

Lesson 6

Filing date

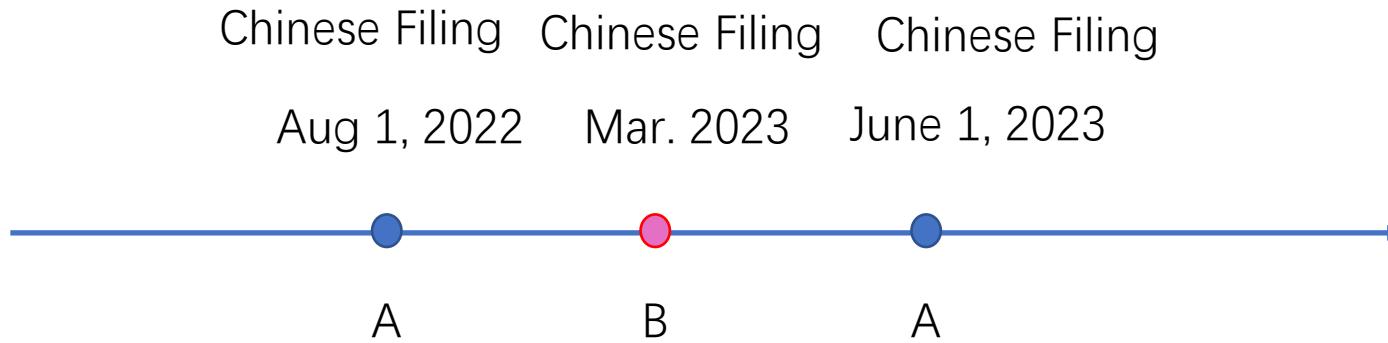
- The filing date determines the scope of the prior art.
 - On-site application submission : Submission date
 - By mail : Mailing date (generally evidenced by postmark); if there is no evidence of mailing date, the date of receipt of the application shall be the filing date.
 - Multiple parties file on the same day. Multiple parties determine the applicant by their own negotiation; if negotiation fails, all applications are rejected.

Filing date



- Priority (international)
 - If A files a patent application for the first time in a Paris Convention member state with a formal patent application and then files another patent application for the same subject matter in another Paris Convention member state, the filing date of A's later application is the date of his first formal filing in a Paris Convention member state, provided that it is within the specified period.
- Specified Period:
 - Inventions and Utility Models- 12 months
 - Design-6 months

Filing date



- Priority (domestic)
 - A files a patent application of an invention or utility model for the first time in China. Another patent application is filed within 12 months for the same subject matter. The first filing date is deemed to be the filing date of the second application, and the first application is deemed to be automatically withdrawn.
- Implications:
 - Make invention and utility model patent applications interchangeable
 - Consolidation of several applications
 - Re-apply after withdrawal

Prohibition of repeated grant of patent rights

Article 9 One patent shall be granted to one creation. …

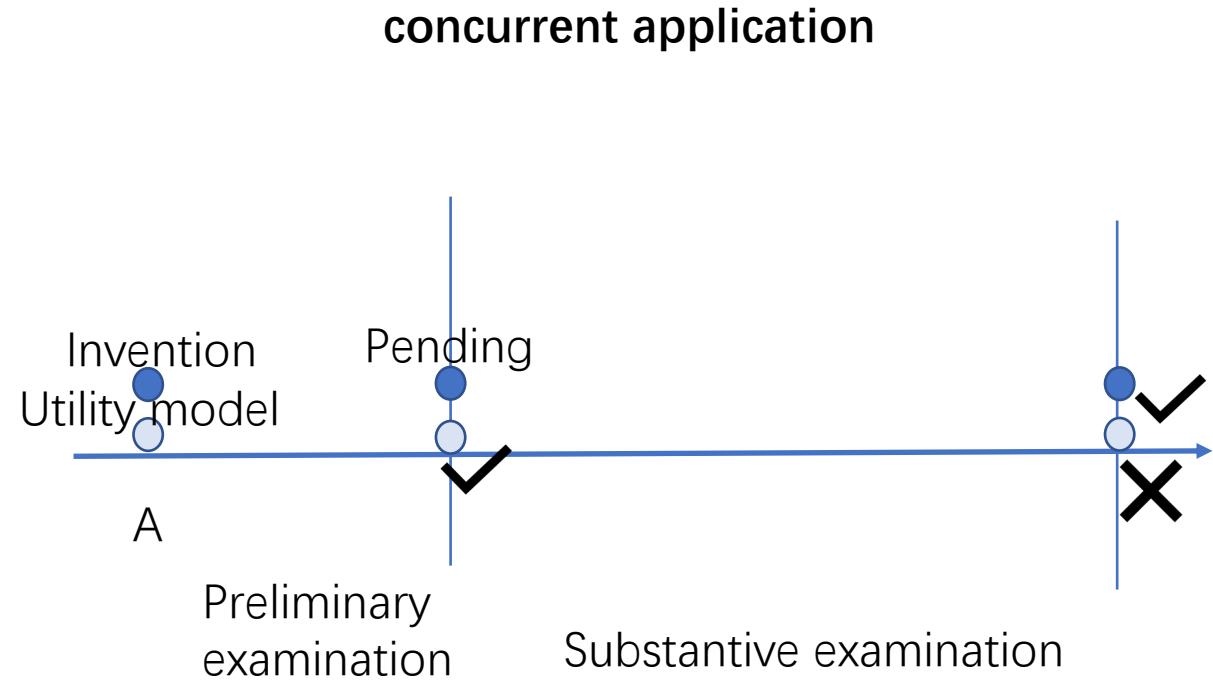
Where two or more applicants file applications for a patent for an identical invention, the patent shall be granted to the applicant who is the first to file an application.

Policy goals:

- Avoid extension of protection period
- Avoiding conflicts between rights holders

Prohibition of repeated grant of patent rights

- **Article 9** One patent shall be granted to one creation. However, if a same applicant applied for both a patent for utility model and a patent for invention on a same day, if the patent for the utility model it has previously applied for has not terminated yet and if the applicant declares to waive the patent for utility model, the patent for invention can be granted.



The principle of unity in application

- **Article 31** An application for a patent for invention or utility model shall be limited to one invention or utility model. Two or more inventions or utility models attributed to a single general inventive concept may be filed as one application.
- An application for a design patent shall be limited to one design. As to two or more similar designs for the same product or for products which fall into the same class and are sold or used in sets, an application for one design may be filed.

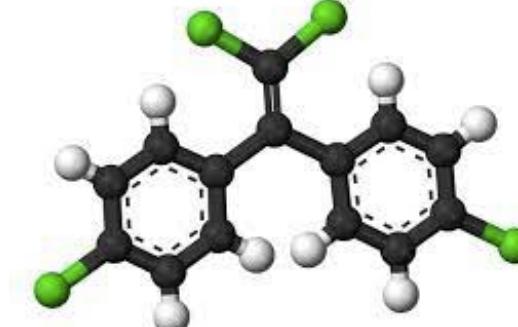
Policy goals:

- Easy to classify and search patent documents
- Fair amount of application fee

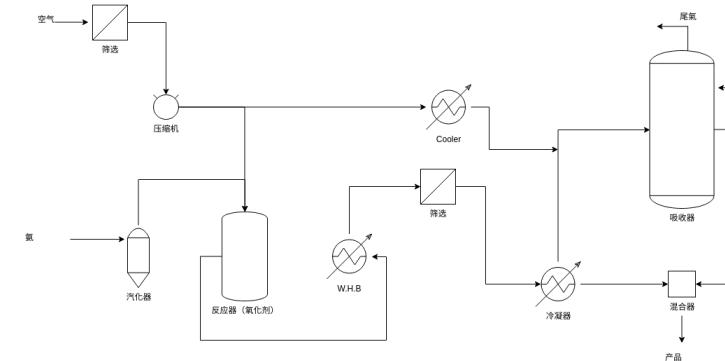
The principle of unity

- Article 31 An application for a patent for invention or utility model shall be limited to one invention or utility model. Two or more inventions or utility models attributed to a single general inventive concept may be filed as one application.

DDT



Method of making DDT



One application

Use of DDT for pest control purposes



The principle of unity

- Article 31 …
- An application for a design patent shall be limited to one design. As to two or more similar designs for the same product or for products which fall into the same class and are sold or used in sets, an application for one design may be filed.



The application documents

Invention and utility model application documents

- Request
- Specification and abstract
- Claims

*Description of the source of the genetic resources (A form stating that the genetic resources were legally obtained after approval)

表格下载

与专利申请相关

通用类

优先审查类

向外国申请专利保密审查
专用类

服务类

电子申请专用类

复审及无效类

行政复议类

PCT进入中国国家阶段类

外观设计国际申请类

与集成电路相关

与专利实施许可合同相关

- 110101发明专利请求书 2023-01-11
- 110301发明专利请求提前公布声明 2023-01-11
- 110401实质审查请求书 2023-01-11
- 110402参与专利审查高速路（PPH）项目请求表 2015-02-04
- 110403PPH请求补正书 2011-05-11
- 120101实用新型专利请求书 2023-01-11
- 120701实用新型专利检索报告请求书 2023-01-11
- 130001外观设计图片或照片 2023-01-11
- 130002外观设计简要说明 2023-01-11
- 130101外观设计专利请求书 2023-01-11
- 101501意见陈述书（关于非正常申请） 2023-01-11
- 200106窗口递交文件回执 2023-01-11

Request

请按照“注意事项”正确填写本表各栏*			此框由国家知识产权局填写*
⑦ [*] 发明 名称*	*****		①申请号* <input type="checkbox"/> 不公布姓名* ②分案提交日*
⑧ [*] 发 明 人 人*	发明人 1*	*****	③申请日* <input type="checkbox"/> 不公布姓名* ④费减审批*
	发明人 2*	*****	⑤向外申请审批*
	发明人 3*	*****	⑥挂号号码*
⑨第一发明人国籍或地区* 居民身份证件号码*****			
⑩ [*] 申 请 人 人*	<input checked="" type="checkbox"/> 全体申请人请求费用减缴且已完成费用减缴资格备案*		
申请人(1)*	姓名或名称*****	申请人类型*****	国籍或注册国家(地区)*****
	居民身份证件号码或统一社会信用代码*****	电话*****	电子邮箱*****
经常居所地或营业所在地信息*	经常居所地或营业所在地*****	邮政编码*****	省、自治区、直辖市*****
	市县*****	城区(乡)、街道、门牌号*****	
申请人(2)*	姓名或名称*****	申请人类型*****	国籍或注册国家(地区)*****
	居民身份证件号码或统一社会信用代码*****	电话*****	电子邮箱*****
经常居所地或营业所在地信息*	经常居所地或营业所在地*****	邮政编码*****	省、自治区、直辖市*****
	市县*****	城区(乡)、街道、门牌号*****	
申请人(3)*	姓名或名称*****	申请人类型*****	国籍或注册国家(地区)*****
	居民身份证件号码或统一社会信用代码*****	电话*****	电子邮箱*****
经常居所地或营业所在地信息*	经常居所地或营业所在地*****	邮政编码*****	省、自治区、直辖市*****
	市县*****	城区(乡)、街道、门牌号*****	
⑪ [*] 联 系 人*	姓名*****	电话*****	电子邮箱*****
	省、自治区、直辖市*****	邮政编码*****	
	市县*****	城区(乡)、街道、门牌号*****	

⑩ 代表人为非第一署名申请人时声明.....特声明第_____署名申请人为代表人.....						
⑪ 专利代理机构 (1) 代理人 姓名 执业证号 电话	<input checked="" type="checkbox"/> 声明已经与申请人签订了专利代理委托书且本表中的信息与委托书中相应信息一致。					
	名称		机构代码			
	代理人姓名 执业证号 (2)	代理人姓名				
		代理人执业证号				
	⑫ 分案申请	原申请号		针对的分案申请号	原申请日 年 月 日	
⑬ 生物材料样品	保藏单位名称(代码)			是否存活	<input checked="" type="checkbox"/> 是 <input type="checkbox"/> 否	
	保藏日期 年 月 日	保藏编号	分类命名			
⑭ 序列表	<input checked="" type="checkbox"/> 本专利申请涉及核苷酸或氨基酸序列表。					
⑮ 遗传资源	<input checked="" type="checkbox"/> 本专利申请涉及的发明创造是依赖于遗传资源完成的。					
⑯ 要求优先权声明	序号	原受理机构名称	在先申请日	在先申请号		
	1					
	2					
	3					
	4					
	5					
⑰ 不丧失新颖性宽限期声明	<input checked="" type="checkbox"/> 已在国家出现紧急状态或者非常情况时,为公共利益目的首次公开 <input checked="" type="checkbox"/> 已在中国政府主办或承认的国际展览会上首次展出 <input checked="" type="checkbox"/> 已在规定的学术会议或技术会议上首次发表 <input checked="" type="checkbox"/> 他人未经申请人同意而泄露其内容					

Request

Request

① 保密请求	<input type="checkbox"/> 本专利申请可能涉及国家重大利益，请求按保密申请处理 <input type="checkbox"/> 已提交保密证明材料		
② 同日申请	<input type="checkbox"/> 声明本申请人对同样的发明创造在申请本发明专利的同日申请了实用新型专利		
③ 提前公布	<input type="checkbox"/> 请求早日公布该专利申请		
④ 请求实质审查	<input type="checkbox"/> 根据专利法第 35 条的规定，请求对该专利申请进行实质审查。 请求对本申请延迟审查，延迟期限为 <input type="checkbox"/> 1 年 <input type="checkbox"/> 2 年 <input checked="" type="checkbox"/> 3 年 <input type="checkbox"/> 申请人声明，放弃专利法实施细则第 51 条规定的主动修改的权利。		
⑤ 摘要附图	指定说明书附图中的图 _____ 为摘要附图		
⑥ 申请文件清单	1. 请求书 <input type="checkbox"/> 页 2. 说明书摘要 <input type="checkbox"/> 页 3. 权利要求书 <input type="checkbox"/> 页 4. 说明书 <input type="checkbox"/> 页 5. 说明书附图 <input type="checkbox"/> 页 6. 核苷酸或氨基酸序列表 <input type="checkbox"/> 页 7. 计算机可读形式的序列表 <input type="checkbox"/> 份 权利要求的项数 <input type="checkbox"/> 项	⑦ 附加文件清单	<input type="checkbox"/> 实质审查请求书 <input type="checkbox"/> 页 <input type="checkbox"/> 实质审查参考资料 <input type="checkbox"/> 份 <input type="checkbox"/> 优先权转让证明 <input type="checkbox"/> 份 <input type="checkbox"/> 优先权转让证明中文题录 <input type="checkbox"/> 页 <input type="checkbox"/> 保密证明材料 <input type="checkbox"/> 份 <input type="checkbox"/> 专利代理委托书 <input type="checkbox"/> 页 总委托书备案编号 (_____) <input type="checkbox"/> 在先申请文件副本 <input type="checkbox"/> 份 <input type="checkbox"/> 在先申请文件副本中文题录 <input type="checkbox"/> 页 <input type="checkbox"/> 生物材料样品保藏及存活证明 <input type="checkbox"/> 份 <input type="checkbox"/> 生物材料样品保藏及存活证明中文题录 <input type="checkbox"/> 页 <input type="checkbox"/> 向外国申请专利保密审查请求书 <input type="checkbox"/> 页 <input type="checkbox"/> 其他证明文件（注明文件名称） <input type="checkbox"/> 份
⑧ 全体申请人或专利代理机构签字或者盖章	⑨ 国家知识产权局审核意见		
	年 月 日		

Request

发 明 名 称 + +	发 明 名 称 + +	
发 明 人 姓 名 + +	发明人 1 +	0 0 0 0 0 +
	发明人 2 +	0 0 0 0 0 +
	发明人 3 +	0 0 0 0 0 +
申 请 人 名 称 及 地 址 + +	申请人 1 +	名称: 0 0 0 0 0 + 地址: 0 0 0 0 0 +
	申请人 2 +	名称: 0 0 0 0 0 + 地址: 0 0 0 0 0 +
	申请人 3 +	名称: 0 0 0 0 0 + 地址: 0 0 0 0 0 +

The application documents

- Claims (权利要求书)
 - Based on the specification, the claims clearly and briefly delineate the scope of requested patent protection by stating the technical features

Claims form



(12) 实用新型专利

(10) 授权公告号 CN 205106137 U

(45) 授权公告日 2016. 03. 30

(21) 申请号 201520857939.X

(22) 申请日 2015. 11. 02

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200 号 E2-523

(72) 发明人 章玺

(51) Int. Cl.

A01M 23/24(2006. 01)

G06K 17/00(2006. 01)

(ESM) 同样的发明创造已同日申请发明专利

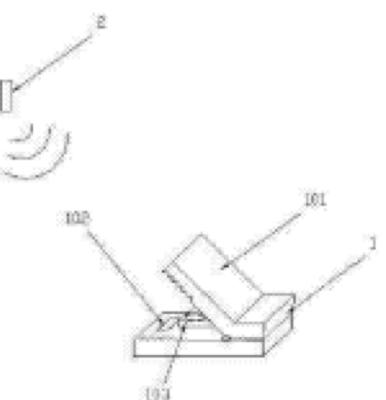
权利要求书1页 说明书3页 附图4页

(54) 实用新型名称

一种捕鼠夹

(57) 摘要

一种捕鼠夹涉及捕鼠夹领域，一种捕鼠夹，包括驱动机构、触发机构、夹鼠机构、RFID 电子标签，所述的夹鼠机构或与之联动的其他机构包括非金属构成的空腔，所述的空腔内包括液体，所述的空腔在所述的捕鼠夹的待捕状态时接近所述的 RFID 电子标签，在非待捕状态时远离所述的 RFID 电子标签，所述的空腔在所述的捕鼠夹的待捕状态时远离所述的 RFID 电子标签，在非待捕状态时接近所述的 RFID 电子标签，所述的 RFID 电子标签为无源 RFID 电子标签，所述的 RFID 电子标签为有源 RFID 电子标签。



<https://patentimages.storage.googleapis.com/8f/37/c0/d66e620b423342/CN205106137U.pdf>

1. 一种捕鼠夹，包括驱动机构、触发机构、夹鼠机构、RFID电子标签，其特征在于，所述的夹鼠机构或与之联动的其他机构包括非金属构成的空腔，所述的空腔内包括液体。

2. 根据权利要求1所述的一种捕鼠夹，其特征在于，所述的空腔在所述的捕鼠夹的待捕状态时接近所述的RFID电子标签，在非待捕状态时远离所述的RFID电子标签。

3. 根据权利要求1所述的一种捕鼠夹，其特征在于，所述的空腔在所述的捕鼠夹的待捕状态时远离所述的RFID电子标签，在非待捕状态时接近所述的RFID电子标签。

4. 根据权利要求2或3所述的一种捕鼠夹，其特征在于，所述的RFID电子标签为无源RFID电子标签。

5. 根据权利要求2或3所述的一种捕鼠夹，其特征在于，所述的RFID电子标签为有源RFID电子标签。

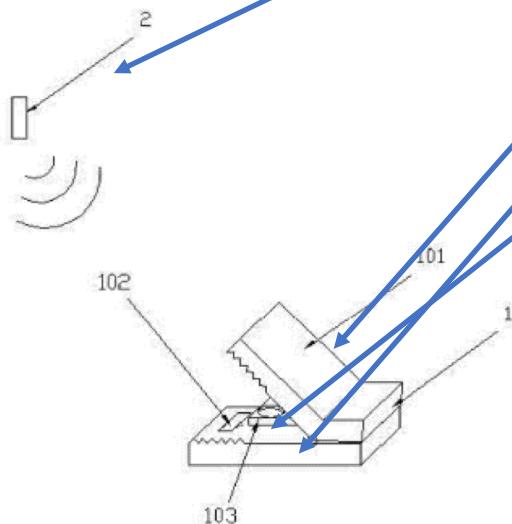
6. 根据权利要求2或3所述的一种捕鼠夹，其特征在于，所述的RFID电子标签的工作频率为特高频(UHF)。

7. 根据权利要求2或3所述的一种捕鼠夹，其特征在于，所述的RFID电子标签的工作频率为超高频(SHF)。

8. 根据权利要求2或3所述的一种捕鼠夹，其特征在于，所述的驱动机构为弹簧。

9. 根据权利要求2或3所述的一种捕鼠夹，其特征在于，所述的驱动机构为钢丝。

10. 根据权利要求2或3所述的一种捕鼠夹，其特征在于，所述的驱动机构为重力压块。



1. A mouse trap, comprising a driving mechanism, a triggering mechanism, a mouse trapping mechanism, and an RFID electronic tag, characterized in that said mouse trapping mechanism or other mechanism linked thereto comprises a cavity composed of non-metal, and said cavity includes a liquid.

2. A mouse trap according to claim 1, characterized in that said cavity is close to said RFID electronic tag when said mouse trap is in a state to be trapped and is far from said RFID electronic tag when it is not in a state to be trapped.

3. A mouse trap according to claim 1, characterized in that said cavity is far from said RFID electronic tag in the pending state of said mouse trap and close to said RFID electronic tag in the non-pending state.

4. A mouse trap according to claim 2 or 3, characterized in that said RFID electronic tag is a passive RFID electronic tag.

5. A mouse trap according to claim 2 or 3, characterized in that said RFID electronic tag is an active RFID electronic tag.

6. A mousetrap according to claim 2 or 3, characterized in that said RFID electronic tag has an operating frequency of UHF (Ultra High Frequency).

7. A mouse trap according to claim 2 or 3, characterized in that said RFID electronic tag has an operating frequency of ultra high frequency (SHF).

8. A mouse trap according to claim 2 or 3, characterized in that said driving mechanism is a spring.

9. A mouse trap according to claim 2 or 3, characterized in that said driving mechanism is a steel wire.

10. A mouse trap according to claim 2 or 3, characterized in that said driving mechanism is a gravity pressure block.

The application documents

- The function of specification
 - A clear and complete description of the technical solution
 - The defendant or challenger may request invalidation of the patent on the grounds that the description of the relevant technology in the specification is not clear and complete.
 - At the time of application as the basis for the claims made
 - The claims must be based on the specification when the technical features requested for protection are presented. The technical features not disclosed in the specification can not be included in the scope of protection
 - At the time of the modification application as a limit to the scope of the modification
 - In infringement litigation, interpreting claims and clarifying the scope of protection

Specification form

一种捕鼠夹

技术领域

[0001] 本发明涉及捕鼠夹。

背景技术

[0002] 目前，捕鼠夹工作一段时间后需要清理死老鼠，或者重新上弹簧，此时需要知道捕鼠夹状态为待捕状态还是非待捕状态，即捕鼠夹为张开状态还是闭合状态。目前的技术主要靠视觉识别。有些捕鼠夹放置在非透明的捕鼠笼内，或放置在角落里，或放置在无法直接通过视觉识别的地方，这时需要将捕鼠夹拿出来才能确认捕鼠夹的状态，工作效率非常低；同时会因为不小心触发捕鼠夹而夹伤人员，非常不方便。

[0003] 目前有使用金属部件和RFID电子标签，及RFID读写器配合使用的方案来实现可快速、高效、方便识别捕鼠夹状态的捕鼠夹。但是由于金属较贵，且制作工艺不如塑料件等非金属材料制作方便。

发明内容

[0004] 为了克服现有技术的不足，本发明提供一种成本更低、可快速、高效、方便识别捕鼠夹状态的捕鼠夹。

[0005] 本发明专利的技术方案是：

[0006] 以下给出了本发明的简要概述以及提供本发明的某些方面的基本理解。该概述并非本发明的详尽综述。其并非旨在表示本发明的关键性、决定性要素或刻划本发明的范围。其唯一目的是以简要形式给出本发明的某些概念作为对稍后给出的更详细描述的前序。

[0007] 一种捕鼠夹，包括驱动机构、触发机构、夹鼠机构、RFID电子标签，所述的夹鼠机构或与之联动的其他机构包括非金属构成的空腔，所述的空腔内包括液体。

[0008] 所述的空腔在所述的捕鼠夹的待捕状态时接近所述的RFID电子标签，在非待捕状态时远离所述的RFID电子标签。

[0009] 所述的空腔在所述的捕鼠夹的待捕状态时远离所述的RFID电子标签，在非待捕状态时接近所述的RFID电子标签。

[0010] 所述的RFID电子标签为无源RFID电子标签。

[0011] 所述的RFID电子标签为有源RFID电子标签。

[0012] 所述的RFID电子标签的工作频率为特高频(UHF)。

[0013] 所述的RFID电子标签的工作频率为超高频(SHF)。

[0014] 所述的驱动机构为弹簧。

[0015] 所述的驱动机构为钢丝。

[0016] 所述的驱动机构为重力压块。

[0017] 触发机构用于探测老鼠，一旦有老鼠碰到触发机构，驱动机构驱动夹鼠机构运动，老鼠夹将从待捕状态变化为非待捕状态，即捕鼠夹从张开状态变化为闭合状态。

[0018] 空腔接近RFID电子标签时，RFID电子标签的无线电通信受到空腔内液体的屏蔽或

干扰，RFID电子标签为不可读状态。而空腔远离RFID电子标签时，RFID电子标签不受空腔内液体的屏蔽或干扰，RFID电子标签为可读状态。

[0019] 一种识别捕鼠夹状态的设备，一种设备包括RFID读写器、处理模块、人机交互模块、电源，所述的电源和所述的RFID读写器、所述的处理模块、所述的人机交互模块相连。

[0020] 人机交互模块为显示屏、扬声器或指示灯、或震动器等。主要用于提示捕鼠夹的状态信息。

[0021] 一种识别捕鼠夹状态的方法，包括步骤1：捕鼠夹在待捕状态转变到非待捕状态时，所述的夹鼠机构的空腔部位接近捕鼠夹上的RFID电子标签转变成远离所述的RFID电子标签；或从远离RFID电子标签转变成接近所述的RFID电子标签。该步骤使得RFID电子标签从不可读状态转变成可读状态，或者从可读状态转变成不可读状态。

[0022] 包括步骤2：使用一种识别捕鼠夹状态的设备识别所述的RFID电子标签。

[0023] 射频识别即RFID(Radio Frequency Identification)技术，又称电子标签，无线射频识别，是一种通信技术，可通过无线电讯号识别特定目标并读写相关数据，而无需识别系统与特定目标之间建立机械或光学接触。常用的有低频(125kHz~134.2kHz)、高频(13.56MHz)、超高频、无源等技术。无源RFID电子标签也被称为被动式标签，没有内部供电电源。其内部集成电路通过接收到的电磁波进行驱动，这些电磁波是由RFID读取器发出的。当标签接收到足够强度的信号时，可以向读取器发出数据，这些数据不仅包括ID号(全球唯一标示ID)，还可以包括预先存在于标签内EEPROM中的数据。由于被动式标签具有价格低廉，体积小巧，无需电源的优点。市场的RFID标签主要是被动式的，超高频RFID电子标签是超高频系统通过电场来传输能量。该频段读取距离比较远，无源可达10m左右。本专利可以使用有源、无源RFID电子标签实现。

[0024] 本发明的有益效果是捕鼠夹的状态可以快速、便捷、方便的识别，而且成本更低、制造更为方便快捷。

附图说明

[0025] 下面结合附图和实施例对本专利进一步说明。

[0026] 图1为捕鼠夹结构示意图(待捕状态时电子标签可读)。图2为捕鼠夹结构示意图(非待捕状态时电子标签不可读)。图1、图2是同一种方案的捕鼠夹的两种状态。

[0027] 图3为捕鼠夹断面图(待捕状态)。图4为捕鼠夹断面图(非待捕状态)。图3、图4是同一种方案的捕鼠夹的两种状态。

具体实施方式

[0028] 为了实现前述及相关目标，本文联系一下描述和附图描述了某些具体实施方式。然而这些方面仅表示其中可以采用本发明原理的各种方式中的少数几个，并且本发明的主题旨在包括所有这些方面及其等效方案。根据以下结合附图考虑的详细描述，本发明的优点和新颖性特征显而易见。

[0029] 根据附图1、图2、图3、图4，对本发明专利进行详细的叙述。

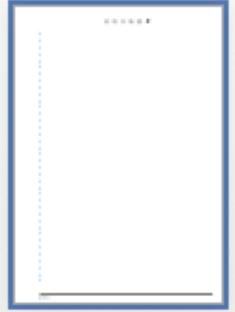
[0030] 实施方式1：一种捕鼠夹1，包括弹簧105、触发机构103、夹鼠机构101、RFID电子标签102，夹鼠机构101为塑料制成，夹鼠机构101包括空腔104，空腔104内包括液体。

1



2

6 | 25 | 24 | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 |



1



2

6 | 25 | 24 | 23 | 22 | 21 | 20 | 19 | 18 | 17 | 16 | 15 | 14 | 13 | 12 | 11 | 10 | 9 | 8 | 7 | 6 | 5 | 4 | 3 | 2 | 1

↑

2 | 1 | X | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18

↑

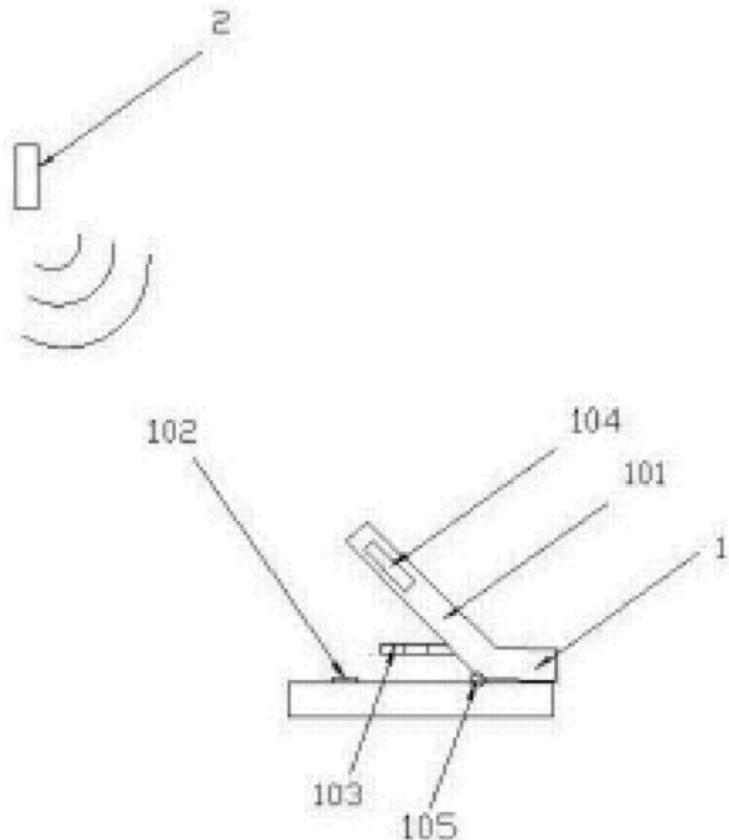


图3

The application documents

Creation relying on genetic resources

- Description of the source of the genetic resources
 - The applicant shall state in the patent application documents the direct source and original source of the genetic resources
 - If the applicant is unable to state the original source, the applicant shall state the reasons

请按照行“注意事项”正确填写本表各栏		第②和第③栏未确定的由国家知识产权局填写
①发明名称		②申请号
③申请人		④申请日
⑤遗传资源名称		
⑥遗传资源的获取途径 I. 遗传资源取自： <input type="checkbox"/> 动物 <input type="checkbox"/> 植物 <input type="checkbox"/> 微生物 <input type="checkbox"/> 人 II. 获取方式： <input type="checkbox"/> 购买 <input type="checkbox"/> 赠送或交换 <input type="checkbox"/> 保藏机构 <input type="checkbox"/> 种子库（种质库） <input type="checkbox"/> 基因文库 <input type="checkbox"/> 自行采集 <input type="checkbox"/> 委托采集 <input type="checkbox"/> 其他		
⑦直接来源	⑧获取时间	_____年_____月
	非采集方式	⑨提供者名称（姓名）
	采集方式	⑩提供者所处国家或地区
	采集方式	⑪提供者联系方式
	采集方式	⑫采集地（国家、省（市））
	采集方式	⑬采集者名称（姓名）
⑯原始来源	⑭采集者联系方式	
	⑮获取时间	_____年_____月
	⑯获取地点（国家、省（市））	
	⑰无法说明遗传资源原始来源的理由	
⑲申请人或专利代理机构签字或者盖章		⑳国家知识产权局处理意见
		_____年_____月_____日
		_____年_____月_____日

The application documents

- Documents for design patent application
 - Request: Need to specify the category to which the product belongs (protection is provided based on the product category after authorization)
 - Pictures or photographs: The relevant pictures or photographs submitted by the applicant should clearly show the design of the product for which protection is requested
 - Brief description

The application documents

- Documents for design patent application
 - Request: Need to specify the category to which the product belongs (protection is provided based on the product category after authorization)
 - A design patent granted on product a cannot be extended to product b, which is neither identical nor similar to product a. The scope of protection is limited to the same or similar products.

P applied for a design patent for **stickers** for dinnerware (餐具用贴纸) .

D made dinnerware and printed the same design on the **dinnerware** (餐具) as the P's stickers

P sued D for infringing its design patent

Held: P and D's products are not similar to each other, so D did not infringe.

Arc International (appellant) v. Yiwu City Lanzhiyun Glassware Factory (appellee)
(dispute over design patent infringement)

The application documents

- Documents for design patent application
 - Pictures or photographs: The relevant pictures or photographs submitted by the applicant should clearly show the design of the product for which protection is requested

1



2



3

23. | 22. | 21. | 20. | 19. | 18. | 17. | 16. | 15. | 14. | 13. | 12. | 11. | 10. | 9. | 8. | 7. | 6. | 5. | 4. | 3. | 2. | 1.

一、申请外观设计专利应当提交图片或者照片。图片或者照片应当清楚地显示要求专利保护的产品的外观设计。申请人请求保护色彩的外观设计专利申请，应当提交彩色图片或者照片。[e](#)

二、图片或者照片的首页用此表，续页可使用同样大小和质量相当的白纸。纸张只限使用正面，四周应当留有页边距：左侧和顶部各 25 毫米，右侧和底部各 15 毫米。[e](#)

三、对图片或照片的要求

1. 就立体产品的外观设计而言，产品设计要点涉及六个面的，应当提交六面正投影视图；产品设计要点仅涉及一个或几个面的，应当至少提交所涉及面的正投影视图和立体图，并应当在简要说明中写明省略视图的原因。就平面产品的外观设计而言，产品设计要点涉及一个面的，可以仅提交该面正投影视图；产品设计要点涉及两个面的，应当提交两面正投影视图。[e](#)

2. 必要时，申请人还应当提交该外观设计产品的展开图、剖视图、剖面图、放大图以及变化状态图。此外，申请人可以提交参考图，参考图通常用于表明使用外观设计的产品的用途、使用方法或者使用场所等。[e](#)

3. ①对于申请局部外观设计专利的，应当提交整体产品的视图，并用虚线与实线相结合或者其他方式表明所需要保护的内容。整体产品的视图应当清楚地显示要求专利保护的产品的局部外观设计及其在整体产品中的位置和比例关系。要求保护的局部包含立体形状的，提交的视图中应当包括能清楚显示该局部的立体图。[e](#)

②提交的视图应当能够明确区分要求保护的局部与其他部分。用实线与虚线相结合的方式表明所需要保护的内容时，实线表示需要保护的局部，虚线表示其他部分。还可以采用其他方式表明所需要保护的内容，例如用单一颜色的半透明层覆盖不需要保护的部分。必要时，应当用点划线表示局部外观设计中要求保护的局部与其他部分之间的分界线。[e](#)

4. ①涉及图形用户界面的产品外观设计，申请人可以以产品整体外观设计方式和局部外观设计方式提交申请。[e](#)

②对于以产品整体外观设计方式提交申请的，设计要点包含图形用户界面设计和其所应用产品设计的，视图应当满足一般申请的视图提交要求。产品设计属于现有设计的，申请人至少应当提交图形用户界面所涉及面的产品正投影视图，必要时还应当提交图形用户界面的视图。[e](#)

③对于设计要点仅在于图形用户界面的产品外观设计，申请人可以以局部外观设计方式提交申请。局部外观设计方式包括视图带有或不带有图形用户界面所应用产品两种方式。如果需要清楚地显示图形用户界面设计在最终产品中的位置和比例关系，申请人可以以带有图形用户界面所应用产品的方式提交申请。申请人应当提交图形用户界面所涉及面的产品正投影视图，必要时还应当提交图形用户界面的视图。对于可应用于任何电子设备的图形用户界面，申请人可以仅提交图形用户界面的视图。对于以图形用户界面中的局部申请外观设计专利的，视图应当满足局部外观设计的视图提交要求。[e](#)

④对于动态图形用户界面，申请人应当提交图形用户界面起始状态所涉及面的视图作为主视图，其余状态可提交图形用户界面关键帧的视图作为变化状态图，所提交的视图应能唯一确定动态图形用户界面完整的变化过程。变化状态图的视图名称，应根据动态变化过程的先后顺序标注。[e](#)

5. 色彩包括黑白灰系列和彩色系列。对于简要说明中声明请求保护色彩的外观设计专利申请，图片的颜色应当着色牢固、不易褪色。[e](#)

6. 六面正投影视图的视图名称，是指主视图、后视图、左视图、右视图、俯视图和仰视图。各视图的视图名称应当标注在相应视图的正下方。其中主视图所对应的面应当是使用时通常朝向消费者的面或者最大程度反映产品的整体设计的面。例如，带杯把的杯子的主视图应是杯把在侧边的视图。[e](#)

7. ①对于成套产品，应当在其中每件产品的视图名称前以阿拉伯数字顺序编号标注，并在编号前加以“套件”字。例如，对于成套产品中的第 1 套件的主视图，其视图名称为：套件 1 主视图。[e](#)



设计1主视图



设计1俯视图



设计1后视图



设计1仰视图



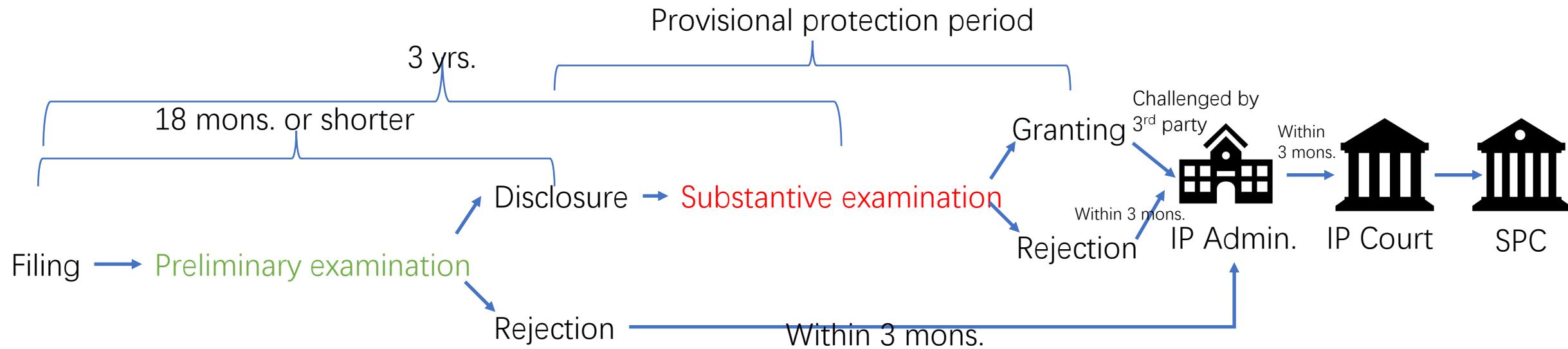
设计1左视图



设计1立体图

Patent examination

- For different creations, China adopts different examination mechanisms.
 - Invention: Disclosure first, then substantive examination
 - Utility model and design: preliminary examination

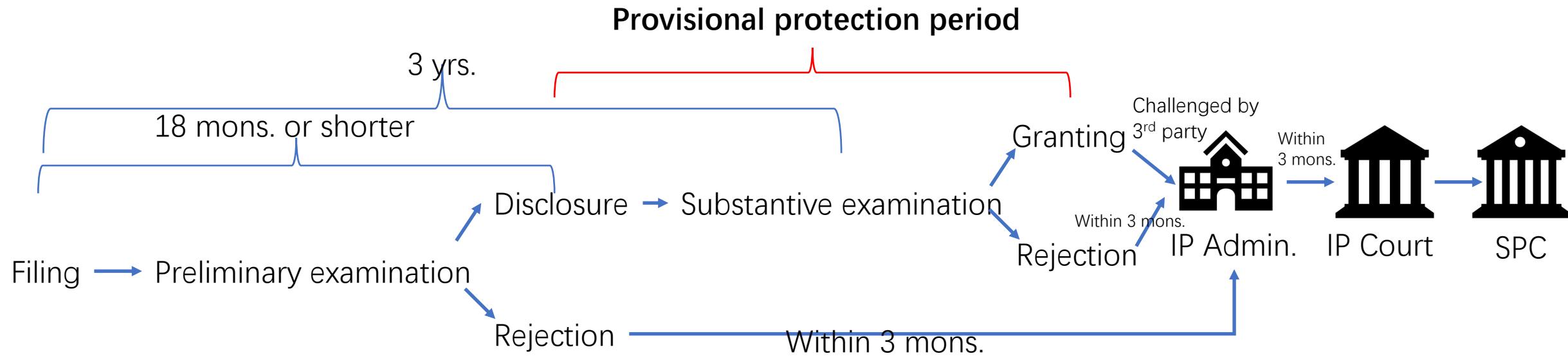


Invention patent application

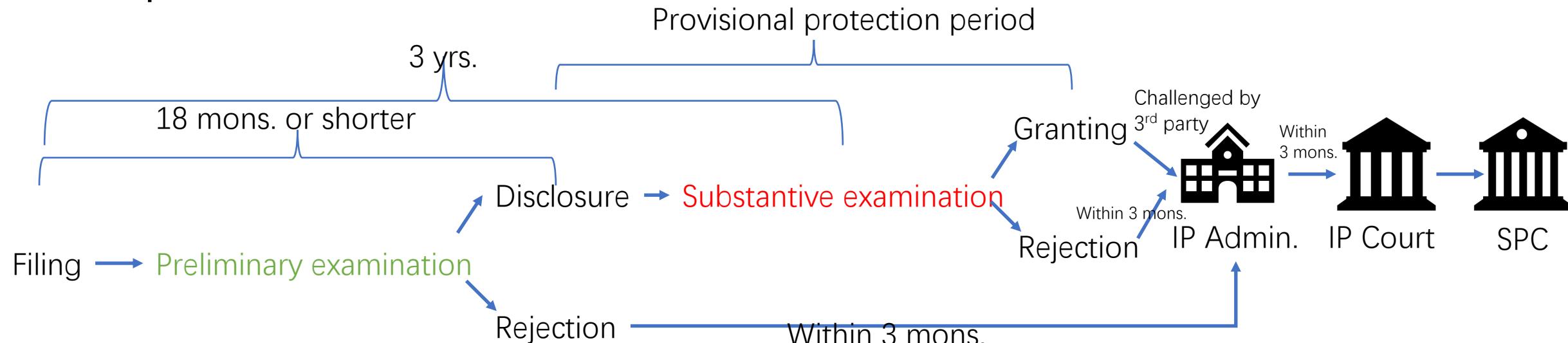
- Preliminary examination (初步审查)
 - See if the application is filled out in accordance with the rules, whether the content of the request for protection is patentable subject matter
 - Rejection
 - If no reason for rejection
 - The full set of application documents will be made available to the public after 18 months from the date of application, which is called early disclosure, and the applicant can also request earlier disclosure (Art. 34)
 - Within three years from the filing date, the applicant may request the Patent Office to conduct a **substantive examination** (实质审查) of his or her invention patent application at any time. (Art. 35)
 - If three years have elapsed, the relevant patent application will be considered being withdrawn if the applicant does not initiate the substantive examination. (Art. 35)
 - Rejection (Art. 38)
 - Granting patent (Art. 39)

Provisional Protection Period (临时保护时期)

- **Article 13** After the publication of an application for a patent for invention, the applicant may require the entity or individual exploiting the invention to pay an **appropriate fee**.

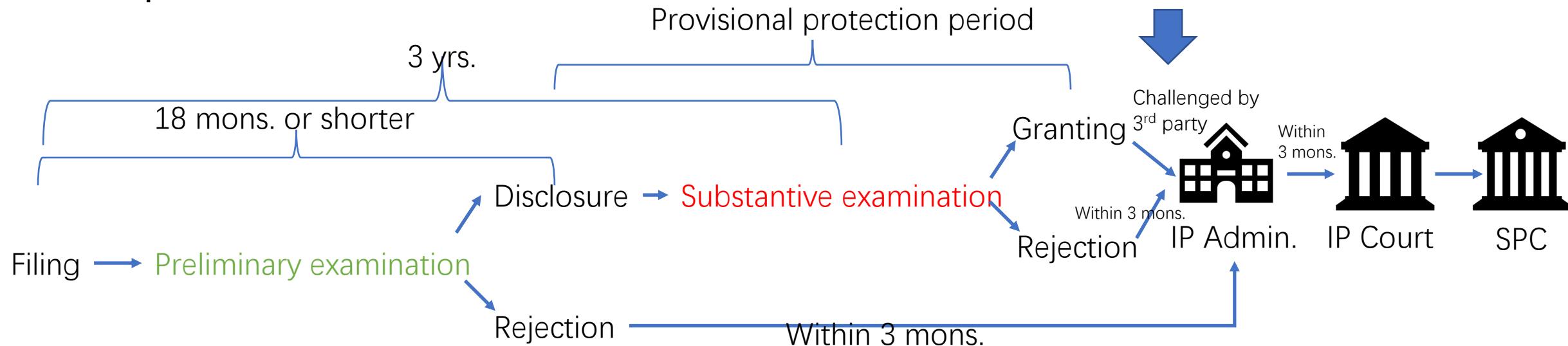


Disputes



- If the applicant is not satisfied with the rejection decision, he can file a reexamination application with the patent reexamination office, that is, he thinks the patent office has made a mistake and asks for a reexamination. (Art. 41)
- If the patent reexamination authority makes a decision of non-grant, the applicant can file an administrative lawsuit with the State Intellectual Property Office as the defendant to the Beijing Intellectual Property Court. (Art. 41)
- Then if the Beijing IPR Court still finds that the decision made by the patent reexamination body is legal, so it should not be granted. At this time, the applicant can appeal to the Intellectual Property Court of the Supreme People's Court. The decision by the court is final.

Disputes



- Granting patent

- After a patent has been granted, if any person believes that the grant is wrong, he or she may request the patent reexamination body established by the State Intellectual Property Office to invalidate the patent right. (Art. 45)
- Then the party concerned can file an administrative lawsuit with the Beijing Intellectual Property Court against the decision of the reexamination body to invalidate or maintain the validity of the patent. (Art. 46)
- If a party is not satisfied with the decision, it can appeal to the Intellectual Property Tribunal of the Supreme People's Court.

Utility model and design patent application

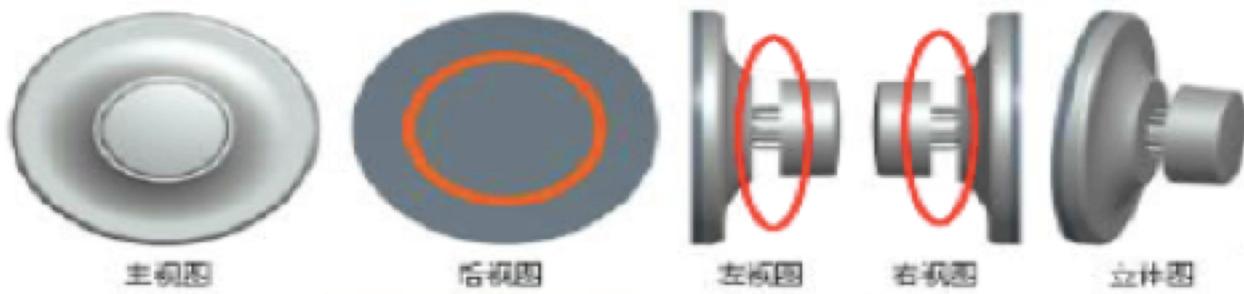
- Preliminary examination (Art. 40)
 - See if the application is filled out in accordance with the rules, whether the content of the request for protection is patentable subject matter
 - Rejection
 - If no reason for rejection
 - Granting patent
- Dispute
 - If a utility model and design patent owner sues someone for infringement in a lawsuit, the defendant may also challenge the validity of the rights. Then in such a case, the right holder may request the Patent Office to issue an evaluation report of the patent rights. This is equivalent to requesting the patent office to conduct a supplementary substantive examination, the key is to conduct a search to see if the same technical solution and design existed before the application. If the evaluation report states that the same technical solution existed before, the plaintiff will not be able to win the infringement lawsuit.

■ 100016著录项目变更申报书	2023-01-11
■ 100017中止程序请求书	2023-01-11
■ 100018撤回优先权声明	2019-08-06
■ 100019强制许可请求书	2023-01-11
■ 100020强制许可使用费数额裁决请求书	2023-01-11
■ 100021专利代理委托书(中英文)	2023-01-11
■ 100022总委托书	2023-01-11
■ 100023遗传资源来源披露登记表	2010-02-01
■ 100045生物材料样品保藏及存活证明中文题录	2016-10-24
■ 100047在先申请文件副本中文题录	2016-10-24
■ 100048优先权转让证明中文题录	2016-10-24
■ 100049专利权评价报告证明	2023-01-11
■ 100601放弃专利权声明	2016-10-24
■ 100701专利权评价报告请求书	2023-01-11
■ 100703专利权期限及药品专利期限补偿请求书	2023-01-11

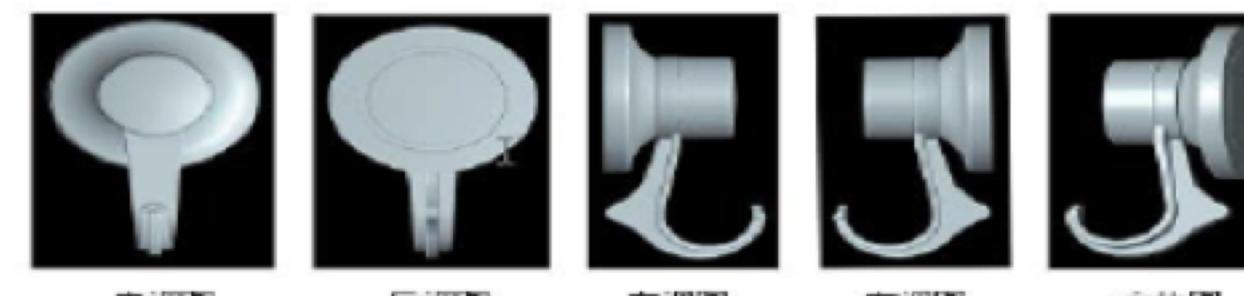


请按照“注意事项”正确填写本表各栏。

Patented design



Comparing design



The elements of patent right

- **Article 11** After the granting of patent for an invention or utility model, unless it is otherwise prescribed by this Law, no entity or individual is entitled to, without permission of the patentee, exploit the patent, that is, to make, use, promise the sale of, sell or import the patented product, or use the patented process and use, promise the sale of, sell or import the product directly obtained from the patented process, **for production or business purposes** (为生产经营目的) .
- After the granting of a patent for a design, no entity or individual shall, without permission of the patentee, exploit the patent, that is to say, they shall not make, promise to sell, sell, or import the product incorporating its or his patented design, for production and business purposes.

It usually refers to operations within a certain industry, whether for profit or not.

“for production or business purposes”

- P invented and patented a herbal feed additive for lactation-enhancing cattle.
- D, an agricultural research institute, implemented P's technical solution without permission and promoted the technical solution to numerous farmers.
- P sued D for patent infringing the patent right. The defendant defended that its use did not for the purpose of production and operation.
- Held: “The patent law will “for the purpose of production and operation” as one of the elements of patent infringement, for the purpose of reasonably balancing the interests of the patentee and the public. In the determination of patent infringement, the understanding of “for the purpose of production and operation” should focus on the specific infringing act being sued, and take into account whether the act belongs to the participation in market activities and whether it affects the market interests of the patentee, etc. The “for the purpose of production and operation” should not be simply equated with “for the actual operation”. It should not simply equate “for the purpose of production and operation” with “actual profit”; nor should it merely determine whether it has the purpose of production and operation according to the nature of the implementation subject. Even if a government agency or institution has the attributes of public service or public welfare and does not have the purpose of production and operation, but it has implemented market activities and harmed the market interests of the patentee, it can still be deemed to have the element of “for the purpose of production and operation”.”

The elements of patent right

- **Article 11** After the granting of patent for an invention or utility model, unless it is otherwise prescribed by this Law, no entity or individual is entitled to, without permission of the patentee, exploit the patent, that is, to make, use, promise the sale of, sell or import the patented product, or use the patented process and use, promise the sale of, sell or import the product directly obtained from the patented process, **for** production or business purposes (为生产经营目的) .
- After the granting of a patent for a design, no entity or individual shall, without permission of the patentee, exploit the patent, that is to say, they shall not make, promise to sell, sell, or import the product incorporating its or his patented design, for production and business purposes.

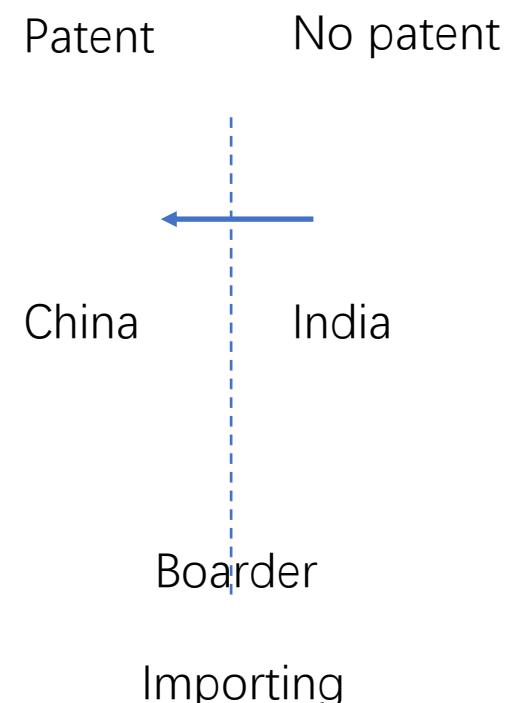
It usually refers to operations within a certain industry, whether for profit or not.

Patents that relate to product

- Exclude others from

- Making
- Using
- Selling
- Offering for sale (ad. or display, etc)
- Importing

the products that apply the patented creation.



The elements of patent right

- **Article 11** After the granting of patent for an invention or utility model, unless it is otherwise prescribed by this Law, no entity or individual is entitled to, without permission of the patentee, exploit the patent, that is, to make, use, promise the sale of, sell or import the patented product, or use the patented process and use, promise the sale of, sell or import the product directly obtained from the patented process, for production or business purposes (为生产经营目的) .
- After the granting of a patent for a design, no entity or individual shall, without permission of the patentee, exploit the patent, that is to say, they shall not make, promise to sell, sell, or import the product incorporating its or his patented design, for production and business purposes.

Patents that cover process

- Exclude others from

- using
the patented process

and

- using
- selling
- offering for sale
- importing

the product directly obtained from the patented process

P has a patent covering a process for manufacturing hepatitis B vaccine using a bioengineering method

D1 makes hepatitis B vaccine with P's process without permission

D2 buys the hepatitis B vaccine sold by D1

D2 sells the hepatitis B vaccine to D3

D3 uses the hepatitis B vaccine

Defense

- Article 77
Where, for the purpose of production or business operation, a party uses, offers to sell, or sells a product that has been manufactured and sold without the permission of the patentee, and where the party **does not know** such product is made **without authorization** and can prove that the product was obtained from a legitimate source, **the party shall not be liable for damages.**
- 第七十七条 为生产经营目的使用、许诺销售或者销售不知道是未经专利权人许可而制造并售出的专利侵权产品，能证明该产品合法来源的，不承担赔偿责任。

- Article 25 for the purpose of production and operation of the use, promise to sell or sale of patent infringing products **not known** to be made and sold without the permission of the patentee, and **proof of the legitimate source** of the product, the people's court shall support the claim of the right holder to stop the above use, promise to sell, sales, **except** for the user of the infringing product to prove that it has **paid a reasonable consideration for the product.**

- The first paragraph of this article refers to not knowing, means the actual do not know and should not know.

- The first paragraph of this article refers to the legitimate source, means through the legitimate sales channels, the usual sales contract and other normal business methods to obtain the product. For the legitimate source, the user, the promised seller or seller shall provide relevant evidence consistent with the transaction habits.

- 第二十五条 为生产经营目的使用、许诺销售或者销售不知道是未经专利权人许可而制造并售出的专利侵权产品，且举证证明该产品合法来源的，对于权利人请求停止上述使用、许诺销售、销售行为的主张，人民法院应予支持，但被诉侵权产品的使用者举证证明其已支付该产品的合理对价的除外。

本条第一款所称不知道，是指实际不知道且不应当知道。

本条第一款所称合法来源，是指通过合法的销售渠道、通常的买卖合同等正常商业方式取得产品。对于合法来源使用者、许诺销售者或者销售者应当提供符合交易习惯的相关证据。

Patents that cover process

- Exclude others from

- using
the patented process

and

- using
- selling
- offering for sale
- importing

the product directly obtained from the patented process

P has a patent covering a process for manufacturing hepatitis B vaccine using a bioengineering method

D1 makes hepatitis B vaccine with P's process without permission

D2 buys the hepatitis B vaccine sold by D1

D2 sells the hepatitis B vaccine to D3

D3 uses the hepatitis B vaccine

With proof of no knowledge and legitimate source: D2 should stop selling but does not need to pay damages
With proof of no knowledge, legitimate source, payment made: D3 does not need to pay damages and to stop the use

The elements of patent right

- Article 11 ….
 - After the granting of a patent for a design, no entity or individual shall, without permission of the patentee, exploit the patent, that is to say, they shall not make, promise to sell, sell, or import the product incorporating its or his patented design, for production and business purposes.
- Elements of design patent rights
- Exclude others from
 - Making
 - Selling
 - Offering for sale
 - Importing
- the product incorporating the design

Case Study

- Office of Technology Transfer—Shanghai Institutes for Biological Sciences





客户案例



上海张江自主创新示范区知识产权价值提升项目

2021-01-26



重大战略产业专利导航案例

2021-01-26



“绿色技术银行”成果转化平台

2021-01-26



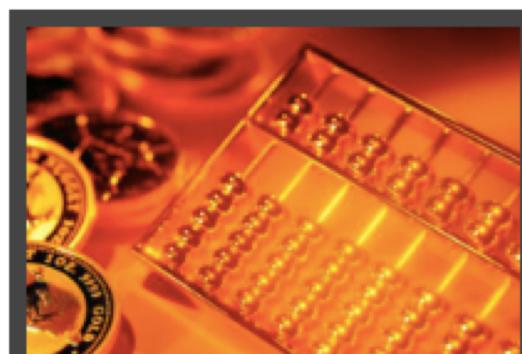
中国科学院知识产权运营专项

2021-01-26



中粮集团重大产业化项目的研发导航案例

2021-01-26



投融资项目投资前景评议案例

2021-01-26



太原市领军人才及创新创业团队遴选项目

2021-01-26



太原市中试熟化项目评估与管理案例

2021-01-26



The University of Hong Kong
Technology Transfer Office



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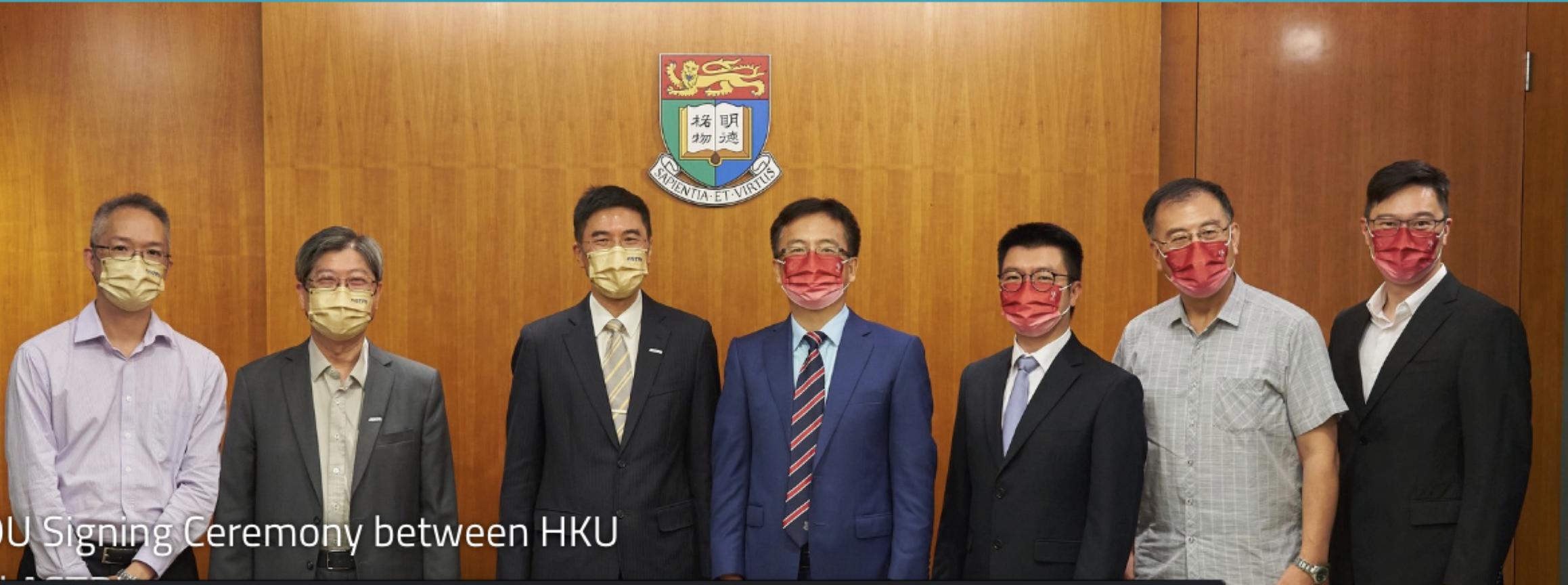
Technologies and Products

For Industry

For Researchers

Startups

Funding



MOU Signing Ceremony between HKU

<https://www.tto.hku.hk/news/hku-and-astri-join-hands-to-expand-r-and-d-talent-pool-in-hong-kong-to-inject-new-impetus-into-development-of-innovation-and-technology>



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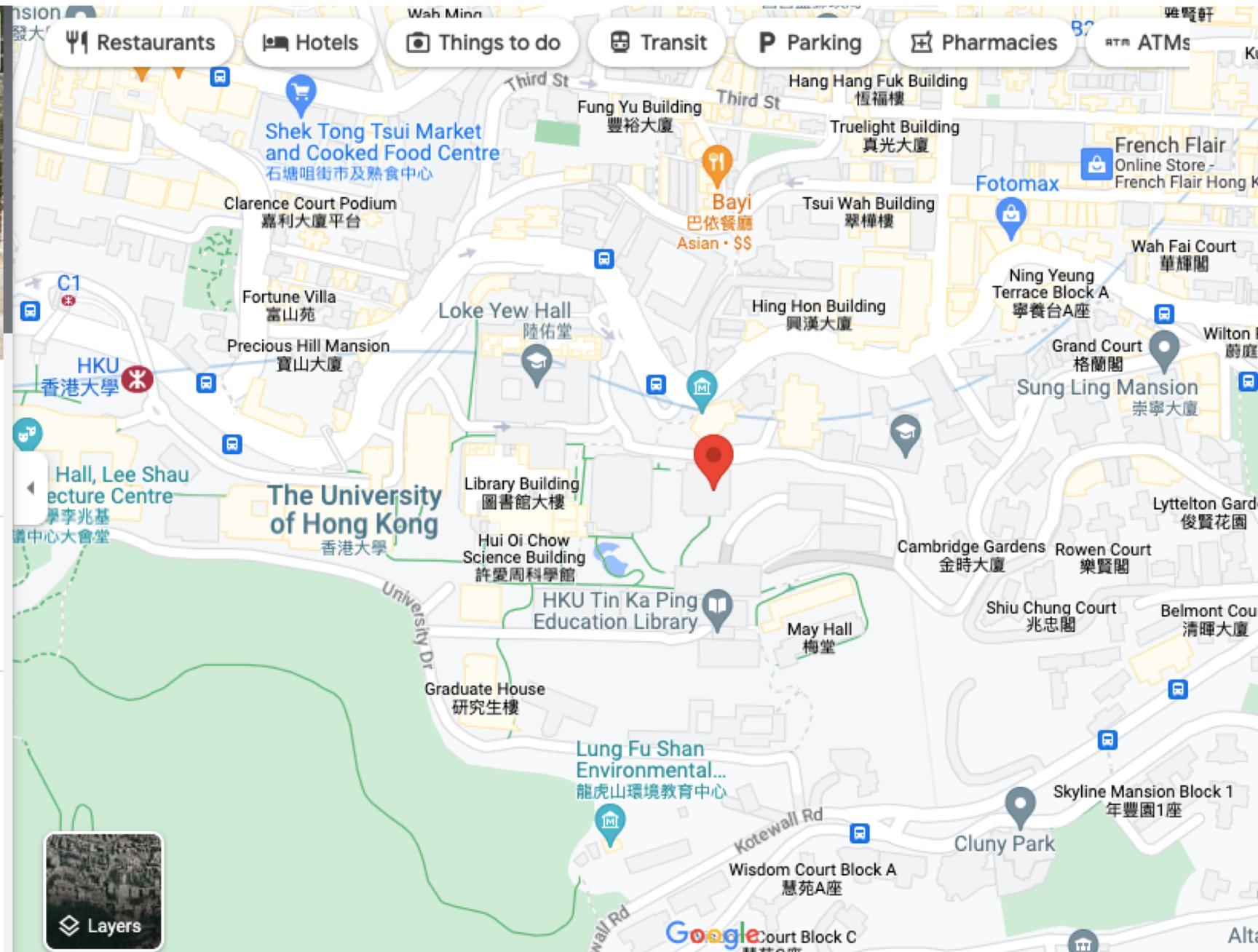


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THIS LICENSE AGREEMENT ("AGREEMENT") is made the day of 2019 ("EFFECTIVE DATE")

BETWEEN:

- (1) **VERSITECH LIMITED**, a company incorporated and existing under the laws of Hong Kong with its office at Room 405A, Cyberport 4, 100 Cyberport Road, Hong Kong ("LICENSOR"); and
- (2) **ACTICULE LIFE SCIENCES LIMITED**, with incorporation number CB-324541, a company incorporated and existing under the laws of the Cayman Islands, with its registered office at Floor 4, Willow House, Cricket Square, Grand Cayman KY1-9010, Cayman Islands with its business address at Floor 17, Guangdong Investment Tower, 148 Connaught Road Central, Hong Kong ("LICENSEE").
- ("LICENSOR" and "LICENSEE" shall be hereinafter referred to separately by a "PARTY" or jointly by "PARTIES").

RECITALS

- (A) WHEREAS, LICENSOR and LICENSEE entered into the PREVIOUS LICENSE AGREEMENT on October 18, 2017.
- (B) WHEREAS, the University of Hong Kong ("HKU") has been making subsequent developments after October 18, 2017 to the subject matter of the PREVIOUS LICENSED PATENT, which is the LICENSED PATENT under this Agreement.
- (C) WHEREAS, LICENSOR is the wholly-owned subsidiary of the HKU and the technology transfer company of HKU; to facilitate the commercialization of LICENSED PATENT, HKU has assigned all its rights, title and interest in and to LICENSED PATENT.
- (D) WHEREAS, LICENSOR has the right to grant licenses under such LICENSED PATENT.
- (E) WHEREAS, LICENSOR desires to have the LICENSED PATENT developed and commercialized to benefit the public and is willing to grant a license thereunder.
- (F) WHEREAS, LICENSEE has represented to LICENSOR, to induce LICENSOR to enter into this Agreement, that LICENSEE shall commit itself to use COMMERCIALLY REASONABLE EFFORTS to exploit the LICENSED PATENT so that public utilization shall eventually result therefrom.

SCHEDULE 1

LICENSED PATENT

- A. Title: Compounds Affecting Pigment Production and Methods for Use Thereof for Treatment of Bacterial Diseases (Versitech Ref. No. IP801)
1. US Patent Application No. 16/041,838 filed on July 23, 2018
 2. PCT Patent Application No. PCT/IB2018/055459 filed on July 23, 2018



US 20190022038A1

(19) United States

(12) Patent Application Publication
KAO et al.(10) Pub. No.: US 2019/0022038 A1
(43) Pub. Date: Jan. 24, 2019(54) COMPOUNDS AFFECTING PIGMENT
PRODUCTION AND METHODS FOR
TREATMENT OF BACTERIAL DISEASES

(71) Applicant: The University of Hong Kong, Hong Kong (HK)

(72) Inventors: Yi Tsun Richard KAO, Hong Kong (HK); Peng GAO, Hong Kong (HK); Xuechen LI, Hong Kong (HK); Ming LIU, Hong Kong (HK)

(21) Appl. No.: 16/041,838

(22) Filed: Jul. 23, 2018

Related U.S. Application Data

(60) Provisional application No. 62/535,540, filed on Jul. 21, 2017.

Publication Classification

(51) Int. Cl.

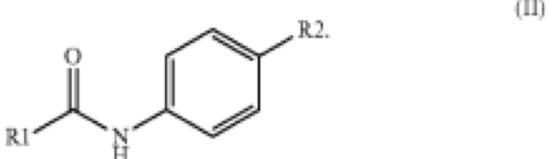
A61K 31/167 (2006.01)
A61K 31/18 (2006.01)
A61K 31/404 (2006.01)
A61K 31/4453 (2006.01)
A61K 31/4402 (2006.01)
A61K 31/4406 (2006.01)
A61K 31/444 (2006.01)
A61K 31/454 (2006.01)
A61K 31/47 (2006.01)

A61K 31/496 (2006.01)
A61P 31/04 (2006.01)

(52) U.S. Cl.
CPC *A61K 31/167* (2013.01); *A61K 31/18* (2013.01); *A61K 31/404* (2013.01); *A61K 31/4453* (2013.01); *A61K 31/4402* (2013.01);
A61P 31/04 (2018.01); *A61K 31/444* (2013.01); *A61K 31/454* (2013.01); *A61K 31/47* (2013.01); *A61K 31/496* (2013.01);
A61K 31/4406 (2013.01)

(57) ABSTRACT

Provided herein are compounds, derivatives thereof, composition comprising one or more of said compounds and derivatives, and methods for prevention and/or treatment of microbial infections and/or related diseases or conditions. The present compounds and/or derivatives thereof can be represented by Formula (II):



The present methods include administering to a subject an effective amount of one or more compounds of Formula (II). In one embodiment, said microbial infections are bacterial infections. More specifically, said bacterial infections are staphylococcal infections.

Case Study

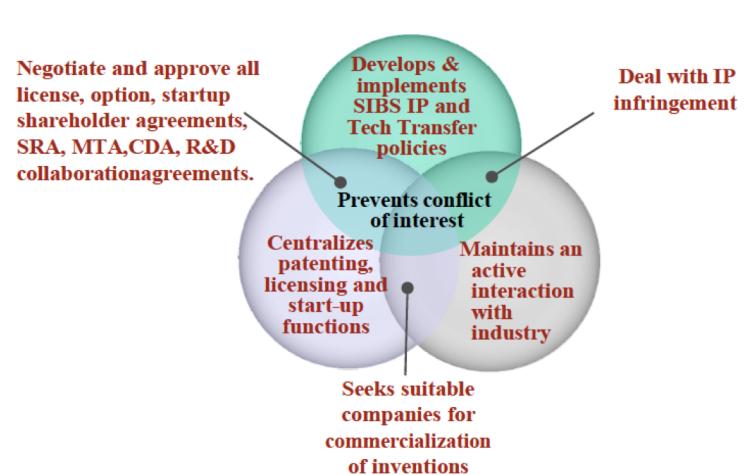
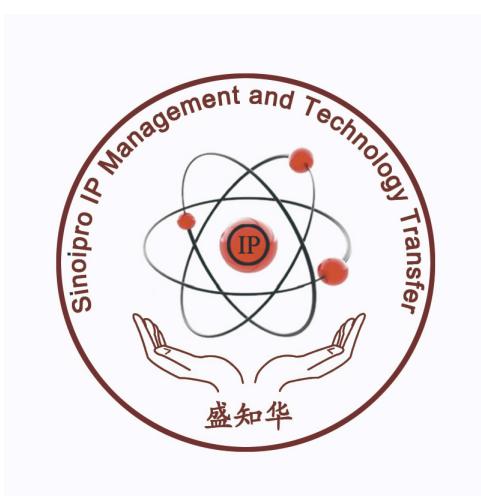
- Problem: China has a large number of research institutions engaged in scientific research. These scientific studies have produced a lot of outputs, but these outputs are rarely commercialized.
- Potential solution: Patents and their licensing or transfer could be a potential solution to enhance the commercialization of research outputs.
 - Research institutions apply for patents to protect their research outputs. Patents can exclude others from using the output without permission.
 - Research institutions license their patents to private companies.
 - Since patents are exclusive, once a company continues to develop the technology successfully and creates a valuable product, it can use the patent to exclude competition and earn high profits.
 - The high profits provide an incentive for private companies to commercialize research outputs.

Case Study

- Although patent and licensing can be a potential solution, research institutions are usually staffed with research and teaching personnel, and patenting, licensing and commercialization matters are not their expertise.
 - Many institutions have established technology transfer offices to deal with patenting and transfers.
 - e.g., Cornell University, MIT, Stanford, Harvard, University of Texas, HKU
 - Some of the institutions even create separate entity for IP management
 - e.g., VERSITECH. Ltd.
- In China, the vast majority of research institutions do not have a good quality technology transfer office.

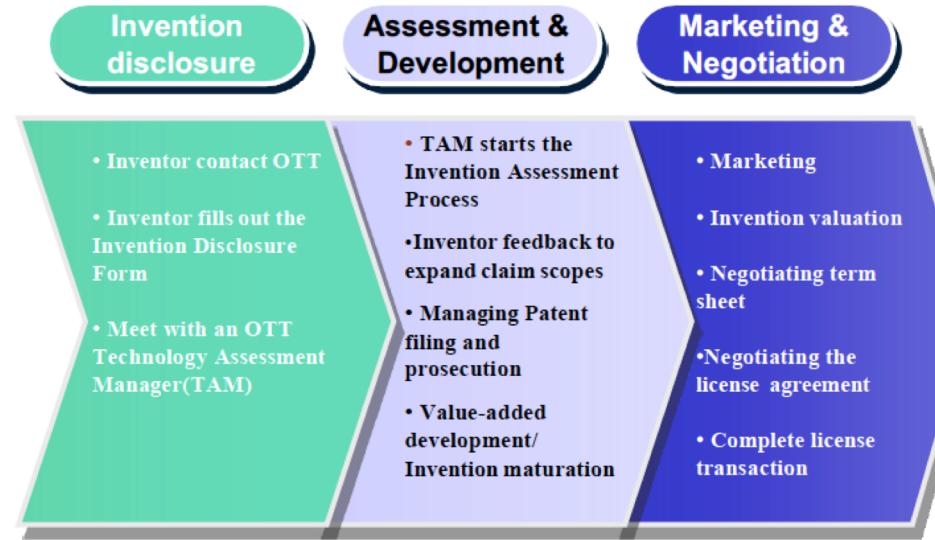
Case Study

- In China, the vast majority of research institutions do not have a good quality technology transfer office.
 - Gordon Zong (纵刚) wants to develop the Office of Technology Transfer in Shanghai Institutes for Biological Sciences as a mechanism to handle patenting and tech transfer for many research institutions in China
 - A separate entity is established: Sinoipro IP Management and Technology Transfer Co., Ltd



Case Study

- Sinoipro
 - Establishing Processes



- Industry Collaboration
 - Actively collaborate with major firms in the industry that had the ability to effectively commercialize technologies
 - Negotiating sponsored-research agreements with multinationals that achieved equitable IP terms similar to U.S. style agreements. Terms typically included basing ownership of IP on inventors, with the sponsor getting an exclusive option for SIBS' s solely owned or jointly owned IP, and SIBS free to license the IP to third parties if no license deal was reached after a few months of good-faith negotiations
- Professionalism
 - Hire people who understand technology, law and business, and provide training.

- Slow assessment process
- Uselessness of assessment
- Low quality of patent applications
- Ineffectiveness of supermarket-style marketing
- Unreasonable and sketchy transaction contracts

Case Study

- Challenges to Sinoipro
 - Junk patents
 - Unreasonable government subsidies for patent applications; patent applications for non-commercial purposes, for graduation, to meet research project requirements, for household registration, for promotion, for awards, for research grants.
 - Low motivation of patenting
 - Evaluation based on published papers
 - The university does not provide support for patent applications
 - Poor enforcement and remedies
 - Low damages
 - Many multinationals did not see the benefit of filing patents in China, where the environment made enforcement uneconomic or frustrating at best.
 - Lack of interest in commercialization of research outputs
 - Chinese companies focus on immediately marketable products and do not pay attention to the R&D process and product development.