Measures for the Administration of Priority Examination of Patents

China – CNIPA National Intellectual Property Administration

Main information

Scope of Application:

Applicants for invention patents before the first substantive examination action, utility-model and design applications, reexamination cases and patent invalidation proceedings. Fast-track procedures under separate international agreements or IP protection-centre pre-examination are excluded.

Effective Date:

September 1st, 2026

Related Provisions:

- Patent Law of the People's Republic of China
- Implementing Regulations of the Patent Law
- CNIPA Priority Examination Measures of 2017 (repealed)

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Key Topics

Framework

- Typical eligible applications, reexaminations and invalidation cases. Applications must show significant innovation value and prospects for implementation; qualifying grounds include emerging industries, core technologies, actual industrial use or specific cross-border filing circumstances.
- CNIPA approves requests, generally following a recommendation from a provincial IP bureau or competent central department. Requests require electronic filing and supporting evidence; no additional CNIPA priority-examination fee is charged.

What's new

- **Concrete targets after acceptance**: first action within 45 days and conclusion within one year for invention applications; two months for utility models and designs; seven months for reexaminations; and four or five months for invalidation cases, depending on patent type.
- **Timeline to answer invention office actions:** within one month, or utility-model/design notices within 15 days. Late replies, extension requests or certain post-acceptance amendments may end priority status (Articles 16–18).

Sensitive Factors

- **Priority review is discretionary** and capacity-limited: CNIPA allocates local quotas and may decline requests despite apparent eligibility. A priority request does not guarantee patent grant.
- **False materials or bad-faith consequences**: unlawful conduct can terminate accelerated processing. CNIPA may refuse priority requests from offending applicants or patent agencies for one year.

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Drivers

- **Patent prosecution planning:** File while an invention application is still before its first substantive examination action, and assemble evidence of technological significance or industrial use before seeking provincial endorsement.
- **Strict response windows:** Accepted applicants must prepare to answer invention office actions within one month, or utility-model and design notices within 15 days; delay or certain amendments can forfeit acceleration.
- **Dispute-specific acceleration:** Priority invalidation is available in defined infringement, drug-patent early-resolution and licensing disputes; the relevant proceedings and supporting evidence determine eligibility.