SEP-related Legislative and Policy Measures Adopted by Member States, including Notable Case Law

China

(Translation of the Original Submission)

In 2013, China National Intellectual Property Administration (CNIPA) and the State Standardization Administration (SSA) jointly issued the *Interim Provisions on the Administration of National Standards Involving Patents*, which came into effect on 1 January 2014.

URL address:
https://www.sac.gov.cn/xxgk/flfg/art/2014/art_1f6291ae91a14b29a89b3eb6e01021c7.html

In 2024, the State Administration for Market Regulation (SAMR) formulated the Guidelines on Antitrust in Relation to Standard Essential Patents (https://www.gov.cn/zhengce/zhengceku/202411/content_6985623.htm）, which defined sound codes of conduct concerning standard essential patents, refined antitrust rules in key areas, and promoted the regulated, sound and sustainable development of the industry.

In March 2026, the China National Intellectual Property Administration (CNIPA) issued the Guidelines for Invention Patent Applications Relating to Standards (https://www.cnipa.gov.cn/module/download/downfile.jsp?classid=0&showname=%E6%B6%89%E5%8F%8A%E6%A0%87%E5%87%86%E7%9A%84%E5%8F%91%E6%98%8E%E4%B8%93%E5%88%A9%E7%94%B3%E8%AF%B7%E6%8C%87%E5%BC%95.pdf&filename=b51160434a8b4b30843e29f7020d7722.pdf） to help applicants better understand the current patent examination policies of the CNIPA.