

Contents

Part IX Extension of Patent Term

Chapter 1 Extension of a Patent Term as Compensation for the Curtailment of the Term(Patent Act Article 67(2))

1. Overview	- 1 -
2. Application to register a patent term extension as compensation for the curtailment of the term (Article 67(2))	- 2 -
2.1 Applicant	- 2 -
2.2 Period during which an application may be filed.....	- 2 -
2.3 Patent right for which an application may be filed.....	- 2 -
2.4 Information that must be presented in an application.....	- 4 -
2.5 Information that must be presented in a document describing the grounds for calculation of the length of the requested extension period.....	- 4 -
2.6 Effects of the application.....	- 5 -
2.7 Publication of information in a patent gazette	- 5 -
3. Examination of an application to register a patent term extension as compensation for the curtailment of the term	- 5 -
3.1 Examiner's determination as to whether an application to register a patent term extension as compensation for the curtailment of the term satisfies the requirements or not	- 5 -
3.1.1 In the case where the registration date of the patent right is not on or after the reference date (Article 67ter (1)(i)).....	- 6 -
3.1.2 In the case where the length of the requested extension period is longer than the maximum permissible length of extension period (Article 67ter (1)(ii))	- 6 -
3.1.3 In the case where the applicant is not the patentee (Article 67ter (1) (iii))	- 11 -
3.1.4 In the case where the patent application does not satisfy the requirement specified in Article 67bis (4) (Article 67ter (1) (iv)).....	- 18 -
3.2 How to examine an application to register a patent term extension as compensation for the curtailment of the term	- 11 -
3.2.1 Notice of the grounds for rejection.....	- 11 -

3.2.2	Response from the applicant	- 11 -
3.2.3	Examiner's decision of rejection	- 12 -
3.2.4	Examiner's decision of registration	- 12 -

Chapter 2 Extension of Patent Term for Pharmaceutical Inventions(Patent Act Article 67(4))

1.	Overview	- 1 -
2.	Application for Registration of Extension of Patent Term for Pharmaceutical Inventions (Patent Act Article 67(4))	- 2 -
2.1	Applicant	- 2 -
2.2	Filing period for the application	- 3 -
2.3	Patent right eligible for the application	- 4 -
2.4	Information which should be included in a request of the application	- 4 -
2.5	Information which should be included in materials stating a reason for extension	- 5 -
2.6	Effects of the application	- 9 -
2.7	Publication of patent gazette	- 9 -
3.	Examination of Application for Registration of Extension for Pharmaceutical Inventions	- 9 -
3.1	Determination on requirements pertaining to examination of an application for registration of extension for pharmaceutical inventions	- 9 -
3.1.1	Where the disposition designated by Cabinet Order under Article 67(4) is not deemed to have been necessary to obtain for the working of the patented invention (Article 67septies (1)(i))	- 10 -
3.1.2	Where a patentee, an exclusive licensee or a non-exclusive licensee of the patent right has not obtained a disposition designated by Cabinet Order under Article 67(4) (Article 67septies (1)(ii))	- 16 -
3.1.3	Where the period for which the extension is requested exceeds the period during which the patented invention was unable to be worked (Article 67septies (1)(iii))	- 16 -
3.1.4	Where the person filing the application is not the patentee (Article 67septies (1)(iv))	- 19 -

3.1.5	Where the application does not meet the requirements under Article 67bis(4) which is applied mutatis mutandis in Article 67-5(4) (Article 67-7(1)(v))	19 -
3.2	Procedures of examination for the application for registration of extension for pharmaceutical inventions	19 -
3.2.1	Notice of a reason for refusal	19 -
3.2.2	Response by the applicant	20 -
3.2.3	Decision of refusal	20 -
3.2.4	Decision of registration	20 -

<Relevant Provisions>