Administrative Revocation and Invalidation Mechanisms

China

There is no specialized pre-grant opposition system under the current Chinese patent system. According to Article 45 of the Chinese Patent Law,[1] beginning from the date of announcement of the grant of a patent right by the patent administration department under the State Council, any entity or individual considers that the grant of the patent right is not in conformity with the relevant provisions of this Law, it or he may request the patent administration department under the State Council to declare the patent right invalid.

During the 2025 High-Level Meeting of the IP5 Trial and Appeal Bodies, the five offices jointly released for the first time both the Chinese and English versions of the User Guide of IP5 Trial and Appeal Procedures. (https://www.cnipa.gov.cn/art/2025/9/30/art_2633_201885.html)

[1] Patent Law of the People's Republic of China, 2008.