

各国産業財産権法概要

Outline of Industrial Property right systems by Origin

特許

国名	パリ条約	WTO協定	PCT	PLT	特許法	公開制度(月)	審査制度	審査請求		存続期間 期間(年)	異議申立		無効
								起算日	期間		起算日	期間	
ブルネイ	○	○	○	×	○	×	×	×		(備1)	×		-
カンボジア	○	○	○	×	○	×	○	×		20	×		○
中国	○	○	○	×	○	18	○	出願 (優先日)	3年	20	×		○
インドネシア	○	○	○	×	○	18	○	出願	36月	20	公開	6月	○
日本	○	○	○	○	○	18	○	出願	3年	20 (延長可)	登録	6月	○
韓国	○	○	○	×	○	18	○	出願	5年	20 (延長可)	登録	6月	○
ラオス	○	○	○	×	○	17	○	出願	32月	20	×		○
マレーシア	○	○	○	×	○	18	○	出願	(備2)	20	×		○
ミャンマー	×	○	×	×	×					-			
フィリピン	○	○	○	×	○	18	○	公開	6月	20	×		○
シンガポール	○	○	○	×	○	18	○	出願	(備3)	20	×		○
タイ	○	○	○	×	○	(備4)	○	公開	5年	20	公開	90日	○
ベトナム	○	○	○	×	○	19	○	出願 (優先日)	42月	20	公開	(備5)	○

(資料)特許庁「特許行政年次報告書2017年版 統計・資料編」より作成。

(備1)英国、マレーシア又はシンガポールにおける当該特許権の残存期間。

(備2)出願日から2年。通常審査の請求は1年、修正実体審査の請求は2年延長可。

(備3)ファーストラックの場合は21月、スロートラックの場合は39月(何れも出願日又は優先日から)。

(備4)方式要件を満たしている場合、公開が命じられ、仮保護が与えられる。

(備5)公開日以降審査段階にある間。

Patents

Name of Country	Paris Convention *	WTO Agreement **	PCT	PLT	Patent Laws	Laying Open of (Unexamined) Applications (months)	(Substantive) Examination	Request for Examination		Term of Patent	Opposition to Grant of Patent		Invalidation
								the Date Corresponding to the First Date of the Calculation	Time Limit		Time Limit (years)	the Date Corresponding to the First Date of the Calculation	
Brunei Darussalam	O	O	O	X	O	X	X	X		(Note 1)	X		-
Cambodia	O	O	O	X	O	X	O	X		20	X		O
China	O	O	O	X	O	18	O	filing date of application (priority date)	3 yrs.	20	X		O
Indonesia	O	O	O	X	O	18	O	filing date of application	36 mos.	20	the date of laying open of (unexamined) applications	6 mos.	O
Japan	O	O	O	O	O	18	O	filing date of application	3 yrs.	20 (may be extended)	registration date	6 mos.	O
Republic of Korea	O	O	O	X	O	18	O	filing date of application	5 yrs.	20 (may be extended)	registration date	6 mos.	O
Lao PDR	O	O	O	X	O	17	O	filing date of application	32 mos.	20	X		O
Malaysia	O	O	O	X	O	18	O	filing date of application	(Note 2)	20	X		O
Myanmar	X	O	X	X	X					-			
Philippines	O	O	O	X	O	18	O	the date of laying open of (unexamined) applications	6 mos.	20	X		O
Singapore	O	O	O	X	O	18	O	filing date of application	(Note 3)	20	X		O
Thailand	O	O	O	X	O	(Note 4)	O	the date of laying open of (unexamined) applications	5 yrs.	20	the date of laying open of (unexamined) applications	90 days	O
Viet Nam	O	O	O	X	O	19	O	filing date of application (priority date)	42 mos.	20	the date of laying open of (unexamined) applications	(Note 5)	O

Source material: "Japan Patent Office Annual Report 2017 - Statistics and Source Materials -" prepared by the JPO

Note 1: The remaining time limit for the said patent right in the UK, Malaysia or Singapore.

Note 2: 2 years from the filing date of the application. It may be extended by 1 year for a request for ordinary examination and 2 years for a request for modified substantive examination.

Note 3: 21 months for fast track examination and 39 months for slow track examination from either the filing date of application or the priority date.

Note 4: If the formality requirements are met, an order to lay open the (unexamined) application will be made and provisional protection will be granted.

Note 5: A request for opposition to grant of patent may be filed from the date of laying open of (unexamined) application and during the time the application is still being examined.

* "Paris Convention" refers to the Paris Convention for the Protection of Industrial Property.

** "WTO Agreement" refers to the Agreement Establishing the WTO.

実用新案

国名	審査制度	存続期間		異議申立		無効	
		起算日	期間 (年)	起算日	期間	起算日	期間
カンボジア	×	出願	7	×		○	
中国	×	出願	10	×		○	
インドネシア	○	出願	10	公開	3月	○	
日本	×	出願	10	×		○	
韓国	○ (備1)	出願	10	×		登録	3月 (備2)
ラオス	×	出願	10	×		×	
マレーシア	○	出願	10 (延長可)	×		○	
フィリピン	×	出願	7	×		○	
タイ	×	出願	6 (延長可)	公報	1年	○	
ベトナム	○	出願	10	公開	(備3)	○	

(資料)特許庁「特許行政年次報告書2017年版 統計・資料編」より作成。

(備1)審査請求制度(出願日から3年)がある。

(備2)登録から3月間は何人も請求できる。その後は利害関係人又は審査官のみ請求できる。

(備3)公開日から権利付与の決定までの間。

Utility Models

Name of Country	(Substantive) Examination	Term of Utility Models		Opposition		Invalidation	
		the Date Corresponding to the First Date of the Calculation	Time Limit (years)	the Date Corresponding to the First Date of the Calculation	Time Limit	the Date Corresponding to the First Date of the Calculation	Time Limit
Cambodia	X	filing date of application	7	X		O	
China	X	filing date of application	10	X		O	
Indonesia	O	filing date of application	10	the date of laying open of (unexamined) applications	3 mos.	O	
Japan	X	filing date of application	10	X		O	
Republic of Korea	O (Note 1)	filing date of application	10	X		registration date	3 mos. (Note 2)
Lao PDR	X	filing date of application	10	X		X	
Malaysia	O	filing date of application	10 (may be extended)	X		O	
Philippines	X	filing date of application	7	X		O	
Thailand	X	filing date of application	6 (may be extended)	the date of publication of the gazette containing the utility model	1 yr.	O	
Viet Nam	O	filing date of application	10	the date of laying open of (unexamined) applications	(Note 3)	O	

Source material: "Japan Patent Office Annual Report 2017 - Statistics and Source Materials -" prepared by the JPO

Note 1: A request for examination system is adopted for substantive examination (A request for substantive examination must be filed within 3 years from the filing date of application).

Note 2: Any person may file a request for a trial for invalidation within 3 months from the registration date, and after 3 months, only an interested person or examiners may file a request for a trial for invalidation.

Note 3: Time limit between the date of laying open of (unexamined) applications and the date of deciding grant of right.

意匠

国名	パリ条約	WTO協定	ハーグ協定	ロカルノ協定	意匠法	審査制度	存続期間		異議申立		無効
							起算日	期間(年)	起算日	期間	
ブルネイ	○	○	○	×	○	×	出願	5 (延長可)	×		○
カンボジア	○	○	○	×	○	×	出願	5 (延長可)	×		○
中国	○	○	×	○	○	×	出願	10	×		○
インドネシア	○	○	×	×	○	○	出願	10	公開	3月	○
日本	○	○	○	○	○	○	登録	20	×		○
韓国 (実体審査有／ 無制度併存)	○	○	○	○	○	○	登録	20	×		○
						×			登録	3月	
ラオス	○	○	×	×	○	○	出願	15	×		○
マレーシア	○	○	×	×	○	×	出願	5 (延長可)	×		○
ミャンマー	×	○	×	×	×		-				
フィリピン	○	○	×	×	○	×	出願	5 (延長可)	×		○
シンガポール	○	○	○	×	○	×	出願	5 (延長可)	×		○
タイ	○	○	×	×	○	○	出願	10	公開	90日	○
ベトナム	○	○	×	×	○	○	出願	5 (延長可)	×		○

(資料)特許庁「特許行政年次報告書2017年版 統計・資料編」より作成。

Designs

Name of Country	Paris Convention *	WTO Agreement **	Hague Agreement ***	Locarno Agreement ****	Design Laws	(Substantive) Examination	Term of Designs		Opposition		Invalidation
							the Date Corresponding to the First Date of the Calculation	Time Limit (years)	the Date Corresponding to the First Date of the Calculation	Time Limit	
Brunei Darussalam	O	O	O	X	O	X	filing date of application	5 (may be extended)	X		O
Cambodia	O	O	O	X	O	X	filing date of application	5 (may be extended)	X		O
China	O	O	X	O	O	X	filing date of application	10	X		O
Indonesia	O	O	X	X	O	O	filing date of application	10	the date of laying open of (unexamined) applications	3 mos.	O
Japan	O	O	O	O	O	O	registration date	20	X		O
Republic of Korea (Note)	O	O	O	O	O	O	registration date	20	X		O
						X			registration date	3 mos.	O
Lao PDR	O	O	X	X	O	O	filing date of application	15	X		O
Malaysia	O	O	X	X	O	X	filing date of application	5 (may be extended)	X		O
Myanmar	X	O	X	X	X		-				
Philippines	O	O	X	X	O	X	filing date of application	5 (may be extended)	X		O
Singapore	O	O	O	X	O	X	filing date of application	5 (may be extended)	X		O
Thailand	O	O	X	X	O	O	filing date of application	10	the date of laying open of (unexamined) applications	90 days	O
Viet Nam	O	O	X	X	O	O	filing date of application	5 (may be extended)	X		O

Source material: "Japan Patent Office Annual Report 2017 - Statistics and Source Materials -" prepared by the JPO

Note: The Substantive Examination System and the Non-Substantive Examination System are co-existed.

* "Paris Convention" refers to the Paris Convention for the Protection of Industrial Property.

** "WTO Agreement" refers to the Agreement Establishing the WTO.

*** "Hague Agreement" refers to the Hague Agreement Concerning the International Registration of Industrial Designs.

**** "Locarno Agreement" refers to the Locarno Agreement Establishing an International Classification for Industrial Designs.

商標

国名	パリ条約	WTO協定	T L T	マドリード協定議定書	ニース協定	商標法	審査制度	権利付与の原則	存続期間		不使用取消(年)	異議申立		無効
									起算日	期間(年)		起算日	期間	
ブルネイ	○	○	×	○	×	○	○	先願	登録	10	5	公開	3月	○
カンボジア	○	○	×	○	×	○	○	先願	出願	10	5	公報	90日	○
中国	○	○	×	○	○	○	○	先願	登録	10	3	公開	3月	○
インドネシア	○	○	○	×	×	○	○	先願	出願	10	3	公開	3月	○
日本	○	○	○	○	○	○	○	先願	登録	10	3	公報	2月	○
韓国	○	○	○	○	○	○	○	先願	登録	10	3	公開	2月	○
ラオス	○	○	×	○	×	○	○	先願	出願	10	5	×		○
マレーシア	○	○	×	×	○	○	○	先願／先使用	出願	10	3	公開	2月	○
ミャンマー	×	○	×	×	×	×	-							
フィリピン	○	○	×	○	×	○	○	先願	登録	10	3	公開	30日	○
シンガポール	○	○	×	○	○	○	○	先願／先使用	出願	10	5	公開	2月	○
タイ	○	○	×	×	×	○	○	先願	出願	10	3	公開	90日	○
ベトナム	○	○	×	○	×	○	○	先願	出願	10	5	公開	(備)	○

(資料) 特許庁「特許行政年次報告書2017年版 統計・資料編」より作成。

(備) 公告日から登録までの間、意見書の提出可能。

Trademarks

Name of Country	Paris Convention *	WTO Agreement **	TLT	Madrid Protocol ***	Nice Agreement ****	Trademark Laws	(Substantive) Examination	Principle of Grant of Right	Term of Trademark Rights		Rescission for non-use (years)	Opposition		Invalidation
									the Date Corresponding to the First Date of the Calculation	Time Limit (years)		the Date Corresponding to the First Date of the Calculation	Time Limit	
Brunei Darussalam	O	O	X	O	X	O	O	first-to-file system	registration date	10	5	the date of laying open of (unexamined) applications	3 mos.	O
Cambodia	O	O	X	O	X	O	O	first-to-file system	filing date of application	10	5	the date of publication of the gazette containing the trademark	90 days	O
China	O	O	X	O	O	O	O	first-to-file system	registration date	10	3	the date of laying open of (unexamined) applications	3 mos.	O
Indonesia	O	O	O	X	X	O	O	first-to-file system	filing date of application	10	3	the date of laying open of (unexamined) applications	3 mos.	O
Japan	O	O	O	O	O	O	O	first-to-file system	registration date	10	3	the date of publication of the gazette containing the trademark	2 mos.	O
Republic of Korea	O	O	O	O	O	O	O	first-to-file system	registration date	10	3	the date of laying open of (unexamined) applications	2 mos.	O
Lao PDR	O	O	X	O	X	O	O	first-to-file system	filing date of application	10	5	X		O
Malaysia	O	O	X	X	O	O	O	first-to-file system / prior user's right	filing date of application	10	3	the date of laying open of (unexamined) applications	2 mos.	O
Myanmar	X	O	X	X	X	X								
Philippines	O	O	X	O	X	O	O	first-to-file system	registration date	10	3	the date of laying open of (unexamined) applications	30 days	O
Singapore	O	O	X	O	O	O	O	first-to-file system / prior user's right	filing date of application	10	5	the date of laying open of (unexamined) applications	2 mos.	O
Thailand	O	O	X	X	X	O	O	first-to-file system	filing date of application	10	3	the date of laying open of (unexamined) applications	90 days	O
Viet Nam	O	O	X	O	X	O	O	first-to-file system	filing date of application	10	5	the date of laying open of (unexamined) applications	(Note)	O

Source material: "Japan Patent Office Annual Report 2017 - Statistics and Source Materials -" prepared by the JPO

Note: A written opinion may be filed during the time limit between the date of publication of examined trademark and the date of registration.

* "Paris Convention" refers to the Paris Convention for the Protection of Industrial Property.

** "WTO Agreement" refers to the Agreement Establishing the WTO.

*** "Madrid Protocol" refers to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

**** "Nice Agreement" refers to the Nice Agreement concerning the International Classification of Goods and Services for the purpose of the Registration of Marks.