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1	第九章专利权的授予和终止	Chapter 9 Grant and Termination of Patent Right
2	1. 专利权的授予	1. Grant of Patent Right
3	1.1 专利权授予的程序	1.1 Procedure of Grant of Patent Right
4	1.1.1 授予专利权通知	1.1.1 Notification to Grant Patent Right
5	发明专利申请经实质审查、实用新型和外观设计专利申请经初步审查，没有发现驳回理由的，专利局应当作出授予专利权决定，发给专利证书，并同时予以登记和公告。	Where it is found, after the substantive examination of a patent application for invention or after the preliminary examination of a patent application for utility model or design, that there is no grounds for rejection of the application, the Patent Office shall make a decision to grant the patent right, issue the patent certificate, and conduct registration and announcement for it.
6	专利权自公告之日起生效。	The patent right shall take effect from the date of announcement.
7	在授予专利权之前，专利局应当发出授予专利权的通知书。	Before the grant of patent right, the Patent Office shall issue the Notification to Grant Patent Right.
8	1.1.2 办理登记手续通知	1.1.2 Notification to Go through Formalities of Registration
9	专利局发出授予专利权通知书的同时，应当发出办理登记手续的通知书，申请人应当在收到该通知之日起两个月内办理登记手续。	At the same time when the Patent Office issues the Notification to Grant Patent Right, it shall also issue the Notification to Go through Formalities of Registration. The applicant shall go through the formalities of registration within two months from the date of receipt of the notification.
10	1.1.3 登记手续	1.1.3 Formalities of Registration
11	申请人在办理登记手续时，应当在规定的期限内缴纳专利登记费、授权当年（办理登记手续通知中指明的年度）的年费、公告印刷费，同时还应当缴纳专利证书印花税。	When the applicant goes through the formalities of registration, he shall pay registration fee for the grant of the patent right, the annual fee of the year in which the patent right is granted (the year indicated in the Notification to Go through Formalities of Registration), the printing fee for the announcement of the grant of the patent right, and the stamp tax for patent certificate in specified time limit.
12	发明专利申请还应当一并缴纳除授权当年之外的各年度的申请维持费。	The maintenance fee for the application of the years other than the year in which the patent right is granted shall also be paid for the patent application for invention.
13	1.1.4 颁发专利证书、登记和公告授予专利权	1.1.4 Issuance of Patent Certificate, Registration and Announcement of Grant of Patent Right.
14	申请人在规定期限之内办理登记手续的，专利局应当颁发专利证书，并同时予以登记和公告，专利权自公告之日起生效。	Where the applicant goes through the formalities of registration within the prescribed time limit, the Patent Office shall issue the patent certificate, register and announce it at the same time. The patent right shall take effect from the date of the announcement.
15	申请人办理登记手续后，专利局应当制作专利证书，进行专利权授予登记和公告授予专利权决定的准备。	After the applicant has gone through the formalities of registration, the Patent Office shall prepare the patent certificate, and make preparations for the registration of the grant of the patent right and the announcement of the decision to grant the patent right.
16	专利证书制作完成后即可按照本部分第六章第 2.1.1 节中的规定送交专利权人。	After the patent certificate is made, it may be sent to the patentee in accordance with the provisions of Chapter 6 Section 2.1.1 of this Part.
17	在特殊情况下，也可按照本部分第六章第 2.1.2 节中的规定直接送交专利权人。	In special circumstances, it may also be delivered directly to the patentee in accordance with the provisions of Chapter 6 Section 2.1.2 of this Part.

18	1.1.5 视为放弃取得专利权的权利	1.1.5 Entitlement to Patent Deemed to Have Been Abandoned
19	专利局发出授予专利权的通知书和办理登记手续通知书后，申请人在规定期限内未按照本章第 1.1.3 节规定办理登记手续的，应当发出视为放弃取得专利权通知书。	Where the applicant fails to go through the formalities of registration within the prescribed time limit under the provisions set forth in Section 1.1.3 of this Chapter after the Patent Office issues the Notification to Grant Patent Right and the Notification to Go through Formalities of Registration, the Patent Office shall issue the Notification that Entitlement to Patent Deemed Abandoned.
20	该通知书应当在办理登记手续期满一个月后作出，并指明恢复权利的法律程序。	Such notification shall be made one month after the date of expiration of the time limit of going through formalities of registration, and the legal procedures for restoration of the right shall be indicated.
21	自该通知书发出之日起四个月期满，未办理恢复手续的或者专利局作出不予恢复权利决定的，将专利申请文档转入失效文档库。	Where, four months after the date of issuance of the notification, the formalities of restoration have not been gone through, or the Patent Office has made a decision of rejection to restore the right, the file of the patent application shall be moved to the storehouse for invalid files.
22	对于发明专利申请，在将专利申请文档转入失效文档库前，应当在专利公报上公告该发明专利申请视为放弃取得专利权。	For a patent application for invention, before the file of the patent application being moved to the storehouse for invalid files, that the application is deemed to have been abandoned of the entitlement to patent right shall be announced in the Patent Gazette.
23	1.1.6 避免重复授权的处理	1.1.6 Handling to Avoid Double Patenting
24	(1) 一件专利申请属于本指南第二部分第三章第 6.2.2 节所述情形的，在发出该专利申请的授权通知书和办理登记手续通知书时，应当将文档中申请人提交的放弃另一件专利权的声明转送相应流程管理部门并记录，在作授权公告准备时还应当将该专利申请授权公告的卷期通知相应流程管理部门；相应流程管理部门应当对放弃声明予以登记和公告。	(1) Where a patent application falls within the circumstance as described in Chapter 3 Section 6.2.2 of Part II, at the time when the Notification to Grant Patent Right and the Notification to Go through Formalities of Registration for the patent application are issued, the declaration of abandonment of the other patent right made by the applicant in the file shall be transferred to the corresponding flow management department, and the volume number of the announcement of grant of patent right to said patent application shall also be notified to the corresponding flow management department during preparation of announcement of grant of the patent right. The corresponding flow management department shall register and announce the declaration of abandonment.
25	(2) 对于因涉及及重复授权专利权人主动提交的放弃专利权声明，相应流程管理部门可以参照第(1)项的方式处理。	(2) Where the patentee submits a declaration of abandonment of patent right on his own initiative due to double patenting, the corresponding flow management department may handle it with reference to the preceding paragraph (1).
26	1.2 专利证书	1.2 Patent Certificate
27	1.2.1 专利证书的构成	1.2.1 Composition of Patent Certificate
28	发明和实用新型的专利证书由证书首页和专利说明书构成；外观设计的专利证书由证书首页和外观设计专利单行本构成。	The patent certificate for invention or utility model consists of the front page and the patent specification, and the patent certificate for design consists of the front page and the pamphlet of the patent for design.
29	专利证书应当记载与专利权有关的重要著录事项、国家知识产权局印记、局长签字和授权公告日等。	The patent certificate shall contain the important bibliographic data concerning the patent right, the hallmark of the State Intellectual Property Office, signature of the Commissioner, and date of announcement of the grant of the patent right, etc.
30	著录事项包括：专利证书号（顺序号）、发明创造名称、专利号（即申请号）、专利申请日、发明人或者设计人姓名和专利权人姓名或者名称。	The said bibliographic data shall include the patent certificate number (serial number), the title of the invention-creation, the patent number (i.e. the application number), the filing date, the name of

		the inventor or designer, and the name of the patentee.
31	当一件专利的著录事项过长，在一页纸上记载有困难的，可以增加附页；证书中的专利说明书的总页数超过 110 页，则自第 101 页起以续本形式制作。	Where the bibliographic data of a patent is too long to be contained in one page, additional page(s) may be attached. If total pages of the specification in the certificate are over 100, pages from page 101 shall be in the form of an additional copy.
32	1.2.2 专利证书副本	1.2.2 Duplicate Copy of Patent Certificate
33	一件专利有两名以上专利权人的，根据共同权利人的请求，专利局可以颁发专利证书副本。	Where for one patent there are two or more patentees, the Patent Office may issue duplicate copies of the patent certificate at the request of the joint patentees.
34	对同一专利权颁发的专利证书副本数目不能超过共同权利人的总数。	However, the number of the duplicate copies of the patent certificate for one patent shall not exceed the number of the joint patentees.
35	专利权终止后，专利局不再颁发专利证书副本。	The Patent Office shall not issue duplicate copy of patent certificate once the patent right expires.
36	颁发专利证书后，因专利权转移发生专利权人变更的，专利局不再向新专利权人或者新增专利权人颁发专利证书副本。	If, after the issuance of the patent certificate, there is a change in the patentee due to transfer of the patent right, the Patent Office will not issue any duplicate copy of the patent certificate to the new or newly-added patentee.
37	专利证书副本标有“副本”字样。	The duplicate copy of a patent certificate has the word "copy" indicated on it.
38	专利证书副本与专利证书正本格式、内容应当一致。	The format and contents of the duplicate copy of a patent certificate shall be identical with the format and contents of the original one.
39	颁发专利证书副本应当收取专利证书副本费和印花税。	The fee for duplicate copy and the stamp tax shall be charged for issuance of a duplicate copy of a patent certificate.
40	1.2.3 专利证书的更换	1.2.3 Replacement of Patent Certificate
41	专利权权属纠纷经地方知识产权管理部门调解或者人民法院调解或者判决后，专利权归还请求人的，在该调解或者判决发生法律效力后，当事人可以在办理变更专利权人手续合格后，请求专利局更换专利证书。	Where, according to the settlement of the local intellectual property administrative authority or the judgment of the People's Court on a dispute over the ownership of the patent right, the patent right is returned to the person who filed the case, he may, after the said settlement or judgment takes effect, request the Patent Office for the replacement of the patent certificate after the formalities of changing patentee has been passed through.
42	专利证书损坏的，专利权人可以请求更换专利证书。	If the patent certificate is damaged, the patentee may request for the replacement of the patent certificate.
43	专利权终止后，专利局不再更换专利证书。	If the patent right expires, the Patent Office shall no longer replace the patent certificate.
44	因专利权的转移、专利权人更名发生专利权人姓名或者名称变更的，均不予更换专利证书。	If the patentee changes due to transfer of patent right or name change of the patentee, the patent certificate shall not be replaced.
45	请求更换专利证书应当交回原专利证书，并缴纳手续费。	When requesting for replacement of the patent certificate, the patentee shall return the original certificate and pay the handling fee.
46	专利局收到更换专利证书请求后，应当核实专利申请文档，符合规定时可以重新制作专利证书发送当事人，更换后的证书应当与原专利证书的格式、内容一致。	The Patent Office shall verify the patent application record after receiving the request for replacing the patent certificate. If the request meets the requirements, the Patent Office may prepare a new patent certificate and issue it to the party concerned. The format and contents of the replacing certificate shall be identical with those of the original patent certificate.
47	原证书记载“已更换”字样后存入专利申请案卷。	The original patent certificate shall be put into the file of the patent application concerned with the word "replaced" indicated thereon.
48	1.2.4 专利证书打印错误的更正	1.2.4 Correction of Typing Errors in the Patent

		Certificate
49	专利证书中存在打印错误时，专利权人可以退回该证书，请求专利局更正。	Where there is any typing error in the patent certificate, the patentee may return the certificate and request the Patent Office to correct it.
50	专利局经核实为打印错误的，应予更正，并应当将更换的证书发给专利权人。	The Patent Office shall correct the typing error after verification, and shall send the replaced certificate to the patentee.
51	原证书记载“已更换”字样后存入专利申请案卷。	The original certificate shall be put into the file of the patent application with the word "replaced" indicated thereon.
52	专利证书遗失的，除专利局的原因造成的以外，不予补发。	No patent certificate shall be reissued if the original patent certificate is lost, unless the loss is due to the Patent Office.
53	1.3 专利登记簿	1.3 Patent Register
54	1.3.1 专利登记簿的格式	1.3.1 Form of the Patent Register
55	专利局授予专利权时应当建立专利登记簿。	The Patent Office shall establish the Patent Register when the patent right is granted.
56	专利登记簿登记的内容包括：专利权的授予，专利申请权、专利权的转移，专利权的无效宣告，专利权的终止，专利权的恢复，专利权的质押、保全及其解除，专利实施许可合同的备案，专利实施的强制许可以及专利权人姓名或者名称、国籍、地址的变更。	The contents to be recorded in the Patent Register include the grant of the patent right, transfer of the patent application or of the patent right, invalidation of the patent right, termination of the patent right, restoration of the patent right, pledge and preservation of the patent right and their discharge, the license contract for patent exploitation submitted for the record, compulsory license for the patent exploitation, and change in the name, nationality and address of the patentee.
57	专利权的授予，专利权的无效宣告，专利权的终止，专利权的恢复，专利权的质押、保全及其解除，专利权实施许可合同的备案和专利实施的强制许可由专利局依职权登记；专利申请权、专利权的转移以及专利权人姓名或者名称、国籍、地址的变更应当根据当事人的请求进行登记。	The Patent Office may register, ex officio, the grant of the patent right, the invalidation of the patent right, the termination of the patent right, the restoration of the patent right, the pledge and preservation of the patent right and their discharge, the license contract for patent exploitation submitted for the record, and the compulsory license for the patent exploitation. The transfer of the patent application or of the patent right, and the change in the name, nationality and address of the patentee shall be registered upon the request of the party concerned.
58	上述事项一经作出即在专利登记簿中记载，专利登记簿登记的事项以数据形式储存于数据库中，制作专利登记簿副本时，按照规定的格式打印而成，加盖证件专用章后生效。	Once made, the above said items are recorded in the Patent Register. The items recorded in the Patent Register shall be stored in the form of data in database. When the duplicate copy of the Patent Register is made, it shall be printed out according to the prescribed form, and shall take effect when it is affixed with the special seal of certification.
59	1.3.2 专利登记簿的效力	1.3.2 Effect of the Patent Register
60	授予专利权时，专利登记簿与专利证书上记载的内容是一致的，在法律上具有同等效力；专利权授予之后，专利的法律状态的变更仅在专利登记簿上记载，由此导致专利登记簿与专利证书上记载的内容不一致的，以专利登记簿上记载的法律状态为准。	At the time when the patent right is granted, the contents of the Patent Register are consistent with those recorded in the patent certificate, they have the same legal effect. After the grant of the patent right, the change in the legal status of the patent is recorded only in the Patent Register. For this reason, where the contents contained in the Patent Register are not consistent with those recorded in the patent certificate, the legal status contained in the Patent Register shall prevail.
61	1.3.3 专利登记簿副本	1.3.3 Duplicate Copy of the Patent Register
62	专利登记簿副本依据专利登记簿制作。	Duplicate copy of the Patent Register is made according to the original one.
63	专利权授予公告之后，任何人都可以向专利局请求出具专利登记簿副本。	After the announcement of grant of patent right, any person may request the Patent Office to issue a duplicate copy of the Patent Register.
64	请求出具专利登记簿副本的，应当提交办理文件副本	When any person requests the Patent Office to

	请求书并缴纳相关费用。	issue a duplicate copy of the Patent Register, he shall submit a request for the duplicate copy, and pay the corresponding fee.
65	专利局收到有关请求和费用后，应当制作专利登记簿副本，经与专利申请案卷核对无误后，加盖证件专用章后发送请求人。	Upon receipt of the said request and the payment of the fee, the Patent Office shall make a duplicate copy of the Patent Register. After being verified with the file of the patent application and confirmed inerrant, the duplicate copy shall be affixed with the special seal for certification and sent to the person who made the request.
66	2. 专利权的终止	2. Termination of Patent Right
67	2.1 专利权期满终止	2.1 Termination Due to Expiration of Term of Patent Right
68	发明专利权的期限为二十年，实用新型专利权和外观设计专利权期限为十年，均自申请日起算。	The duration of patent right for inventions shall be twenty years, and the duration of patent right for utility model and patent right for design shall be ten years, counted from the filing date.
69	专利权期满时应当及时在专利登记簿和专利公报上分别予以登记和公告，并将专利申请文档转入失效文档库。	When the term of a patent right expires, it shall be registered in the Patent Register and announced in the Patent Gazette respectively in time, and the file of the patent application shall be moved to the storehouse for invalid files.
70	2.2 专利权人没有按照规定缴纳年费的终止	2.2 Termination of Patent Right Due to Patentee's Failure to Pay Annual Fee
71	2.2.1 年费	2.2.1 Annual Fee
72	除授予专利权当年的年费应当在办理登记手续的同时缴纳以外，以后的年费应当在前一年度期满前一个月内预缴。	The annual fee of the year in which the patent right is granted shall be paid at the time of going through the formalities of registration, and the subsequent annual fees shall be paid in advance within one month before the expiration of the preceding year.
73	2.2.1.1 年度	2.2.1.1 Annual Period
74	专利年度从申请日起算，与优先权日、授权日无关，与自然年度也没有必然联系。	An annual period for a patent is counted from the date of filing. It is irrelevant to the date of priority or that of grant of the patent right. It is not necessarily relevant to a calendar year either.
75	例如，一件专利申请的申请日是 1999 年 6 月 1 日，该专利申请的第一年度是 1999 年 6 月 1 日至 2000 年 5 月 31 日，第二年度是 2000 年 6 月 1 日至 2001 年 5 月 31 日，以此类推。	For example, the date of filing of an application for a patent is 1 June, 1999, the first year of that patent application is counted from 1 June, 1999 to 31 May, 2000, and the second year of the patent application is counted from 1 June, 2000 to 31 May, 2001, and the rest can be deduced by analogy.
76	2.2.1.2 应缴年费数额	2.2.1.2 Amount of Annual Fee Payable
77	各年度年费按照收费表中规定的数额缴纳，例如一件专利申请的申请日是 1997 年 6 月 3 日，如果该专利申请于 2001 年 8 月 1 日被授予专利权（授予专利权公告之日），申请人在办理登记手续时已缴纳了第五年度年费，那么该专利权人应当在 2002 年 5 月 3 日至 6 月 3 日期间按照第六年度年费标准缴纳第六年度年费。	The annual fee for every year shall be paid in the amount as prescribed in the fee schedule. For example, the date of filing of an application for a patent is 3 June, 1997, and the application is granted a patent right on 1 August, 2001 (date of announcement of grant of patent right). If the applicant paid the annual fee for the fifth year when he went through the formalities of registration, the patentee shall pay the annual fee for the sixth year between 3 May, 2002 and 3 June, 2002 in the amount as prescribed for the sixth year.
78	2.2.1.3 滞纳金	2.2.1.3 Surcharge
79	专利权人未按时缴纳年费（不包括授予专利权当年的年费）或者缴纳的数额不足的，可以在年费期满之日起六个月内补缴，补缴时间超过规定期限但不足一个月时，不缴纳滞纳金。	Where the patentee fails to pay the annual fee in time (not including the annual fee of the year in which the patent was granted), or where the fee has not been paid in full, the patentee may pay the fee or make up the insufficiency within six months from the expiration of the time limit within which the annual fee is due. If the late payment is made less than one month after the date of the

		expiration of the time limit within which the annual fee is due, no surcharge shall be paid.
80	补缴时间超过规定时间一个月或以上的,缴纳按照下述计算方法算出的相应数额的滞纳金:	Where the late payment is made more than one month after the date of expiration of the time limit, the surcharge in an amount calculated according to the following rules shall be paid:
81	(1) 超过规定期限一个月(不含一整月)至两个月(含两个整月)的, 缴纳数额为全额年费的 5%。	(1) where the late payment is made more than one month but no more than two months after the date of expiration of the prescribed time limit, a surcharge of 5% of the annual fee shall be paid;
82	(2) 超过规定期限两个月至三个月(含三个整月)的, 缴纳数额为全额年费的 10%。	(2) where the late payment is made more than two months but no more than three months after the date of expiration of the prescribed time limit, a surcharge of 10% of the annual fee shall be paid;
83	(3) 超过规定期限三个月至四个月(含四个整月)的, 缴纳数额为全额年费的 15%。	(3) where the late payment is made more than three months but no more than four months after the date of expiration of the prescribed time limit, a surcharge of 15% of the annual fee shall be paid;
84	(4) 超过规定期限四个月至五个月(含五个整月)的, 缴纳数额为全额年费的 20%。	(4) where the late payment is made more than four months but no more than five months after the date of expiration of the prescribed time limit, a surcharge of 20% of the annual fee shall be paid; and
85	(5) 超过规定期限五个月至六个月的, 缴纳数额为全额年费的 25%。	(5) where the late payment is made more than five months but no more than six months after the date of expiration of the prescribed time limit, a surcharge of 25% of the annual fee shall be paid.
86	凡在六个月的滞纳金内补缴年费或者滞纳金不足需要再次补缴的, 应当依照再次补缴年费或者滞纳金时在滞纳金时段内的滞纳金标准, 补足应当缴纳的全部年费和滞纳金。	Where, within six months after the expiration of the prescribed time limit, the shortage of annual fee or surcharge is paid but not paid in full, and another payment is necessary to make up the insufficiency, the annual fee and surcharge shall be complemented according to the surcharge standard for the period when the complementary payment is made.
87	例如, 年费滞纳金 5 的缴纳时段为 5 月 10 日至 6 月 10 日, 滞纳金为 45 元, 但缴费人仅交了 25 元。	For example, the payment period for the surcharge of 5% of the annual fee is from 10 May to 10 June, and the surcharge is 45 yuan, but the payer paid 25 yuan only.
88	缴费人在 6 月 15 日补缴滞纳金时, 应当依照再次缴费日所对应的滞纳金时段的标准 10 缴纳。	If the payer intends to make a complementary payment of the surcharge on 15 June, the surcharge shall be 10% of the annual fee according to the surcharge standard for the period corresponding to the date of complementary payment.
89	该时段滞纳金金额为 90 元, 还应当补缴 65 元。	The amount of surcharge for this period is 90 yuan, and therefore, the patentee shall further pay 65 yuan.
90	凡因年费和 / 或滞纳金缴纳逾期或者不足而造成专利权终止的, 在恢复程序中, 除补缴年费之外, 还应当缴纳或者补足全额年费 25% 的滞纳金。	Where failure to pay or pay in full the annual fee and/or surcharge within the prescribed time limit leads to termination of the patent right, in the procedure for restoration of right, the patentee shall further pay or complement a surcharge of 25% of the annual fee in addition to the payment of the annual fee.
91	2.2.2 终止	2.2.2 Termination
92	专利年费滞纳金期满仍未缴纳或者缴足专利年费或者滞纳金的, 自滞纳金期满之日起两个月后审查员应当发出专利权终止通知书。	Where, at the expiration of surcharge period of annual fee, the patentee still fails to pay or pay in full the annual fee or the surcharge, a Notification of Termination of Patent Right shall be made by examiner two months after the expiration of surcharge period of annual fee.
93	专利权人未启动恢复程序或者恢复权利请求未被批准的, 专利局应当在终止通知书发出四个月后, 在专利公报上公告。	Where the patentee does not request for restoration of right or where the request for restoration of right is not approved, the

		termination of patent right shall be announced in the Patent Gazette by the Patent Office after four months from the issuance of the Notification of Termination of Patent Right,
94	并将专利申请文档转入失效文档库。	and the file of the patent application shall be moved to the storehouse for invalid files.
95	专利权终止日应当是上一年度期限届满日。	The date of termination of the patent right shall be the expiration date of the previous year.
96	2.3 专利权人放弃专利权	2.3 Patentee Abandons Patent Right
97	授予专利权后，专利权人随时可以主动要求放弃专利权，专利权人放弃专利权的，应当提交放弃专利权声明，并附具全体专利权人签字或者盖章同意放弃专利权的证明材料，或者仅提交由全体专利权人签字或者盖章的放弃专利权声明。	After the grant of patent right, the patentee may request to abandon his patent right on his own initiative at any time. Where a patentee request to abandon his patent right, he shall submit a declaration of abandonment of patent right with certifying materials of agreement of the abandonment of the patent right signed or sealed by all the patentees attached, or only submit a declaration of abandonment of patent right signed or sealed by all the patentees.
98	委托专利代理机构的，放弃专利权的手续应当由专利代理机构办理，并附具全体申请人签字或者盖章的同意放弃专利权声明。	Where a patent agency is designated, the formalities of abandonment of patent right shall be gone through by the patent agency, with declaration of agreement of abandonment of patent right signed or sealed by all the patentees attached.
99	主动放弃专利权的声明不得附有任何条件。	Declarations of abandonment of patent right on the patentee's own initiative shall not have any additional conditions.
100	放弃专利权只能放弃一件专利的全部，放弃部分专利权的声明视为未提出。	The abandonment of patent right refers to the abandonment of the entire patent right. The declaration of partial abandonment of patent right shall be deemed not to have been made.
101	放弃专利权声明经审查，不符合规定的，审查员应当发出视为未提出通知书；符合规定的，审查员应当发出手续合格通知书，并将有关事项分别在专利登记簿和专利公报上登记和公告。	Where the declaration of abandonment of patent right does not meet the requirements after examination, the examiner shall issue a Notification that Declaration Deemed Not to Have Been Made . Where it meets the requirements, the examiner shall send a Notification of Passing Examination on Formalities, register relevant matters in the Patent Register and announce them in the Patent Gazette.
102	放弃专利权的生效日为手续合格通知书的发文日。	The date when abandonment of patent right takes effect is the issuance date of the Notification of Passing Examination on Formalities.
103	专利权人无正当理由不得要求撤销放弃专利权的声明。	The patentee shall not be allowed to request for revoking the declaration of abandonment of patent right unless there is qualified reason.
104	除非在专利权非真正拥有人恶意要求放弃专利权后，专利权真正拥有人（应当提供生效的法律文书来证明）可要求撤销放弃专利权声明。	Not until an inauthentic owner of the patent right as the patentee has already abandoned the patent right in bad faith, can the authentic owner (effective legal documents shall be provided to prove such) request to revoke the declaration of abandonment of the patent right.
105	涉及专利法实施细则第十三条第一款的放弃专利权声明，应当声明自申请日起放弃专利权。	Any declaration of abandonment of patent right under Rule 13.1 shall declare that the patent right is abandoned as from the filing date.
106	专利局收到放弃专利权声明后，由相应流程管理部门予以登记和公告，放弃专利权的生效日为所放弃专利的申请日。	After the Patent Office receives the declaration of abandonment of patent right, the corresponding flow management department shall register and announce it. The date when the abandonment of patent right takes effect is the filing date of the abandoned patent.