



Intellectual property protection of Traditional Chinese Medicine and Patent Application

中药知识产权保护 及专利申请

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The current state of intellectual property protection of
Traditional Chinese medicine

中药知识产权
保护现状





Table 1 patent applications of traditional Chinese medicine from 2012 to 2019
2019~2019 年中药发明专利申请情况（件）

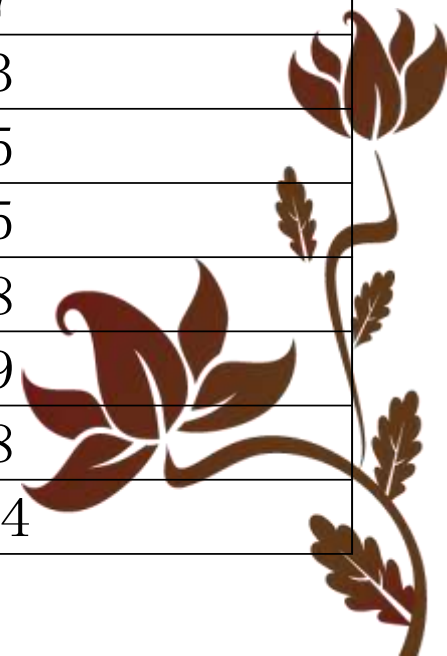
Year 年份	patent applications of traditional Chinese medicine 中药发明专利	Annual growth rate 年增长率
2012	3021	
2013	3443	14 %
2014	4535	32 %
2015	3796	16 %
2016	4791	26 %
2017	4883	2 %
2018	5602	15 %
2019	4657	17 %
合计	34728	





Table 2 categories of patent applications of traditional Chinese medicine from 2012 to 2019

Year 年份	patent of traditional Chinese Medicine 中药专利	medicine made of two or more ingredients 复方
2012	3021	1809
2013	3443	2477
2014	4535	2703
2015	3796	2065
2016	4791	2395
2017	4883	2128
2018	5602	1659
2019	4657	1548
合计	34728	16784





Intellectual property Protection of
traditional Chinese Medicine:

Problems and barriers

中药知识产权
保护存在的问题






. Lack of concept of intellectual property protection and attitude of active protection 中药知识产权保护观念薄弱,缺乏主动保护的意识

. The concept of intellectual property is not clear in the traditional Chinese medicine industry 中药界对中药知识产权的概念不明确

. Legal defects of intellectual property protection of traditional Chinese medicine 中药知识产权保护的法律缺陷

. Lack of understanding of the potential benefits of intellectual property of traditional Chinese medicine 中药实施知识产权保护潜在效益认识不足

. Lack of attention to the serious situation of plundering intellectual property of Chinese traditional medicine 对中药知识产权可能遭掠夺的严峻形势重视不够



Japan, Korea, the United States, Germany, France, Italy, the United Kingdom, Canada and so on are the most frequently asked countries for Chinese medicine patents. The number of foreign applicants entering China through PCT international application or directly applying to China is increasing. In addition to the above natural plant extracts, the application for Chinese herbal compound is also on the rise.

向中国申请中药专利最多的国家依次是日本、韩国、美国、德国、法国、意大利、英国、加拿大等。国外通过**PCT**国际申请途径进入中国或直接向中国申请的申请量正在不断增加，其中除包括上述天然植物提取物的产品中请外，有关中药复方申请也呈上升趋势。



According to the statistics of Derwent world patent database, only 37 of the 10943 Chinese herbal medicine patents published in China have applied for patent protection abroad, and 99.7% of the patent applications have given up the right to control the foreign market.

从德温特世界专利数据库统计发现，我国公布的**10943** 件中草药专利中只有**37** 件向国外申请专利保护，**99.7%**的专利申请都放弃了对国外市场的控制权。



Myth 1: Sales and advertising are more important than patents and trademarks认为销售和广告比专利和商标更重要

Myth 2: the protection of technical secret is better than patent protection认为技术秘密保护优于专利保护

Myth 3: patent protection is not suitable for traditional Chinese medicine认为专利保护不适合中药

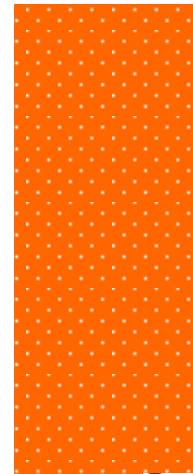
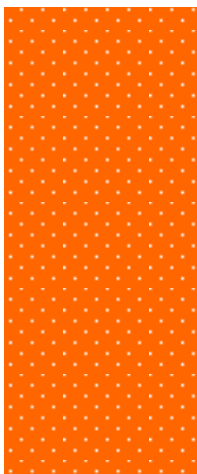
Myth 4: patent can not protect traditional Chinese medicine compound prescription认为专利保护不了中药复方


Myth 5: the domestic market is more important than the international market for traditional Chinese medicine认为国内市场比国外市场更重要



Intellectual property of
traditional Chinese Medicine
: Protection mode

中药知识产权
保护方式





Administrative protection of traditional Chinese medicine

中药品种行政保护

Patent protection of traditional Chinese medicine 中药发明专利保护

Trademark protection of traditional Chinese Medicine 中药商标保护

Protection of origin and geographical indication of 中药原产地、地理标志的保护


traditional Chinese Medicine

Protection of Chinese medicine packaging design 中药的外观包装设计保护

Trade secret protection 商业秘密保护

Protection of national science and technology secrets 国家科技秘密保护

Protection of copyright 著作权的保护





**Patent application of traditional
Chinese Medicine**
中药专利申请





1、Types of patent applications for traditional Chinese Medicine 中药专利申请

(1) Product invention of traditional Chinese Medicine 中药的产品发明

(1) New preparations that change the traditional route of administration of traditional Chinese medicine,
改变中药传统给药途径的新制剂

(2) Effective parts and preparations extracted from natural medicines
天然药物提取的有效部位

(3) New traditional Chinese medicine preparations
新的中药制剂





(4) Chinese patent medicines with different dosage forms but no change of administration route

改变剂型但不改变给药途径的中成药

(5) Compound preparation of Chinese and Western Medicine

(5) 中西药复方制剂





**(2) Patent of traditional Chinese Medicine: invention
about Method**

中药的方法发明


**Preparation method and equipment of traditional Chinese
medicine tablet for treating coronary heart disease**

CN01106510.9

一种治疗冠心病的中药片剂的制备方法及设备

CN01106510.9





(3) Application and invention of traditional Chinese Medicine
中药的用途发明

(1) Application of newly discovered Chinese herbal medicines in the preparation of drugs

新发现的中药材在制备药品中的用途

(2) The application of new medicinal parts of traditional Chinese medicine in the preparation of drugs.

中药材新的药用部位在制备药品中的用途

(3) The application of Chinese patent medicine with increased indications in the preparation of new indication drugs.

增加适应症的中成药在制备新适应症药物中的用途。

