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1	修订说明	Explanatory Notes on Amendments
2	自《审查指南》（2001年版）于2001年10月18日公布施行，已有近五年的时间。	Almost five years have passed since the Guidelines for Examination (the 2001 version) was promulgated and entered into force.
3	在此期间，中国市场经济体制逐步完善，中国加入世界贸易组织后与贸易相关的知识产权问题日益凸现，企业自主创新的意识和能力显著增强，信息和生物等高科技领域的技术迅速发展，中国专利年申请量成倍增长。	During this period, Chinese market economy system has been gradually ameliorated, the trade-related IPR issues become outstanding ever since China's entry into the World Trade Organization, the awareness and capability of enterprises' independent innovations have been significantly improved, the technologies in such high-tech fields as in information and bio-tech have been greatly developed, and the volume of patent applications filed in China has increased for times.
4	为了适应经济和科技形势的这些重大变化，进一步完善专利审查制度，规范专利审查标准，迫切需要对《审查指南》进行全面的修订。	In order to adapt to these significant changes both in economy and in science and technology, and further meliorate the patent examination system and regulate the standard for patent examination, it is desired to make a comprehensive amendment to the Guidelines for Examination.
5	一、修订过程	1. Amending Procedure
6	本次审查指南修订工作始于2005年3月，主要包括以下几个阶段：	The amendment to the Guidelines was initiated in March, 2005, mainly comprising the following stages:
7	第一阶段（2005年3月上旬），前期准备工作。	The first stage (early March, 2005), early preparations.
8	组建审查指南修订领导小组和工作小组，领导小组负责审查指南主要修订内容的指导和审定，工作小组负责审查指南修订内容的基础研究和撰稿。	The leading group and the working groups for the amendment to the Guidelines were set up, wherein the leading group is responsible for direction and approval of the amendments to the Guidelines, and the working groups are responsible for fundamental researches and drafting of the amendments.
9	召开第一次工作会议，统一修订工作的指导思想，确定修订的基本原则。	Meanwhile, the first working meeting was convened to clarify the governing ideas and establish the basic principles for the amendments.
10	第二阶段（2005年3月中旬至5月），广泛调查研究、收集意见，提出修订建议方案。	The second stage (mid-March to May, 2005), investigation and researches, collection of suggestions, and submission of proposals.
11	在北京、上海、山东等地召开征求意见座谈会，听取发明人、申请人、代理人、企业专利工作者、知识产权专家学者以及司法部门、专利行政管理部门等对审查指南的意见和建议；通过中华全国专利代理人协会、中国知识产权研究会、中国发明协会、中国专利保护协会和各省市的专利行政管理部门，广泛收集社会各界的意见和建议；组织国家知识产权局各部门进行讨论，总结审查实践中遇到的问题及其解决办法。	At the same time seminars were convened in Beijing, Shanghai, Shandong and some other cities to solicit comments and suggestions from inventors, applicants, patent agents, staffs in enterprises dealing with patent issues, IPR experts and scholars, judicial and patent administration departments, etc. Comments and suggestions from various sectors were also widely solicited through All-China Patent Attorneys Association, Chinese IPR Society, Chinese Invention Association, Chinese Patent Protection Association, and provincial or municipal patent administrations. Discussions were organized between the departments under the State Intellectual Property Office to identify the problems encountered in the examination practice and the solutions thereof.
12	审查指南修订办公室通过书面方式和电子方式共收到建议1500余条。	The office for the amendments to the Guidelines received over 1500 pieces of suggestions in written or electronic form.
13	经过对全部建议进行深入分析，各工作小组提出了初步修订框架方案。	Then each working group proposed primary amendment framework after in-depth analysis of all the suggestions.

14	第三阶段（2005年6月至7月），领导小组审议确定修订框架。	The third stage (June to July, 2005), the leading group examining and determining the framework of the amendment.
15	领导小组对各工作小组提出的初步修订框架方案进行会议讨论，从现有审查指南存在的问题、可能的解决方法和国内外相关法律规定的比较等方面，逐项审议各工作小组提出修订的内容，原则上确定了修订的框架。	The leading group convened meetings to discuss the primary amendment framework proposed by the working groups, examine item by item the amendments proposed by each working group in such aspects as problems existing in the current Guidelines, possible solutions, and comparison between the relevant domestic and foreign laws and regulations, and determine the amendment framework in principle.
16	第四阶段（2005年8月至12月中旬），撰稿阶段。	The fourth stage (August to mid-December, 2005), drafting the amendments.
17	在领导小组确定的修订框架范围内，各小组进行具体修订内容的撰稿，其间多次召开各工作小组、各部门和各审查流程之间的协调会，以保证修订内容的整体统一。	The working groups drafted the detailed amendments within the amendment framework determined by the leading group, and held many coordinating meetings among the working groups, the relevant departments and across the various examination procedures, to guarantee the unified standards of the amendments.
18	形成了审查指南修订征求意见稿。	Consequently, the draft amendments to the Guidelines were accomplished.
19	第五阶段（2005年12月下旬至2006年4月），对审查指南修订征求意见稿广泛征求意见。	The fifth stage (late December 2005 to April 2006), soliciting comments on the draft amendments.
20	经领导小组审议后，将审查指南修订征求意见稿在国家知识产权局网站上予以公布，征求全社会的意见。	The draft amendments to the Guidelines, after the deliberation of the leading group, were published on the website of the State Intellectual Property Office to solicit comments from the whole public.
21	同时，召开多种形式的座谈会，分别听取发明人、申请人、代理人和公众的意见，司法部门的意见，部分国内企业和外国在华企业的意见，国家知识产权局各部门的意见，知识产权法律专家的意见。	Meanwhile, various seminars were convened to collect comments from inventors, applicants, patent agents, the public, judicial institutions, some domestic and foreign companies in China, departments under the State Intellectual Property Office and IPR legal experts.
22	此阶段共收到建议800余条。	At this stage, over 800 pieces of suggestions were received,
23	其间，组织召开了多次协调会和领导小组审议会。	and lots of coordinating meetings and discussions of the leading group were organized.
24	第六阶段（2006年5月），审批和公布。	The sixth stage (May 2006), approval and promulgation.
25	2006年5月24日，国家知识产权局局长签署第三十八号令公布审查指南，审查指南全文在全国知识产权局系统政府门户网站（ www.sipo.gov.cn ）上向社会公开。	The Ordinance No. 38 was signed by the Commissioner of the State Intellectual Property Office on May 24, 2006 to promulgate the Guidelines, and the whole text of the Guidelines was published on the governmental website of the national IP administrations system (www.sipo.gov.cn).
26	第七阶段（2006年6月），审查指南（2006年版）出版发行。	The seventh stage (June 2006), printing and distribution. The Guidelines for Examination (the 2006 version) was printed and distributed.
27	二、主要修订内容	II. Major Contents of Amendment
28	审查指南的修订遵循了以下原则：从更有利于推动技术创新和贸易发展出发，对审查指南进行全面修订；合理、科学地设置申请及审查程序，优化审查流程，既要使申请及审查程序更方便申请人，又要为申请人提供必要的救济措施；有前瞻性地解决审查标准的统一问题，以利于审查质量的提高；对于迅速发展的技术领域，确定恰当的审查和保护标准；研究我国开展专利审查工作二十年来积累的审查实践经验，尽可能将这些宝贵经验体现在审查指南中。	The amendments to the Guidelines abided by the following principles: amending comprehensively in order to promote technical innovation and trade development; reasonably and scientifically setting the procedures of filing and examination and optimizing examination work flow to make the procedures convenient to the applicants, as well as providing necessary remedial measures to the applicants; solving problems of disparity in examination standards to facilitate improving the quality of examination; establishing appropriate standards for examination and of protection in those rapidly developing technical fields; and

		embodying in the Guidelines the precious experiences accumulated in the about twenty years of examination practice.
29	修订的内容主要涉及以下几个方面:	The amendments mainly reside in the following aspects:
30	1.对给申请人造成不便的内容进行修订,在程序规定上,从更加方便申请人的角度出发,尽量简化程序,并且为申请人提供必要的救济措施。	1. amending the contents inconvenient to the applicants. With regard to the procedural provisions, the procedures were simplified and the necessary remedial measures were provided to further facilitate the applicants.
31	例如,简化了解除和辞去委托的手续,增设了实用新型检索报告的更正程序。	For example, the formalities on rescission or declination of representation were simplified and the procedure for rectifying search reports on utility model was provided;
32	2.对造成执法不统一的规定进行修订。	2. amending the rules likely to cause disparity in enforcement.
33	例如,统一了三种专利初步审查的审查程序,明确了实用新型和外观设计优先权审查的标准。	For example, the preliminary examination procedures for the three kinds of patent were unified, and the examination standards on priority concerning utility models and industrial designs were clarified;
34	3.对在审查中操作性较差的内容进行修订。	3. amending the contents less operable.
35	例如,明确了著录项目变更需要提交的各种证明文件,细化了审查程序中作出驳回决定的条件。	For example, the evidential documents to be submitted for changing bibliographic data were specified, and the conditions for objection of an application in the examination procedure were detailed;
36	4.对不适应技术发展的规定进行修订。	4. amending the provisions inadaptable to technical development.
37	例如,对涉及计算机程序的专利申请明确了装置权利要求和方法权利要求的撰写规定,完善了生物领域审查的具体规定。	For example, the rules on drafting product claims and process claims for patent applications concerning computer programs were specified, and the specific examination guidelines for patent applications in the field of biotechnology were ameliorated;
38	5.纳入国家知识产权局已公布的规范性文件的部分相关内容。	5. incorporating some of the relevant contents in the normative documents already issued by the State Intellectual Property Office.
39	例如,纳入了关于专利费用减缓办法中的有关规定。	For example, the relevant provisions on reduction of fees were incorporated;
40	6.加入一些典型案例。	6. adding some typical cases.
41	例如,增加了创造性判断的案例,增加了判断涉及计算机程序的专利申请是否属于专利保护客体的案例。	For example, the cases on the determination of inventive step, and the cases for judging whether a patent application concerning computer programs is patentable;
42	7.将审查实践中证明可行的或者属于我局惯常做法的内容纳入审查指南中。	7. incorporating proved feasible practice and some customary measures of the SIPO.
43	例如,明确了关于优先权要求恢复条件的规定。	For example, the provisions on conditions for restoration of a priority were clarified;
44	8.在各个程序中体现当事人权利与行政审查效率的平衡。	8. seeking balance between the legitimate right of the party concerned and efficiency of the administrative procedure.
45	例如,明确了无效宣告请求审查程序中的举证期限。	For example, the time limit for providing evidence in the examination procedure for requests for invalidation was clarified; and
46	9.考虑与国际规则和国际惯例的协调。	9. coordinating with the international rules and practice.
47	例如,增加了关于PCT申请的大序列表可以仅以电子方式提交的规定。	For example, a provision that macro sequence list in PCT applications can be submitted only in electronic form was added.