权利丧失，不能请求恢复权利。	However, Rule 7.4 provides that any right lost due to failure to meet the following four kinds of time limit, namely, the grace period for non-prejudicial disclosures, the priority period, the patent term, and the prescription for instituting legal proceedings of infringement, can not be restored.
80	6.2 手续	6.2 Formalities
81	根据专利法实施细则第七条请求恢复权利的，应当在规定的期限内提交恢复权利请求书、缴纳恢复费，并说明理由，必要时还应当附具有关证明文件。	To request for restoration of right under Rule 7, the party concerned shall, within the specified time limit, submit a request for restoration of right, pay the fee for restoration of right, state the reasons therefor, and, where necessary, provide relevant certifying documents.
82	根据专利法实施细则第七条第二款规定请求恢复权利的，应当在自收到专利局或者专利复审委员会的处分决定之日起两个月内提出，并同时缴纳恢复权利请求费；根据专利法实施细则第七条第一款规定请求恢复权利的，应当自障碍消除之日起两个月内，最迟自期限届满之日起两年内提出并缴纳恢复权利请求费，同时附具证明文件。	Any request for restoration of right under Rule 7.2 shall be made within two months from the date of receipt of the decision of disposition made by the Patent Office or the Patent Reexamination Board, and the fee for requesting restoration of right shall also be paid meanwhile. Any request for restoration of right under Rule 7.1 shall be made within two months from the date on which the impediment is removed and at the latest within two years immediately following the expiration of that time limit, with the fee for requesting restoration of right being paid and the certifying documents being provided meanwhile.
83	当事人在请求恢复权利的同时，应当完成尚未完成的行为，消除造成权利丧失的原因。	At the time of requesting for restoration of right, the party concerned shall complete the act that he has not completed and eliminate the cause that leads to the loss of right.
84	例如，申请人因未缴纳申请费，其专利申请被视为撤回后，在请求恢复其申请权的同时，还应当补缴规定的申请费。	For example, where a patent application is deemed to have been withdrawn due to failure to pay the application fee, at the time of requesting for restoration of the right to apply for a patent, the applicant shall pay the prescribed application fee.
85	6.3 审批	6.3 Examination and Approval
86	审查员应当按照本章第 6.1 节和第 6.2 节的规定对恢复权利的请求进行审查。	The examiner shall examine the request for restoration of right in accordance with Sections 6.1 and 6.2 of this Chapter.
87	(1) 恢复权利的请求符合规定的，应当准予恢复权利，并发出恢复权利请求审批通知书。	(1) Where the request for restoration of right meets the requirements, the restoration of right shall be approved and a Notification of Decision on Request for Restoration of Right shall be issued.
88	申请人提交信函表明请求恢复权利的意愿，只要写明申请号（或专利号）并且签字或者盖章符合要求的，可视为合格的恢复权利请求书。	Where the applicant submits a letter to express the willingness to request the restoration of right, the letter may be deemed as an eligible request as long as it indicates the application number (or patent number) and is signed or sealed in accordance with requirements.
89	(2) 已在规定期限内提交了书面请求并缴足恢复权利请求费，但仍不符合其他规定的，例如恢复权利请求书中的签字或者盖章不符合规定，或者申请人声明因丢失补正通知书而不能完成相应的补正，或者申请人因未提交在先申请文件副本而被视为未要求优先权，申请人请求恢复权利时，仍未提交该文件等情形。	(2) Although, within the specified time limit, the request in writing has been submitted and the fee for requesting restoration of right has been fully paid, the request is still not in conformity with other requirements. For example, the signature or seal in the request for restoration of right is not in conformity with requirements, or the applicant declares that the corresponding correction could not be made due to loss of the Notification to Make Rectification, or the claim to the right of priority is deemed not to have been made because the applicant fails to submit a copy of the earlier application and the applicant still fails to submit the document while he is making a request for restoration of right, etc.
90	审查员应当发出办理恢复手续补正通知书，要求当事人在指定期限之内补正或者补办有关手续，补正或者	Under such circumstances, the examiner shall issue a Notification to Rectify Formalities of

	补办的手续符合规定的，应当准予恢复权利，并发出恢复权利请求审批通知书。	Restoration to ask the party concerned to make rectification or go through relevant formalities within specified time limit. If the rectification made or the formality gone through is in conformity with requirements, the right shall be permitted to restore and a Notification of Decision on Request for Restoration of Right shall be issued.
91	期满未补正或者经补正仍不符合规定的，不予恢复，并发出恢复权利请求审批通知书并说明不予恢复的理由。	If no rectification is made within the time limit or the rectification made does not meet the requirements, the right shall not be restored and a Notification of Decision on Request for Restoration of Right shall be issued with reasons thereof explained.
92	经专利局同意恢复专利申请权(或专利权)的，继续专利审批程序。	The procedures of examination and approval of patent application shall proceed if the right to apply for a patent (or patent right) is restored with the approval of the Patent Office.
93	对于已公告过处分决定的，还应当在专利公报上公告恢复权利的决定。	In addition, where the decision of disposition has been announced, the decision of restoration of right shall be announced in the Patent Gazette.
94	7.中止程序	7. Suspension of Procedures
95	中止，是指当地方知识产权管理部门或者人民法院受理了专利申请权(或专利权)权属纠纷，或者人民法院裁定对专利申请权(或专利权)采取财产保全措施时，专利局根据权属纠纷的当事人的请求或者人民法院的要求中止有关程序的行为。	Suspension of procedures refers to an action of the Patent Office to suspend the relevant procedures upon the request of a party concerned in a dispute over the ownership of right or under the request of the People's Court when a dispute over the right to apply for a patent (or ownership of patent right) is accepted by the local intellectual property administrative authority or the People's Court, or when the People's Court has ordered the adoption of measures of property preservation for the right to apply for a patent (or the patent right).
96	7.1 请求中止的条件	7.1 Requirements for Request of Suspension
97	请求专利局中止有关程序应当符合下列条件：	The following requirements shall be met for requesting the Patent Office to suspend the relevant procedures:
98	(1) 当事人请求中止的，专利申请权（或专利权）权属纠纷已被地方知识产权管理部门或者人民法院受理；法院要求协助执行对专利申请权(或专利权)采取财产保全措施的，应当已作出财产保全的民事裁定。	(1) where a party concerned files the request of suspension, the dispute over the ownership of right to apply for patent (or of patent right) shall have been accepted by the local intellectual property administrative authority or by the People's Court. Where assistance to enforce the adoption of measures of property preservation for the right to apply for a patent (or a patent right) is asked for by the People's Court, the civil order for property preservation shall have been made;
99	(2) 中止的请求人是权属纠纷的当事人或者对专利申请权(或专利权)采取财产保全措施的人民法院。	(2) the requester for suspension shall be either the party concerned in a dispute over the ownership of right or the People's Court that has adopted the measures of property preservation for the right to apply for a patent (or a patent right); and
100	(3) 当事人请求中止的，缴纳了中止程序请求费。	(3) where the request for suspension is from the party concerned, the request fee for suspension of procedures has been paid.
101	7.2 中止的范围	7.2 Scope of Suspension
102	中止的范围是：	The scope of suspension includes the following:
103	(1) 停止办理撤回专利申请、放弃专利权、权利转移等直接涉及权利丧失或者转移的手续。	(1) suspension of the formalities for withdrawing an application for patent, abandonment of patent right, or transfer of right etc., which directly relate to the loss or transfer of right;
104	(2) 停止作出视为撤回、专利权终止、授予专利权、视为放弃取得专利权、宣告专利权无效等与执行调处结论或者判决直接有关的通知或者决定。	(2) suspension of making notification or decision which directly relates to the enforcement of the decision or the judgment concerning the handling of the dispute, such as application deemed to have been withdrawn, termination of patent right, grant

		of patent right, or entitlement to patent deemed to have been abandoned, declaration of the invalidation of patent right etc.;
105	(3) 停止申请人(或专利权人)的姓名或者名称的变更、授予专利权、颁发专利证书和授权公告程序。	(3) suspension of the procedures concerning changes of the name of the applicant (or patentee), the grant of patent right, the issuance of a patent certificate and the announcement of the grant of a patent right; and
106	(4) 停止全部审查、复审、无效宣告请求审查程序。	(4) suspension of all the procedures concerning examination or re-examination of the patent application or examination of request for invalidation of the patent.
107	中止请求批准前公布或者公告程序已进入公报编辑的, 该程序不受中止的影响。	Where, before the request for suspension is approved, the procedure of publication or announcement that has entered the compilation period of the gazette shall not be affected by the request for suspension.
108	7.3 请求中止的手续和审批	7.3 Formalities and Examination and Approval of Request for Suspension
109	7.3.1 权属纠纷的当事人请求的中止	7.3.1 Suspension Requested by the Party Concerned in a Dispute over Right Ownership
110	7.3.1.1 权属纠纷的当事人请求中止的手续	7.3.1.1 Formalities of Requesting Suspension by the Party Concerned in a Dispute over Right Ownership
111	专利申请权(或专利权)权属纠纷的当事人请求专利局中止有关程序的, 应当符合下列规定:	Where the party concerned in a dispute over the ownership of right to apply for a patent (or a patent right) requests the Patent Office to suspend the relevant procedures, he shall:
112	(1) 提交中止程序请求书;	(1) submit a request for suspension;
113	(2) 附具证明文件, 即地方知识产权管理部门或者人民法院出具的受理通知书正本或者副本;	(2) attach certifying documents, i.e., the original or duplicate copy of the notification of reception issued by the local intellectual property administrative authority or the People's Court; and
114	(3) 在提出请求之日起一个月内缴纳中止程序请求费。	(3) pay the fee for request of suspension within one month from the date of the submission of the request.
115	7.3.1.2 权属纠纷的当事人请求中止的审批及处理	7.3.1.2 Examination and Approval of Suspension Requested by the Party Concerned in a Dispute over Right Ownership
116	专利局收到当事人提出的中止程序请求书和有关证明后, 专利局的流程管理部门应当审查下列各项内容:	After the Patent Office receives the request for suspension of procedures and the relevant certifying documents provided by the party concerned, the flow management department thereof shall examine the following contents:
117	(1) 请求中止的专利申请(或专利)是否已发出权利丧失的处分决定, 涉及无效宣告程序的除外;	(1) whether the decision of disposition on the loss of right has been issued for a patent application (or a patent) being requested for suspension of procedures thereof, except for the request for suspension of invalidation procedure;
118	(2) 是否已执行了中止程序;	(2) whether the suspension of the procedure has been enforced;
119	(3) 请求是否由有关证明文件中记载的权属纠纷当事人提出;	(3) whether the request is submitted by the party concerned in the dispute over the ownership of right as indicated in the relevant certifying document;
120	(4) 受理权属纠纷的机关是否对该专利申请(或专利)权属纠纷案有管辖权;	(4) whether the authority receiving the dispute has jurisdiction over the dispute of ownership of right to apply for a patent (or of a patent right);
121	(5) 证明文件中记载的申请号(或专利号)、发明创造名称和权利人是否与请求中止的专利申请(或专利)记载的内容一致;	(5) whether the application number (or patent number), title of the invention-creation and the owner of the right indicated in the certifying document are identical with those of the application for patent (or patent) the procedure of which is requested for suspension;

122	(6) 中止请求书与证明文件其他方面是否符合规定的形式要求;	(6) whether other aspects of the request for suspension and of the certifying document meet the formal requirements as prescribed; and
123	(7) 当事人是否在提出请求之日起一个月内缴足了中止程序请求费。	(7) whether the party concerned has paid in full the fees for requesting the suspension within one month from the date of submission of the request.
124	不符合上述第(1)、(2)、(3)、(4)、(5)、(7)项规定的, 审查员应当向中止程序请求人发出视为未提出中止请求通知书。	Where the requirement of paragraph (1), (2), (3), (4), (5) or (7) is not met, the examiner shall issue a Notification that Request for Suspension Deemed Not to Have Been Made to the requester for suspension.
125	不符合上述第(6)项规定的, 例如中止程序请求书不符合格式要求或者提交的证明文件不是正本或者副本的, 审查员应当发出中止程序请求补正通知书, 通知中止程序请求人在一个月的期限内补正其缺陷。	Where the requirement of paragraph (6) is not met, for example, the request for suspension does not meet the formal requirements or the certifying document is neither the original nor the copy thereof, the examiner shall issue a Notification to Rectify Request for Suspension to notify the requester for suspension to make rectification within one month.
126	补正期限内, 暂停有关程序。	The relevant procedures are suspended temporarily within the time limit of the rectification.
127	期满后补正的或者补正后仍未能消除缺陷的, 应当向中止程序请求人发出视为未提出中止请求通知书, 恢复有关程序。	If no rectification is made within the time limit, or the fault is not eliminated after rectification, the Notification that Request for Suspension Deemed Not to Have Been Made shall be issued to the requester for suspension, and the relevant procedures shall be resumed.
128	符合规定或者经补正后符合规定的, 应当执行中止, 审查员应当向专利申请(或专利)权属纠纷的双方当事人发出中止程序请求审批通知书, 并告知中止期限的起止日期(自提出中止请求之日起)。	Where the request meets requirements when it is filed or after the rectification is made, the suspension shall be enforced, and the examiner shall issue a Notification of Decision on Request for Suspension to both parties in a dispute over the ownership of right to apply for a patent (or of the patent right), and notify the commencement date and the cessation date of the suspension period (from the date on which the request for suspension is filed).
129	对处于无效宣告程序中的专利, 专利局的流程管理部门还应当将执行中止的决定通知专利复审委员会, 由专利复审委员会通知无效宣告程序中的当事人。	For a patent in the procedure of invalidation, the flow management department of the Patent Office shall also notify the Patent Reexamination Board of the decision of enforcing the suspension, and the Patent Reexamination Board shall notify the parties concerned in the invalidation procedure.
130	7.3.2 因人民法院要求协助执行财产保全的中止	7.3.2 Suspension Due to Execution Assistance of Property Preservation Asked by the People's Court
131	7.3.2.1 因协助执行财产保全而中止的手续	7.3.2.1 Formalities of Suspension Due to Execution Assistance of Property Preservation
132	因人民法院要求协助执行财产保全措施需要中止有关程序的, 应当符合下列规定:	Where the relevant procedures are suspended due to the execution assistance of property preservation asked by the People's Court, the following requirements shall be met:
133	(1) 人民法院应当将对专利申请权(或专利权)进行财产保全的民事裁定书及协助执行通知书送达专利局指定的接收部门, 并提供人民法院的通讯地址、邮政编码和收件人姓名。	(1) the People's Court shall serve the specified receiving department of the Patent Office with the civil order of property preservation of the right to apply for a patent (or patent right) and the Notification on Assistance in Execution, and provide the address, postal code and name of the addressee of the People's Court;
134	(2) 民事裁定书及协助执行通知书应当写明要求专利局协助执行的专利申请号(或专利号)、发明创造名称、专利申请人(或专利权人)的姓名或者名称、财产保全期限等内容。	(2) the civil order and the Notification on Assistance in Execution shall indicate the information of the patent application or patent upon which the Patent Office is asked to assist the execution, such as the application number (or patent number), the title of the invention-creation, and the name of the patent applicant (or the

		patentee), as well as the property preservation period; and
135	(3) 要求协助执行财产保全的专利申请(或专利)处于有效期内。	(3) the patent application (or the patent) upon which execution assistance of property preservation is asked for shall be valid.
136	7.3.2.2 因协助执行财产保全而中止的审核及处理	7.3.2.2 Check and Handling of Suspension Due to Execution Assistance of Property Preservation
137	专利局收到人民法院的民事裁定书和协助执行通知书后, 应当按照本章第 7.3.2.1 节的规定进行审核, 并按照下列情形处理:	The Patent Office shall check the civil order and the Notification on Assistance in Execution from the People's Court in accordance with the provisions of section 7.3.2.1 of this chapter after receiving them, and handle them according to the following provisions:
138	(1) 不符合规定的, 应当向人民法院发出通知书, 说明不执行中止的原因并继续原程序。	(1) for those dissatisfying the requirements, issue a notification to the People's Court, explain the reasons for not to execute the suspension, and continue the original procedure;
139	(2) 符合规定的, 应当执行中止, 并向人民法院发出保全程序开始通知书, 说明协助执行财产保全期限的起止日期(自收到协助执行通知书之日起), 并对专利权的财产保全予以公告。	(2) for those satisfying the requirements, execute the suspension, issue a Notification of Commencement of Preservation Procedure, indicate the commencement date and the cessation date of the time period of assisting the execution of property preservation (from the date of receiving the Notification on Assistance in Execution), and announce the property preservation of patent application (or the patent right); and
140	(3) 对已执行财产保全的不得重复进行保全。	(3) for any patent application (or patent) that has been executed property preservation, preservation shall not be executed once again.
141	执行中止后, 其他人民法院又要求协助执行财产保全的, 可以轮候保全。	If another People's Court also asks for execution assistance of the property preservation after a suspension being executed, the preservation request may be put in waiting list in turn.
142	专利局应当进行轮候登记, 对轮候登记在先的, 自前一保全结束之日起轮候保全开始。	The Patent Office shall make the waiting list in turn. The preservation request on the top of the waiting list shall be executed from the date on which the previous preservation comes to an end.
143	对于处在无效宣告程序中的专利, 专利局的流程管理部门还应当将执行中止的决定通知专利复审委员会, 由专利复审委员会通知无效宣告程序中的当事人。	For patent in the invalidation procedure, the flow management department of the Patent Office shall also notify the Patent Reexamination Board of the decision of enforcing the suspension, and the Patent Reexamination Board shall notify the parties concerned in the invalidation procedure.
144	7.4 中止的期限	7.4 Time Limit of Suspension
145	7.4.1 权属纠纷的当事人请求中止的期限	7.4.1 Time Limit of Suspension Requested by the Party Concerned in a Dispute over Right Ownership
146	对于专利申请权(或专利权)权属纠纷的当事人提出的中止请求, 中止期限一般不得超过一年, 即自中止请求之日起满一年的, 该中止程序结束, 审查员应当发出中止程序结束通知书, 通知权属纠纷的双方当事人, 并恢复有关程序。	For the request for suspension made by a party concerned in a dispute over the ownership of the right to apply for a patent (or of patent right), the duration of the suspension shall generally not exceed one year. That is, the suspension shall end one year after the date of filing the request for suspension. The examiner shall issue the Notification of Cessation of Suspension to notify both parties in a dispute over the ownership of the right, and restore the relevant procedures.
147	有关专利申请权(或专利权)权属纠纷在中止期限一年内未能结案, 需要继续中止程序的, 请求人应当在中止期满前请求延长中止期限, 并提交权属纠纷受理部门出具的说明尚未结案原因的证明文件。	If no decision is made on the dispute over the ownership of right to apply for a patent (or patent right) within one year of the suspension and it is necessary to continue the suspension, the requester may request to extend the suspension before the expiration date of the suspension after submitting certifying document of reasons for not concluding the case issued by the authority receiving the dispute over the ownership of right.

148	中止程序可以延长一次，延长的期限不得超过六个月。	The suspension may be extended once, and the extension period shall not exceed six months.
149	不符合规定的，审查员应当发出延长中止程序审批通知书并说明不予延长的理由；符合规定的，审查员应当发出延长中止程序审批通知书，通知权属纠纷的双方当事人。	If the request for extension of suspension does not comply with the provisions mentioned above, the examiner shall issue a Notification of Decision on Extension of Suspension and explain the reason for non-approval of extension. If the request for extension complies with the provisions mentioned above, the examiner shall issue a Notification of Decision on Extension of Suspension to notify both parties in the dispute over the ownership of the right.
150	7.4.2 因协助执行财产保全而中止的期限	7.4.2 Time Limit of Suspension Due to Execution Assistance of Property Preservation
151	对于人民法院要求专利局协助执行财产保全而执行中止程序的，中止期限一般为六个月。	For the suspension due to execution assistance of property preservation asked by the People's Court, the suspension period is generally six months.
152	自收到协助执行通知书之日起满六个月的，该中止程序结束。	The suspension shall cease six months after the date of receiving the Notification on Assistance in Execution.
153	人民法院没有要求继续采取财产保全措施的，审查员应当发出中止程序结束通知书，通知人民法院和专利申请人（或专利权人），恢复有关程序，并对专利权保全解除予以公告。	If the People's Court does not order to keep on the adoption of measures for property preservation, the examiner shall issue a Notification of Cessation of Suspension to notify the People's Court and the patent applicant (or patentee), restore the relevant procedures, and announce the end of preservation for the patent application (or patent right).
154	人民法院要求继续采取财产保全措施的，应当在中止期限届满前将继续保全的民事裁定书及协助执行通知书送达专利局，经审核符合本章第 7.3.2.1 节规定的，中止程序延长六个月。	Where the People's Court orders to continue adopting measures of property preservation, it shall serve the Patent Office with the civil order of keeping on the preservation and a Notification on Assistance in Execution before the expiration of the time limit for suspension. The suspension may be extended six months if the civil order and the Notification on Assistance in Execution comply with the regulations set forth in section 7.3.2.1 of this chapter after being checked.
155	但同一法院要求的总保全期不得超过一年，即总保全期满一年的，专利局自行恢复有关程序，审查员应当发出中止程序结束通知书。	However, the gross duration of preservation ordered by one People's Court shall not exceed one year. Namely, the Patent Office will resume the relevant procedures on its own initiative when the gross duration of preservation reaches one year and the examiner shall issue a Notification of Cessation of Suspension.
156	对轮候登记在先的，自前一保全结束之日起轮候保全开始，中止期限为六个月，审查员应当向前一个人民法院发出中止程序结束通知书，向轮候保全的人民法院发出保全程序开始通知书，并说明协助执行财产保全期的起止日期。	For the preservation request on the top of the waiting list, preservation begins from the date on which the previous preservation ends, and the duration of the preservation is six months. The examiner shall issue the Notification of Cessation of Suspension to the previous People's Court, and issue the Notification of Commencement of Preservation Procedure to the People's Court on the top of the waiting list and indicate the commencement date and the cessation date of execution assistance of property reservation.
157	7.4.3 涉及无效宣告程序的中止期限	7.4.3 Time Limit of Suspension Concerning Invalidation Procedure
158	对涉及无效宣告程序中的专利，应权属纠纷当事人请求的中止或者应人民法院要求协助执行财产保全的中止，中止期限不超过一年，中止期限届满专利局将自行恢复有关程序。	With respect to patents in the invalidation procedure, the duration for suspension as requested by the party concerned in a dispute over the ownership of right or asked by the People's Court to assist in execution of property preservation shall not exceed one year. The Patent Office will resume the relevant procedures on its own initiative once the time limit of suspension expires.

159	7.5 中止的撤销	7.5 Revocation of Suspension
160	7.5.1 权属纠纷的当事人请求的中止的撤销	7.5.1 Revocation of Suspension Requested by the Party Concerned in a Dispute over Right Ownership
161	地方知识产权管理部门作出的处理决定或者人民法院作出的判决发生法律效力之后（涉及权利人变更的，在办理著录项目变更手续之后），专利局应当撤销中止。	After the decision made by the local intellectual property administrative authority or the judgment made by the People's Court takes effect (after the change of bibliographic data when the decision or judgment concerns the change of the owner of the right), the Patent Office shall revoke the suspension.
162	专利局收到当事人或者地方知识产权管理部门或者人民法院送交的调解书或者判决书后，应当审查下列各项：	After receiving the document of mediation or decision submitted by the party concerned, the local intellectual property administrative authority, or the People's Court, the Patent Office shall examine the following contents:
163	(1) 文件是否有效，即是否是正式文本（正本或副本），是否是由有管辖权的机关作出的。	(1) whether the document is valid, i.e., whether or not it is the official copy (original copy or duplicate copy) and whether or not it is made by the authority that has jurisdiction over the case;
164	(2) 文件中记载的申请号（或专利号）、发明创造名称和权利人是否与请求撤销中止的专利申请（或专利）中记载的内容一致。	(2) whether the application number (or patent number), the title of the invention-creation and the owner of the right recorded in the document are identical with the record in the application for patent (or patent) under request for revocation of suspension; and
165	(3) 文件是否已生效，即判决书的上诉期是否已满（调解书均没有上诉期）。	(3) whether the document has taken effect, i.e., whether or not the time limit for appeal in the decision document has expired (there is no time limit of appeal for documents of mediation).
166	当不能确定该文件是否已发生法律效力时，审查员应当给另一方当事人发出通知，确认是否提起上诉；在指定的期限内未答复或者明确不上诉的，文件视为发生法律效力。	Where it can not be determined whether or not the document has taken effect, the examiner shall send a notification to the adversary party to affirm whether or not there will be an appeal. Where no response is made within the specified time limit or where it is clearly expressed that there will be no appeal, the document shall be deemed to have taken effect.
167	提起上诉的，当事人应当提交上级人民法院出具的证明文件，原人民法院判决书不发生法律效力。	Where an appeal is made, the appellant shall submit the certifying document issued by the higher People's Court, and the original decision of the inferior People's Court shall not take effect.
168	文件不符合规定的，审查员应当向请求人发出视为未提出通知书，继续中止程序。	Where the document does not meet the requirements, the examiner shall issue a Notification that Request Deemed Not to Have Been Made to the party requesting for revocation and the suspension procedure continues.
169	文件符合规定并且未涉及权利人变更的，审查员应当发出中止程序结束通知书，通知双方当事人，恢复有关程序。	Where the document meets the requirements and there is no change over the owner of right, the examiner shall issue the Notification of Cessation of Suspension to notify both parties concerned, and resume the relevant procedures.
170	文件符合规定但涉及权利人变更的，审查员应当发出办理手续补正通知书，通知取得权利一方的当事人在收到通知书之日起三个月内办理著录项目变更手续，并补办在中止程序中应办而未办的其他手续；取得权利一方的当事人办理有关手续后，审查员应当发出中止程序结束通知书，通知双方当事人，恢复有关程序。	Where the document meets the requirements and the change of owner of right is involved, the examiner shall issue the Notification to Rectify Formalities to notify the party that is to obtain the right to go through the formalities of changing the bibliographic data within three months from the date of receipt of the notification and to go through other formalities that are required to complete during the suspension but have not been completed. Where the party that that is to obtain the right has gone through the formalities, the examiner shall issue the Notification of Cessation of Suspension to notify both parties concerned, and resume relevant procedures.
171	期满未办理的视为放弃取得专利申请权（或专利权）	Where the formalities are not gone through within

	的权利，审查员应当根据情况向取得权利的一方当事人发出视为撤回通知书或者视为放弃取得专利权通知书。	the time limit, the right to apply for patent (or patent right) shall be deemed to have been abandoned. The examiner shall, according to the circumstances, issue a Notification that Application Deemed to be Withdrawn or a Notification that Entitlement to Patent Deemed Abandoned to the party that is to obtain the right.
172	7.5.2 因人民法院要求协助执行财产保全的中止的撤销	7.5.2 Revocation of Suspension Due to Execution Assistance of Property Preservation Asked by the People's Court
173	要求协助执行财产保全的人民法院送达解除保全通知书后，经审核符合规定的，审查员应当发出中止程序结束通知书，通知人民法院和专利申请人（或专利权人），恢复有关程序。	Where the notification of discharging preservation from the People's Court which asks for execution assistance of property preservation is received, if it is consistent with relevant prescriptions after being checked, the examiner shall issue the Notification of Cessation of Suspension to notify the People's Court and the patent applicant (or patentee), and resume relevant procedures.
174	专利权保全解除的应予公告。	The discharging of preservation for the patent right shall be announced.