

NEW CHINESE LAW ON PATENTS

In Geneva on 14 March 1984 the U.S. Commissioner of Patents and Trademarks, Mr. Gerald J. Mossinghoff, said recent Chinese establishment of a national patent system was "a most significant and satisfying development in the worldwide network of protection of new technology". Mr. Mossinghoff was in Geneva for the fourth session of the diplomatic conference on the Revision of the Paris Convention which promotes the international protection of patents, trademarks, and other industrial property. The Convention, concluded in Paris in 1883, is the principal patent-and-trademark-protection treaty administered by the World Intellectual Property Organization (WIPO), the United Nations agency responsible for the international recognition of patents and copyright.

The Chinese patent law, enacted March 12, will increase the protection of patents and trademarks in China and also enable foreigners to obtain patents in that country; and Mr. Mossinghoff says, "we believe the new law will greatly increase the potential for transfer of high technology between China and the United States." Patents will not be obtainable in China for inventions and industrial designs which have worldwide novelty. Mr. Mossinghoff noted that the United States has worked closely with Chinese officials since 1980 to encourage them to establish a patent system. He has made two visits to China in connection with the effort. He said the U.S. patent and trademark office has trained 14 Chinese patent examiners and agents, as well as having helped to establish regional patent documentation centers in China, based on U.S. patent documentation practices.

Now that the new Chinese law is in existence, Mr. Mossinghoff said, the U.S. Patent and Trademark Office and the American Intellectual Property Law Association are making plans to invite Chinese officials to the United States for a series of briefings. Until now China has had no patent law, he said, only a patent office established in 1980. The office with some 800 employees, he said, will administer the new law and handle filing of patent applications.

D.F