

Request for examination in Japan

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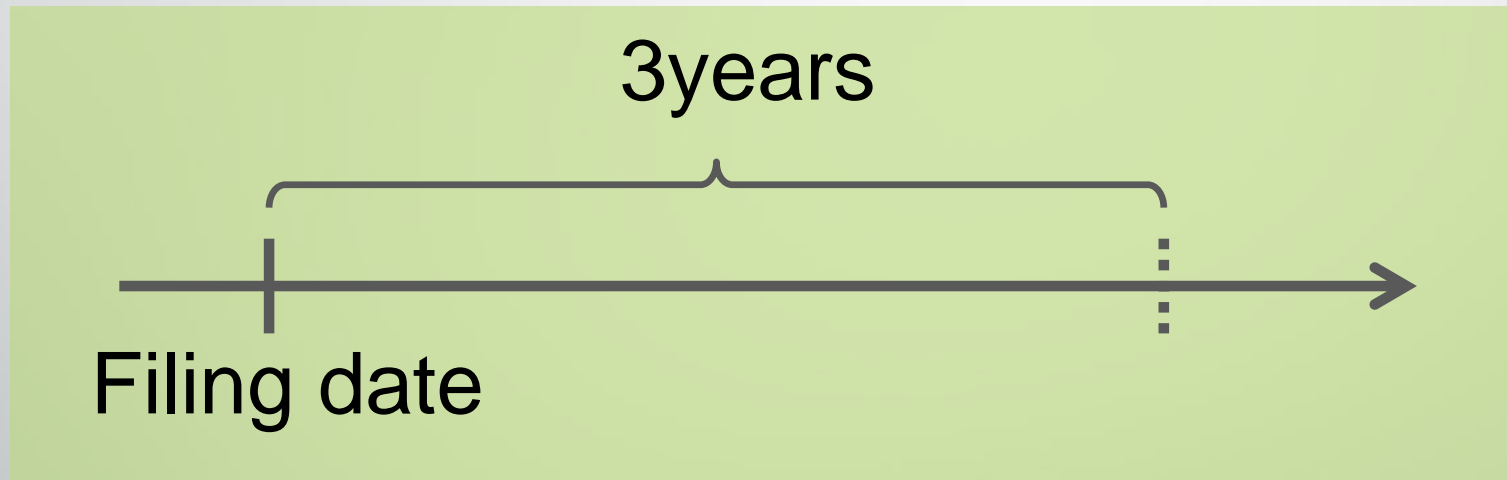
Introduction

- ✓ General rule in Japan
- ✓ PCT application
- ✓ Divisional application etc.

Points to prevent expiring the deadline

General rule in Japan

(Act. 48-3(1))



- 7 years → 3 years (1999)
- A request for the examination may not be withdrawn

International comparison of request for examination

| | Japan | United States | Europe |
|------------|--------------------|---------------|---------------------|
| Time limit | 3year ^a | No time limit | 6month ^b |

| | China | Korea | Taiwan |
|------------|--------------------|--------------------|--------------------|
| Time limit | 3year ^a | 3year ^a | 3year ^a |

^a the limit from the filing date

^b the limit from the disclosure of the search report

Source: AIPPI JAPAN

“The report of period from patent application to grant in main five patent office”

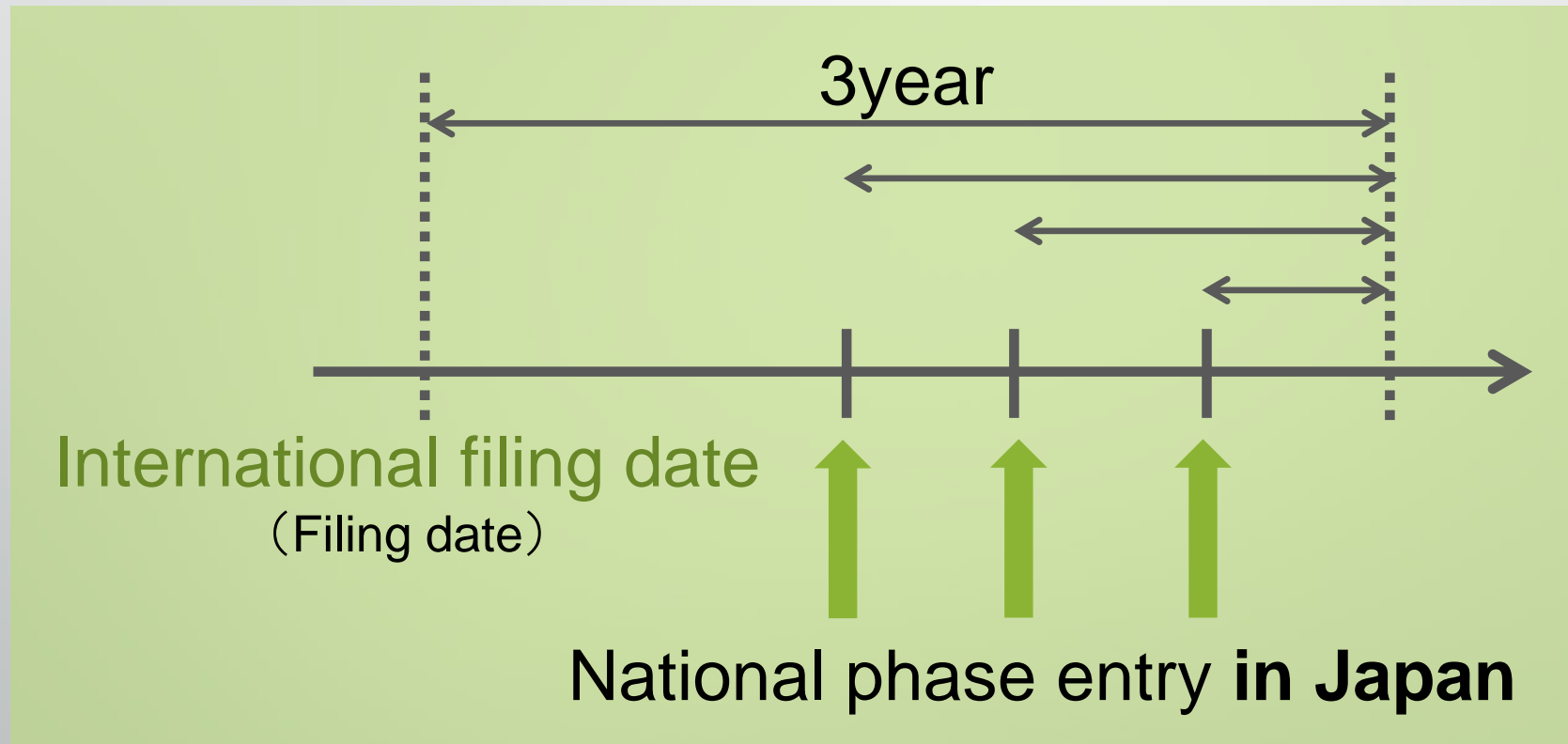
Attention!

Almost no rescued cases at all

- If you don't file a request for examination, patent application shall be withdrawn
- No alert from the Patent Office
- Whatever the reason, almost no rescue



Deadline for PCT application



Better to think that the remaining period
is about **1.5 years**

Requirements of PCT application into national phase (Act. 184-17)

- **National Document** (Act. 184-5(1))
- **Translations** (Act. 184-4(1),(4))
- **Fee** (Act. 195(2))



Can't file a request for examination
unless you submit translations

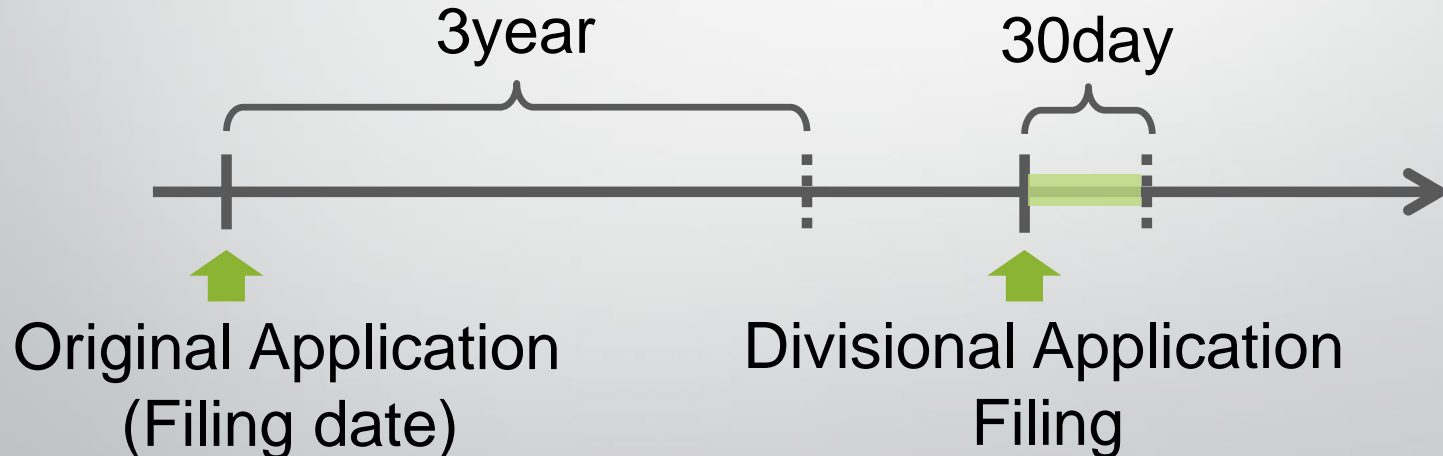
Additional time limit for various application(Act. 48-3(2))

Type of target application

- ✓ **Divisional application**
Patent (Part) ← Patent (Whole)
- ✓ **Converted application**
Patent ← Design
- ✓ **Patent application based on
a utility model registration**

Additional time limit for various application (Act. 48-3(2))

Additional time limit is given
– **30days** from the actual day of filing



Additional period tends to forget

Conclusion

- ✓ **Please notice the time limit**
- ✓ **Translations** required
in case of PCT application
- ✓ Special time limit for divisional application is **very short**



Proposals

- ✓ Consider giving direction **a few months before the deadline**
- ✓ For divisional application, consider submitting **at the same time as filing**

Instructions close to the deadline
should be avoided



Thank you!

