

JAPAN PATENT OFFICE

AS DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Japan Patent Office

PL: Patent Law of Japan

PR: Patent Regulations under the Patent Law of Japan

UML: Utility Model Law of Japan

Sec.: Section

SUMMARY**Designated
(or elected) Office****SUMMARY****JP****JAPAN PATENT OFFICE****JP****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date
Translation of international application required into: ¹	Japanese
Required contents of the translation for entry into the national phase:	Under PCT Article 22: Description, claims (if amended, or originally filed or as amended, or both as originally filed and as amended, at applicant's option ²), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report ²)
Is a copy of the international application required?	No ³
National fee: ⁴	Currency: Japanese yen (JPY) For patent: Filing fee: — international applications for which the time limit for entry into the national phase expires on or after 1 June 2008, and for which transmittal form (Form No. 53) is submitted on or after 1 June 2008: JPY 15,000 — international applications for which Form No. 53 is submitted on or before 31 May 2008, regardless of whether the time limit for entry into the national phase expires on or after 1 June 2008: JPY 16,000 — international applications for which the time limit for entry into the national phase expires on or before 31 May 2008: JPY 16,000 For utility model: Filing fee: JPY 14,000

[Continued on next page]

¹ The time limit for submission of the Japanese translation of the international application is two months from the date of submission of Form 53 (see *PCT Applicant's Guide*, National Phase, Annex JP.II) or 30 months from the priority date (under PCT Article 22(1) or 39(1)(a)), whichever expires later.

² Where no translation of amendments is filed, the amendments are considered not to have been made. However, amendments may be made as specified in paragraph JP.10 of the JP national chapter.

³ Where the international application was filed in Japanese, a copy of any amendments under PCT Articles 19 and 34 may be required, if the communication under Article 20 has not taken place within the time limit applicable under Article 22 or 39(1) or if an express request for early processing was filed under Article 23(2).

⁴ If not already paid within the applicable time limit under PCT Article 22 or 39(1), the Office will invite the applicant to pay the national fee within a time limit fixed in the invitation. Where the translation of the international application is submitted in paper form, a special fee for conversion into electronic format is required.

SUMMARY**Designated
(or elected) Office****SUMMARY****JP****JAPAN PATENT OFFICE****JP**

[Continued]

Exemptions, reductions or refunds of the national fee:	None, but the fee for request for examination is reduced where an international search report has been established
Special requirements of the Office (PCT Rule 51 <i>bis</i>):	<p>When the applicant is a legal entity, indication of the name of an officer representing that entity⁵ (the indication of such a name is not required where the legal entity is represented by a patent attorney)</p> <p>Appointment of an agent if the applicant is not resident in Japan⁶</p> <p>Where the person, the name or the residence of the applicant is changed during the international phase and the change has not been reflected in the PCT pamphlet or in a Notification of the Recording of a Change (Form PCT/IB/306), a statement indicating the change (preferably on a special request form) and, in case of a change in the person of the applicant, a document evidencing the change⁷</p> <p>Where a change (addition and/or deletion) in the person of the inventor during the international phase has not been reflected in the PCT pamphlet or in a Notification of the Recording of a Change (Form PCT/IB/306), the correct indications relating to the inventor (preferably on a special transmittal form (Form 53)), a statement explaining the reasons for the change and a written oath of all inventors⁷</p> <p>Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in electronic form</p>
Who can act as agent?	Any patent attorney, attorney-at-law or other person resident in Japan, or firm registered to practice before the Office
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter.2</i>)?	No

⁵ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

⁶ Must be appointed within three months after the expiration of the time limit applicable under PCT Article 22 or 39(1); there will be no invitation.

⁷ Must be furnished within the time limit applicable under PCT Article 22 or 39(1); if not furnished, the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

THE PROCEDURE IN THE NATIONAL PHASE

- PL Sec. 184-5 **JP.01 FORMS AND PROCEDURES FOR ENTERING THE NATIONAL PHASE.** The Office has available a special transmittal form (Form No. 53) for entering the national phase (see Annex JP.II). This form should preferably (but need not) be used when effecting the payment of the national fee (see paragraph JP.04) and for the furnishing of the translation of the international application into Japanese. The time limit for submission of the Japanese translation of the international application is two months from the date of submission of Form No. 53 (see Annex JP.II) or 30 months from the priority date (under PCT Article 22(1) or 39(1)(a)), whichever expires later. If amendments have been filed with the International Bureau under PCT Article 19, Form No. 52 (see Annex JP.III) should preferably be used for the furnishing of a translation of such amendments into Japanese, or where the international application has been filed in Japanese, Form No. 54 (see annex JP.IV) should preferably be used for the furnishing of a copy of such amendments (see paragraph JP.03). Any document required for entry into the national phase may be submitted in paper form or online, in electronic format. However, any document submitted in paper form will be converted by the Office into electronic format and subjected to the payment of a special fee.
- PL Sec. 184-4
PL Sec. 184-12(2) **JP.02 TRANSLATION (AMENDMENT).** The translation into Japanese of the international application can be amended within the scope of the matter disclosed in the translation (see paragraph JP.10). However, for international applications filed on or after 1 July 1995, an amendment to the matter disclosed in the international application but not contained in the translation may be effected by submitting a written correction of the incorrect translation.
- PL Sec. 184-7(1) **JP.03 COPY OF AMENDMENTS UNDER PCT ARTICLE 19 FILED IN JAPANESE.** Where the international application was filed in Japanese and where amendments have been filed under PCT Article 19 with the International Bureau, a copy of such amendments must be furnished to the Office within the time limit applicable under PCT Article 22 or 39(1) if exceptionally the applicant has not received Form PCT/IB/308 and the Office has not received a copy of the amendments from the International Bureau under PCT Article 20.
- JP.04 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex JP.I.
- PCT Rule 90
PL Sec. 8
PR Sec. 2(2) **JP.05 POWER OF ATTORNEY.** An agent must be appointed by filing a power of attorney. Where the power of attorney is in a language other than Japanese, a Japanese translation is required. A model is given in Annex JP.VII (page 1 in English translation, page 2 in Japanese).
- PL Sec. 48-2
48-4 **JP.06 REQUEST FOR EXAMINATION.** A patent will be granted only after examination as to patentability which may be requested by the applicant or by a third party. The request for examination must be made in Japanese on Form No. 44 which is given in Annex JP.V. The request may be submitted in paper form; in addition, where an international application entered the national phase on or after 1 January 2000, the request may also be submitted in electronic online format. However, the one submitted in paper form will be converted by the Office into electronic format and subjected to the payment of a special fee.
- PL Sec. 48-3
184-17 **JP.07 TIME LIMIT FOR REQUESTING EXAMINATION.** Examination must be requested within three years from the international filing date. Such request can only be made once all requirements for entry into the national phase have been complied with. The request for examination is considered by the Office as a request for early start of the national phase if it is made before the expiration of the time limit applicable under PCT Article 22 or 39(1) (see National Phase, General Part, Chapters II and III).

- PL Sec. 195(2) **JP.08 FEE FOR REQUESTING EXAMINATION.** The request for examination is only effective if the fee for requesting examination has been paid. The amount of the fee is indicated in Annex JP.I.
- PL Sec. 107
108
112 **JP.09 ANNUAL FEES.** Annual fees for the first to the third year must all be paid at one and the same time within 30 days after receipt of the decision to grant a patent. The annual fees for the fourth and subsequent years must be paid before the expiration of the year preceding the anniversary of the day of publication of the examined patent application. Payment can still be made, together with a 100% surcharge for late payment, before the expiration of six months from the anniversary of the publication date. The amounts of the annual fees are indicated in Annex JP.I. Payment must be effected by filing Form No. 69 (for annual fees for the first to the third year) or Form No. 70 (for subsequent years). These forms can be obtained from the Office.
- PCT Art. 28
PL Sec. 184-12(1)
17(2)
17-2 **JP.10 AMENDMENT OF THE APPLICATION; TIME LIMITS.** After furnishing the special transmittal form (Form No. 53) for entering the national phase, effecting payment of the national fee and furnishing the translation of the international application into Japanese, and after expiration of the time limit (if the applicant makes a request for examination earlier than the time limit, at the time of filing the request) applicable under PCT Article 22 or 39(1), prior to the transmittal of the grant of a patent, amendments may be made to the description, claims or drawings within the scope of the matter disclosed in the international application (description, claims or drawings) as originally filed (or as translated into Japanese, see paragraph JP.02). However, in response to the final notification of reasons for refusal, claims may be amended only to the extent that reexamination is not necessary. The amendments may be made:
- (i) within a time limit fixed in the first notification of reasons for refusal;
 - (ii) within a time limit fixed in the final notification of reasons for refusal;
 - (iii) where the applicant has filed an appeal against the decision that the application is to be refused by an examiner, within 30 days from the filing date of the appeal.
- PCT Art. 25
PCT Rule 51
PL Sec. 184-20
PR Sec. 38-7
to 38-9 **JP.11 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 63 to 66 of the General Part of this Volume. The request to the Office should be filed with Form No. 55, given in Annex JP.VI. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an administrative appeal against this denial may be lodged within 60 days from the receipt of the denial. The Commissioner of the Office will then decide on the appeal.
- PCT Art. 24(2)
48(2) **JP.12 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** The Office does not excuse the failure to comply with a time limit, either during the international phase or during the national phase. Non-observance of the time limit for the entry into the national phase will only be excused in the cases expressly indicated in the Summary.
- PCT Art. 4(3)
43
PCT Rules 49bis.1(a)
76.5
UML Sec. 48-5(1) **JP.13 UTILITY MODEL.** Subject to what is said in paragraph JP.15, if the applicant wishes to obtain a utility model instead of a patent in Japan, on the basis of an international application, for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in PCT Article 22 or 39, shall so indicate to the Office.
- PCT Art. 7(2)(ii)
PCT Rule 7.2
UML Sec. 48-7 **JP.14** Where, in the case referred to in paragraph JP.13, the international application does not contain drawings, the applicant must furnish the drawing(s) within the time limit applicable under PCT Article 22 or 39(1) (if the applicant makes a request for national processing earlier than the time limit, at the time of filing the request). Where the applicant does not furnish the drawing(s) within that time limit, the Office will invite him to furnish the drawing(s) within a time limit fixed in the invitation. Where an international application for a patent is converted into a utility model application (see paragraph JP.17), the drawing(s) must be submitted with the request for conversion.
- UML Sec. 14(2)
32 **JP.15** Utility models are registered without any substantive examination thereof in the national phase.

The other requirements for the national phase and the procedures thereafter are basically the same as for patents except that the fees for utility models and registration fees from the first to the third year must be paid instead of the fees for patents. If the applicant desires his utility model to be registered earlier than the expiration of the time limit for entry into the national phase, he may file an express request for an early commencement of the national procedures under PCT Articles 23(2) and 40(2).

UML Sec. 48-8 JP.16 In addition to amendments under PCT Articles 19 and 34, amendments under PCT Article 28 or 41 are allowed to an international application for a utility model. The amendment in this case shall be made within the scope of the matter disclosed in the international application (description, claims and drawings) as originally filed (or translated into Japanese, see paragraph JP.02).

UML Sec. 10
48-11 JP.17 **CONVERSION.** An international application for a patent may be converted into a utility model or a design application after the applicant has complied with the requirements for entry into the national phase for a patent application as indicated in the Summary. The conversion is subject to the payment of a fee for conversion indicated in Annex JP.I and may be requested up to the occurrence of the first of the following events:

(i) the expiration of 30 days from the transmittal of the first decision of the Office that the patent application is to be refused;

(ii) for international applications for a patent filed from 1 January 1994 to 31 March 2005, the expiration of five years and six months from the international filing date;

(iii) for international applications for a patent filed on or after 1 April 2005, the expiration of nine years and six months from the international filing date.

PL Sec. 46
184-16 JP.18 An international application for a utility model may be converted into a patent or a design application after the applicant has complied with the requirements for entry into the national phase for a utility model application as indicated in the Summary. The conversion is subject to the payment of a fee for conversion indicated in Annex JP.I and may be requested at any time prior to the registration.

PR Sec. 38-13-2(2)
27-5 JP.19 **NUCLEOTIDE AND/OR AMINO ACID SEQUENCES.** Where the international application contains the disclosure of a nucleotide and/or amino acid sequence, a diskette containing coded data of the sequence listing must be furnished together with:

i) a document which identifies the international application concerned and the diskette furnished;

ii) a statement that the sequences recorded on the diskette are identical to those disclosed in the specification of the application as originally filed; and

iii) a document which describes the recording format of the diskette.

However, where the diskette recording the coded data has already been furnished to the Office, the applicant is not required to submit it again.

FEES**(Currency: Japanese yen)****Patents**

National fee:

— international applications for which the time limit for entry into the national phase expires on or after 1 June 2008, and for which transmittal form (Form No. 53) is submitted on or after 1 June 2008	15,000
— international applications for which Form No. 53 is submitted on or before 31 May 2008, regardless of whether the time limit for entry into the national phase expires on or after 1 June 2008	16,000
— international applications for which the time limit for entry into the national phase expires on or before 31 May 2008	16,000

National fee for request for review 15,000

Fee for request for examination:

(a) where no international search report has been established:

— for international applications filed on or after 1 April 2004	168,600 plus 4,000 for each claim ¹
— for international applications filed on or before 31 March 2004	84,300 plus 2,000 per claim

(b) where the international search report has been established by the Japan Patent Office:

— for international applications filed on or after 1 April 2004	101,200 plus 2,400 per claim
— for international applications filed on or before 31 March 2004	16,900 plus 400 per claim

(c) where the international search report has been established by an International Searching Authority other than the Japan Patent Office:

— for international applications filed on or after 1 April 2004	151,700 plus 3,600 per claim
— for international applications filed on or before 31 March 2004	67,400 plus 1,600 per claim

(d) where the search report has been established by a searching organization which is designated under Japanese law:

— for international applications filed on or after 1 April 2004	134,900 plus 3,200 per claim
— for international applications filed on or before 31 March 2004	50,600 plus 1,200 per claim

Fee for conversion of documents into electronic format 1,200 plus 700 per sheet

Annual fees (per year):

	International applications for which an examination is requested on or after 1 April 2004	International applications filed on or after 1 January 1988, and for which an examination is requested on or before 31 March 2004	International applications filed on or before 31 December 1987, and for which an examination is requested on or after 1 April 2004
— for the 1 st to the 3 rd years	2,300 plus 200 per claim	11,400 plus 1,000 per claim	1,500 plus 1,000 per invention
— for the 4 th to the 6 th years	7,100 plus 500 per claim	17,900 plus 1,400 per claim	4,800 plus 2,900 per invention
— for the 7 th to the 9 th years	21,400 plus 1,700 per claim	35,800 plus 2,800 per claim	14,300 plus 8,800 per invention
— for the 10 th to the 25 th years	61,600 plus 4,800 per claim	71,600 plus 5,600 per claim	47,500 plus 29,600 per invention

¹ Hereinafter referred to as “per claim”.

Fee for application for registration of extension of patent right ²	74,000
Fee for conversion	14,000 of a utility model application 16,000 of a design application

Utility models

National fee	14,000
National fee for request for review	14,000
Fee for conversion of documents into electronic format	1,200 plus 700 per sheet
Fee for conversion	16,000 of a patent application 16,000 of a design application
Fee for technical opinion	
(a) where no international search report has been established	42,000 plus 1,000 per claim
(b) where the international search report has been established by the Japan Patent Office	8,400 plus 200 per claim
(c) where the international search report has been established by an International Searching Authority other than the Japan Patent Office	33,600 plus 800 per claim

Annual fees (per year):	International applications filed on or before 31 December 1993	International applications filed from 1 January 1994 to 31 March 2005	International applications filed on or after 1 April 2005
— for the 1 st to the 3 rd years	8,500 plus 800 per claim	7,600 plus 700 per claim	2,100 plus 100 per claim
— for the 4 th to the 6 th years	16,900 plus 1,600 per claim	15,100 plus 1,400 per claim	6,100 plus 300 per claim
— for the 7 th to the 9 th years	33,800 plus 3,200 per claim		18,100 plus 900 per claim

How can payment of fees be effected?

Payment of fees to the Office has to be effected in Japanese yen, by means of patent revenue stamps only. The patent revenue stamps may be obtained from any Japanese Post Office. They must be affixed to the related form. For the payment of fees in electronic procedures the advance payment system must be used, which is based on preliminary deposits of certain amounts of money with patent revenue stamps at the deposit account of the Office followed by subsequent advance payment notifications from the applicant. The advance payment system may also be used for paper procedures.

² The patent term, which is 20 years from the filing date, may be extended by up to five years where patent owners have been unable to work their inventions for not less than two years due to the regulations under the laws (where the subject matter of the inventions relates to human or animal drugs or to agricultural chemicals), provided that the application for registration of extension of the term of the patent right is filed.

FORM No. 53 (Related to Rule 38-4 of PR)

【書類名】	国内書面
(【提出日】	平成 年 月 日)
【あて先】	特許庁長官 殿
【出願の表示】	
【国際出願番号】	
【出願の区分】	
【発明者】	
【住所又は居所】	
【氏名】	
【特許出願人】	
【識別番号】	
【住所又は居所】	
【氏名又は名称】	
(【国籍】)	
【代理人】	
【識別番号】	
【住所又は居所】	
【氏名又は名称】	
(【手数料の表示】)	
(【予納台帳番号】)	
(【納付金額】)	
【提出物件の目録】	
【物件名】	(請求の範囲の翻訳文 1)
【物件名】	(明細書の翻訳文 1)
【物件名】	(図面の翻訳文 1)
【物件名】	(要約書の翻訳文 1)

FORM No. 52 (Related to Rule 38-2 of PR)

【書類名】	特許協力条約第 19 条補正の翻訳文提出書		
(【提出日】	平成	年	月 日)
【あて先】	特許庁長官		殿
【出願の表示】			
【国際出願番号】			
【出願の区分】			
【特許出願人】			
【識別番号】			
【住所又は居所】			
【氏名又は名称】			
【代理人】			
【識別番号】			
【住所又は居所】			
【氏名又は名称】			
【補正書の提出年月日】			
【手続補正 1】			
【補正対象書類名】	特許請求の範囲		
【補正対象項目名】	全文		
【補正の方法】	変更		
【補正の内容】			
【提出物件の目録】			

FORM No. 54 (Related to Rule 38-6 of PR)

【書類名】	特許協力条約第 3 4 条補正の翻訳文提出書
(【提出日】	平成 年 月 日)
【あて先】	特許庁長官 殿
【出願の表示】	
【国際出願番号】	
【出願の区分】	
【特許出願人】	
【識別番号】	
【住所又は居所】	
【氏名又は名称】	
【代理人】	
【識別番号】	
【住所又は居所】	
【氏名又は名称】	
【補正書の提出年月日】	
【手続補正 1】	
【補正対象書類名】	
【補正対象項目名】	
【補正方法】	
【補正の内容】	
【その他】	

FORM No. 44 (Related to Rule 31-2 of PR)

【書類名】	出願審査請求書
(【提出日】	平成 年 月 日)
【あて先】	特許庁長官 殿
【出願の表示】	
【出願番号】	
【請求項の数】	
【請求人】	
【識別番号】	
【住所又は居所】	
【氏名又は名称】	
(【国籍】)	
【代理人】	
【識別番号】	
【住所又は居所】	
【氏名又は名称】	
(【手数料の表示】)	
(【予納台帳番号】)	
(【納付金額】)	
【提出物件の目録】	

FORM NO. 55 (Related to Rule 38-8 of PR)

【書類名】	特許協力条約第25条の規定による検査の申出書	
(【提出日】	平成 年 月 日)	
【あて先】	特許庁長官	殿
【国際出願番号】		
【発明者】		
【住所又は居所】		
【氏名】		
【申出人】		
(【識別番号】)		
【住所又は居所】		
【氏名又は名称】		
(【国籍】)		
【代理人】		
(【識別番号】)		
【住所又は居所】		
【氏名又は名称】		
【拒否(宣言、認定)の通知を受けた日】		
【国際事務局へ国際出願の写しの送付を請求した日】		
【申出の趣旨】		
【申出の理由】		
【提出物件の目録】		
【物件名】	国際出願の翻訳文	1
【物件名】	()	

POWER OF ATTORNEY

I/We⁽ⁱ⁾

of

do hereby appoint⁽ⁱⁱ⁾

my/our lawful representative(s) pursuant to the provisions of Art. 8 of the Patent Law, Art. 2-5 of the Utility Model Law and Art. 68 of the Design Law of Japan ("patent administrator"), to make on my/our behalf proceedings for making

a⁽ⁱⁱⁱ⁾ application based on PCT application
No. PCT^(iv)

to the Japan Patent Office, and to perform all other formalities and acts under the provisions concerned of the Patent, Utility Model and Design Laws of Japan or any orders issued on the basis thereof.

Dated this day of
.....

By

- (i) Insert the name and address of the applicant(s) (individual or legal entity) appointing the representative(s).
- (ii) Insert the name of the representative(s).
- (iii) State the particular kind of protection (patent or utility model) pursuant to the provisions of Art. 43 of the PCT.
- (iv) State the international application number for which the representative(s) are appointed.

委 任 状 (訳 文)

私 (等) (氏名又は名称)

所在 (住所又は居所)

は、ここに (委任された者の氏名)

を特許法第 8 条、実用新案法 2 条の 5 及び意匠法第 6 8 条の規定による代理人
(特許管理人) に選任し、私 (等) の為に、

国際出願番号 P C T / × × ○ ○ ○ ○ / ○ ○ ○ ○ ○ ○ に基づく (特許) 出願の
手続を日本国特許庁に対してなし、また日本国特許法、実用新案法若しくは
意匠法又はこれらの法律に基づく命令に規定する一切の手続及び行為をなす
権限を与えます。

年 月 日

署 名 _____