



SESEC VI Translation

Translation of Explanatory Notes on the Drafting of
*Special procedures for the development of standards -
Part 1: Standard related to patents*

September | 2026



INTRODUCTION:

On 1 September 2026, the National Technical Committee on Standardization Principles and Methods (SAC/TC 286) opened a public consultation on the revised draft of the national standard **GB/T 20003.1 Special procedures for the development of standards – Part 1: Standard related to patents** (project plan number 20252139-T-424). Developed under the 2025 national standard development and revision plan of the National Standardization Administration (SAC), the revision will replace GB/T 20003.1—2014. Comments are invited until **26 October 2026**.

The draft sets out how patent issues are to be handled throughout the development and revision of national standards. Its main elements cover the disclosure of essential patent information by all participants in standardization work; licensing declarations on fair, reasonable and non-discriminatory (FRAND) terms, either free of charge or against royalties; the publication of patent information; and stage-specific procedures from preliminary study through project initiation, drafting, consultation, examination, approval, publication and review. It also regulates the handling of patents identified after a standard has been published, including the possible suspension of the standard's implementation.

The revision is of direct relevance to European companies holding standard-essential patents that may be incorporated into Chinese national standards.

To support European stakeholders wishing to contribute, SESEC has translated both the Draft for Comment and its Explanatory Notes into English.

Original notice:

https://www.cnis.ac.cn/bydt/bzyjq/202609/t20260901_63564.html

DISCLAIMER:

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Explanatory Notes on the Drafting of “Special procedures for the development of standards - Part 1: Standard related to patents”

(Draft for Comment)

I. Overview of the work

(I) Source of the assignment

“Special procedures for the development of standards—Part 1: Standard related to patents” was developed under the national standard development and revision plan issued by the Standardization Administration of China in 2025, with the project plan number “20252139-T-424” and a planned completion year of 2026. This planned project was proposed by and is under the centralized administration of the National Technical Committee on Standardization Principles and Methods (SAC/TC 286). This document replaces GB/T 20003.1—2014, “Special procedures for the development of standards—Part 1: Standard related to patents”.

The main drafting organizations of this document are the China National Institute of Standardization, the China Electricity Council, the Yangtze Delta Region Institute of Tsinghua University, Zhejiang, and the China Society of Automotive Engineers. The main drafters are ZHU Xianghua, DU Xiaoyan, XU Jingting, WANG Yiyi, YANG Zuyong, BAI Dianyi, CHEN Jing, DING Yanci, LIU Yongdong, LIU Tingting and ZHAO Wenhui.

The division of work among the drafting organizations is as follows: as the lead drafting organization, the China National Institute of Standardization was responsible for the overall organization and coordination of the standard revision work, for studying and determining the overall positioning, technical route and drafting approach of the standard, for drafting, revising and improving the draft standard, these explanatory notes and other documents, and for exercising overall control over the technical content and textual quality of the standard; the China Electricity Council, the Yangtze Delta Region Institute of Tsinghua University, Zhejiang, and the China Society of Automotive Engineers participated in the study of relevant policies, standards and patent disposal practices, participated in the discussion, review, revision and improvement of the technical content of the standard and of the annexed forms, and assisted in the handling of comments.

The division of work among the main drafters is as follows: ZHU Xianghua was responsible for the overall planning and coordination of the standard revision project and for the review of important matters; DU Xiaoyan was responsible for the top-level design, the overall framework and the technical route research of the standard; XU Jingting was responsible for the comparative study of relevant domestic and international rules, the drafting and revision of certain core provisions, the compilation and consolidation of the standard text, and the handling of comments; WANG Yiyi was responsible for the technical review and quality control of the full text of the standard and for the study and improvement of the content related to essential patent licensing declarations; YANG Zuyong was responsible for the verification and improvement of the provisions related to meetings, documents, the adoption of international and foreign standards, and the referencing of standards involving patents; BAI Dianyi was responsible for the design of the core system, the study and demonstration of major technical issues, and the overall technical control; CHEN Jing was responsible for the revision and improvement of the provisions related to the preliminary study, project initiation and drafting stages and for the drafting of these explanatory notes; DING Yanci, LIU Yongdong, LIU Tingting and ZHAO Wenhui were each responsible for the revision and improvement of certain provisions of the standard text.

(II) Background to the development of the standard

The development and revision of standards involving patents has long been a focus of attention of the international community. In March 2006, the three major international standards organizations

ISO, IEC and ITU jointly issued the ***Common Patent Policy for ITU-T/ITU-R/ISO/IEC*** (hereinafter referred to as the “Common Patent Policy”), which puts forward principled requirements on such matters as the disclosure of patent information related to standards and the licensing of patented technologies, clarifies the positions of the three major international standards organizations on standard-essential patents, and provides an important reference and a guideline for standardization organizations around the world in formulating their own patent policies. Five successive editions of the ***Guidelines for Implementation of the Common Patent Policy*** were subsequently issued as the implementing rules of the Common Patent Policy, with the aim of modifying, adjusting and improving them in response to new developments concerning standard-essential patents as circumstances require.

China has likewise made a series of policy arrangements, from a strategic height, for the development and revision of standards involving patents. In May 2016, the Central Committee of the Communist Party of China and the State Council issued the ***Outline of the Innovation-Driven Development Strategy of China***, proposing to implement intellectual property, standards, quality and brand strategies, to strengthen the development of fundamental and general-purpose standards, to improve the mechanism of interactive support among technological innovation, patent protection and standardization, and to transform advanced technologies into standards in a timely manner. In September 2021, the Central Committee of the Communist Party of China and the State Council issued the ***Outline for Building an Intellectual Property Powerhouse (2021—2035)***, proposing to improve the legal system for regulating the abuse of intellectual property rights as well as legislation in areas related to intellectual property such as anti-monopoly and anti-unfair competition, and to promote the effective integration of patents with the development of international standards. In October 2021, the Central Committee of the Communist Party of China and the State Council issued the ***National Standardization Development Outline***, proposing to improve the standard-essential patent system, to strengthen the protection of intellectual property rights in the process of standards development, and to promote the industrial application of innovation achievements, and encouraging enterprises to build an innovation system linking technology, patents and standards. These policies provide an important basis for China’s work on the development and revision of standards involving patents.

Since its implementation, the current **GB/T 20003.1—2014** has provided a reference for regulating the disposal of patents in the development and revision of national standards, has been cited and referenced by a number of national standards, association standards and local standardization management systems, and has effectively supported China’s governance of standard-essential patents. However, with the rapid development of China’s scientific and technological innovation and standardization undertakings, the number of standards involving patents has continued to increase, industrial application scenarios have become increasingly complex, and the content of the original standard has gradually lagged behind the needs of practical development. At present, in the process of developing standards involving patents, problems such as patent information that should be disclosed but is not disclosed or is disclosed in a non-standardized manner, and unclear boundaries of rights and responsibilities among the relevant parties, are relatively prominent, and the original rules can no longer effectively adapt to the current regulatory requirements and the needs of industrial practice.

For this reason, this revision aligns with relevant national policies, draws on internationally accepted practices, and is grounded in domestic standardization practice, focusing on improving the definition of essential claims, the disclosure of essential patent information, licensing declarations, the publication of information and the relevant patent disposal procedures, so as to further enhance the normativity and operability of the rules for the development and revision of standards involving patents. Through this revision, China’s system of ex ante governance rules for standard-essential patents can be further optimized, the level of normalization of China’s governance of intellectual property rights in standards can be raised, and the building of an innovation system linking

technology, patents and standards can be facilitated, so as to better serve high-quality industrial development and institutional opening-up in standardization.

(III) Drafting process

In accordance with the requirements of the procedures for the development and revision of national standards, the following work was completed in the drafting of the national standard “Special procedures for the development of standards—Part 1: Standard related to patents”:

1. Collection of materials

In the course of the drafting, the drafting working group collected the following materials:

- GB/T 20004.1—2016, Social organization standardization—Part 1: Guidelines for good practice;
- GB/T 20004.2—2018, Social organization standardization—Part 2: Guidelines for evaluation of good practice;
- GB/Z 43194—2023, Disposal guidelines for patents related to association standards;
- T/CAS 2.1—2019, Disposal guides for patents related to social organization standard—Part 1: General principles;
- T/CAS 2.2—2018, Disposal guides for patents related to social organization standard—Part 2: Patent disclosure;
- T/CAS 2.3—2018, Disposal guides for patents related to social organization standard—Part 3: Patent utilization;
- the Common Patent Policy for ITU-T/ITU-R/ISO/IEC issued by the three major international standards organizations ISO, IEC and ITU, and the successive editions of its Guidelines for Implementation of the Common Patent Policy;
- CEN-CENELEC Guide 8: Standardization and Intellectual Property Rights, issued by the European Committee for Standardization (CEN) and the European Committee for Electrotechnical Standardization (CENELEC), and the intellectual property rights policies of regional standardization organizations such as the European Telecommunications Standards Institute (ETSI);
- the intellectual property rights policies of international professional standards organizations such as the Institute of Electrical and Electronics Engineers (IEEE) and ASTM International.

2. Drafting of the standard

- (1) In March 2026, the Policy and Regulations Division of the China National Institute of Standardization organized and convened the project kick-off meeting, formally launching the drafting of the national standard “Special procedures for the development of standards—Part 1: Standard related to patents”. The meeting clarified the planned schedule for the drafting of the standard and established the standard drafting working group.
- (2) From April 2026 to May 2026, the investigation of practices in the development of standards involving patents was completed, the basic approach to the drafting of the standard was clarified, and the drafting of the draft standard was advanced in accordance with the drawn-up “Composition and Work Arrangements of the Drafting Group”.
- (3) From June 2026 to July 2026, several internal seminars of the drafting working group were organized and held, at which the problems existing in the current standard were sorted out, a comparative analysis of relevant domestic and international standards and policy documents was carried out, and the draft standard was improved.
- (4) From July 2026 to August 2026, special seminars were organized, at which professional consulting institutions in the fields of standardization and intellectual property, as well as experts

from industry, were invited to discuss core technical content such as the definition of essential patents, disclosure obligations, the forms of licensing declarations, and the special disposal procedures at each stage.

(5) In late August 2026, the draft standard was revised and improved in light of the opinions expressed at the expert seminars, and the draft for comments was finally formed.

II. Drafting principles, main content and basis for the determination of the national standard

(I) Drafting principles of the standard

The drafting of this document followed the principles below.

First, the principle of problem orientation and goal orientation. Focusing on the practical pain points in the disclosure, licensing and information publication of standard-essential patents in the process of developing and revising national standards in China, benchmarking against internationally accepted rules, implementing the State's top-level policies on intellectual property and standardization, and establishing patent disposal rules with clear rights and responsibilities and well-defined procedures.

Second, the principle of normativity. The drafting of this document strictly followed the drafting rules of GB/T 1.1—2020, accurately distinguished the modal verbs “shall” (应), “should” (宜) and “may” (可), clarified mandatory requirements and guiding recommendations, and ensured the rigour of the text.

Third, the principle of coordination. This document is coordinated with laws, regulations and policies such as the Standardization Law of the People's Republic of China and the Regulations for the Administration of National Standards Involving Patents (Interim), and is interlinked with the system of fundamental national standards such as GB/T 1, GB/T 20000, GB/T 20001 and GB/T 20004, without any conflict of rules.

Fourth, the principle of practicality and operability. Grounded in the realities of domestic standardization work, the specific work content for patent disposal at each stage of the development and revision of standards is clarified, so as to facilitate understanding and implementation by all kinds of parties, such as standardization technical committees, drafting working groups and patentees.

(II) Main content of the standard

This document specifies the disposal requirements and special procedures for patent-related issues in the process of developing and revising standards. The specific content is as follows:

First, terms and definitions. It specifies the definitions of terms commonly used in the development and revision of standards involving patents, including essential claim, essential patent, affiliate and technical contribution.

Second, patent disposal requirements. It specifies the requirements for the disposal of patents in the process of developing and revising standards, including the disclosure of essential patent information, essential patent licensing declarations, the publication of relevant information, meeting requirements, document requirements, the development and revision of national standards based on international standards or foreign standards, and the referencing of standards involving patents.

Third, special procedures for the development and revision of national standards involving patents. It specifies the special procedural requirements regarding patent disposal for the various relevant parties — the project proposer, the working group, the national professional standardization technical committee or the unit in charge, and the national standardization administrative department — at the preliminary study, project initiation, drafting, comment solicitation,

examination, approval, publication and review stages of the development and revision of national standards.

Fourth, disposal of patents in the implementation of standards. It specifies the rules for the disposal of essential patents discovered in the course of the implementation of standards.

Fifth, Annex A. It gives the formats of the forms used for the disposal of patents involved in the process of standards development.

(III) Basis for the determination of the main content of the standard

The main content of the standard was formed mainly by reference to the following literature, standards and policy documents.

First, in terms of laws, regulations and policy documents, it was mainly based on the *Standardization Law of the People's Republic of China*, the *Patent Law of the People's Republic of China*, the *Anti-Monopoly Law of the People's Republic of China*, the *Interim Provisions on the Administration of National Standards Involving Patents*, the *Measures for the Administration of National Standards*, the *Provisions on the Administration of Association Standards*, the *Operational Guidelines for Standard Essential Patent Licensing* (标准必要专利许可操作指南), the *Anti-Monopoly Guidelines for Standard Essential Patents* (标准必要专利反垄断指引), and the *Guidelines for Invention Patent Applications Related to Standards* (涉及标准的发明专利申请指引).

Second, in terms of national standards, reference was made to GB/T 20004.1—2016, Social organization standardization—Part 1: Guidelines for good practice, GB/T 20004.2—2018, Social organization standardization—Part 2: Guidelines for evaluation of good practice, and GB/Z 43194—2023, Disposal guidelines for patents related to association standards.

Third, in terms of the policies of international and foreign standards organizations concerning patents involved in standards, reference was made to CEN-CENELEC Guide 8: Standardization and Intellectual Property Rights of CEN and CENELEC, and to the Guidelines for Implementation of the Common Patent Policy and the Common Patent Policy of ISO/IEC/ITU.

(IV) Main technical changes compared with GB/T 20003.1—2014

Compared with GB/T 20003.1—2014, apart from editorial changes, the main technical changes are as follows:

- the types of standards that may use this document as a reference have been expanded (see Clause 1);
- the names and numbers of the normative references have been updated (see Clause 2);
- the definition of “essential claim” has been optimized (see Clause 3);
- the requirements for supporting materials for the disclosure of essential patent information have been improved, the relevant supporting materials used to verify the authenticity of patents or patent applications in different states have been clarified, and the notification requirements for changes to essential patent information have been adjusted (see 4.1);
- the requirements for essential patent licensing declarations have been improved, the arrangements under which a licensing declaration remains binding on the assignee and subsequent assignees upon the assignment of a patent have been refined, and the channels and content for the publication of patent-related information have been optimized (see 4.2);
- the requirements for the disposal when a new essential patent is discovered before the approval of a standard have been improved, and the specific circumstances for suspending the approval procedure of a standard have been clarified (see 5.6.4);
- the Essential Patent Information Disclosure Form has been adjusted, with relevant information

on whether the discloser is the patent applicant or the patentee added (see Table A.1);

— the Essential Patent Licensing Declaration Form has been adjusted, with the requirement to fill in the essential claims deleted and the explanation of the reciprocity condition and its meaning improved (see Table A.2).

III. Analysis and review report on testing and verification, technical and economic demonstration, and expected economic, social and ecological benefits

This document is a procedural, rule-based fundamental standard; it does not involve technical content such as product performance indicators or testing methods, and no product testing or verification is required. During the revision of the standard, the drafting working group investigated the practices in the development and revision of standards involving patents, carried out comparative studies of relevant domestic and international standards, policies and the patent rules of standardization organizations, and fully demonstrated, through expert seminars and other means, such content as the definition of essential patents, information disclosure, licensing declarations and the patent disposal procedures at each stage.

The implementation cost of this document is generally controllable. By further clarifying the disclosure of patent information, licensing declarations, publication of information and patent disposal procedures in the process of developing and revising standards, this document helps to reduce repeated communication, correction of materials and procedural delays, to improve the efficiency of the development and revision of standards involving patents, and to reduce the relevant institutional transaction costs; at the same time, it helps to improve the transparency of patent-related information and licensing conditions in standards, to reduce the intellectual property risks and compliance costs of the implementers of standards, and to promote the coordinated application of patented technologies and standards, thereby producing certain economic benefits.

The implementation of this document is conducive to improving China's system of ex ante governance rules for standard-essential patents, clarifying the rights, obligations and responsibility boundaries of the relevant parties, enhancing the normativity, openness and transparency of the work of developing and revising standards involving patents, safeguarding a fair and orderly order for the licensing and implementation of standard-essential patents, and providing a practical basis for China's participation in the international governance of standard-essential patents, thereby producing good social benefits.

This document mainly regulates the patent disposal procedures in the process of developing and revising standards, does not directly involve matters such as energy and resource consumption, pollutant discharge and ecological environmental protection, and produces no direct ecological benefits.

IV. Comparison with the level of similar international and foreign standards

International and foreign standardization organizations such as ISO, IEC, ITU, CEN-CENELEC and IEEE mainly regulate, through internal rules such as patent policies and implementation guidelines, matters involved in the process of standards development, such as the disclosure of patent information and licensing declarations. Among them, the Common Patent Policy for ITU-T/ITU-R/ISO/IEC jointly issued by ISO, IEC and ITU and the successive editions of its Guidelines for Implementation of the Common Patent Policy make uniform provisions on the disclosure of patent information in the process of standards development, the rights and obligations of patentees and standard implementers, licensing declarations and the handling of relevant information, and constitute an important institutional basis for international standards organizations in handling the relationship between standards and patents. At present, there is no international standard directly corresponding to the content of this document.

On the basis of fully drawing on internationally accepted practices, and in combination with China's

standardization legal system and national standard management system, this document systematically specifies the disclosure of essential patent information, licensing declarations, the publication of information, and the patent disposal procedures at the preliminary study, project initiation, drafting, comment solicitation, examination, approval, publication, review and implementation stages of national standards. Compared with the Common Patent Policy for ITU-T/ITU-R/ISO/IEC, the successive editions of its Guidelines for Implementation of the Common Patent Policy and other relevant international and foreign rules, this document is consistent in terms of basic principles such as disclosure as early as possible and fair, reasonable and non-discriminatory licensing, while paying greater attention to the alignment with China's procedures for the development and revision of national standards; it is highly systematic and operable, and is generally coordinated with the internationally accepted rules for the governance of standard-essential patents.

V. Drafting on the basis of international standards, and whether international or foreign standards are referenced or adopted in compliance with the rules, with an explanation of the reasons for not adopting international standards

At present, international standardization organizations such as ISO, IEC and ITU have not issued any international standard directly corresponding to the content of this document, and instead mainly regulate patent-related issues involved in the process of standards development through internal rules such as patent policies and implementation guidelines; therefore, this document has no basis for referencing or adopting relevant international standards.

This document is drafted on the basis of China's standardization legal system and national standard management system; it does not adopt any international standard, nor does it take any international or foreign standard as a normative reference, and it involves no copyright issues. During the drafting process, reference was made to the relevant rules of international and foreign standardization organizations, such as the Common Patent Policy for ITU-T/ITU-R/ISO/IEC, the successive editions of its Guidelines for Implementation of the Common Patent Policy, and CEN-CENELEC Guide 8: Standardization and Intellectual Property Rights; internationally accepted practices were drawn on in such aspects as the disclosure of essential patent information and licensing declarations, and corresponding provisions were made in combination with China's procedures for the development and revision of national standards.

VI. Relationship with relevant laws, administrative regulations and related standards

This document is coordinated with laws such as the Standardization Law of the People's Republic of China, the Patent Law of the People's Republic of China and the Anti-Monopoly Law of the People's Republic of China, as well as with relevant regulations and policy documents such as the Regulations for the Administration of National Standards Involving Patents (Interim), the Measures for the Administration of National Standards, the Regulations for the Administration of Association Standards, the Operational Guidelines for Standard Essential Patent Licensing, the Anti-Monopoly Guidelines for Standard Essential Patents and the Guidelines for Invention Patent Applications Related to Standards; it specifies in detail the disposal procedures for patents involved in the process of developing and revising national standards, provides standardization technical support for the implementation of the Regulations for the Administration of National Standards Involving Patents (Interim), and does not conflict with the requirements of current laws, regulations and policies. At present, there is no mandatory national standard directly corresponding to the content of this document.

This document is a fundamental national standard supporting the work of developing and revising standards; it is interlinked with fundamental standards such as GB/T 1, Directives for standardization, GB/T 20000, Guidelines for standardization, GB/T 20001, Rules for drafting standards, and GB/T 20002, Drafting for special aspects in standards; as a part of GB/T 20003,

Special procedures for the development of standards, it remains coordinated and consistent in such aspects as the use of terminology, the drafting of standards and the expression of patent-related content.

VII. Handling of major divergent opinions and the basis thereof

No major divergent opinions arose in the course of the drafting of this document.

VIII. Explanation concerning patents

No patent-related issues were involved in the course of the drafting of this document.

IX. Requirements for the implementation of the national standard, and recommended measures such as organizational measures, technical measures, the transitional period and the implementation date

It is recommended that this document be approved and published as a recommended national standard, replacing GB/T 20003.1—2014, “Special procedures for the development of standards—Part 1: Standard related to patents”. It is recommended that it be implemented two months after the date of publication, so that national professional standardization technical committees, units in charge and relevant standard drafting organizations can familiarize themselves with the revised patent disposal requirements and make proper arrangements for the alignment of the relevant work processes, forms and materials.

For standard projects that are already in the process of development or revision when this document is implemented, the patent disposal procedures and relevant materials completed in accordance with GB/T 20003.1—2014 before the implementation of this document in principle need not be re-processed in accordance with this document; relevant procedures that have not yet been completed after the implementation of this document may be carried out in accordance with the provisions of this document.

After this document is published, it is recommended that the unit in charge and the main drafting organizations carry out supporting publicity and training by means of standard dissemination and implementation activities, special training sessions, recorded online courses and the compilation of supporting materials, so as to guide national professional standardization technical committees, units in charge and participants in the development and revision of standards in accurately understanding and implementing the requirements for the disclosure of essential patent information, licensing declarations, publication of information and patent disposal procedures at each stage, and to promote the effective implementation of this document.

X. Other matters that should be explained

None.

Introduction of SESEC Project



The Seconded European Standardization Expert in China (SESEC) is a visibility project co-financed by the European Commission (EC), the European Free Trade Association (EFTA) secretariat and the three European Standardization organizations (CEN, CENELEC and ETSI). Since 2006, there has been four SESEC projects in China, SESEC I (2006-2009), SESEC II (2009- 2012), SESEC III (2014- 2017), SESEC IV (2018- 2022) and SESEC V (2022-2025). Dr. Betty XU is nominated as the SESEC expert and will spend the next 36 months on promoting EU-China standardization information exchange and EU-China standardization cooperation.

The SESEC project supports the strategic objectives of the European Union, EFTA and the European Standardization organizations (ESOs). The purpose of SESEC project is to:

- **Promote European and international standards in China;**

- **Improve contacts with different levels of the Chinese administration, industry and standardization bodies;**
- **Improve the visibility and understanding of the European Standardization System (ESS) in China;**
- **Gather regulatory and standardization intelligence.**

The following areas have been identified as sectoral project priorities by the SESEC project partners: Internet of Things (IoT) & Machine-to-Machine(M2M) communication, communication networks & services, cybersecurity & digital identity, Smart Cities (including transport, power grids & metering), electrical & electronic products, general product safety, medical devices, cosmetics, energy management & environmental protection (including eco-design & labeling, as well as environmental performance of buildings).