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New rules for tech contract registration

In brief

» China’s Ministry of Industry and Information Technology (MIIT) has issued the updated rules for technology contract recognition and registration, set to take effect on 1 March 2026, a move that carries significant weight for those eyeing tax incentives. The new framework, designed to bring consistency to practices nationwide, does more than just streamline paperwork: it aims to fast-track the journey from lab breakthroughs to market-ready products, giving a fresh push to the commercialization of homegrown scientific innovation.

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In detail

On 23 January 2026, the Ministry of Industry and Information Technology (MIIT) issued the Measures for the Administration of Recognition and Registration of Technology Contracts (the “New Measures”), which will take effect on 1 March 2026. This marks the first comprehensive overhaul of the tech contract recognition and registration system since the original regulations entered into force in 2000.

Key revisions include the transfer of registration authority, refined recognition criteria and an expanded contract categorization system.

Contract registration

» **Shift in regulatory authority**

The New Measures designate MIIT as the national authority responsible for technology contract recognition and registration. While not explicitly stated, this signals a transfer of such authority from the Ministry of Science and Technology (MOST), which previously held this role under the 2000 rules (the “Old Measures”) jointly issued by MOST, the Ministry of Finance (MOF), and the State Administration of Taxation (SAT).

MIIT and MOST are distinct but interconnected ministries in China, with their relationship significantly reshaped by a 2023 government restructuring. MOST now focuses on high-level strategic planning and basic research, while MIIT has been assigned a strengthened role in sci-tech administration.

Notably, the New Measures do not repeal the Old Measures, as the latter continue to govern tax incentive policies. Instead, the MIIT-issued New Measures focus exclusively on recognition and registration requirements, largely aligning with the principles of the Old Measures but offering more detailed implementing rules, without addressing tax incentives.

Given the recent release of the New Measures, registration practices may vary across regions in the sense that some local MOST offices may still handle new applications. Enterprises are advised to verify locally before submitting applications.

» **Refined contract category**

The New Measures introduce an additional category — “technology licensing contracts”— expanding the original four contract types to five, as summarized below:

Category system	
Old category	New category
1. Tech development contracts	1. Tech development contracts
2. Tech transfer contracts	2. Tech transfer contracts
3. Tech consulting contracts	3. Tech licensing contracts
4. Tech services contracts	4. Tech consulting contracts
	5. Tech service contracts

The new “tech licensing” category, previously subsumed under “technology transfer contracts”, is now given a standalone status, resolving historical ambiguity around the classification of licensing transactions.

In addition, the New Measures have enhanced the recognition criteria details (under a 38-article appendix) for all five categories, and offered a negative list for unqualified contracts. They help to resolve long-standing challenges such as inconsistent local review standards and disputes over contract eligibility.

This revised classification better accommodates modern-day development needs and provides clearer support for compliant registration and policy eligibility, while substantially improving the efficiency of the registration process.

» **Admission of special contracts**

The New Measures has introduced optimizations for two types of special tech contracts, hybrid contracts and government-funded projects.

- Article 36 stipulates that a hybrid contract, which contains both in-category and non-category transactions, is eligible for normal recognition and registration - provided that its technology component meets the recognition criteria and the transaction value attributable to the technology component is separately identifiable and accounted for.

- Article 37 confirms that government-funded technology development contracts are also admissible for registration if they satisfy the recognition criteria, but stipulates that the transaction value for registration purposes should exclude the portion funded by the applicant's own resources.

These provisions more closely align with real-world business scenarios, address matters not covered under the Old Measures, and render the rules more conducive to market-oriented practices.

Tax benefits

Notably, the New Measures, issued alone by MIIT, no longer include tax incentive provisions, unlike the Old Measures. Nevertheless, existing tax incentives for tech transactions—covering corporate income tax (CIT), individual income tax (IIT), VAT, and stamp duty—continue to apply. In this context, two key implications should be noted:

- Successful MIIT registration does not automatically entitle the registrant to tax benefits; and
- Successful MIIT registration does not exempt businesses from other compliance obligations. For instance, certain cross-border technology contracts may also require registration with the Ministry of Commerce (MOFCOM) for VAT relief purposes, or may be subject to export control scrutiny for technology transfers to overseas parties.

Tech developers or owners are therefore advised to conduct additional assessments to determine their contracts' eligibility for tax relief, and to identify any other compliance requirement that may affect contact feasibility.

WTS China's observation

The New Measures introduce meaningful adjustments to technology contract recognition and registration requirements. In practice, companies seeking to secure tax incentives should conduct thorough due diligence covering the following aspects:

- Contract classification;
- Eligible transaction value;
- Tax relief qualification;
- Filing and verification processes for tax incentives;
- Supporting documentation; and
- Other compliance obligations.

As a preliminary step, professional contract review is strongly recommended. Properly addressing transaction structure, value allocation, and the delineation between technical and non-technical activities can facilitate a smoother registration process and help secure applicable tax benefits.

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