

Relevant Provisions

Design Act

Article 15 (1) Articles 38 (joint applications) and 43 to 43-3 (procedures for a priority claim under the Paris Convention, and priority claims recognized under the Paris Convention) of the Patent Act shall apply mutatis mutandis to applications for design registration. In this case, the term “within the time limit provided by Ordinance of Ministry of the Economy, Trade and Industry” in Article 43(1) of said Act shall be deemed to be replaced with “at the time of filing of the application for design registration”; the term “within one year and four months from the earliest of the following dates” in Article 43(2) of the said Act shall be deemed to be replaced with “within three months from the date of filing of the application for design registration”. (Paragraph (2) onward omitted)

Patent Act

- Article 43 (1) A person desiring to take advantage of the priority of a patent application pursuant to Article 4.D(1) of the Paris Convention must submit a document to the Commissioner of the Japan Patent Office at same time as a patent application indicating this, and giving the name of country of the Paris Convention Union in which the application was first filed, deemed to have first been filed pursuant to C(4) of that Article, or found to have first been filed pursuant to A(2) of the Article, and stating the filing date of the application within the time limit provided by Order of the Ministry of Economy, Trade and Industry.
- (2) A person that has made a priority claim as under the preceding paragraph must submit a document to the Commissioner of the Japan Patent Office showing the filing date of the application and bearing the certification of the country of the Paris Convention Union in which the application was first made, or found to have been first made pursuant to Article 4.C(4) of the Paris Convention, or found to have first been made pursuant to A(2) of the Article, as well as certified copies of documents equivalent to the description, patent claims or utility model registration claims, and drawings submitted at the time of the filing of the application, or any bulletin or certificate giving the same type of details that published by the government of that country, within one year and four months from the earliest of the following dates:
- (i) the first filing date; deemed to be the first filing date pursuant to Article 4.C(4) of the Paris Convention, or the date found to be first filing date pursuant to A(2) of the Article;
 - (ii) if the patent application contains a priority claim under Article 41, paragraph (1), the filing date of the application on which the priority claim is based; or
 - (iii) if the patent application contains other priority claims as under the preceding paragraph, paragraph (1) of the next Article (including when applied mutatis mutandis pursuant to Article 43-3, paragraph (3)), or Article 43-3, paragraph (1) or (2), the filing date of the application on which the priority claim is based.
- (3) A person that has made a priority claim as under paragraph (1) must submit to the Commissioner of the Japan Patent Office a document specifying the filing number of the application which was first filed, is deemed to have been first filed pursuant to Article 4.C(4) of the Paris Convention, or is recognized to have been first filed pursuant to A(2) of the Article, beyond the documents provided in the preceding paragraph; provided, however, that if the filing number is not possible

for the person to learn that filing number prior to the submission of the documents provided for in the paragraph, a document specifying the reason therefor must be submitted in lieu of the document specifying the filing number, and the document specifying the filing number must be submitted without delay once the person comes to know that number.

- (4) If a person that has made a priority claim under paragraph (1) fails to submit the documents specified in paragraph (2) within the period provided therein, the priority claim is forfeited.
- (5) In relation to application of the preceding two paragraphs, where so provided by Order of the Ministry of Economy, Trade and Industry that the matters stated in the documents provided in paragraph (2) may be exchanged with the government of a country of the Paris Convention Union or an international organization involved in industrial property rights by electronic or magnetic means (meaning an electronic means, a magnetic means, or another means that it is imperceivable through human senses), where a person that has made a priority claim under paragraph (1) has submitted documents to the Commissioner of the Japan Patent Office within the period prescribed in paragraph (2) which state matters specified by Order of the Ministry of Economy, Trade and Industry as matters necessary for exchanging the filing number and other such matters, the documents as provided in paragraph (2) shall be deemed to have been submitted.
- (6) If a document prescribed in paragraph (2) or a document prescribed in the preceding paragraph has not been submitted within the period prescribed in paragraph (2), the Commissioner of the Japan Patent Office must notify the person that has made the priority claim under paragraph (1) to that effect.
- (7) A person that has received a notice prescribed in the preceding paragraph may submit a document prescribed in paragraph (2) or a document prescribed in paragraph (5) to the Commissioner of the Japan Patent Office only within the period provided by Order of the Ministry of Economy, Trade and Industry.
- (8) If a person that has received a notice provided under paragraph (6) is unable to submit the documents provided in paragraph (2) or the document provided in paragraph (5) within the period provided under the preceding paragraph due to reasons beyond the person's control, notwithstanding the preceding paragraph, the person may submit to the Commissioner of the Japan Patent Office the documents within the period provided by Order of the Ministry of Economy, Trade and Industry.
- (9) If the documents prescribed in paragraph (2) or the document prescribed in paragraph (5) are submitted pursuant to paragraph (7) or the preceding paragraph, paragraph (4) does not apply.

Patent Act

Article 43-2 (1) With regard to a person that has been unable to file a patent application containing a priority claim within the period of priority pursuant to Article 4.C(1) of the Paris Convention (hereinafter referred to as the "period of priority"), despite requesting to make a priority claim pursuant to Article 4.D(1) of the Paris Convention regarding a patent application, if there are reasonable grounds for failing to file the patent application and the person files the patent application within the time limit provided by Order of the Ministry, Trade and Industry, the person may make a priority claim regarding the patent application under the Article, even after the lapse of the period of priority.

(2) Article 43 applies mutatis mutandis when a priority claim is made pursuant to the preceding paragraph.

Patent Act

Article 43-3 (1) When a priority claim is based on a patent application filed by a person specified in the left-hand column of the following table in a country specified in the corresponding right-hand column, the priority claim regarding the patent application may be made in accordance with Article 4 of the Paris Convention.

Japanese nationals or nationals of a country of the Union of the Paris Convention (including nationals deemed to be the nationals of the country of the Union in accordance with Article 3 of the Paris Convention - hereinafter the same shall apply in the following paragraph).	Member state of the World Trade Organization
Nationals of a Member of the World Trade Organization (meaning the nationals of Members provided for in paragraph (3) of Article 1 of the Annex 1C to the Marrakesh Agreement; hereinafter the same shall apply in the following paragraph).	Country of the Paris Convention Union or Member of the World Trade Organization

(2) The national of a country that is neither a country of the Paris Convention Union nor a member state of the World Trade Organization (limited to a country that allows Japanese nationals to make a priority claim under the same conditions as in Japan, and that is designated by the Commissioner of the Patent Office; hereinafter referred to as a “specified country” in this paragraph) may make a priority claim based on an application filed in that specified country, and a Japanese national, the national of a country of the Paris Convention Union, or the national of a member of the World Trade Organization may claim a priority for a patent application based on the application filed in a specified country, pursuant to Article 4 of the Paris Convention.

(3) The preceding two Articles shall apply mutatis mutandis if a priority claim is made pursuant to the preceding two paragraphs.

Geneva Act: Article 6(1), (2)