
PATENT PROCEDURE 专利注册程序

1. To conduct a novelty search before filing the application so as to ascertain the issue of determine on the novelty of the invention. The search could take at least 14-working days to receive the results. 进行专利查询确定当中是否已有相同或近似之发明已登记, 查明其发明之 新颖性. 十四天工作日内将完成查询结果。
2. After the search completed, an application can be filed with the patent specification which comprise the description, claim(s), drawing(s) where required and an abstract. 一旦查询工作完成, 您可用专利说明书来提交有关申请, 其中包括说明, 权利要求, 图画(如需要), 及摘要。
3. After the lodgment of an application, the Registry will allocate a filing number to the application. This number is important as it establishes the priority of the application allotted application number. 确立申请日十分重要, 由于我国商标专利注册采用申请在先原则, 一旦发生申请日的先后成为确定专利权的法律依据, 专利注册的申请日以注册局收到申请书件的日期为准。
4. A request for substantive examination is made within 2 years from the filing date together with the payment of prescribed fee. During the substantive examination, the Examiner determines the compliance of the substantive requirement. 实质考核申请必须在其专利申请日期两年内提交, 并附上规定款项。在实质考核期间考核官将审查其专利是否符合实质要求。
5. After the Registrar has approved the formalities of the patent application (minimum of 2 months from the date of application) the Registrar will issue a Certificate of Filing to the applicant. 当注册官批准了专利申请之文件 (从申请日算起至少两个月), 注册官将发出申请证书给申请人。
6. When the patent has met with all the requirements as to form and substance, the Registrar will issue the certificate of grant and a copy of the patent and the Examiner's final report is given to the Applicant. The details of the patent will be recorded in the Register. Upon issuance of grant, the Registrar will publish the patent in the government gazette and make the patent available to the public. 当有关专利符合所有的要求, 既是形式和内容, 注册官将发出专利证书, 其专利说明书及一份考核官之总结报告于申请人。其专利之细节将被记录在注册局。一旦发出专利证书, 此专利将会在政府宪报刊登, 公告于公众。
7. A patent is valid for 20 years from the date of application subject to yearly renewal. The prescribed annual fee is to be paid within 12 months prior to the expiration of each succeeding year. 专利的有效期是从申请日期算起为期 20 年, 须每年更新。每年更新之年费必须在到期前半场 12 个月内缴付。
8. The whole registration procedures will normally take approximately 5 years for a smooth case. 根据日前注册局审查的惯例, 如专利注册是非常顺利的情况, 整个注册过程一般约需 5 年。