

15 December 1999

**Order of the Director-General of
the State Intellectual Property Office of
the People's Republic of China**

No. 10

**Requirements for claiming priority based on a
First application filed in the Intellectual Property Department of
the Hong Kong Special Administrative Region (HKSAR)**

To enable applicants who first file a short-term patent application or a design application in the Intellectual Property (IPD) of the HKSAR to file a patent application in the State Intellectual Property Office, the People's Republic of China ("SIPO"), requirements are set out as follows:

- Within twelve months of the filing date of a first application filed in the IPD of the HKSAR for a short-term patent, or within six months of the filing date of a first application filed in the IPD of the HKSAR for the registration of a registered design, an applicant may enjoy a right of priority in the application filed in SIPO for the same subject matter.
- An applicant who claims priority from the above short-term patent application or registered designs application shall also make a written declaration in filing the application and submit, within three months, a copy of the above short-term patent application or registered designs application first filed in the HKSAR (hereinafter referred to as the "earlier application"). Failure to make the written declaration or late submission of the copy of the earlier application shall be deemed not to

have claimed the right of priority.

- The applicant shall, in the written declaration, state the date of filing, the earlier application number and the competent authority, which is the IPD of the HKSAR. Failure to give details on the date of filing of the earlier application and the competent authority in the written declaration shall be deemed not to have submitted the same.
- The copy of the earlier application document shall be certified by the IPD of the HKSAR.
- An applicant may claim priority or multiple priorities in respect of a patent application. Where multiple priorities are claimed, the priority period for the application shall be calculated from the earliest priority date.

These requirements apply to all short-term patent applications and registered designs applications first filed in the IPD of the HKSAR from 1.12.1999 onwards.