The China Patent Office, the Ministry of Foreign Affairs, and the State Science and Technology Commission issued the "Regulations on Patent Application for Inventions and Creations Completed by Chinese Scholars Abroad"

(February 1, 1986)

1. In order to protect the legitimate rights and interests of our country and avoid delaying the timing of patent applications for inventions and creations completed abroad by visiting scholars, advanced students, and international students of our country (hereinafter referred to as Chinese scholars), the above-mentioned inventions and creations shall be filed by Chinese embassies abroad. The Science and Technology Office or other offices in charge of scientific and technological work (hereinafter referred to as the embassy's Science and Technology Office) are responsible for management. The domestic focal point is the China Patent Office. 2. If the inventions and creations made by Chinese scholars while abroad are obviously service inventions and creations according to the patent law and relevant regulations of the country where they are located, they can be verified by the Science and Technology Office of the embassy in accordance with the laws and regulations of the country where they are located. The unit where you work outside applies for a patent. If it is not obviously a service invention, we should strive for our patent application right or joint application right; it necessary, the Science and Technology Office of the embassy should contact the relevant domestic competent authorities as soon as possible to decide how to deal with it. 3. If it is obviously a non-service invention, it should be reported to the Science and Technology Department of the embassy to determine its economic significance and other circumstances, and it will be allowed to directly apply for a patent abroad. Then according to the situation, apply for a domestic application or apply for a patent in a third country, and apply for the required foreign exchange. In principle, you can solve it yourself abroad.
Contact the solution or apply for a patent fund to the Chinese Patent Office.

4. The ownership of the patent rights obtained abroad shall be determined in accordance with the relevant provisions of the Chinese Patent Law and its implementing rules. 5. In the Sino-foreign scientific and technological cooperation projects, the inventions and creations made by Chinese personnel abroad, unless otherwise agreed, the right to apply for patents belongs to the domestic sending unit of the Chinese personnel; Apply for a patent or apply for a patent in the country first. 6. When applying for patents abroad for inventions and creations completed by Chinese units or individuals at home, they shall comply with Article 20 of the Patent Law of the People's Republic of China and the provisions of the Chinese Patent Office.

(85) No. 135 Document issued by Guozhuan Fazi shall not be taken abroad to apply for a patent without authorization. 7. During the process of handling the above-mentioned affairs, if you have any questions, you can contact China at any time. The Chinese Patent Office should study the matter as soon as possible and report back on the solution.