

Japanese Patent System Overview for International Customers

Japanese Patent System is similar to that of the US and other countries.

- PCT supported
- Paris Convention priority supported
- First-to-file basis for Novelty/Non-Obviousness examination
- PPH (Patent Prosecution Highway) supported

The following are points to be noted for International Customers:

Representative

- An applicant residing outside Japan has to assign an agent residing in Japan, required by the law.
- A certified patent attorney usually works as an agent.
- POA is not necessary for filing an application and PCT National Phase entry.

Language

- Patent applications have to be in Japanese or English (no other languages are accepted).
- We strongly recommend filing first with original English documents and submitting the translation later, because it would allow you to amend based on the original English rather than the Japanese translation.
- The Japanese translation can be submitted within 14 months after the priority date.
- We offer in-house English-to-Japanese translation for a competitive fee. We strongly recommend allowing us to do translation, since it will expedite our prosecution process.

Substantive Examination Request

- A separate Substantive Examination Request is required within 3 years after the application date (for PCT, the international application date).
- If this deadline is missed, the application will be abandoned (NO REMEDY).
- Currently, with a temporary statute, a small entity can have a significant reduction of the Substantive Examination fee. Please consult us.

PCT

- The deadline of PCT National Phase entry is 30-month after the priority date.
- The Japanese translation can be submitted 2 month after the National Entry date. (This means you can file National Entry at the last minute, and still can have enough time for do translation).

Paris Convention

- For US, UK, China, Korea and some other countries, Conventional Priority Certification documents can be submitted via WIPO DAS (no paper work or translation necessary).
- Note: For trademarks and design patents, original (i.e. paper) Priority Certification documents must be submitted (i.e. have to be mailed by you to us).

Amendments

- Preliminary amendments can be done at any time before the first provisional refusal.
- After the provisional refusal was noticed, amendment scope and period become limited.

Please consult us for more information (info@techvisor.jp).