

Ref: 165/TMR/96

Intellectual Property Department
24/F & 25/F, Wu Chung House
213 Queen's Road East
Wanchai
Hong Kong

14 January 2000

**Intellectual Property Department
Circular No. 1 of 2000**

**Order of the Director General of the State of Intellectual Property Office
of the People's Republic of China in respect of requirements for
Claiming Priority in China based on Short-term Patent Applications and
Registered Designs Applications first filed
in the Hong Kong Special Administrative Region**

This Circular is to draw the attention of short-term patent applicants and registered designs applicants to the above Order (Order No. 10) which was publicized by the State Intellectual Property Office of the People's Republic of China ("SIPO") on 15 December 1999.

2. The Order taking effect from *1 December 1999* gives short-term patent applicants and registered designs applicants who first filed in the Hong Kong Special Administrative Region ("HKSAR") a right to claim priority in a patent application in SIPO for the same subject matters within the time limits specified in the Order. The time limits as specified are as follows:

For short-term patent applications:

- Within *twelve months* from the date on which the first filed application (referred to as the previous application) was first filed in the HKSAR

For registered designs applications:

- Within *six months* from the date on which the previous application was filed in the HKSAR.

3. An applicant who claims a right of priority from a short-term patent application or registered designs application in the HKSAR must make a written declaration when the application is filed in SIPO, and submit, within three months, to the Patents Office of SIPO a copy of the previous application filed in the HKSAR. If

the applicant fails to make the written declaration or to meet the time limit for submitting the copy of the previous application, the claim to the right of priority shall be deemed not to have been made.

4. An applicant shall, in his written declaration, indicate the date of filing and the filing number of the previous application and also indicate that the Intellectual Property Department (IPD) of the HKSAR is the competent authority. If the written declaration does not indicate the date of filing of the previous application and the receiving office, the declaration shall be deemed not to have been made.

5. The copy of the previous application must be duly certified by IPD. To obtain a certified copy of a short-term patent application from the Patents Registry in IPD, an applicant should file the specified Patents Form P23 at a prescribed fee of HK\$350. In addition, HK\$6 is payable for each page of the certified copy. Subject to the applicant's request, the following documents submitted at the time of filing the application can be included in the certified copy:-

- Patents Form P6
- Patents Form P7
- Specification of the Invention
- English and Chinese Abstracts
- Search Report

6. For designs, an applicant should file, in the Designs Registry in IPD, a request for a certified copy on the specified Designs Form D20 at a prescribed fee of HK\$350. Subject to the applicant's request, the following documents can be included in the certified copy:-

- Designs Form D1
- Representations of the designs (including amendment of the representations, if any)
- Certificate of Registration of Designs (only available after grant)
- Relevant Register Entry in the Register of Designs (only available after grant)

7. An applicant may claim one or more priorities for an application for a patent. Where the priorities of several previous applications are claimed, the priority period for the application is calculated from the earliest priority date.

8. For details, please refer to the Chinese and English versions of the Order at Appendices A and B respectively. Please note that the Chinese version is the authentic text of the Order.

9. Any queries regarding this Circular may be addressed to Acting Chief Intellectual Property Examiner (Patents and Designs) at telephone number 2961 6832.

Signed
(Peter K.F. Cheung)
for Registrar of Patents & Designs