

## Expedited Examination Programs of IP Offices

### Israel

In Israel, a patent applicant is entitled to request the acceleration of their patent examination before the Commissioner of Patents, so long as they accompany the request with an affidavit that supports the reasons or causes being asserted by the applicant with respect to their need for accelerated proceedings. There are four main categories or tracks of accelerated procedures offered by the Israel Patent Office:

- based on the applicant or a third party's needs (as provided for under Section 19(a) of the Israeli Patent Law);
- based on green inventions (as set forth in the Commissioner's Circular No. 034/2017);
- based on the PPH; and
- based on a corresponding patent (allowing for examination with respect to a future claim of priority).

#### *Expedited examination on the basis of the applicant or a third party's needs*

*Grounds/Qualification:* For accelerated examination on the basis of applicant's needs, the following grounds are considered eligible: (i) advanced age or medical condition of the applicant (or inventor); (ii) exploitation of claimed invention by a third party without applicant's consent; (iii) unreasonably long pendency for examination; and (iv) public interest.

For accelerated examination based on third-party needs, the following circumstances are considered eligible: (i) delay in development or production of a certain product/process caused by the examined application; (ii) unreasonably long pendency for examination; and (iii) public interest.

*Fees:* As to the requests for the accelerated procedure based on the applicant's needs, while a request based on the applicant's age or health conditions is free of charge, a request based on other grounds costs 1,000 NS. For accelerated examination based on third-party needs, a fee in the amount 15,000 NS is required.

*Reduced Pendency:* In these cases, the examination is expedited by advancing the respective application out of turn. The first examination in these cases should be completed within three months from the day on which the request was approved. The subsequent examination process should be completed within three months from the applicant's reply.

#### *Expedited examination on the basis of green technologies*

*Conditions & Fees:* For expedited examination on the basis of green inventions,<sup>1</sup> the applicant first needs to send a request, manifesting their desire to expedite the examination of the application. They will need to justify how the invention pertains to the improvement of the environment for the request to be accepted.<sup>2</sup> Once the request is accepted, the application receives a new classification as a green application and the IPO will prioritize the processing of the application. No additional fees are required under this program.

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<sup>1</sup> This type of accelerated examination was first implemented in 2010.

<sup>2</sup> "improving the environment" can mean, among others, tracking factors contributing to global warming, reducing air or water pollution, promoting non-polluting agriculture, and promoting alternative energy.

### *Expedited examination of applications on which priority will be based*

An applicant may request an accelerated examination if he/she files, or intends to file, a subsequent application claiming priority, based on the previous Israeli application.<sup>3</sup>

*Reduced Pendency:* The applicant receives a search and examination report within three months from the date of approval of his/her request. This will provide the applicant information about the relevant prior art and, where necessary, the appropriate amendments that need to be made before filing a subsequent application.

During this program, several communications including interviews, may take place between the applicant and the examiner, assisting the applicant in taking the appropriate decisions regarding the best strategy with respect to the invention. If an international application under the PCT is subsequently filed, the applicant will receive 50 per cent refund of the search fee of the ISA. If the application is accepted, the applicant can request accelerated examination in other offices based on the PPH. The search and examination report may be issued in English, upon the applicant's request.

The issuance of search and examination reports in English had been limited to this track only. Since 2020, applicants in Israel are entitled to request the report in English in all types of applications. The applicant is entitled to delay the publication for up to 18 months from the filing date.

### *Examination of COVID-19 related applications*

*Conditions & Fees:* Through the Commissioner's Notice of 2020, the Office announced that it would accelerate examination of patent applications aimed at diagnosis, treatment, prevention or eradication of COVID-19. Search and examination reports will be issued within three months from the approval of the request. According to the IPO, in order to exempt applicants of COVID-19 related patents from having to pay additional fees for the expedited examination, these types of applications are considered green technology applications.

### *Statistics*

The Office has not received a single request to carry out the accelerated examination based on the third party's needs since its introduction in 2012. General statistics on the accelerated examination programs are provided below.

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<sup>3</sup> Based on the Commissioner's Notice from 2010.

## Number of Expedited applications 2011-2021

