

《Courtesy English Translation》

**Arrangements for Hong Kong and Macao residents taking
the National Qualification Examination for Patent Agents**

A delegation comprising members of the Ministry of Commerce, the Hong Kong and Macao Affairs Office of the State Council and the State Intellectual Property Office (SIPO) of the Central Government visited Hong Kong and Macao from 8 to 13 March 2004. The group discussed with the relevant authorities of the Hong Kong and Macao Special Administrative Region Governments on the arrangements to allow Hong Kong and Macao residents to take part in the National Qualification Examination for Patent Agents to be held in the Mainland in October 2004.

On 29 March 2004, representatives of the Commerce, Industry and Technology Bureau and the Intellectual Property Department of the Hong Kong Special Administrative Region Government visited Beijing to have follow-up discussion on the above arrangements with the relevant authorities of the Central Government.

On the basis of the discussions held and having regard to the relevant provisions of the Regulations on Patent Commissioning implemented by the Central Government on 1 April 1991, a consensus was reached as follows:

A. Eligibility requirements

Hong Kong and Macao residents intending to take the National Qualification Examination for Patent Agents in the Mainland are required to meet the following eligibility requirements:

- (1) being permanent residents of Hong Kong or Macao Special Administrative Region holding Chinese citizenship;
- (2) possessing graduate qualifications in the field of science or engineering from tertiary education institutions in the Mainland, Hong Kong or Macao, or equivalent qualifications obtained from other countries or territories and approved by the Ministry of Education of the People's Republic of China;
- (3) having attained the age of 18; and
- (4) having two years' working experience in applied science or the legal field.

B. Place and date of application and documents required for submission

- (1) Hong Kong residents intending to take the National Qualification Examination for Patent Agents in the Mainland are required to submit their applications to the Intellectual Property Department, Hong Kong

Special Administrative Region Government while Macao residents are required to submit their applications to the Economic Services Bureau, Macao Special Administrative Region Government.

- (2) Date of Application : 30 April to 30 June 2004.
- (3) The following should be submitted on application:-
 - (i) a copy of the documentary proof of the applicant's identity, academic qualifications and working experience attested by a China-appointed Hong Kong or Macao attesting officer together with two additional copies thereof and the original attesting certificate;
 - (ii) if any of the documentary proof of identity, academic qualifications or working experience is not in Chinese, its Chinese translation in triplicate. The translation may be prepared by the applicant and need not be attested;
 - (iii) three 1-inch recent photos of the applicant (without headgear); and
 - (iv) application form duly completed and signed together with two additional copies thereof.

C. Determination of applicants' eligibility for examination

- (1) The application handling bodies in Hong Kong or Macao Special Administrative Region will conduct preliminary review to ascertain whether the supporting documents and materials listed in paragraph B(3)

above have been provided by the applicants. However, they will not determine whether the documents and materials submitted are complete and whether the applicants comply with the eligibility requirements under paragraph A above.

- (2) After the application period has expired, the application handling bodies in Hong Kong or Macao Special Administrative Region will, on or before 10 July 2004, forward to SIPO the original attesting certificate, two copies of the supporting documents and their Chinese translations and two photos submitted by applicants under paragraph B(3). SIPO will be responsible to determine whether the supporting documents and other materials submitted by the applicants are complete and whether the applicants comply with the eligibility requirements stated under paragraph A above.
- (3) Before 30 August 2004, SIPO will issue the results of its determination on eligibility to the relevant applicants through the application handling bodies in Hong Kong or Macao Special Administrative Region.

D. Examination Venue, Examination Guidebook, Pre-examination Courses and Other Matters

- (1) Hong Kong and Macao applicants who satisfy the requirements stated under paragraph A above and have been notified to be eligible to take

the examination should report to the examination centre in Shenzhen on or before 15 October 2004, and pay the application fee of RMB30 to obtain their examination passes. They should take the examination from 16 to 17 October 2004 in the Shenzhen examination centre.

- (2) Applicants may purchase the “Guidebook on the National Qualification Examination for Patent Agents 2004” compiled by SIPO.
- (3) The relevant departments of the Hong Kong and Macao Special Administrative Region Governments and SIPO will hold discussions to assess the need for organising pre-examination training courses for the applicants.
- (4) Examination papers will be written in simplified Chinese characters. Candidates from Hong Kong or Macao Special Administrative Region may give their answers using traditional Chinese characters.
- (5) After the examination papers have been assessed, the examination scores of all candidates will be published on the official website of SIPO (www.sipo.gov.cn). Candidates can check their scores by entering their examination pass numbers.
- (6) After SIPO determines the examination passing score, it will publish the score on its official website. SIPO will, through the application handling bodies in Hong Kong and Macao Special Administrative

Regions, issue the Patent Agent Qualification Certificate to the Hong Kong and Macao candidates who have attained the passing score.

E. Professional practice subsequent to obtaining Patent Agent Qualification Certificate

- (1) Any Hong Kong or Macao resident may apply for a Patent Agent Work Permit after obtaining a Patent Agent Qualification Certificate and having completed one full year of apprenticeship in a patent agency authorised to be set up in the Mainland (“Mainland Patent Agency”) or in such agency’s Hong Kong or Macao office. After obtaining such Patent Agent Work Permit, he may practise in a Mainland Patent Agency.
- (2) Any Hong Kong or Macao resident who has obtained a Patent Agent Qualification Certificate and has been permitted to practise in a Mainland Patent Agency may, upon satisfaction of certain prescribed criteria, become a partner or shareholder of a Mainland Patent Agency.
- (3) Specific arrangements for Hong Kong and Macao residents to practise in Mainland Patent Agencies after obtaining their Patent Agent Qualification Certificates will be separately determined.

F. Enquiries

- (1) Relevant rules and information on the National Qualification Examination for Patent Agents in the Mainland can be obtained from SIPO's website.
- (2) Enquiries from Hong Kong and Macao residents on paragraphs A, B, C and D of this Arrangement can be directed to the relevant application handling bodies in Hong Kong and Macao or to SIPO by way of e-mail at : wangyun@sipo.gov.cn
- (3) SIPO will answer the queries raised by Hong Kong and Macao residents by sending e-mails to them individually or by posting replies to commonly raised questions on its website.