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GB/T 42748-2023

Guidelines for patent evaluation

专利评估指引

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Foreword

This document complies with the regulations of GB/T 1.1-2020 "Standardization Work Guidelines Part

1.Structure and Drafting Rules of Standardization Documents" Custom drafting. Please note that some content in this document may be subject to patents. The publisher of this document assumes no responsibility for identifying patents. This document is submitted by the State Intellectual Property Office. This document is under the jurisdiction of the National Knowledge Management Standardization Technical Committee (SAC/TC554). This document was drafted by: State Intellectual Property Office, People's Bank of China, and State Administration of Financial Supervision. The main drafters of this document. Lu Pengqi, He Hua, Lei Xiaoyun, Zhao Meisheng, Chen Mingyuan, Kuang Xicong, Pan Limei, Rao Bohua, Yu Bo, Wang Hao, Yao Ge, Ma Bin, Ma Xinming, Ma Tianqi, Chen Si, Cao Li.

Patent evaluation is the assessment and estimation of the value of patent assets under specific purposes and scenarios, and serves as a basis for patent management, license transfer, and production. Provide reference and support for market activities such as price-based shareholding and pledge financing. Develop scientific, systematic and operable patent evaluation guidelines to help guide All relevant parties should grasp the institutional characteristics and application rules of patents, pay attention to the legal value, technical value, economic value and other characteristics of patents, and achieve evaluation More comprehensive indicators, more scientific evaluation methods, and more accurate evaluation results will promote the improvement of patent evaluation mechanisms, standardize patent evaluation activities, and provide patent Asset management and application provide strong support to promote the orderly flow and efficient allocation of innovative resources. This document provides a basic method tool for the evaluation of invention patents and utility model patents. By building a set of scalable and operable The patent value analysis and evaluation index system comprehensively analyzes the legal value, technical value and economic value of the patent to obtain the patent value. Spend. For patent evaluation in scenarios such as license transfer, finance, financial reporting, and infringement relief, patent value can be used as an adjustment coefficient or parameter. The number is combined with the income method, cost method, market method and other evaluation methods to obtain the evaluation value of the patent; in the scenario of patent management, it can be directly Use patent value to classify patents to provide support for taking corresponding patent management measures. Enterprises, universities, scientific research organizations, financial institutions Various entities such as institutions and evaluation agencies can select specific indicators for patent value analysis and evaluation to carry out patent evaluation based on actual needs and specific scenarios. Based on this evaluation, through negotiation or comprehensive market information analysis, it ultimately promotes the market pricing and value realization of the patent. Patent Evaluation Guidelines

1 Scope

GB/T 42748-2023 gives the guidelines for evaluating patents. China grants more patents than any other country, and the policy question has moved from how many to what they are worth - for collateral lending, for capital contribution, for transfer, for litigation and for deciding which of a portfolio to keep renewing. Valuing a patent is difficult because it has no cash flow of its own and no comparable market, so the answer depends heavily on the analysis of the right that precedes the arithmetic. The standard sets the general principles of scientific rigour, systematicity, operability and scalability, the patent value analysis and the evaluation indicator system with its composition, indicator selection and weighting, then the application of the income, cost and market approaches, and the specific application scenarios. It took effect on 1 September 2023.

This document provides general guidance on the evaluation of invention patents and utility model patents. This document is suitable for patent evaluation in the following scenarios by various entities such as enterprises, universities, scientific research organizations, financial institutions, and evaluation agencies.

---License transfer scenarios;

---Financial scenarios;

---Financial reporting scenarios;

---Infringement relief scenarios;

---Management scenarios;

---Other types of scenarios. Relevant industry organizations and institutions can formulate patent evaluation guidelines for specific industry fields based on this document.

2 Normative reference documents

This document has no normative references.

3 Terms and definitions

The following terms and definitions apply to this document.

3.1 Patent valuepatentvalue The use value of patents under real market conditions.

Note. Including legal, technical and economic aspects.

3.2 The process of analyzing and evaluating patent value using factors that reflect patent value characteristics.

3.3 Patent value degree; PVD Quantitative results obtained through patent value analysis and evaluation.

3.4 legal value degree; LVD Patents are endowed with exclusivity by law, and the patent owner or user has the ability to control the market under the protection of patent rights.

3.5 The actual application value of a patent is determined by the degree of technological leadership it carries, the scope of application of the technology, and the degree to which the technology can be realized.

3.6 Economic value degree; EVD The degree of economic value of the patent is reflected from the perspective of the patent's ability to obtain market economic profitability.