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**NATIONAL STANDARD OF THE
PEOPLE'S REPUBLIC OF CHINA**

GB/Z 43194-2023

**Disposal guidelines for patents related to association
standards**

团体标准涉及专利处置指南

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Foreword

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

1. Structure and Drafting Rules of Standardization Documents" 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 under the jurisdiction of the China Standardization Association. This document was drafted by: China Standardization Association, Guangdong Product Quality Supervision and Inspection Institute, UNISO C (Shanghai) Technology Co., Ltd., China Society of Automotive Engineers, China Quality Certification Center, Shenzhen Institute of Standards and Technology, China Jiliang University, China Academy of Information and Communications Technology, China Electrical Engineering Society, China City Gas Association, China Biomedical Engineering Society, China Academy of Building Sciences Co., Ltd., China Electric Power Enterprise Federation, China Building Materials Federation, China Electronic Video Industry Association, China Highway Society, Nuclear Industry Standardization Research Institute, China Machine Research Institute of Standards and Technology (Beijing) Co., Ltd., Beijing IGRS Information Industry Association, China Health Care Association, China Foundry Association, China Electronics Sub-society, Shandong Institute of Standardization, Guangzhou Baoming Mechanical Technology Research Co., Ltd., Fujian Anlin Intelligent Technology Co., Ltd., Guangdong Provincial Meteorological Disaster Prevention and Reduction Association, Dongguan Xiangtong Optoelectronics Technology Co., Ltd., China Mobile Communications Group Design Institute Co., Ltd., Beijing Telecom Technology Development Industry Association, Chongqing Changan Automobile Co., Ltd., China Patent Protection Association, Chinese Mechanical

Engineering Society, Qingdao Haier Intelligent Technology Technology R&D Co., Ltd., Jiangsu Society of Engineers, Hunan Provincial Standardization Association, China Institute of Technology (Beijing) Testing and Certification Co., Ltd., China Southern Power Grid Technology Co., Ltd. Research Institute Co., Ltd., China United Network Communications Group Co., Ltd., China Instrument and Control Society, Zhongguancun Materials Testing Technology Federation Alliance, China Certification and Accreditation Association, Institute of Acupuncture, China Academy of Chinese Medical Sciences, China Water Conservancy Society, China Association of Traditional Chinese Medicine, Zhongguancun Semiconductor Ming Engineering R&D and Industry Alliance, Xiersi (Changsha) Science and Technology Research Institute Co., Ltd., China Inspection and Testing Society, Fangyuan Mark Certification Group, Chinese Refrigeration Society. The main drafters of this document. Zheng Yanfeng, Li Jin, Wang Peng, Ding Yanci, Wu Xiangke, Tan Li, Zheng Suli, Bi Chunli, Chen Yufei, Li Changying, Wang Guosheng, Jiang Bo, Zhou Libo, Zhou Liwei, Peng Jianfeng, Chen Ying, Li Xiaozhen, Xin Mingzhe, Sun Zhiyong, Zhou Bangyong, Wang Feng, Yu Wenke, Yang Fengjiang, Yang Jiejing, Huang Yihua, Ouyang Hui, Liu Dingqi, Yin Changjun, Si Pinhua, Gao Rui, Jin Yidun, Lai Xinli, Liu Yilin, Yuan Junrui, Wang Binhou, Zhou Yajie, Wang K, Tang Guowei, Qi Xin, Wang Xin, Zhai Jing, Duan Yanfang, Quan Hong, Wang Yang, Wang Yaning, Wang Xinyu, Yao Ximei, Dong Yali, Geng Hongbiao, Dong Guofeng, Wu Xiuxia, Su Xiangfei, Xu Yuanyuan, Tian Ya, Liu Hualin, Yan Xiaolei, Xiao Yang, Liu Shusheng, Yang Liyun, Li Huan, Zhang Shijuan, Lin Jinghong.

Group standards have obvious attributes to meet market demand and innovation requirements. There are many scenarios for integration with patents. All relevant parties of group standards need to Carry out patent disposal work in a timely and accurate manner. The disposal of patents involved in group standards shall be handled in accordance with the "Administrative Provisions on National Standards Involving Patents (Provisional For relevant regulations such as "Execution of Standards", please refer to the requirements of GB/T 20003.1 "Special Procedures for Standard Development Part

1. Standards Involving Patents", etc. In addition, it is also necessary to formulate special group standards related normative documents involving patents to guide the orderly development of group standards. "National Standardization Development Outline", "Notice on Issuing the Action Plan for the Implementation of the National Standardization Development Outline", "Notice on Promoting the Youth League Policy documents such as "Opinions on Standardizing High-quality Development of Corporate Standards" and "Outline for Building a Powerful Intellectual Property Nation (2021-2035)" are necessary for corporate standards. Patent disposal work has put forward new requirements. In order to meet the needs of the market-oriented development of group standards, the stakeholders of group standards should be guided to carry out the work in an orderly manner. The group standards involve the disposal of patents and promote the clear goals of the disposal, the open and transparent process, and the fair and reasonable results. This document is specially formulated. Each social group shall combine the specific circumstances of the

industry group standards involving patents and refer to this document to formulate institutional documents involving patents. Group Standards Involving Patent Disposal Guidelines

1 Scope

This document gives guidance on handling patents that read on association standards: how a patent is disclosed during drafting, on what terms it is licensed, and what a standards body does when a patent surfaces after publication. A standard that unknowingly requires a patent is a trap for everyone who adopts it. The problem is well understood internationally through FRAND commitments and disclosure rules; what has been missing in China is the equivalent for - the association standards that any industry group may now publish, and which have multiplied faster than the governance around them. Issued on 7 September 2023 by SAMR and SAC as a guiding technical document, in force from the same day. It is one to read for anyone participating in a Chinese industry association's standardization work, or licensing into one.

This document establishes the overall principles and overall goals of group standards related to patent disposal, and provides the responsibilities and management, and patent disclosure process. Guidance and advice. This document is applicable to the disposal activities of group standards involving patents carried out by stakeholders.

Note. Unless otherwise specified, the patents mentioned in this document include valid patents and patent applications.

2 Normative reference documents

The contents of the following documents constitute essential provisions of this document through normative references in the text. Among them, the dated quotations For undated referenced documents, only the version corresponding to that date applies to this document; for undated referenced documents, the latest version (including all amendments) applies to this document.

GB/T 19001-2016 Quality Management System Requirements

GB/T 20000.1 Guidelines for standardization work Part

3 Terms and definitions

The terms and definitions defined in GB/T 20000.1, GB/T 20003.1, GB/T 21374-2008 and the following apply to this document.

3.1 stakeholder A person or organization that can influence a decision or activity, be affected by a decision or activity, or consider itself to be affected by a decision or activity.

Note