Utilization of the ISR in the PCT National/Regional Phase

Feb.2013

JAPAN PATENT OFFICE
Contents

- Examination Flow (Outline)
- Entering National Phase
- Utilization of the ISR
- Prior Art Search
- Amendment
Examination Flow (Outline)

International Phase

Entering National Phase

Substantive examination

Utilization of the ISR, Prior art Search, Examination

Finding reasons for refusal

Notification of reasons for refusal

Written amendment, Written argument

Resolved

Decision to Grant a Patent

No response

Decision of Refusal

No reasons for refusal

Not resolved
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Entering national phase

Utilization of ISR, prior art search, examination

A patent application in Japanese language

The description

The scope of claim(s)

The drawing(s)

A patent application in foreign language

Under Article 36(2)

The description

The scope of claim(s)

The drawing(s)
Entering national phase

- A patent application in Japanese language
- A patent application in foreign language

Under Article 36(2)

Utilization of ISR, prior art search, examination

- A translation of the description deemed The description
- A translation of the scope of claim(s) deemed The scope of claim(s)
- A translation of the drawing(s) deemed The drawing(s)
Utilization of the ISR

- Entering national phase

Utilization of ISR

Category [X]

Category [Y]

Category [A]

Judgement

Under Article 29(1):
Novelty

Under Article 29(2):
Inventive Step

Reference

Utilization of ISR, prior art search, examination
Utilization of the ISR

Entering national phase

Utilization of ISR, prior art search, examination

Utilization of the ISR

Category [E,P]

Judgement

Under Article 29-2

Under Article 39

Reference, etc

domestic patent documents, etc
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Prior art search

Prior art search (1)
Examiners considers it possible, based on their knowledge and experience, to conduct an examination precisely and efficiently by using ISR.

The examiners are not required to carry out an additional prior art search.
Prior art search (2)

Examiners consider it impossible, based on their knowledge and experience, to conduct an examination precisely and efficiently by using only ISR.

The examiners shall carry out an additional prior art search.
Prior art search (3)

Examiners consider it possible, based on their knowledge and experience, to find relevant prior art documents more efficiently by carrying out a prior art search by themselves, rather than referring to an ISR.

The examiners may carry out an additional prior art search.
Prior art search (4)

- To search earlier filed but later published applications which were not searched by ISA
- To search in order to avoid duplicate patenting
Contents

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- Amendment
An amendment under Article 19(1) of the treaty

Entering national phase

Amendment

A patent application in Japanese language

A copy of the written amendment submitted under Article 19(1)

A patent application in foreign language

A translation of the amended scope of claim(s) under Article 19(1)

Utilization of ISR, prior art search, examination

An amendment under Article 17-2(1)

The scope of claim(s) submitted with the application under Article 36(2).
An amendment under Article 34(2)(b) of the Treaty

Entering national phase

- A patent application in Japanese language
- A copy of the written amendment

A patent application in foreign language
- A translation of the written amendment

Deemed An amendment under Article 17-2(1)

Utilization of ISR, prior art search, examination

Deemed An amendment under Article 17-2(1)
Entering national phase

Amendment

Utilization of ISR, prior art search, examination

Additional prior art search

If amendments add any features that necessitate additional prior art search.

Ex Claim: A+B
Amendment
Claim: A+C
Thank you!