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Questionnaire Regarding the Implementation of the Patent Law Treaty (PLT)

January 2015

This questionnaire is intended to gather information on how the PLT is implemented at the national/regional level, and to share such information with current and future PLT Contracting Parties, as well as with patent practitioners and the public.

The national and regional patent offices of the PLT Contracting States are invited to complete this questionnaire.

The completed questionnaire should be returned by any of the following means:

- e-mail : plt.forum@wipo.int
- facsimile : +41-22-338-8830
- mail : WIPO, 34, chemin des Colombettes, 1211 Geneva, Switzerland

Please provide contact details:

Country/Name of Office: Japan / Japan Patent Office
Name: International Procedure Administration Section
Title:
Telephone: +81-3-3581-1898.....
E-mail: PA1B40@jpo.go.jp.....

Q1 Filing date

Q1-1 For the purpose of obtaining a filing date, an applicant may file an application on paper or “as otherwise permitted by the Office”. If your Office accepts applications filed in a form or by a means other than on paper, for the purpose of the filing date (for example, on-line filing), please provide a brief explanation regarding the acceptable form or means, and describe whether such form or means, for the purpose of the filing date, are different from the form or means applicable to applications accepted by your Office for the purpose of processing the application after according the filing date.
[Reference: PLT Article 5(1)(a)]

A1-1

In Japan, the procedures before the Japan Patent Office (JPO) such as patent applications can be taken electronically using the internet under the Article 3(1) of the “Act on Special Provisions to the Procedures concerning Industrial Property Rights”.

Any person who intends to apply for a patent or take the other procedures before the JPO, in advance, is supposed to have an identification number for him/her/the company, which is issued by the JPO, and have an electronic certificate suitable to take any electronic procedure before the JPO, which is issued by one of the prescribed electronic certificate organizations or authorities in Japan. In addition, the combination of identification number and the electronic certificate used have to be registered, in advance, to the JPO using the Internet Application Software provided by the JPO. The electronic procedures can be taken using the software.

The filing date is accorded based on the same principle as the paper-based filing: the date of filing documents which meets the minimum requirements for the purpose.

The details of the electronic procedures are available at: <http://www.pcinfo.jpo.go.jp/site/>

The Internet Application Software is available at: http://www.pcinfo.jpo.go.jp/site/3_inet/index.html

The information concerning the electronic certificate is available at:

<http://www.jpo.go.jp/tetuzuki/pcinfo/preparation/purchase.htm>

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Q1-2 Does your Office accept a drawing as the element referred to as “a part which on the face of it appears to be a description” in PLT Article 5(1)(a)(iii)?
 [Reference: PLT Article 5(1)(b)]

A1-2

 Yes No

Q1-3 For the purpose of according the filing date, a Contracting Party shall require information allowing the identity of the applicant to be established or information allowing the applicant to be contacted by the Office, or the both. What is the requirement of your country?
 [Reference: PLT Article 5(1)(c)]

A1-3 Information allowing the identity of the applicant to be established Information allowing the applicant to be contacted by the Office Both information allowing the identity of the applicant to be established and information allowing the applicant to be contacted by the Office

Q1-4 Does your Office accept evidence allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office as the element referred to in PLT Article 5(1)(a)(ii) (“indications allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office”)?
 [Reference: PLT Article 5(1)(c)]

A1-4

 Yes No

Q1-5 For the filing date to be determined under PLT Article 5(6)(b), which of the optional elements referred to in PLT Rule 2(4) are required by your Office?
 [Reference: PLT Rule 2(4)]

A1-5 A copy of the earlier application A copy of the earlier application and its filing date, certified as correct A translation of the earlier application The missing part of the description or missing drawing must be completely contained in the earlier application The application must contain an indication that the contents of the earlier application were incorporated by reference An indication as to where the missing part of the description or the missing drawing is contained in the earlier application or in the translation

Q1-6 For a reference to a previously filed application to replace the description and any drawing for the purpose of the filing date under PLT Article 5(7), which of the requirements referred to in PLT Rule 2(5) are required by your Office?
 [Reference: PLT Rule 2(5)]

A1-6 The reference to a previously filed application must indicate the filing date of the previously filed application A copy of the previously filed application A copy of the previously filed application, certified as correct

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- A translation of the previously filed application
- The reference mentioned in PLT Article 5(7)(a) shall be to a previously filed application that has been filed by the applicant or his predecessor or successor in title

Q2 Representation

Q2-1 In addition to the procedures referred to in PLT Article 7(2)(a) and (b), are there any procedures before the Office that an applicant, owner or other interested person may carry out himself without, for example, a local representative? If yes, please list those procedures.
 [Reference: PLT Article 7(2)]

A2-1

Q2-2 Where a single power of attorney relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single power of attorney be filed for each application and patent?
 [Reference: PLT Rule 7(2)(b)]

A2-2 Yes No

Q3 Forms and Means of Communications

Q3-1 Does your Office permit the filing of communications by telegraph, teleprinter, telefacsimile or other similar means of transmittal? If yes, does your Office require that the original of such communication, accompanied by a letter identifying the earlier transmission, be filed on paper?
 [Reference: PLT Rule 8(2)(c)]

- A3-1 The filing of communications by telegraph, teleprinter, telefacsimile etc. is not permitted
- The filing of communications by telegraph, teleprinter, telefacsimile etc. is permitted, and the original of the communications by telegraph, teleprinter, telefacsimile etc. is required
- The filing of communications by telegraph, teleprinter, telefacsimile etc. is permitted, and the original of the communications by telegraph, teleprinter, telefacsimile etc. is not required.

Q4 Relief in Respect of Time Limits

Q4-1 Which form of relief in respect of time limits does your Office provide?
 [Reference: PLT Article 11(1), (2) and (4)]

- A4-1 Extension of time limits requested prior to the expiration of the time limit
 Period of extension: *2 months*.....
 Amount of fee: *JPY2,100*
- Extension of time limits requested after the expiration of the time limit
 Time limit to file a request for extension: *2 months*.....
 Time limit to comply with the unfulfilled requirement: *Same as above.*
 Amount of fee: *JPY 51,000 in the case of the period replying to the notification of reason of refusal; JPY4,200 in other cases*
- Continued processing
 Time limit to file a request for continued processing:
 Time limit to comply with the unfulfilled requirement:

.....
 Amount of fee:

Q4-2 Which actions are excluded from the relief as described in A4-1?
 [Reference: PLT Article 11(3) and Rule 12(5)]

A4-2 Items prescribed in PLT Rule 12 (5) (a) are excluded.....

Q5 Reinstatement of Rights

Q5-1 Under which circumstance does your Office reinstate the rights of the applicant or owner as referred to in PLT Article 12? In addition, please provide a brief explanation of the applicable standard.
 [Reference: PLT Article 12(1)]

A5-1 Failure to comply with the time limit occurred in spite of due care required by the circumstances having been taken

Failure to comply with the time limit was unintentional

The applicant must pay the recovery fee and submit documents for procedures that you were unable to implement within the prescribed periods, and statements of the grounds for restoration, which describe the reasons for the failure to meet the time limit.

Q5-2 What is the time limit for making a request for reinstatement of rights?
 [Reference: PLT Rule 13(2)]

A5-2 As prescribed in PLT Rule 13 (2)

Q5-3 Does your Office require a fee to be paid? If yes, please indicate the amount.
 [Reference: PLT Article 12(3)]

A5-3 Yes Amount: JPY212,100..... No

Q5-4 Which actions are excluded from the reinstatement of rights?
 [Reference: PLT Article 12(2) and Rule 13(3)]

A5-4 As prescribed in PLT Rule 13 (3)

Q6 Restoration of Priority Rights Where the Filing of the Subsequent Application was Delayed

Q6-1 Under which circumstance does your Office restore the right of priority where the subsequent application was not filed within the priority period?
 [Reference: PLT Article 13(2)]

A6-1 Failure to file the subsequent application within the priority period occurred in spite of due care required by the circumstances having been taken

Failure to file the subsequent application within the priority period was unintentional

Q6-2 In order to restore the right of priority, what is the time limit within which the subsequent application shall be filed?

[Reference: PLT Rule 14(4)]

A6-2 2 months from the expiration of the priority period

Q6-3 Does your Office require a fee to be paid? If yes, please indicate the amount.

[Reference: PLT Article 13(4)]

A6-3 Yes Amount: JPY212,100

Q7 Restoration of Priority Rights Where the Filing of a Copy of the Earlier Application was Delayed

Q7-1 In order to restore the right of priority where a copy of the earlier application was not filed within the time limit, does your Office require a declaration or other evidence in support of the request for restoration of priority rights?

[Reference: PLT Article 13(3) and Rule 14(6)(b)]

A7-1

Yes

No

Q7-2 Where the filing date of a copy of the earlier application was delayed (for example, a copy of the earlier application has not been filed within 16 months from the priority date), in order to enjoy restoration of priority right, what is the time limit within which such delayed copy of the earlier application shall be filed?

[Reference: PLT Rule 14(6)(b)]

A7-2 One month from the date of receipt of a copy of the earlier application by the applicant from the Office

Q7-3 Does your Office require a fee to be paid? If yes, please indicate the amount.

[Reference: PLT Article 13(4)]

A7-3 No.....

Q8 Request for Recordation of Change in Name or Address

Q8-1 Where a single request for recordation of change in name or address relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: PLT Rule 15(3)(b)]

A8-1

Yes

No

Q9 Request for Recordation of Change in Applicant or Owner

Q9-1 Does your Office require the following elements to be contained in the request for recordation of change in applicant or owner?

[Reference: PLT Rule 16(1)(b)]

A9-1 A statement that the information contained in the request is true and correct

Information relating to any government interest

Q9-2 Which documentation relating to the basis of the change is required by your Office under the following circumstances?

[Reference: PLT Rule 16(2)(a) to (c)]

A9-2

The change results from a contract: *Documentary evidence of ownership*

The change results from a merger or from the reorganization or division of a legal entity:

Documentary evidence of ownership

The change results from any other ground (ex. by operation of law or a court decision):

Documentary evidence of ownership

Q9-3 Where the change in applicant or owner is in the person of one or more but not all of several co-applicants or co-owners, does your Office require that evidence of the consent of the other co-applicants or co-owner to the change be provided to the Office?

[Reference: Rule 16(2)(d)]

A9-3

Yes

No

Q9-4 Where a single request for recordation of change in applicant or owner relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: PLT Rule 16(5)]

A9-4

Yes

No

Q10 Request for Recordation of a License or a Security Interest

Q10-1 May a license or a security interest in respect of a patent application or a patent be recorded under the law of your country?

[Reference: PLT Rule 17(1)]

A10-1

Recordation of a license

Yes

No

Recordation of a security interest

Yes

No

If one or both of the answers is(are) "Yes", please proceed to **Q10-2**. If both answers are "No", please skip to **Q11**.

Q10-2 Does your Office require the following elements to be contained in the request for recordation of a licence (or a security interest)?

[Reference: PLT Rule 17(1)(b)]

A10-2

A statement that the information contained in the request is true and correct

Information relating to any government interest by your country

Information relating to the registration of the license (security interest)

The duration of the license (security interest)
*the date of the license is not required

Q10-3 Which documentation relating to the basis of the license (or security interest) is required by your Office under the following circumstances?

[Reference: PLT Rule 17(2)]

A10-3

The license (security interest) is a freely concluded agreement:

Documentary evidence of license (security interest)

The license (security interest) is not a freely concluded agreement (ex. operation of law or a court decision):

Documentary evidence of license (security interest).....

Q10-4 Where the licence (or security interest) is a freely concluded agreement, does your Office require that any applicant, owner, exclusive licensee, co-applicant, co-owner or co-exclusive licensee who is not party to that agreement give his/her consent to the recordation of the agreement?

[Reference: Rule 17(2)(b)]

A10-4 Yes.....

Q10-5 Where a single request for recordation of a license (or security interest) relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: PLT Rule 17(5)]

A10-5 Yes No

Q11 Request for Correction of a Mistake

Q11-1 Does your Office prescribe the following requirements with respect to a request for correction of a mistake?

[Reference: PLT Rule 18(1)(b) to (d)]

- A11-1 The request shall be accompanied by a replacement part or a part incorporating the correction
- The request shall be subject to a declaration by the requesting party stating that the mistake was made in good faith
- The request shall be subject to a declaration by the requesting party stating that such request was made without undue delay following the discovery of the mistake
- The request shall be subject to a declaration by the requesting party stating that such request was made without intentional delay following the discovery of the mistake

Q11-2 Where a single request for the correction of a mistake relating to more than one application or patent of the same person is filed, does your Office require that a separate copy of the single request be filed for each application and/or patent?

[Reference: PLT Rule 18(3)]

A11-2 Yes No