

“The Industrial Property Rights System in Japan”

Chapter 2. The Patent System and Utility Model System

International System

As economic globalization advances, many growing companies are applying for patents in other countries.

Here are the ways to apply for a patent overseas.

The Paris Convention Route

Within 12 months from the date of filing of the first patent application in the first member country of the Paris Convention, it's possible to apply for a patent in each of the other member countries. Under the Paris Convention, a person who has filed a patent application in one of the member countries will receive priority when filing in other member countries.

The PCT Route

Under the Patent Cooperation Treaty, or PCT, you can gain the same effect as applying simultaneously to all PCT member countries by submitting a single international patent application to the Patent Office of your own PCT member country.

Today, along with the increase in the number of international patent applications, applications are increasingly being made to more than one country. As it's inefficient, both in terms of the labor and time involved, to carry out an examination for the same patent in each country, efforts are now being made for international work sharing of patent examinations.

One of these is the Patent Prosecution Highway, or PPH.

The PPH tracks work sharing to enable international patent applications to undergo an accelerated examination.

Based on bilateral office agreements, the PPH makes it possible for an application whose claims have been determined to be patentable in the Office of First Filing, or OFF, to undergo an accelerated examination in the Office of Second Filing, or OSF. There is just a simple procedure upon request from the applicant. This considerably reduces the examination waiting period.

In addition, introducing work sharing for “prior art” examinations and their results enables the OSFs to avoid duplicated examinations and reduces the burden on the examiners.

As of March 2013, Japan is carrying out the PPH with 29 IP Offices.